

SENATE JOURNAL

—1983—

REGULAR SESSION

FORTY-EIGHTH LEGISLATURE

STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

Convened: January 10, 1983
SINE DIE April 24, 1983

VOLUME 1

Compiled, Edited and Indexed by
SID SNYDER, *Secretary of the Senate*



MARY WILEY
Minute and Journal Clerk

JOHN A. CHERBERG, *President of the Senate*
H. A. "BARNEY" GOLTZ, *President Pro Tempore*
A. L. "SLIM" RASMUSSEN, *Vice President Pro Tempore*

SENATE CAUCUS OFFICERS

DEMOCRATIC CAUCUS

Majority Leader R. TED BOTTIGER
Chairman GEORGE FLEMING
Assistant Majority Leader A. N. "BUD" SHINPOCH
Vice Chairman R. LORRAINE WOJAHN
Majority Whip LARRY VOGNILD
Secretary DIANNE WOODY

REPUBLICAN CAUCUS

Minority Leader JEANNETTE HAYNER
Chairman JOHN D. JONES
Republican Floor Leader GEORGE W. CLARKE
Republican Whip ALAN BLUECHEL
Vice Chairman ALEX A. DECCIO
Asst. Republican Floor Leader IRVING NEWHOUSE
Assistant Whip HAL ZIMMERMAN

Assistant Secretary BILL GLEASON
Sergeant at Arms O. F. "OLE" SCARPELLI
Secretary to the Secretary NYLA WOOD
Reader VERNIE SAWYER
Minute and Journal Clerk MARY WILEY

**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1983 REGULAR SESSION
FORTY-EIGHTH LEGISLATURE**

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 10, 1983

Pursuant to law, the Senate of the 1983 Regular Session of the Forty-eighth Legislature of the State of Washington was called to order at 12:00 noon by Lieutenant Governor John A. Cherberg, President of the Senate.

The Sergeant at Arms Color Guard, consisting of Pages Joseph Brassfield and Nikki Poppen, presented the Colors. Reverend James Blundell, pastor of St. John's Episcopal Church of Olympia, offered the prayer.

REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate and ladies and gentlemen. It makes the President feel very happy and proud to greet so many good friends and to offer the heartiest congratulations to those of you who are reelected and a warm welcome and congratulations to the newly elected Senators. I shall be looking forward with great interest to working with you, especially the exodus from the House and with Senator McManus.

"The audience in both galleries make up a very interesting and heart-warming sight. The members of the Senate and the President are delighted that so many loved ones are here to observe the swearing in of our reelected and newly elected Senators.

"With the permission of the Senate, and if there is no objection, the President respectfully appoints the Honorable Sid Snyder as Acting Secretary of the Senate and the Honorable Orlando Scarpelli as Acting Sergeant at Arms."

ROLL CALL

The Acting Secretary called the roll of holdover members of the Senate: Senators Albert Bauer, R. Ted Bottiger, George W. Clarke, Paul H. Conner, Ellen H. Craswell, Alex A. Deccio, W. H. "Bill" Fuller, Marcus S. Gaspard, Ted Haley, Jeannette Hayner, Dick Hemstad, Jerry M. Hughes, Margaret Hurley, Bill Kiskaddon, Bob McCaslin, Jack Metcalf, E. G. "Pat" Patterson, Lowell Peterson, J. T. Quigg, Jr., George L. Sellar, A. N. "Bud" Shinpoch, R. Lorraine Wojahn, Dianne Woody, Harold S. "Hal" Zimmerman. All members were present with the exception of Senator Conner. On motion of Senator Vognil, Senator Conner was excused.

APPOINTMENT OF SPECIAL COMMITTEE

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

MESSAGE FROM THE SECRETARY OF STATE

The Honorable,
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that the following is a full, true, and correct list of the persons elected to the office of State Senator at the State General Election held in the State of Washington on the second day of November, 1982, 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:

LIST OF SENATORS ELECTED NOVEMBER 2, 1982

DISTRICT	NAME	COUNTIES REPRESENTED
No. 6	Sam C. Guess	Spokane, part
No. 7	Scott Barr	Ferry, Lincoln, Okanogan, part, Pend Oreille, Spokane, part, and Stevens
No. 8	Max E. Benitz	Benton, part
No. 13	Frank "Tub" Hansen	Adams, part, Grant, part, Kittitas, part and Yakima, part
No. 15	Irving Newhouse	Benton, part, and Yakima, part
No. 21	Mike McManus	Snohomish, part
No. 26	Barbara Granlund	Kitsap, part, and Pierce, part
No. 29	A. L. "Slim" Rasmussen	Pierce, part
No. 30	Peter von Reichbauer	King, part, and Pierce, part
No. 31	Frank Warnke	King, part, and Pierce, part
No. 32	Al Williams	King, part
No. 33	Eleanor Lee	King, part
No. 34	Phil Talmadge	King, part
No. 35	Brad Owen	Grays Harbor, part, Kitsap, part, Mason, and Thurston, part
No. 36	Ray Moore	King, part
No. 37	George Fleming	King, part
No. 38	Larry L. Vognild	Snohomish, part
No. 42	H. A. "Barney" Goltz	Whatcom, part
No. 43	James A. McDermott	King, part
No. 44	Rick S. Bender	King, part, and Snohomish, part
No. 45	Alan Bluechel	King, part
No. 46	Nita Rinehart	King, part
No. 47	Kent Pullen	King, part
No. 48	John D. Jones	King, part

LIST OF HOLDOVER SENATORS

DISTRICT	NAME	COUNTIES REPRESENTED
No. 1	Bill Kiskaddon	King, part, and Snohomish, part
No. 2	R. Ted Bottiger	Pierce, part, and Thurston, part
No. 3	Margaret Hurley	Spokane, part
No. 4	Bob McCaslin	Spokane, part
No. 5	Jerry M. Hughes	Spokane, part
No. 9	E. G. "Pat" Patterson	Adams, part, Asotin, Columbia, Garfield, Franklin, part, and Whitman
No. 10	Jack Metcalf	Island, Skagit, part, and Snohomish, part
No. 11	A. N. "Bud" Shinpoch	King, part
No. 12	George L. Sellar	Chelan, Douglas, Grant, part, Kittitas, part and Okanogan, part
No. 14	Alex A. Deccio	Yakima, part
No. 16	Jeannette Hayner	Benton, part, Franklin, part, and Walla Walla
No. 17	Hal Zimmerman	Clark, part, Klickitat, and Skamania
No. 19	J. T. Quigg	Cowlitz, part, Grays Harbor, part, Pacific, and Wahkiakum, part
No. 20	W. H. "Bill" Fuller	Lewis and Thurston, part
No. 22	Dick Hemstad	Thurston, part
No. 23	Ellen Craswell	Kitsap, part

No. 24	Paul Conner	Clallam, Grays Harbor, part, and Jefferson
No. 25	Marcus Gaspard	Pierce, part
No. 27	R. Lorraine Wojahn	Pierce, part
No. 28	Ted Haley	Pierce, part
No. 39	Dianne Woody	Snohomish, Part
No. 40	Lowell Peterson	San Juan, Skagit, part, and Whatcom, part.
No. 41	George W. Clarke	King, part
No. 49	Albert Bauer	Clark, part

On November 16, 1982, the County Commissioners of Clark and Cowlitz Counties appointed Alan Thompson to the position of State Senator, Eighteenth District, to fill the vacancy caused by the death of Don Talley.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this tenth day of January, A.D., 1983.

(Seal)

Ralph Munro, Secretary of State

REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate and ladies and gentlemen. The President wishes to correct an error. Whereas this fine gentleman on the rostrum is one of the most noted people in the State of Washington, I think that he certainly deserves an introduction to those who may not know Chief Justice William H. Williams. This man's life reads like the All American Boy, Dick Armstrong. He grew up in the Spokane public schools. After graduating from high school, he attended the University of Idaho where he studied political science and during this time his education was interrupted by World War II and Bill Williams enlisted and served with great honor in the Air Force as a bomber pilot. Upon his return to the University of Idaho, he became the scourge of all Idaho's opponents in football. He was known as the Hillard Rifle because of the great accuracy and veracity and propulsion of the perfect pass. In fact, I truly believe had not the Chief Justice been born a few years too early that he would chase Zorn and Krieg off the Seahawks squad and lead the Seahawks to the Super Bowl. Bill was sworn in this morning as Chief Justice of the finest Supreme Court in the country, and I do request that you all join with me in warmly greeting the Chief Justice and giving him our very best wishes. How about a standing ovation?"

REMARKS BY CHIEF JUSTICE WILLIAMS

Chief Justice Williams: "Thank you, Governor Cherberg, for that very nice introduction. Those days you referred to are dim in my memory of those many years ago, but thank you very much. I've been looking forward to coming over here and performing this function, which I have performed before. This is the third year in a row that I have done it and I have enjoyed it very much and I am looking forward now to swearing in all the new members to the State Senate. Thank you very much."

ROLL CALL

The Acting Secretary called the roll of the following reelected Senators and all were present: Max E. Benitz, Alan Bluechel, George Fleming, H. A. "Barney" Goltz, Sam C. Guess, Frank "Tub" Hansen, John D. Jones, Eleanor Lee, James A. McDermott, Ray Moore, Irving Newhouse, Kent Pullen, A. L. "Slim" Rasmussen, Phil Talmadge, Larry L. Vognild, Peter von Reichbauer, Al Williams.

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

Chief Justice William H. Williams of the Washington State Supreme Court thereupon administered the oath of office to each of the newly reelected members.

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

ROLL CALL

The Acting Secretary of the Senate called the roll of the following newly elected and appointed members of the Senate and all were present: Scott Barr,

Rick S. Bender, Barbara Granlund, Mike McManus, Brad Owen, Nita Rinehart, Alan Thompson and Frank Warnke.

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

Chief Justice William H. Williams of the Washington State Supreme Court thereupon administered the oath of office to each of the newly elected members.

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

ELECTION OF PRESIDENT PRO TEMPORE

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

REMARKS BY SENATOR HANSEN

Senator Hansen: "Thank you, Mr. President. It gives me great pleasure to place the nomination of the President Pro Tempore that we elected in 1981. On the ill-fated day of Friday, the 13th of February, 1981, we had a change of leadership. We had the stationery all printed, so it is my pleasure to place in nomination the name of Barney Goltz, so he can use the stationery he had. Thank you."

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President, I wish to second the nomination of Senator Barney Goltz from the 42nd district, a man of high integrity. I look forward to working with you, Barney, and I think that all of us recognize you for your fairness and honesty."

MOTION

On motion of Senator Bottiger, the nominations for President Pro Tempore were closed.

ROLL CALL

The Acting Secretary called the roll and Senator H. A. "Barney" Goltz was elected President Pro Tempore of the Senate by the following vote: Yeas, 47; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator von Reichbauer - 1.

Excused: Senator Conner - 1.

APPOINTMENT OF SPECIAL COMMITTEE

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

Chief Justice William H. Williams of the Washington State Supreme Court administered the oath of office to Senator Goltz.

REMARKS BY SENATOR GOLTZ

Senator Goltz: "I want to thank you and I have unpacked my bags. Thank you."

REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, ladies and gentlemen, Senator Hansen's remarks reminded us that for a short time in the previous session that Senator Goltz and I worked together as President Pro Tempore and President. May I say, Barney, that I found the experience to be most pleasant and inspirational and that I am looking forward with great interest to working with you once again. You have the heartiest congratulations of the members of the Senate and of the President, along with our best wishes for your continued success.

"May I say to you, Senator Guess, I should like to express my deepest appreciation to you for the wonderful manner in which you conducted the Office of the

President Pro Tempore. You did a wonderful job in one of the most trying and difficult sessions in the history of modern time. Sam, it was a true pleasure working with you and I am very grateful for the tremendous cooperation and support you gave me.

"The President believes it is certainly fitting and proper at this time to ask the very charming and gracious wife of Senator Goltz, Marguerite Goltz, to please stand and be recognized.

"The President also believes it is in order and proper and fitting for a very dear friend, Dorothy Guess, to be recognized. Thank you very much."

ELECTION OF VICE PRESIDENT PRO TEMPORE

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

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President and members of the Senate. It is a pleasure to place the name of Senator Slim Rasmussen in nomination for Vice President Pro Tempore of the Senate. A few minutes ago, Slim leaned over and said 'please make it short.' I said 'well, I'll have to tell the truth.' A few years ago when I came to the Senate, an old member said to me, 'there is one person you should get to know in the Senate and that is Slim.' He has records in his basement that could tell you why everything has happened back to the year one and on the odd days when Barney Goltz and Governor Cherberg aren't here, the Senate will be in good hands if you elect Slim as Vice President Pro Tempore."

MOTION

On motion of Senator Bottiger, the nominations for Vice President Pro Tempore were closed.

ROLL CALL

The Acting Secretary called the roll and Senator "Slim" Rasmussen was elected Vice President Pro Tempore by the following vote: Yeas, 47; absent, 01; excused, 01.

Voting ye: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Rasmussen - 1.

Excused: Senator Conner - 1.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Hurley and Clarke as a committee of honor to escort Senator Rasmussen to the rostrum.

Chief Justice William H. Williams of the Washington State Supreme Court administered the oath of office to Senator Rasmussen.

REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate and ladies and gentlemen. What do you say about Slim Rasmussen? It is one of the few times in my life that I am stumped. I think that they must have thrown the mold away when Slim came along. At any rate, Slim, heartiest congratulations. I think you are one of the finest and maybe the finest Senator to ever serve in the Washington State Senate. You are indefatigable, persevering and determined, to say the least."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you, Mr. President, and thank you all for your vote. I only hope that I can serve with the same dedication, humility and sincerity that my predecessor did and will do. He has been a great help to all of us--Senator Clarke--and I appreciate the beautiful escort that I had excluding Senator Clarke. I thought I wasn't going to get that escort for a while. Thank you, Mr. President, for remembering me."

ELECTION OF THE SECRETARY OF THE SENATE

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

REMARKS BY SENATOR MOORE

Senator Moore: "Mr. President and fellow members. I am placing in nomination the name of Sid Snyder. I have to tell you that if I had been half as successful in everything that I've tried as Sid Snyder has in everything that he has tried, I would really be pleased with myself. He has been a very successful person in public service. He has been successful in business and I can truthfully say in all the years that I have known him that he has never hurt anyone."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President and members of the Senate, I rise to second the nomination of Sid Snyder. Truthfully, in taking the opportunity to second the nomination, I wanted to tell you that I have served many, many years with Sid Snyder--both when we worked in the House and when we worked in the Senate. I want to say that as the person that did nominate him, Senator Moore, also served with this person in the House and he knows how much work there is involved, and he did an excellent job when he was there. So I urge you all to give Sid Snyder a resounding vote and I know you will."

REMARKS BY SENATOR JONES

Senator Jones: "Mr. President, I, too, would like to add to the nomination of Sid Snyder as Secretary of the Senate. As we all know, he served during our term as the majority and I believe did a more than creditable job in both instances and it is my pleasure to add the present minority's well wishes and good feelings toward Sid Snyder."

MOTION

On motion of Senator Bottiger, nominations for Secretary of the Senate were closed.

ROLL CALL

The Acting Secretary called the roll and Sid Snyder was elected Secretary of the Senate by the following vote: Yeas, 48; excused, 01.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Conner - 1.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Owen and Fuller as a committee of honor to escort Sid Snyder to the rostrum.

Chief Justice William H. Williams of the Washington State Supreme Court administered the oath of office to Sid Snyder.

REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, ladies and gentlemen. At the start of the 39th Legislature, January 11, 1965, a beloved and most distinguished member of the Senate, The Honorable Marshall Neill, gave a graphic description of the Office of Secretary of the Senate, which puts the office in the proper perspective.

"Senator Neill emphasized that your office as Senator, the office of President Pro Tempore, my office as President are all political offices, but the person who serves as Secretary of the Senate and keeps the wheels of the state operating and makes the administrative machinery go is not exactly a political office. That person serves all of us, either Republican or Democrat.

"I am sure that you will agree with Senator Neill's remarks and also agree that Sid Snyder more than fulfills his oath of office and has truly earned the respect, the admiration and affection of all of us fortunate enough to be associated with Sid Snyder.

Sid, won't you please say a few words?"

REMARKS BY SID SNYDER

Sid Snyder: "Mr. President, ladies and gentlemen of the Senate, Governor, I certainly appreciate those kind words and the kind words from the people on both sides of the aisle who nominated and seconded my nomination. I do deem this a high privilege and honor to be Secretary of the Senate and I hope that I can carry out and perform my duties as Governor Cherberg has just described.

"I don't know. After reading the morning paper, I think probably the best advice I could get was from what my horoscope said. It said 'some dating plans may be changed; Make sure you make yourself clear in talks with others; Minor misunderstandings could occur.'

"Thank you very kindly."

ELECTION OF SERGEANT AT ARMS

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

REMARKS BY SENATOR HURLEY

Senator Hurley: "Mr. President, I nominate Ole Scarpelli as Sergeant at Arms of the Senate. Ole will give efficient, polished, dignified, dedicated, cheerful, responsible service, not only to the members of this body, but to the whole legislative system. In the tradition of the Senate, all of this, I promise. I also anticipate that he will even improve on that tradition as the session progresses. It is my great pleasure to nominate my friend, Ole, as Sergeant at Arms of the Senate."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President and members of the Senate, I wish to second the nomination of Ole Scarpelli as Sergeant at Arms. This is a job, as with all other jobs that the office of the Senate has, that requires integrity. It is also a job that requires a person that can protect those of us who are weak and want to talk to lobbyists sometimes. He can direct the lobbyist in a different direction. It is very important that we have a Sergeant at Arms that is firm in his belief that the Senators are entitled to think just for a few minutes without having to think with the lobbyists. So I urge you to support the nomination of Ole Scarpelli, a man of great dedication to work. He will put in the long hours that are necessary and he will also protect the integrity of the Senate."

REMARKS BY SENATOR SELLAR

Senator Sellar: "Mr. President, I, too, would like to take the opportunity to second that nomination of Ole. We on this side of the aisle have always been very impressed with the integrity and service that he gives the Washington State Senate and it gives me great pleasure to second that nomination."

MOTION

On motion of Senator Bottiger, nominations for Sergeant at Arms of the Senate were closed.

ROLL CALL

The Acting Secretary called the roll and Orlando Scarpelli was elected Sergeant at Arms of the Senate by the following vote: Yeas, 48; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogndil, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Conner - 1.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Peterson and Jones as a committee of honor to escort Orlando Scarpelli to the rostrum.

Chief Justice William H. Williams of the Washington State Supreme Court administered the oath of office to Orlando Scarpelli.

REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, ladies and gentlemen. Before I begin my prepared remarks, I would like to say something. I've have the great privilege of knowing Ole for--oh I would guess thirty-five years. During that course of time, Ole and I have been through some very trying circumstances and in other occasions some joyous circumstances, but the principle thing I want to say is that in that course of time, I have found many, many qualities in Ole that are really highly desirable. He is honest, loyal, vigorous, aggressive, industrious, and well I can't say enough good things about Ole Scarpelli.

"However, his finest and best feature is his beautiful and gracious wife, Esther Scarpelli, and then his two beautiful daughters, Barbara and Joan. I think the entire Scarpelli Mafia is up there, too. Won't all the Scarpelli's stand up please?"

"This is a great moment in the lives of the Scarpelli family, Ole, and you and they have every right to take great pride in your election today to one of the most important offices in the Washington State Senate. Heartiest congratulations and best wishes for your continued success, Ole.

"Now, how about a few remarks?"

REMARKS BY ORLANDO SCARPELLI

Orlando Scarpelli: "Mr. President, honorable and distinguished Senators, thank you for your vote of confidence. I pledge to serve you to the best of my ability. Thank you."

REPLY BY THE PRESIDENT

President Cherberg: "The President would like to advise Ole that when he was coaching football if you received a vote of confidence it meant you were on your way out."

REMARKS BY THE PRESIDENT

President Cherberg: "Thank you ever so much, Chief Justice Williams, for being with us today. This man carries class with him every place he goes. You added a great deal of class to us and we are very grateful to you. We appreciate your endeavors and all the hard work you put in here today and we hope you come back again soon and often. Thank you very much."

The committee of honor consisting of Senators Talmadge and Hemstad escorted Chief Justice Williams from the Senate Chamber to the office of the Lieutenant Governor.

MOTION

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

SENATE RESOLUTION 1983-1

by Senators Bottiger, Fleming, Hayner and Jones

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

APPOINTMENT OF SPECIAL COMMITTEE

Under provisions of Senate Resolution 1983-1, the President appointed Senators Rinehart, Granlund and Barr to notify the House of Representatives that the Senate was organized and ready to transact business.

MOTION

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

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Monohon, Fiske and Charnley appeared before the bar of the Senate and notified the Senate the House was organized and ready to transact business.

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

MESSAGE FROM THE HOUSE

January 10, 1983

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 1, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR No. 1 by Representatives Heck and Nelson

Notifying the Governor that the 1983 regular session of the 48th Legislature is organized and inviting the Senate to a Joint Session.

MOTIONS

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

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

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with House Concurrent Resolution No. 1, the President appointed Senators Wojahn, Woody and Craswell 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 Bottiger, the appointees were confirmed.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Rinehart, Granlund and Barr reported back to the Senate that the House of Representatives had been notified that the Senate was organized and ready to transact business.

The report was received and the committee was discharged.

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

MOTION

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

SENATE RESOLUTION 1983-2

by Senators Bottiger, Fleming, Hayner and Jones

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

REPORT OF COMMITTEE

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

The report was received and the committee was discharged.

REMARKS BY THE PRESIDENT

President Cherberg: "The President should like to cordially invite the members of the Senate and friends and relatives of the Senators to please visit the office of the Lieutenant Governor for a short reception."

MOTION

At 1:35 p.m., on motion of Senator Bottiger, the Senate recessed until 2:15 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 2:15 p.m.

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

MOTION

On motion of Senator Bottiger, all bills were referred to the committees indicated on the list on the desk of each member.

INTRODUCTION AND FIRST READING

SB 3001 by Senator Conner

AN ACT Relating to energy facilities; and amending section 5, chapter 6, Laws of 1981 2nd ex. sess. as amended by section 1, chapter 88, Laws of 1982 and RCW 80.52.050.

Referred to Committee on Judiciary.

SB 3002 by Senator Conner

AN ACT Relating to land use planning; adding a new section to chapter 7, Laws of 1965 and to chapter 35.63 RCW; and adding a new section to chapter 4, Laws of 1963 and to chapter 36.70 RCW.

Referred to Committee on Local Government.

SB 3003 by Senator Conner

AN ACT Relating to amusement rides; adding a new chapter to Title 67 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 3004 by Senator Rasmussen

AN ACT Relating to collection of property taxes; amending section 5, chapter 44, Laws of 1971 ex. sess. and RCW 84.40.380; and amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 322, Laws of 1981 and RCW 84.56.020.

Referred to Committee on Ways and Means.

SB 3005 by Senators Shinpoch, Talmadge, Vognild, McDermott, Moore, Owen and Warnke

AN ACT Relating to the investment of state funds; amending section 11, chapter 3, Laws of 1981 as amended by section 4, chapter 219, Laws of 1981 and RCW 43.33A.110; adding new sections to chapter 43.33A RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3006 by Senators Bluechel, Williams, Fuller and Hurley

AN ACT Relating to environmental policy; amending section 1, chapter 290, Laws of 1981 and RCW 43.21C.037; 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 4, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.100; amending section 6, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.110; amending section 8, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.120; adding new sections to chapter 43.21C RCW; creating new sections; recodifying RCW 43.21C.100; recodifying RCW 43.21C.105; decodifying RCW 43.21C.070, 43.21C.200, 43.21C.202, and 43.21C.204; repealing section 2, chapter 84, Laws of 1979 ex. sess., section 2, chapter 2, Laws of 1980 and RCW 43.21C.032; repealing section 3, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.085; repealing section 11, chapter 179, Laws of 1974 ex. sess., section 107, chapter 151, Laws of 1979 and RCW

43.21C.140; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 3007 by Senators Williams and Moore

AN ACT Relating to sexual offenses; amending section 3, chapter 10, Laws of 1982 as amended by section 11, chapter 192, Laws of 1982 and RCW 9A.44.040; amending section 5, chapter 14, Laws of 1975 1st ex. sess. as amended by section 2, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.050; amending section 6, chapter 14, Laws of 1975 1st ex. sess. as amended by section 3, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.060; and amending section 9A.88.100, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.44.100.

Referred to Committee on Judiciary.

SB 3008 by Senators Williams and Moore

AN ACT Relating to sexual offenses; and adding a new section to chapter 9A.44 RCW.

Referred to Committee on Judiciary.

SB 3009 by Senators Williams and Moore

AN ACT Relating to crimes; and amending section 3, chapter 10, Laws of 1982 as amended by section 11, chapter 192, Laws of 1982 and RCW 9A.44.040.

Referred to Committee on Judiciary.

SB 3010 by Senators Haley and Lee

AN ACT Relating to the common schools; and repealing section 28A.05.050, chapter 223, Laws of 1969 ex. sess., section 2, chapter 57, Laws of 1969 ex. sess. and RCW 28A.05.050.

Referred to Committee on Education.

SB 3011 by Senators Haley and Lee

AN ACT Relating to certification of certain school district personnel; adding new sections to chapter 28A.70 RCW; and prescribing penalties.

Referred to Committee on Education.

SB 3012 by Senator Haley

AN ACT Relating to the exemption of certain nonresidents from tuition and fee differentials; and amending section 4, chapter 273, Laws of 1971 ex. sess. as amended by section 3, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.014.

Referred to Committee on Education.

SB 3013 by Senators Granlund, Talmadge and Clarke

AN ACT Relating to enforcement of support; and amending section 28, chapter 45, Laws of 1963 and RCW 26.21.210.

Referred to Committee on Judiciary.

SB 3014 by Senator Haley

AN ACT Relating to firearms; amending section 1, chapter 175, Laws of 1969 ex. sess. as last amended by section 1, chapter 47, Laws of 1982 1st ex. sess. and RCW 9.41.025; amending section 12, chapter 137, Laws of 1981 as amended by section 4, chapter 92, Laws of 1982 and RCW 9.94A.120; amending section 9A.56.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.030; amending section 9A.56.040, chapter 260, Laws of 1975 1st ex. sess. as amended by section 15, chapter 47, Laws of 1982 1st ex. sess. and RCW 9A.56.040; amending section 9A.56.160, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.160; amending section 9A.20.020, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 9, chapter 192, Laws of 1982 and RCW 9A.20.020; amending section 10, chapter 192, Laws of 1982 and RCW 9A.20.021; adding a new section to chapter 9.94A RCW; providing an effective date; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3015 by Senators Talmadge, Moore, Wojahn and Warnke

AN ACT Relating to retail sales and use taxation; amending section 28, chapter 35, Laws of 1982 1st ex. sess. as amended by section 1, chapter 3, Laws of 1982 2nd ex. sess. and RCW 82.08.0292; amending section 29, chapter 35, Laws of 1982 1st ex. sess. as amended by section 2, chapter 3, Laws of 1982 2nd ex. sess. and RCW 82.12.0292; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3016 by Senator Vognild

AN ACT Relating to public employees' collective bargaining; 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 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.450; and repealing section 19, chapter 87, Laws of 1980 and RCW 41.56.452.

Referred to Committee on Commerce and Labor.

SB 3017 by Senator Talmadge

AN ACT Relating to hazardous wastes; amending section 8, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.080; amending section 9, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.090; adding new sections to chapter 70.105 RCW; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SB 3018 by Senators Thompson, Zimmerman and Bauer

AN ACT Relating to the division of land; amending and reenacting section 2, chapter 271, Laws of 1969 ex. sess. as amended by section 1, chapter 292, Laws of 1981 and by section 2, chapter 293, Laws of 1981 and RCW 58.17.020; amending and reenacting section 4, chapter 271, Laws of 1969 ex. sess. as last amended by section 2, chapter 292, Laws of 1981 and by section 3, chapter 293, Laws of 1981 and RCW 58.17.040; amending section 14, chapter 271, Laws of 1969 ex. sess. as last amended by section 7, chapter 293, Laws of 1981 and RCW 58.17.140; amending section 15, chapter 271, Laws of 1969 ex. sess. as amended by section 8, chapter 293, Laws of 1981 and RCW 58.17.150; and amending section 18, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.180.

Referred to Committee on Local Government.

SB 3019 by Senators Thompson, Zimmerman and Bauer

AN ACT Relating to local government planning agencies; amending section 36.70-.590, chapter 4, Laws of 1963 and RCW 36.70.590; amending section 35A.63.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.63.070; and adding a new section to chapter 35.63 RCW.

Referred to Committee on Local Government.

SB 3020 by Senators McDermott, Moore and Gaspard

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

Referred to Committee on Commerce and Labor.

SB 3021 by Senator McDermott

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

Referred to Committee on Commerce and Labor.

SB 3022 by Senators Talmadge, Hemstad and Hughes (by Department of Labor and Industries request)

AN ACT Relating to compensation of crime victims; amending section 10, chapter 302, Laws of 1977 ex. sess. as amended by section 1, chapter 8, Laws of 1982 1st ex. sess. and RCW 7.68.035; amending section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 8, Laws of 1982 1st ex. sess. and RCW 7.68.070; and amending section 8, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 27, chapter 6, Laws of 1981 1st ex. sess. and RCW 7.68.080.

Referred to Committee on Judiciary.

SB 3023 by Senator Williams

AN ACT Relating to firearms; adding a new section to chapter 9.41 RCW; and repealing section 14, chapter 124, Laws of 1961 (uncodified).

Referred to Committee on Judiciary.

SB 3024 by Senator Williams

AN ACT Relating to dangerous weapons; amending section 4, chapter 47, Laws of 1982 1st ex. sess. and RCW 9.41.280; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3025 by Senator Hurley

AN ACT Relating to radioactive waste; adding a new chapter to Title 70 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 3026 by Senators Hurley and Bauer

AN ACT Relating to radioactive and hazardous wastes; adding a new section to chapter 70.98 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 3027 by Senators Hurley and Hughes

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

Referred to Committee on Energy and Utilities.

SB 3028 by Senator Haley

AN ACT Relating to retirement of public employees; amending section 5, chapter 151, Laws of 1972 ex. sess. as amended by section 8, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.185; and amending section 20, chapter 274, Laws of 1947 as last amended by section 9, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.46.190.

Referred to Committee on Ways and Means.

SB 3029 by Senators Hurley, Hughes and Bauer

AN ACT Relating to radioactive waste; adding new sections to chapter 70.98 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 3030 by Senators Wojahn, Hemstad and Sellar

AN ACT Relating to health; and adding a new section to chapter 18.53 RCW.

Referred to Committee on Social and Health Services.

SB 3031 by Senator Hurley

AN ACT Relating to radioactive waste; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 3032 by Senators Hurley and Bauer

AN ACT Relating to radioactive waste; adding a new section to chapter 70.98 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 3033 by Senator Haley

AN ACT Relating to Laetrile; repealing section 1, chapter 122, Laws of 1977 ex. sess. and RCW 70.54.130; repealing section 2, chapter 122, Laws of 1977 ex. sess. and RCW 70.54.140; and repealing section 3, chapter 122, Laws of 1977 ex. sess. and RCW 70.54.150.

Referred to Committee on Social and Health Services.

SB 3034 by Senator Rinehart

AN ACT Relating to consumer protection; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Commerce and Labor.

SB 3035 by Senators McDermott, Gaspard, Bender and Hughes

AN ACT Relating to public works; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3036 by Senators Talmadge and Clarke (by Code Reviser request)

AN ACT Relating to the correction of various state statutes necessitated by the amendment or repeal thereof in two or more laws which were enacted without reference to the other; reenacting and amending section 19, chapter 192, Laws of 1909 as last amended by section 1, chapter 51, Laws of 1982 and by section 3, chapter 195, Laws of 1982 and RCW 18.71.030; reenacting section 3, chapter 92, Laws of 1959 as last amended by section 1, chapter 134, Laws of 1982 and by section 5, chapter 30, Laws of 1982 1st ex. sess. and RCW 18.92.021; reenacting section 1, chapter 286, Laws of 1957 as last amended by section 34, chapter 182, Laws of 1982 and by section 1, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.010; reenacting section 14, chapter 286, Laws of 1957 as last amended by section 36, chapter 182, Laws of 1982 and by section 2, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.140; reenacting section 15, chapter 286, Laws of 1957 as last amended by section 37, chapter 182, Laws of 1982 and by section 3, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.150; reenacting and amending section 113, chapter 53, Laws of 1965 as last amended by section 42, chapter 35, Laws of 1982 and by section 3, chapter 45, Laws of 1982 and RCW 23A.32.050; reenacting section 28A.59.180, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 158, Laws of 1982 and by section 11, chapter 191, Laws of 1982 and RCW 28A.59.180; reenacting section 3, chapter 240, Laws of 1977 ex. sess. as last amended by section 18, chapter 299, Laws of 1981 and by section 6, chapter 6, Laws of 1982 and RCW 34.08.020; reenacting section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 6, chapter 344, Laws of 1981 and by section 2, chapter 34, Laws of 1982 1st ex. sess. and RCW 41.05.050; reenacting section 21, chapter 266, Laws of 1971 ex. sess. as last amended by section 1, chapter 162, Laws of 1982 and by section 4, chapter 205, Laws of 1982 and by section 16, chapter 227, Laws of 1982 and RCW 43.24.085; reenacting section 43.38.010, chapter 8, Laws of 1965 as last amended by section 12, chapter 30, Laws of 1982 1st ex. sess. and by section 1, chapter 41, Laws of 1982 1st ex. sess. and RCW 43.38.010; reenacting section 46.52.100, chapter 12, Laws of 1961 as last amended by section 81, chapter 136, Laws of 1979 ex. sess. and by section 4, chapter 176, Laws of 1979 ex. sess. and RCW 46.52.100; reenacting section 1, chapter 30, Laws of 1974 ex. sess. as last amended by section 10, chapter 109, Laws of 1982 and by section 8, chapter 201, Laws of 1982 and RCW 51.32.040; reenacting section 7, chapter 31, Laws of 1979 as amended by section 5, chapter 32, Laws of 1982 and by section 4, chapter 132, Laws of 1982 and RCW 67.16.180; reenacting section 1, chapter 171, Laws of 1982 and section 6, chapter 189, Laws of 1982 and RCW 69.50.505; reenacting section 33, chapter 255, Laws of 1927 as last amended by section 3, chapter 27, Laws of 1982 and by section 11, chapter 222, Laws of 1982 and RCW 79.01.132; reenacting section 46, chapter 255, Laws of 1927 as last amended by section 1, chapter 27, Laws of 1982 and by section 156, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.184; reenacting section 84.52.052, chapter 15, Laws of 1961 as last amended by section 19, chapter 123, Laws of 1982 and by section 7, chapter 175, Laws of 1982 and by section 17, chapter 22, Laws of 1982 1st ex. sess. and RCW 84.52.052; repealing section 1, chapter 175, Laws of 1969 ex. sess., section 1, chapter 258, Laws of 1981, section 1, chapter 47, Laws of 1982 1st ex. sess. and RCW 9.41.025; providing effective dates; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3037 by Senators Talmadge and Clarke (by Code Reviser request)

AN ACT Relating to obsolete statutory references in the Revised Code of Washington; amending section 2, chapter 126, Laws of 1913 and RCW 2.32.200; amending section 5, chapter 126, Laws of 1913 as last amended by section 1, chapter 261, Laws of 1975 1st ex. sess. and RCW 2.32.240; amending section 103, chapter 299, Laws of 1961 and RCW 3.58.040; amending section 5, page 300, Laws of 1877 as amended by section 1228, Code of 1881 and RCW 4.24.050; amending section 6, page 300, Laws of 1877 as amended by section 1229, Code of 1881 and RCW 4.24.060; amending section 351, page 91, Laws of 1869 as last amended by section 1, chapter 193, Laws of 1981 and RCW 6.04.100; amending section 16, chapter 172, Laws of 1935 as amended by section 12, chapter 124, Laws of 1961 and RCW 9.41.160; amending section 4, page 99, Laws of 1890 and RCW 9.45.230; amending section 18, chapter 133, Laws of 1955 and RCW 9.95.190; amending section 1046, Code of 1881 as amended by section 1, chapter 10, Laws of 1957 and RCW 10.40.070; amending section 11.36.010, chapter 145, Laws of 1965 and RCW 11.36.010; amending section 14, chapter 155, Laws of 1979 and RCW 13.04.300; amending section 6, chapter 160, Laws of 1913 as last amended by section 40, chapter 155, Laws of 1979 and RCW 13.34.070; amending section 7, chapter 150, Laws of 1955 and RCW 14.20.070; amending section 9, chapter 150, Laws of 1955 and RCW 14.20.090; amending section 1, chapter 83, Laws of

1961 and RCW 15.14.010; amending section 15.32.100, chapter 11, Laws of 1961 as amended by section 3, chapter 58, Laws of 1963 and RCW 15.32.100; amending section 15.60.080, chapter 11, Laws of 1961 and RCW 15.60.080; amending section 2, chapter 160, Laws of 1957 as amended by section 14, chapter 154, Laws of 1979 and RCW 16.36.095; amending section 14, chapter 149, Laws of 1955 as last amended by section 18, chapter 21, Laws of 1982 and RCW 18.22.215; amending section 20, chapter 216, Laws of 1961 and RCW 19.86.920; amending section 2, chapter 186, Laws of 1923 and RCW 22.28.020; amending section 6, chapter 312, Laws of 1959 and RCW 24.36.060; amending section 9, chapter 312, Laws of 1959 and RCW 24.36.090; amending section 7, chapter 215, Laws of 1971 ex. sess. as amended by section 5, chapter 92, Laws of 1974 ex. sess. and RCW 28A-.02.240; amending section 2, chapter 46, Laws of 1973 as last amended by section 3, chapter 158, Laws of 1982 and RCW 28A.41.130; amending section 28A.44.045, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.045; amending section 28A.44.095, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.095; amending section 28A.57.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 78, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.020; amending section 28A.57.120, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.120; amending section 28A.57.324, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 43, Laws of 1975 and RCW 28A.57.324; amending section 10, chapter 131, Laws of 1969 as amended by section 7, chapter 183, Laws of 1979 ex. sess. and RCW 28A.57.435; amending section 28A.58.230, chapter 223, Laws of 1969 ex. sess. as amended by section 9, chapter 130, Laws of 1969 and RCW 28A.58.230; amending section 1, chapter 341, Laws of 1977 ex. sess. and RCW 28A.97.010; amending section 1, chapter 129, Laws of 1973 and RCW 28B.50.095; amending section 28B.50.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 285, Laws of 1971 ex. sess. and RCW 28C.04.230; amending section 29.13.021, chapter 9, Laws of 1965 as amended by section 10, chapter 126, Laws of 1979 ex. sess. and RCW 29.13.021; amending section 29.21.085, chapter 9, Laws of 1965 as amended by section 88, chapter 176, Laws of 1969 ex. sess. and RCW 29.21.085; amending section 29.27.010, chapter 9, Laws of 1965 and RCW 29.27.010; amending section 29.68.120, chapter 9, Laws of 1965 as amended by section 7, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.120; amending section 30.12.190, chapter 33, Laws of 1955 and RCW 30.12.190; amending section 2, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.020; amending section 1, chapter 124, Laws of 1959 and RCW 30.99.010; amending section 10, chapter 124, Laws of 1959 and RCW 30.99.100; amending section 3, chapter 162, Laws of 1963 and RCW 31.24.030; amending section 15, chapter 162, Laws of 1963 and RCW 31.24.150; amending section 32.12.020, chapter 13, Laws of 1955 as last amended by section 28, chapter 192, Laws of 1981 and RCW 32.12.020; amending section 35.13.280, chapter 7, Laws of 1965 and RCW 35.13.280; amending section 35.20.900, chapter 7, Laws of 1965 as amended by section 5, chapter 33, Laws of 1975 and RCW 35.20.900; amending section 35.39.050, chapter 7, Laws of 1965 and RCW 35.39.050; amending section 35.92.100, chapter 7, Laws of 1965 as last amended by section 48, chapter 56, Laws of 1970 ex. sess. and RCW 35.92.100; amending section 35A.20.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.150; amending section 35A.21.161, chapter 119, Laws of 1967 ex. sess. and RCW 35A.21.161; amending section 35A.27.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.27.010; amending section 35A.28.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.28.010; amending section 35A.37.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.37.010; amending section 35A.40.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.040; amending section 35A.40.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.050; amending section 35A.40.200, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.200; amending section 35A.41.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.41.020; amending section 35A.42.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.42.050; amending section 35A.47.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.47.020; amending section 35A.47.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.47.030; amending section 35A.58.030, chapter 119, Laws of 1967 ex. sess. as amended by section 9, chapter 251, Laws of 1971 ex. sess. and RCW 35A.58.030; amending section 35A.69.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.69.010; amending section 35A.79.010, chapter 119, Laws of 1967 ex. sess. as amended by section 3, chapter 30, Laws of 1979 ex. sess. and RCW 35A.79.010; amending section 35A.81.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.81.010; amending section 35A.82.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.82.010; amending section 35A.88.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.88.030; amending section 9, chapter 94, Laws of 1969 and RCW 36.26.090; amending section 36.32.240, chapter 4, Laws of 1963 as last amended by section 1, chapter 52, Laws of 1974 ex. sess. and RCW 36.32.240; amending section 36.64.060, chapter 4, Laws of 1963 and RCW 36.64.060; amending section 36.67-.030, chapter 4, Laws of 1963 and RCW 36.67.030; amending section 36.69.200, chapter 4, Laws of 1963 and RCW 36.69.200; amending section 36.77.070, chapter 4, Laws of 1963 and RCW 36.77.070; amending section 18, chapter 72, Laws of 1967 as amended by section 8, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.180; amending section 7, chapter 233, Laws of 1963 and RCW 40.06.070; amending section 8, chapter 246, Laws of 1957 and RCW 40.14.080; amending section 10, chapter 102, Laws of 1971 ex. sess. and RCW 40.14.180; amending section 1, chapter 78, Laws of 1949 and RCW 41.04.040; amending section 2,

chapter 78, Laws of 1949 and RCW 41.04.050; amending section 7, chapter 237, Laws of 1969 ex. sess. and RCW 41.04.220; amending section 1, chapter 73, Laws of 1975 1st ex. sess. and RCW 41.04.235; amending section 1, chapter 39, Laws of 1970 ex. sess. as last amended by section 2, chapter 125, Laws of 1979 and RCW 41.05.010; amending section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 1, chapter 34, Laws of 1982 1st ex. sess. and RCW 41.05.025; amending section 1, chapter 71, Laws of 1959 and RCW 41.20.160; amending section 9, chapter 207, Laws of 1939 as amended by section 2, chapter 211, Laws of 1969 ex. sess. and RCW 41.28.080; amending section 7, chapter 151, Laws of 1972 ex. sess. as amended by section 10, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.193; amending section 27, chapter 274, Laws of 1947 as last amended by section 9, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.260; amending section 5, chapter 195, Laws of 1974 ex. sess. as amended by section 97, chapter 169, Laws of 1977 ex. sess. and RCW 41.40.515; amending section 11, chapter 105, Laws of 1975-'76 2nd ex. sess. as amended by section 8, chapter 294, Laws of 1981 and RCW 41.50.090; amending section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020; amending section 11, chapter 215, Laws of 1969 ex. sess. as last amended by section 18, chapter 87, Laws of 1980 and RCW 41.56.420; amending section 3, chapter 145, Laws of 1972 ex. sess. and RCW 43.08.135; amending section 43.19.015, chapter 8, Laws of 1965 as amended by section 2, chapter 115, Laws of 1981 and RCW 43.19.015; amending section 1, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1901; amending section 8, chapter 242, Laws of 1967 and RCW 43.27A.080; amending section 43.30.090, chapter 8, Laws of 1965 and RCW 43.30.090; amending section 2, chapter 63, Laws of 1970 ex. sess. as amended by section 1, chapter 69, Laws of 1980 and RCW 43.43.610; amending section 14, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.765; amending section 6, chapter 120, Laws of 1967 as amended by section 5, chapter 55, Laws of 1969 ex. sess. and RCW 43.51.675; amending section 46.08.180, chapter 12, Laws of 1961 as amended by section 7, chapter 120, Laws of 1967 and RCW 43.51.680; amending section 15, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.905; amending section 43.85.190, chapter 8, Laws of 1965 as amended by section 21, chapter 193, Laws of 1969 ex. sess. and RCW 43.85.190; amending section 12, chapter 5, Laws of 1965 and RCW 43.99.120; amending section 6, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.041; amending section 1, chapter 129, Laws of 1974 ex. sess. and RCW 43.105.080; amending section 4, chapter 156, Laws of 1965 as amended by section 115, chapter 158, Laws of 1979 and RCW 46.01.040; amending section 11, chapter 200, Laws of 1973 1st ex. sess. as amended by section 144, chapter 158, Laws of 1979 and RCW 46.16.605; amending section 2, chapter 112, Laws of 1969 and RCW 46.37.540; amending section 62, chapter 145, Laws of 1967 ex. sess. and RCW 46.44.038; amending section 1, chapter 63, Laws of 1975 1st ex. sess. and RCW 46.44.150; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 9, chapter 342, Laws of 1981 and RCW 46.68.030; amending section 46.70.090, chapter 12, Laws of 1961 as last amended by section 4, chapter 152, Laws of 1981 and RCW 46.70.090; amending section 52, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.335; amending section 1, chapter 78, Laws of 1977 ex. sess. and RCW 47.12.063; amending section 47.52.080, chapter 13, Laws of 1961 and RCW 47.52.080; amending section 47.56.220, chapter 13, Laws of 1961 as last amended by section 19, chapter 212, Laws of 1979 ex. sess. and RCW 47.56.220; amending section 47.56.270, chapter 13, Laws of 1961 and RCW 47.56.270; amending section 1, chapter 50, Laws of 1965 and RCW 47.56.271; amending section 6, chapter 197, Laws of 1963 and RCW 47.56.705; amending section 7, chapter 197, Laws of 1963 and RCW 47.56.706; amending section 47.60.115, chapter 13, Laws of 1961 and RCW 47.60.115; amending section 47.60.150, chapter 13, Laws of 1961 as amended by section 5, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.150; amending section 47.60.290, chapter 13, Laws of 1961 as amended by section 6, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.290; 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 21, chapter 7, Laws of 1961 ex. sess. and RCW 47.60.380; amending section 5, chapter 9, Laws of 1961 ex. sess. as last amended by section 7, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.440; amending section 1, chapter 166, Laws of 1977 ex. sess. and RCW 47.60.650; amending section 14, chapter 165, Laws of 1947 and RCW 47.68.140; amending section 7, chapter 252, Laws of 1945 as amended by section 16, chapter 165, Laws of 1947 and RCW 47.68.160; amending section 2, chapter 207, Laws of 1967 and RCW 47.68.233; amending section 3, chapter 207, Laws of 1967 and RCW 47.68.236; amending section 24, chapter 165, Laws of 1947 and RCW 47.68.240; amending section 33, chapter 165, Laws of 1947 and RCW 47.68.330; amending section 4, chapter 263, Laws of 1961 and RCW 47.68.360; amending section 10.30, chapter 79, Laws of 1947 and RCW 48.10.300; amending section .11.14, chapter 79, Laws of 1947 as amended by section 2, chapter 225, Laws of 1959 and RCW 48.11.140; amending section 5, chapter 104, Laws of 1969 as last amended by section 2, chapter 157, Laws of 1979 and RCW 48.18A.050; amending section 31, chapter 70, Laws of 1965 and RCW 48.21A.050; amending section .25.10, chapter 79, Laws of 1947 and RCW 48.25.100; amending section .25.11, chapter 79, Laws of 1947 and RCW 48.25.110; amending section 10, chapter 199, Laws of 1979 ex. sess. and RCW 48.30.157; amending section .32.37, chapter 79, Laws of 1947 and RCW 48.36.370; amending section 3, chapter 51, Laws of 1973 and RCW 49.12.123; amending section 8,

chapter 294, Laws of 1959 as amended by section 117, chapter 81, Laws of 1971 and RCW 49.46.080; amending section 12, chapter 265, Laws of 1951 and RCW 50.20.115; 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 1, chapter 176, Laws of 1953 as amended by section 2, chapter 101, Laws of 1972 ex. sess. and RCW 52.12.110; amending section 1, chapter 29, Laws of 1925 as last amended by section 57, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.070; amending section 18, chapter 114, Laws of 1929 as last amended by section 73, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.20.100; amending section 2, chapter 263, Laws of 1957 as last amended by section 17, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.410; amending section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 26, Laws of 1982 1st ex. sess. and RCW 66.28.040; amending section 43, chapter 247, Laws of 1943 and RCW 68.20.020; amending section 10, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.100; amending section 2, chapter 190, Laws of 1943 as amended by section 2, chapter 46, Laws of 1945 and RCW 70.12.040; amending section 15, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.010; amending section 16, chapter 277, Laws of 1971 ex. sess. as amended by section 2, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.020; amending section 17, chapter 277, Laws of 1971 ex. sess. as amended by section 3, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.030; amending section 9, chapter 32, Laws of 1951 as amended by section 2, chapter 86, Laws of 1972 ex. sess. and RCW 70.79.090; amending section 1, chapter 38, Laws of 1977 ex. sess. and RCW 70.94.041; amending section 31, chapter 238, Laws of 1967 as last amended by section 1, chapter 59, Laws of 1974 ex. sess. and RCW 70.94.181; amending section 40, chapter 238, Laws of 1967 and RCW 70.94.232; amending section 4, chapter 41, Laws of 1971 ex. sess. and RCW 70.104.040; 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 71.12.590, chapter 25, Laws of 1959 and RCW 71.12.590; amending section 3, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.030; amending section 4, chapter 110, Laws of 1967 ex. sess. as amended by section 3, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.040; amending section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 5, chapter 155, Laws of 1980 and RCW 71.20.110; amending section 72.01.260, chapter 28, Laws of 1959 as amended by section 156, chapter 141, Laws of 1979 and RCW 72.01.260; amending section 8, chapter 122, Laws of 1967 ex. sess. as last amended by section 97, chapter 136, Laws of 1981 and RCW 72.15.060; amending section 6, chapter 287, Laws of 1959 as amended by section 293, chapter 141, Laws of 1979 and RCW 72.70.060; amending section 4, chapter 298, Laws of 1957 and RCW 72.99.100; amending section 6, chapter 298, Laws of 1957 as amended by section 37, chapter 278, Laws of 1975 1st ex. sess. and RCW 72.99.120; amending section 3, chapter 51, Laws of 1973 1st ex. sess. as amended by section 2, chapter 137, Laws of 1980 and RCW 74.08.550; amending section 4, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.560; amending section 24, chapter 228, Laws of 1963 and RCW 74.12.280; amending section 1, chapter 172, Laws of 1967 as amended by section 70, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.010; amending section 1, chapter 253, Laws of 1969 ex. sess. as amended by section 1, chapter 141, Laws of 1979 ex. sess. and RCW 75.24.100; amending section 1, chapter 100, Laws of 1963 as amended by section 1, chapter 49, Laws of 1971 ex. sess. and RCW 76.01.060; amending section 1, chapter 47, Laws of 1969 ex. sess. and RCW 76.12.072; amending section 77.16.020, chapter 36, Laws of 1955 as last amended by section 3, chapter 310, Laws of 1981 and RCW 77.16.020; amending section 4, chapter 45, Laws of 1899 and RCW 78.08.075; amending section 5, chapter 45, Laws of 1899 and RCW 78.08.080; amending section 12, chapter 45, Laws of 1899 and RCW 78.08.115; amending section 3, chapter 56, Laws of 1965 and RCW 79.01.618; amending section 1, chapter 184, Laws of 1955 and RCW 79.08.170; amending section 2, chapter 85, Laws of 1923 and RCW 79.28.050; amending section 6, chapter 178, Laws of 1961 and RCW 79.64.060; amending section 7, chapter 178, Laws of 1961 and RCW 79.64.070; amending section 2, chapter 110, Laws of 1974 ex. sess. as last amended by section 13, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.175; amending section 81.24.050, chapter 14, Laws of 1961 and RCW 81.24.050; amending section 81.40.030, chapter 14, Laws of 1961 and RCW 81.40.030; amending section 81.44.050, chapter 14, Laws of 1961 and RCW 81.44.050; amending section 81.44.060, chapter 14, Laws of 1961 and RCW 81.44.060; amending section 81.53.220, chapter 14, Laws of 1961 and RCW 81.53.220; amending section 48, chapter 26, Laws of 1967 ex. sess. as last amended by section 50, chapter 209, Laws of 1979 ex. sess. and RCW 82.03.190; amending section 82.04.290, chapter 15, Laws of 1961 as last amended by section 8, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.290; amending section 82.04.300, chapter 15, Laws of 1961 as last amended by section 4, chapter 196, Laws of 1979 ex. sess. and RCW 82.04.300; amending section 82.08.170, chapter 15, Laws of 1961 and RCW 82.08.170; amending section 2, chapter 296, Laws of 1971 ex. sess. as last amended by section 1, chapter 163, Laws of 1980 and RCW 82.14.045; amending section 7, chapter 157, Laws of 1972 ex. sess. as amended by section 1, chapter 22, Laws of 1975 1st ex. sess. and RCW 82.24.260; amending section 82.26.100, chapter 15, Laws of 1961 and RCW 82.26.100; amending section 82.32.010, chapter 15, Laws of 1961 as amended by section 12, chapter 148, Laws of 1981 and RCW 82.32.010; amending section 82.32.020, chapter 15, Laws of

1961 and RCW 82.32.020; amending section 82.32.070, chapter 15, Laws of 1961 as amended by section 2, chapter 89, Laws of 1967 ex. sess. and RCW 82.32.070; amending section 82.32.300, chapter 15, Laws of 1961 as amended by section 90, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.300; amending section 2, chapter 22, Laws of 1963 ex. sess. as last amended by section 225, chapter 158, Laws of 1979 and RCW 82.37.020; amending section 10, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.100; amending section 16, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.160; amending section 17, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.170; amending section 2, chapter 87, Laws of 1970 ex. sess. as amended by section 2, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.020; amending section 1, chapter 249, Laws of 1963 and RCW 84.40.031; amending section 2, chapter 249, Laws of 1963 and RCW 84.40.032; amending section 30, chapter 176, Laws of 1913 as last amended by section 9, chapter 46, Laws of 1923 and RCW 85.08.410; amending section 2, chapter 125, Laws of 1975 1st ex. sess. and RCW 88.16.180; decodifying RCW 11.20.021, 11.28.111, 43.59.100, 43.59.110, 43.59.120, 51.44.034, 69.32.010, 69.32.030, 69.32.060, 69.32.096, 69.32.900, 69.32.910, 69.32.920, 69.32.930, 69.32.940, 69.32.950, and 69.32.960; repealing section 228, chapter 249, Laws of 1909 and RCW 9.47-.130; repealing section 4, chapter 9, Laws of 1975-'76 2nd ex. sess. and RCW 9A.32.900; repealing section 5, chapter 9, Laws of 1975-'76 2nd ex. sess. and RCW 9A.32.901; repealing section 50, chapter 63, Laws of 1969 and RCW 15.49.910; repealing section 39, chapter 22, Laws of 1967 ex. sess. and RCW 15.54.920; repealing section 1, chapter 107, Laws of 1981 and RCW 28B.10.205; repealing section 29.13.015, chapter 9, Laws of 1965 and RCW 29.13.015; repealing section 10, chapter 284, Laws of 1969 ex. sess. and RCW 43.27A.075; repealing section 43.30.140, chapter 8, Laws of 1965 and RCW 43.30.140; repealing section 1, chapter 267, Laws of 1975 1st ex. sess. and RCW 47.20.660; repealing section 3, chapter 267, Laws of 1975 1st ex. sess. and RCW 47.20.664; repealing section 23, chapter 3, Laws of 1963 ex. sess., section 17, chapter 195, Laws of 1971 ex. sess. and RCW 47.60.045; repealing section 6, chapter 90, Laws of 1961 and RCW 68.08.290; and repealing section 82.04.420, chapter 15, Laws of 1961 and RCW 82.04.420.

Referred to Committee on Judiciary.

SB 3038 by Senators Talmadge and Clarke (by Code Reviser request)

AN ACT Relating to state government; amending section 2, chapter 25, Laws of 1974 ex. sess. as amended by section 2, chapter 68, Laws of 1980 and RCW 18.27.090; amending section 4, chapter 130, Laws of 1913 and RCW 19.29.040; amending section 2, chapter 221, Laws of 1939 and RCW 19.90.020; amending section 12, chapter 221, Laws of 1939 and RCW 19.90.120; amending section 2, chapter 130, Laws of 1945 and RCW 54.04.100; amending section 81, chapter 255, Laws of 1927 and RCW 79.01.324; 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 80.08.105, chapter 14, Laws of 1961 and RCW 80.08.105; amending section 81.08.105, chapter 14, Laws of 1961 and RCW 81.08.105; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3039 by Senators Talmadge and Clarke (by Code Reviser request)

AN ACT Relating to the correction of state statutes; rearranging misplaced statutory material in the teachers' retirement laws; correcting a clerical error in the laws against discrimination; amending section 1, chapter 80, Laws of 1947 as last amended by section 6, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.32.010; amending section 5, chapter 259, Laws of 1981 and RCW 49.60.330; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3040 by Senators Bauer, Zimmerman and Thompson

AN ACT Relating to the award of costs of litigation in actions to challenge governmental regulation; adding a new chapter to Title 4 RCW; and declaring an emergency.

Referred to Committee on Local Government.

SB 3041 by Senators Vognild, Quigg and Thompson

AN ACT Relating to real estate salesmen; and amending section 7, chapter 139, Laws of 1972 ex. sess. as amended by section 2, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.095.

Referred to Committee on Commerce and Labor.

SB 3042 by Senators Bottiger, McDermott, Goltz, Bauer, Vognild, Gaspard, Talmadge, Rinehart, Wojahn, Lee and Warnke

AN ACT Relating to labor relations in institutions of higher education: adding a new chapter to 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; and providing an effective date.

Referred to Committee on Education.

SJR 101 by Senator Conner

Amending the state Constitution to provide for county-wide initiative and referendum process.

Referred to Committee on Local Government.

SJR 102 by Senators Hurley, Hughes and Bauer

Requiring voter approval of high-level radioactive waste storage sites in the state.

Referred to Committee on Energy and Utilities.

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

MESSAGE FROM SECRETARY OF STATE

The Honorable,
 President of the Senate
 The Legislature of the State of Washington
 Olympia, Washington
 Mr. President:

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that, according to the provisions of RCW 29.62.130, I have canvassed the returns of the votes cast for and against the initiatives and the constitutional amendment which were submitted to the vote of the people at the state general election held on the 2nd day of November, 1982, that the total number of ballots cast at this state general election was 1,404,831 and that the total number of votes cast for and against each of these measures was as follows:

INITIATIVE MEASURE 412

Shall the maximum interest rate on retail sales be the higher of 12% or 1% over the federal discount rate?

YES	452,710
NO	880,135

INITIATIVE MEASURE 414

Shall a system requiring a minimum five cent refund on sales of beer, malt and carbonated beverage containers be established?

YES	400,156
NO	965,951

INITIATIVE MEASURE 435

Shall corporate franchise taxes, measured by net income, replace sales taxes on food and state corporate business and occupation taxes?

YES	453,221
NO	889,091

SENATE JOINT RESOLUTION 143

Shall financing of public improvements from taxes on increased property values as a result of such improvements be constitutionally authorized?

YES	393,030
NO	882,194

I, further certify that the following is a full, true, and correct abstract of votes cast at the State General Election held on the 2nd day of November, 1982, as canvassed by me from the returns received from the County Auditors of the thirty-nine counties of the state for all federal offices and for offices in joint judicial districts.

U. S. SENATE

Doug Jewett	Republican	332,273
Henry M. Jackson	Democrat	943,655
King Lysen	Independent Candidate	72,297
Jesse Chiang	Independent Candidate	20,251

U. S. REPRESENTATIVE, 1st DISTRICT

Joel Pritchard	Republican	123,956
Brian Long	Democrat	59,444

U. S. REPRESENTATIVE, 2nd DISTRICT

Joan Houchen	Republican	68,622
Al Swift	Democrat	101,383

U. S. REPRESENTATIVE, 3rd DISTRICT

J.T. Quigg	Republican	59,686
Donald L. Bonker	Democrat	97,323
O'Dean Williamson	Independent Candidate	5,049

U. S. REPRESENTATIVE, 4th DISTRICT

Sid Morrison	Republican	112,148
Charles D. Kilbury	Democrat	45,990
Michael Leroy Burns	Free Peoples	2,530

U. S. REPRESENTATIVE, 5th DISTRICT

John Sonneland	Republican	60,816
Thomas S. Foley	Democrat	109,549

U. S. REPRESENTATIVE, 6th DISTRICT

Ted Haley	Republican	47,720
Norman D. Dicks	Democrat	89,985
Jayne H. Anderson	Independent Candidate	6,193

U. S. REPRESENTATIVE, 7th DISTRICT

Bob Dorse	Republican	51,759
Mike Lowry	Democrat	126,313

U. S. REPRESENTATIVE, 8th DISTRICT

Rod Chandler	Republican	79,209
Beth Bland	Democrat	59,824

STATE SUPREME COURT, Position 1

Robert F. Brachtenbach	Nonpartisan	758,111
------------------------	-------------	---------

STATE SUPREME COURT, Position 2

Charles F. Stafford	Nonpartisan	764,912
---------------------	-------------	---------

STATE SUPREME COURT, Position 3

Vernon R. Pearson	Nonpartisan	742,433
-------------------	-------------	---------

COURT OF APPEALS, Division 1, District 3
(Island, San Juan, Skagit and Whatcom Counties)

Ward Williams Nonpartisan 45,130

COURT OF APPEALS, Division 2, District 3
(Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum Counties)

Edward P. Reed Nonpartisan 64,951

COURT OF APPEALS, Division 3, District 1
(Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens Counties)

James (Ben) McInturff Nonpartisan 101,163

SUPERIOR COURT, Ferry-Pend Oreille-Stevens

Larry M. Kristianson Nonpartisan 11,380

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington, this 10th day of January, 1983.
(Seal)

RALPH MUNRO, Secretary of State

MOTION

On motion of Senator Bottiger, all gubernatorial appointments were referred to the committees indicated on the list on the desk of each member.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

December 10, 1982

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 A. Boyd appointed July 16, 1982, for a term ending at the pleasure of the Governor as Director of the State Lottery Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Leland Blankenship appointed November 1, 1982, for a term ending at the pleasure of the Governor, succeeding William Hanson as Public Printer.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on State Government.

December 10, 1982

TO THE 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 R. Burrows appointed June 10, 1982, for a term ending at the pleasure of the Governor, succeeding Glenn Pascall as Director of the Department of Revenue.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Ways and Means.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Randy S. Fisher appointed May 6, 1982, for a term ending at the pleasure of the Governor, succeeding Hector L. Torres as Director of the Department of Veterans Affairs.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on State Government.

December 10, 1982

TO THE 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 J. DeLaitre appointed April 16, 1982, for a term ending September 30, 1984, succeeding Irving S. Smith as a member of the Commission for the Blind.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Social and Health Services.

December 10, 1982

TO THE 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 T. Greene appointed June 23, 1982, for a term ending April 3, 1986, succeeding Dr. Walter S. Johnson as a member of the State Board for Community College Education.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

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.

Philip S. Hayes reappointed April 4, 1982, for a term ending April 3, 1986, as a member of the State Board for Community College Education.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Phyllis M. Kenney appointed November 8, 1982, for a term ending September 24, 1984, succeeding Roger F. Maxwell as a member of the Corrections Standards Board.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Dick Pokornowski appointed March 5, 1982, for a term ending June 30, 1987, succeeding Mary Knibbs as a member of the Gambling Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

December 10, 1982

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.

Lawrence G. Waldt reappointed July 1, 1982, for a term ending June 30, 1988, as a member of the Gambling Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

December 10, 1982

TO THE 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. Silva Bolds appointed May 4, 1982, for a term ending December 31, 1984, succeeding Elizabeth B. Avery as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Parks and Ecology.

December 10, 1982

TO THE 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. John H. Jessup, Jr., appointed May 4, 1982, for a term ending December 31, 1984, succeeding Kirby Billingsley as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Parks and Ecology.

December 10, 1982

TO THE 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 E. Helke, appointed November 8, 1982, for a term ending December 31, 1984, succeeding Gloria M. Champeaux as a member of the State Investment Board.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Ways and Means.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dan Boone, appointed November 8, 1982, for a term ending June 30, 1983, succeeding James L. Young as a member of the State Jail Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Institutions.

December 10, 1982

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.

Larry V. Erickson, reappointed November 8, 1982, for a term ending June 30, 1983, as a member of the State Jail Commission.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Institutions.

December 10, 1982

TO THE 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 S. McEachran, appointed November 8, 1982, for a term ending June 30, 1983, succeeding C. J. "Corky" Johnson as a member of the State Jail Commission.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Institutions.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ralph Danekas, appointed August 3, 1982, for a term ending August 2, 1985, as a member of the State Lottery Commission

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carolyn Patton, appointed August 3, 1982, for a term ending August 2, 1986, as a member of the State Lottery Commission

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lenore Lambert, appointed August 3, 1982, for a term ending August 2, 1987, as a member of the State Lottery Commission

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

December 10, 1982

TO THE 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 Mack, appointed August 3, 1982, for a term ending August 2, 1988, as a member of the State Lottery Commission

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Joseph J. Thompson, appointed April 16, 1982, for a term ending January 21, 1985, succeeding Edyrn H. Jones as a member of the State Board of Pharmacy.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Social and Health Services.

December 10, 1982

TO THE 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 J. Faulk, appointed September 28, 1982, for a term ending June 30, 1988, succeeding Nat W. Washington as a member of the Pollution Control Hearings Board.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Parks and Ecology.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Cynthia Maisel, appointed October 2, 1981, for a term ending June 30, 1987, succeeding Marianne Craft Norton as a member of the Council for Postsecondary Education.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE 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 J. Manning, appointed July 1, 1982, for a term ending April 15, 1984, succeeding Eugene M. Corr as a member of the Board of Prison Terms and Paroles.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

December 10, 1982

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.

Karen B. Conoley, reappointed April 16, 1982, for a term ending April 15, 1987, as a member of the Board of Prison Terms and Paroles.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

December 10, 1982

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.

George W. Johnson, reappointed April 16, 1982, for a term ending April 15, 1987, as a member of the Board of Prison Terms and Paroles.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

December 10, 1982

TO THE 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 November 1, 1982, for a term ending September 8, 1984, succeeding Robert J. Williams as a member of the Public Employment Relations Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Labor.

December 10, 1982

TO THE 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 E. Carlson, appointed October 1, 1982, for a term ending September 30, 1988, succeeding Dr. Taul Watanabe as a member of the Board of Regents for the University of Washington.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

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.

Gordon C. Culp, reappointed October 1, 1982, for a term ending September 30, 1988, as a member of the Board of Regents for the University of Washington.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Manuel E. Costa, appointed May 12, 1982, for a term ending August 2, 1983, succeeding Edna Goodrich as a member of the Sentencing Guideline Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

December 10, 1982

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.

Chief Arthur F. Clifford, reappointed August 17, 1982, for a term ending August 2, 1985, as a member of the Sentencing Guideline Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

George A. Finkle, appointed May 12, 1982, for a term ending August 2, 1985, succeeding Phillip Aaron as a member of the Sentencing Guideline Commission.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

December 10, 1982

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.

Paul D. Hansen, reappointed August 17, 1982, for a term ending August 2, 1985, as a member of the Sentencing Guideline Commission.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

December 10, 1982

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.

Warren Netherland, reappointed August 17, 1982, for a term ending August 2, 1985, as a member of the Sentencing Guideline Commission.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

December 10, 1982

TO THE 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 June 10, 1982, for a term ending March 1, 1987, succeeding Charles C. Stidham as a member of the Board of Tax Appeals.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Ways and Means.

December 10, 1982

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.

Vaughn Hubbard, reappointed July 1, 1982, for a term ending June 30, 1988, as a member of the State Transportation Commission.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Transportation.

December 10, 1982

TO THE 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 D. Ray, appointed October 1, 1982, for a term ending September 30, 1988, succeeding Bruce McPhaden as a member of the Board of Trustees for Eastern Washington University.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

George E. Mante, appointed October 1, 1982, for a term ending September 30, 1988, succeeding Wesley Berglund as a member of the Board of Trustees for The Evergreen State College.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Irwin J. LeCocq, appointed October 1, 1982, for a term ending September 30, 1988, succeeding Marvin K. Eggert as a member of the Board of Trustees for Western Washington University.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE 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 C. Waldo, appointed October 1, 1982, for a term ending September 30, 1988, succeeding Dr. Robert Fernald as a member of the Board of Trustees for Western Washington University.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

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.

Jane G. Hughes, reappointed October 1, 1982, for a term ending September 30, 1987, as a member of the Board of Trustees for Community College District No. 1.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE 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 Murakami, appointed October 1, 1982, for a term ending September 30, 1987, succeeding Stanley C. Gillies as a member of the Board of Trustees for Community College District No. 2.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Anne S. Blair, appointed October 1, 1982, for a term ending September 30, 1987, succeeding Leonard W. Costello as a member of the Board of Trustees for Community College District No. 3.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

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 E. Anderson, reappointed October 1, 1982, for a term ending September 30, 1987, as a member of the Board of Trustees for Community College District No. 4.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Barbara L. Kusler, appointed April 16, 1982, for a term ending September 30, 1985, succeeding Kenneth B. Rice as a member of the Board of Trustees for Community College District No. 5.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

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.

Nancy L. Weis, reappointed October 1, 1982, for a term ending September 30, 1987, as a member of the Board of Trustees for Community College District No. 5.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

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.

Cherry L. Jarvis, reappointed October 1, 1982, for a term ending September 30, 1987, as a member of the Board of Trustees for Community College District No. 7.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

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.

Patricia A. McGlashan, reappointed October 1, 1982, for a term ending September 30, 1987, as a member of the Board of Trustees for Community College District No. 8.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Virginia M. Thacker, appointed October 1, 1982, for a term ending September 30, 1987, succeeding Ida Peterson as a member of the Board of Trustees for Community College District No. 9.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

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.

Beverly A. Schoenfeld, reappointed October 1, 1982, for a term ending September 30, 1987, as a member of the Board of Trustees for Community College District No. 10.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE 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 Watkins, Jr., appointed October 1, 1982, for a term ending September 30, 1987, succeeding Emi Somekawa as a member of the Board of Trustees for Community College District No. 11.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Cornelius Doelman, appointed October 1, 1982, for a term ending September 30, 1987, succeeding Mary L. Stough as a member of the Board of Trustees for Community College District No. 12.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

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.

Yvonne C. Montchalin, reappointed October 1, 1982, for a term ending September 30, 1987, as a member of the Board of Trustees for Community College District No. 14.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

J. H. "Jack" Blosser, appointed October 1, 1982, for a term ending September 30, 1987, succeeding F. Dan Bertrand as a member of the Board of Trustees for Community College District No. 15.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

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.

Dan W. Stephens, reappointed October 1, 1982, for a term ending September 30, 1987, as a member of the Board of Trustees for Community College District No. 16.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dee McMillan, appointed May 19, 1982, for a term ending September 30, 1984, succeeding K. O. Rosenberg as a member of the Board of Trustees for Community College District No. 17.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Max J. (Jeff) Kuney, III, appointed October 1, 1982, for a term ending September 30, 1987, succeeding R. Stuart Kirk as a member of the Board of Trustees for Community College District No. 17.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

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.

H. Dean Laxton, reappointed October 1, 1982, for a term ending September 30, 1987, as a member of the Board of Trustees for Community College District No. 18.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

W. David Shaw, appointed November 2, 1982, for a term ending September 30, 1987, succeeding James E. Minor as a member of the Board of Trustees for Community College District No. 19.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Adair F. Runstad, appointed November 8, 1982, for a term ending September 30, 1987, succeeding Jo Ann Schirmer as a member of the Board of Trustees for Community College District No. 20.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Anne M. Wade, appointed November 1, 1982, for a term ending September 30, 1987, succeeding Barbara A. Wesley as a member of the Board of Trustees for Community College District No. 22.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Majel A. Wilson, appointed November 8, 1982, for a term ending September 30, 1987, succeeding Karen Miller as a member of the Board of Trustees for Community College District No. 23.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE 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 D. Hall, appointed August 30, 1982, for a term ending January 1, 1985, succeeding Aldo J. Benedetti as a member of the Utilities and Transportation Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Energy and Utilities.

December 10, 1982

TO THE 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. Semerad, appointed July 15, 1982, for a term ending July 1, 1987, succeeding Donald M. Anderson as a member of the Commission for Vocational Education.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Cornelius R. Duffie, appointed June 16, 1982, for a term ending June 13, 1984, as a member of the WPPSS Executive Board of Directors.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Energy and Utilities.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William E. Wall, appointed June 14, 1982, for a term ending June 13, 1985, as a member of the WPPSS Executive Board of Directors.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Energy and Utilities.

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

C. Michael Berry, appointed June 14, 1982, for a term ending June 13, 1986, as a member of the WPPSS Executive Board of Directors.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Energy and Utilities.

MOTION

On motion of Senator Bottiger, the following committee assignments were approved:

STANDING COMMITTEE APPOINTMENTS - 1983

AGRICULTURE: (6) Hansen, Chairman; Barr, Benitz, Gaspard, Goltz, Newhouse.

COMMERCE AND LABOR: (11) Vognild, Chairman; Haley, McCaslin, McManus, Moore, Newhouse, Quigg, Sellar, Shinpoch, Williams, Wojahn.

EDUCATION: (17) Gaspard, Chairman; Bauer, Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, Rinehart, von Reichbauer, Warnke.

ENERGY & UTILITIES: (9) Williams, Chairman; Benitz, Fuller, Goltz, Hemstad, Hurley, McManus, Moore, Quigg.

FINANCIAL INSTITUTIONS: (9) Moore, Chairman; Bender, Bottiger, Clarke, Deccio, Jones, Sellar, Warnke, Wojahn.

INSTITUTIONS: (7) Granlund, Chairman; Fuller, McManus, Metcalf, Owen, Peterson, Pullen.

JUDICIARY: (10) Talmadge, Chairman; Clarke, Fleming, Hayner, Hemstad, Hughes, Newhouse, Thompson, Williams, Woody.

LOCAL GOVERNMENT: (7) Thompson, Chairman; Barr, Bauer, Granlund, McCaslin, Woody, Zimmerman.

NATURAL RESOURCES: (11) Owen, Chairman; Conner, Fuller, Metcalf, Patterson, Peterson, Quigg, Rasmussen, Shinpoch, Vognild, von Reichbauer.

PARKS AND ECOLOGY: (12) Hughes, Chairman; Bluechel, Haley, Hansen, Hurley, Kiskaddon, Lee, McDermott, Pullen, Rasmussen, Talmadge, Williams.

RULES: (21) (D-12,R-9) Cherberg, Chairman; Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Goltz, Guess, Hayner, Hurley, Jones, Metcalf, Newhouse, Patterson, Rasmussen, Rinehart, Sellar, Shinpoch, Wojahn, Woody.

SOCIAL AND HEALTH SERVICES: (7) McManus, Chairman; Craswell, Conner, Deccio, Granlund, Kiskaddon, Moore.

STATE GOVERNMENT: (7) Warnke, Chairman; Jones, McCaslin, McDermott, Rasmussen, Rinehart, Zimmerman.

TRANSPORTATION: (13) Peterson, Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Hansen, Owen, Patterson, Sellar, Vognild, von Reichbauer.

WAYS AND MEANS: (21) McDermott, Chairman; Bauer, Bluechel, Bottiger, Craswell, Deccio, Fleming, Gaspard, Hayner, Hughes, Lee, Metcalf, Pullen, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

At 2:25 p.m., the Senate members and officers retired to the House Chamber for the purpose of a Joint Session.

JOINT SESSION

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

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort the President of the Senate, Lieutenant Governor John A. Cherberg, President Pro Tempore H. A. "Barney" Goltz and Vice President Pro Tempore A. L. "Slim" Rasmussen to seats on the rostrum beside the Speaker.

The Speaker invited the Senators to seats within the House Chamber.

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

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

The Speaker announced the Joint Session had been called for the purpose of receiving the Governor's State of the State message.

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

The President of the Senate appointed Representatives Gallagher, Martinis and Tilly and Senators Gaspard, Newhouse and Bauer to notify the Governor that the Senate and House were in Joint Session and ready to receive his message.

The President of the Senate appointed Representatives Niemi, McMullen, Wang, Lewis and Schmidt and Senators Talmadge, Clarke, Thompson and Hemstad to escort the Supreme Court Justices to seats within the House Chamber.

The President of the Senate appointed Representatives R. King, Sommers and Schoon and Senators Moore, Sellar and McDermott to escort the state elected officials to seats within the House Chamber.

The Sergeants at Arms of the Senate and the House announced the arrival of the Governor at the bar of the House, and the President instructed the committee to escort him to the rostrum.

The President of the Senate introduced Governor John Spellman.

GOVERNOR'S STATE OF THE STATE ADDRESS

Governor Spellman: "Mr. President, Mr. Speaker, ladies and gentlemen of the legislature, distinguished Chief Justice and members of the Supreme Court, distinguished elected officials, ladies and gentlemen, my fellow Washingtonians: I take particular pleasure today in welcoming the new members of the House and Senate. Great things are expected of you and I am certain that you will meet that challenge. I pledge both you and your colleagues my full support, my time and cooperation, in reaching the goals that the people have in this state.

"We are convened in difficult times under the most critical domestic conditions ever experienced in the state of Washington and under an unmistakable mandate from the people to turn the facilities and powers of government toward the relief and solution of those economic, social, and political problems that can be relieved and solved by legislation and by administration.

"We who have been chosen to carry out this mandate are confronted with a great responsibility, but it is reassuring and inspiring to realize that the responsibility is no greater than the opportunity. It will help if we, in our minds and in our hearts, minimize the responsibility and glorify the opportunity--the opportunity to help those who have been deprived of gainful employment.

"It is true, of course, that the restoration of prosperity, as that term is commonly understood, depends on the rest of the country, if not on the other countries of the world, but in the meantime, we in Washington have certain positive duties and responsibilities to recognize and to discharge. We have the positive duty to help ourselves, to manifest faith in ourselves, faith in our commonwealth, and faith in our future. We have the positive responsibility to put our state in the best possible fiscal order so that we may be in the proper position to join the national march of progress to the inevitable turn of the economic tide.

"Fortunately, while it may be difficult for a single state to create and maintain a distinct and a superior industrial and cultural order, Washington has the materials and the tools and the people with which to work, to work out a modern and measurably superior economic and social structure. Surely Washington is a land of plenty. Surely with such resources as we have at hand we need only the spirit to seek, the determination to build, the genius to create and the readiness to cooperate toward a common development."

"Do you think that I have overstated the situation? I doubt that I have. But let the record show that those words were first spoken fifty years ago in these chambers, on January 11, 1933, by Governor Clarence D. Martin, to the 23rd Legislature.

"The days of the 47th session, the last two years, were not typical times for the people and for their decision-makers. The people in particular have suffered greatly in this state. Businesses have suffered. At the time I took office, and many of you took office two years ago, we inherited a state that had been pretending for a long time that there would be no tomorrow. I am reminded of the parable of the grasshopper and the ant--the state spent a good deal of time out playing in the sunshine and not storing up anything for that rainy day. Well, today did come, and it was a sobering time. We had no money in the bank and had made no provisions for such times. Never again should the state go through that type of syndrome. We extended programs in those years, reduced the base of revenues, spent surpluses and entered this depression, recession, flat on our back as a state. That should never be allowed to occur again. I think that must be one of the goals of this session.

"We have, throughout that 47th session and to date, seen plummeting revenues, hundreds of millions of dollars of revenues that were projected that did not come in. The legislature was forced to make very difficult decisions. Tax rates were repeatedly raised and deep cuts were made, and still the revenues did not come up. They didn't remain steady. They have continued to drop. There have been difficult decisions made to hold the system together: the educational system, the institutions, and those vital social programs so necessary at a time like this.

"The hardships that have been felt in the last two years have been broadly shared. The legislature itself has had an all-time record, six sessions in that period--how well you know it--and worked hard late nights to get the business of

the people done. Local government has suffered along with state government. The state employees, who have a very high calling to serve the people, doing those jobs that no one in the private sector wants to do or can make a profit from, have borne more than their share of this suffering. I want to publicly thank them and tell them of my determination that we are going to keep the state employees who are here employed because they are necessary to provide those services.

"The citizens, of course, have suffered time after time with declining personal revenues, with loss of jobs, with all of the inconveniences and terrible tragedies that come from such an economic time.

"Now this 48th Legislature convenes, as Clarence Martin said, '... in difficult times under the most critical domestic conditions.' We are all aware of the conditions in the affairs of the state. This is the worst and the longest recession, if it can be called a recession, since World War II, and the highest unemployment since the Great Depression. A full quarter of a million people in the state of Washington are on the lists of the unemployed. There are more, but there are a quarter of a million on the list. Almost half of those people received no unemployment compensation because they were not insured under the program. Their families and those individuals are suffering terribly.

"We have inherited a Washington Public Power Supply System problem that is consuming our energies and our minds in trying to come up with answers. It is an overriding concern, an area of chaos. If there is appropriate legislative action that can be taken to assist at a given time, certainly I will ask for it, and I know that you will cooperate in doing that.

"What we see around us at this point, as Clarence Martin saw fifty years ago, is a global depression. Our big businesses suffer and employees are laid off. Small businesses are suffering and reserves are gone. State government directly feels the impact of the drop in the level of transactions by small and big businesses. Our revenue shortfalls are a barometer directly reflecting the transactions made in the private sector and they are way, way down.

"Unfortunately, there has been no drop in demand for the services of state government. Our product is still in demand. It is more in demand now than it is in normal times. As I said before, it is necessary for us to do those jobs that cannot be done in the private sector because nobody can make a profit providing those services.

"Indeed, we have difficult problems to face, but the spirit of cooperation within this government that came to a zenith in the special session last summer is still alive. If we will maintain that spirit, I am confident this will be remembered as a very good session in hard times. I pledge you my total efforts and support to achieve that goal.

"The 48th Legislature convenes facing an immediate \$135 million shortfall. It is the latest of a long series of shortfalls. We have, for the past two years, cut repeatedly to meet those shortfalls. We have increased the rates of revenues, but the revenues have always come in in smaller amounts.

"There remain today less than six months in this biennium. After all of the cuts, there is no time for solutions other than revenue solutions. The educational system, the social system, is on the ropes now and simply cannot get by with less than the meager amount that is left in the budget. It must be funded and it must be funded immediately. It cannot be funded with gimmicks. It must be funded in this biennium and not by repeating the mistakes of the past, by somehow trying to bump it over to the next one. We need quick, decisive action. Then we should get on with the business of setting the course for the new biennium, the following two years.

"Let there be no doubt where I stand on the critical issues that are confronting this session. My program is before you on your desks in detail--in the budget documents, in the executive request bills. I would like to briefly discuss this with you.

"Let there be no doubt about where I stand on education. It is the best-spent dollar the State of Washington spends. You will never see a recession when education is not needed. It is needed more in a recession than in good times, and you will never see prosperity unless there is a sustained dedication and commitment to education in this state, to the skills and the talents necessary to meet the challenges of the modern world. Basic education simply must be fully funded. Higher education must be rebuilt to the quality necessary to provide those skills so that we may

be competitive within the country and in the world. We must have increased enrollments. We must have adequate funding. This is a problem not only in this state, but also in the nation. The lamp of education is flickering. I am not prepared to watch it go out, and neither are you. This time we turn the spigot (whatever it is on a lamp) and turn the wick up a little bit and let a little brightness come. The budget that is before you does that and it is time we did that. It is an investment in the future.

"Let there be no doubt in your minds about where I stand on social services. Those services in place in the State of Washington are more needed now than they have been in fifty years. I will not go in great lengths through the trauma, the tragedy, that exists. We must restore additional dollars to those programs to meet the needs of today. That is spelled out in the budget.

"Let there be no doubt about the correctional needs of this state. We cannot wish problems away. We cannot wish there were not prisoners in our jails. There is no projection by any source that indicates that we do not need the jails, the prisons presently planned to be built. They must be built. The facilities are necessary and it is necessary to have industries within the prisons. It is necessary to have education within the prisons. That cannot be done in the current overcrowding of almost catastrophic proportion. Now, some people think we are putting everybody in jail and they say, 'Well, couldn't we ease up a bit?' The fact of the matter is the national average is that about fifty percent of those convicted of crimes go to prison. In the State of Washington, eighty percent go into alternative programs and twenty percent go to prison, and we still have this problem. So, I want to emphasize to you, unless we continue on the course that you set in the last session, we can be facing the potential of an Attica or a New Mexico. That simply is not an option we should ever undertake.

"Let there be no doubt about my position on pensions. This administration inherited a very sick pension system. You, and the others who were here in the last two years, helped to increase the ratio of funding. We must do so again. Again, there is no substitute for paying the bills. If those pensions are going to be paid when the people retire in the years to come, you have to pay in the money now, every year, just like they do on your private insurance policy. No gimmicks, no deferrals, each biennium you must pay the bills of this biennium before this biennium is over and then fully fund them again in the next biennium.

"Let there be no doubt about my position on the 25th month. It has got to go. It was another one we inherited. The 25th month, which, as you will recall, pretends there are 25 months in a two-year period and is actually not just a thirty-day month or a thirty-one-day month, it is a forty-day month. For forty days no revenues come in at the beginning of the biennium. I think it's time we end that dream, which has become a real nightmare to state government. It's time we dispel that fiction and look at the stark reality. The state will not be fiscally sound until we have removed that. The budget that I suggest buys back twenty of those forty days. I hope, by the end of this biennium, our economy will be strong enough so we can buy back the remaining twenty.

"Let there be no doubt about where we should be going on redistricting. I think the events of the last two years have shown us that it is a technical and not a political problem. The courts have, in effect, deflated the political football. I think it is time to pass that deflated football to an independent commission to do the technical task. I suggest that problem should be done by constitutional means. It is about time.

"Let there be no doubt about where I stand on the environment. Together with the people, the environment of this state is our greatest asset. Upon it depends our business, our economy and our life style. The businesses we are seeking want to come here because this is where their people want to live. There will be before you a SEPA bill -- State Environmental Policy Act bill. Two years ago, you created a committee to study that problem and the committee has worked very hard for two years and has come up with a unanimous bill. It has said the environment shall remain inviolable, and it has said we can do so by refining some of the bureaucratic roles. I think the thoughtfulness of two years of work by a committee representing all points of view requires your adoption, and not getting involved in another two years of amending and attempting to come up with a different

product. Something that has been worked out that hard deserves an early consideration and your adoption.

"With regard to that I have to say, you will have my thorough cooperation in every area in which you are engaged.

"Now, I have recommended a number of executive request bills to you. They are before you and they reflect some of the principle goals of this administration.

"First is the Housing Finance Commission. That should be passed as soon as possible. It will assist our depressed housing, timber and real estate industries. It will help to provide affordable housing that is so needed by the people of this state. It will do so without creating a bureaucracy, without expending state funds, and without jeopardizing the future of the State of Washington. If it is delayed, the federal program may go away; and we will not be able to talk about it in the future.

"Secondly, there is a need for a rewriting of the state energy code to conserve energy in the construction of new buildings, both private homes and commercial buildings. Meeting the model standards that are being set by the Regional Power Council, we can save dollars for homeowners, for ratepayers--in many cases up to half the dollars--by an adequate conservation program. We can conserve the energy that is needed in this state for jobs. It will create jobs in the process. I might add.

"We must strengthen our drunk-driving laws. Many of you have suggested programs to do that, and I thank you. I hope that you will act on them soon and firmly. Carnage on the highway simply must be stopped. We did well last year in terms of past performances, but still, in December, forty people were killed. Totals represent not just statistics, but lives and permanent injuries. It is essential that that be done. I think the public is ready for such legislation. They are demanding it.

"In terms of transportation, if we are to maintain sufficient and uninterrupted service to commuters on our ferries system, we simply must pass the legislation that passed the Senate the last time through. We can't forget history; we can't pretend that this state has not had a history of collective bargaining over the years. It is a strong part of the private sector. Nor can we ignore the fact that a service like that must go on uninterrupted.

"It is important that you urge Congress to ratify the low-level nuclear compact that has been approved by the State of Washington and its neighboring states. We've hammered it out, and we are the only region in the United States to have done so. It is important that Congress adopt that, and then get on with the business of requiring the other regions of the United States to dispose of their own wastes instead of sending them to us. I would appreciate your help on that.

"There is no more profound need in this state than for jobs and economic development. You, each caucus and each House, have packages. I have a package. What we are trying to do is provide jobs--and it seems to me in the current situation--we need some jobs now, yet we always think futuristically about this--we need some retraining now to suit people in the types of industries that are emerging in our state. We need education in all levels, both academic--don't forget the academic--and vocational, technical and engineering. We, in essence, need the skills to be competitive in the modern world with the other nations in the world, and certainly in the United States.

"My 1983-85 budget proposals support these goals which I've outlined to you. But how do we pay for it? I've told you what the program is; how do we pay for it? Certainly not with gimmicks. I think that every lightbulb has been snatched. Not with higher taxes; the economy will not support that at this time. We should, and we must for the next biennium, extend the current taxes that have been enacted over the last two years. We must replace, with an optional tax, the grocery tax. That isn't going to come back. We've all agreed to that a long time ago.

"I think we should immediately begin the work of broadening the tax base, closing the loopholes. The biggest loophole that every Governor who stood at this podium--with the exception of one, I think, in modern history--has recommended is the extension of sales' taxes to the services in addition to the goods. That will broaden the tax base. It is equitable. I've heard some people say it's hard. First of all, it's fair. Why should one transaction be taxed and another not? Who ever said it was going to be easy? What tax is easy? It's fair; it broadens the base; it addresses the basic need of the state, and funds the programs. I urge you not to brush it aside

because you haven't been able to do it in the past. Give it your real effort this time. I think it can be done. It really should be done.

Income tax will come up during this session. It isn't going to come up until we have dealt with problems of the supplemental, the need for revenues to get through the next less-than six months. It shouldn't come up for any final disposition until we have figured out how we're going to fund the budget that you approve for the next biennium and provide revenues, hopefully broad-based revenues, to support that budget for the next biennium. Certainly the work of the Tax Advisory Commission should be and will be put into a bill. That bill will be put before you. It will have my serious work and consideration, together with yours, to see if we can get it passed. In essence--and I think you all know, and if you don't you should--it is not a new tax or a new level of taxes. It is not a tax increase. It is an alternative form of raising the revenues for the plan that you will adopt in this session. That's the only way the Tax Commission has recommended it, and that's the only way I think you will find the votes to get two-thirds of each House. It is certainly the only proposal the people of this state would give serious consideration. Those are the guidelines, and I'll work with you on that. I think, clearly, there must be constitutional lids in order for such a proposal to have serious consideration.

I mentioned awhile ago the cooperation that became apparent in the summer session. I want to thank each of you for that--those of you who were here. For the first time, across the aisle, between the Houses, people started to manifest good faith and put aside the rancor and the partisanship and do the work. I am pleased that people and leadership at this point were members of the group that met regularly during that special session and learned to respect one another. I think that can bear great fruit in this session, and it should. I would urge you to do everything possible to keep that spirit of cooperation alive. I can personally assure you that I shall.

I will continue to carry out my program of making legislators the first persons on my priority list during this session. You are the people that have my time, individually or in groups. I will cooperate with you. I will meet with you. I will share ideas with you, and I think there is reason to be optimistic that we can get our job done responsibly. As I said earlier, people will look back on this as a very good session in a very tough time.

The Speaker last week--I heard and I think a couple of you heard--referred to a basic definition of the blues, as it is reflected in all the songs, all the blues songs. He said the blues always say essentially this: Yesterday was awful, tomorrow's going to be great. Unfortunately, it's today. And that's where we are. These have been hard times, but they are not the time to put aside our strong faith in this state and in the future.

With resources superior to those of any other equal area, with a population that is as enterprising as it is courageous, with a climate that commends itself to all who experience it occupying a position at the gateway of the Oriental and the Occidental commerce of the future, there is no reason why the state of Washington should not, in the near future, take rank among the most prominent states in the Union; or why our people should not enjoy the priceless blessings of prosperity, health and happiness.

Those words weren't spoken today, or fifty years ago. They were spoken almost ninety-five years ago by the state's first Governor to the first legislative session, Elisha P. Ferry, in November of 1889. What he said holds true today, many times over. He had the vision and the foresight to see what could occur in this state. It has occurred, and we have a bright future as a state.

People want to live here. Corporations want to settle here. We have seen rapid growth, even in tough times, of high technology within this state. It is the fastest-growing industry in this state and it should be encouraged.

We are still planting trees in the State of Washington. That timber is still worth something and will be very important in the future of the world. Our fish are still in the ocean and we should make sure there are more of them because it's an important industry in this state. Our educational institutions have been through a couple of tough years. They shouldn't be allowed to suffer longer because they are fundamental to achieving this future of the state.

"Our Director of Agriculture was talking to the freshmen, as I recall, and he said something I hadn't heard before. I'll share it with the rest of you. He said that the farmers in the State of Washington are lean, hungry and very efficient compared to the rest of the United States. They have grown up with that tradition because they not only had to grow the crop that grows more efficiently, but they also had to add a lot of transportation charges on to take it to the markets of the United States. That has changed. The markets for our agricultural products are to the west, to the rim of the Pacific. We are closer than any other part of the United States to those new markets. Our farmers are closer, our industries are closer, our educational institutions are closer. The opportunities are limitless. We are sitting in the pivotal point of our world at a critical time with the greatest opportunity. It is important that we not allow the temporary tough times to diffuse the educational and social programs that will hold this state together until we reach that future. We are on the launching pad. Let's not blow out the fuse now.

"I wish you God speed in your deliberations."

The President of the Senate instructed the committee to escort Governor Spellman from the House Chamber.

The President instructed the committee to escort the Supreme Court Justices from the House Chamber.

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

MOTION

On motion of Representative Heck, the Joint Session was dissolved.

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

The Speaker instructed the Sergeants at Arms of the House and the Senate to escort Lieutenant Governor John Cherberg, President Pro Tempore Goltz and Vice President Pro Tempore Rasmussen and the Senators from the House Chamber.

The President called the Senate to order at 3:30 p.m.

MOTION

At 3:30 p.m., on motion of Senator Bottiger, the Senate adjourned until 11:00 a.m., Tuesday, January 11, 1983.

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

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 11, 1983

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, Conner, Granlund, Hayner, Pullen, and von Reichbauer. On motion of Senator Vognild, Senators Conner and Granlund were excused. On motion of Senator Bluechel, Senators Benitz, Pullen and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jeff Seinfeld and Dawn Olsen, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 3043 by Senator McCaslin

AN ACT Relating to state institutions; amending section 1, chapter 117, Laws of 1973 1st ex. sess. as amended by section 1, chapter 198, Laws of 1974 ex. sess. and RCW 10.77-.010; amending section 71.06.010, chapter 25, Laws of 1959 as last amended by section 42, chapter 80, Laws of 1977 ex. sess. and RCW 71.06.010; adding a new section to chapter 10.77 RCW; and adding a new section to chapter 71.06 RCW.

Referred to Committee on Institutions.

SB 3044 by Senators Gaspard, Metcalf and Goltz

AN ACT Relating to the exemption of certain nonresidents from tuition and fee differentials; and amending section 4, chapter 273, Laws of 1971 ex. sess. as amended by section 3, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.014.

Referred to Committee on Education.

SB 3045 by Senators Hansen, Rasmussen, Woody and Barr

AN ACT Relating to fish and game licenses; and amending section 12, chapter 310, Laws of 1981 and RCW 77.32.350.

Referred to Committee on Natural Resources.

SB 3046 by Senators Hansen, Bauer and Barr

AN ACT Relating to property taxation; and amending section 84.04.090, chapter 15, Laws of 1961 as amended by section 70, chapter 299, Laws of 1971 ex. sess. and RCW 84.04.090.

Referred to Committee on Agriculture.

SB 3047 by Senators Bottiger, Hansen, Bauer and Rasmussen

AN ACT Relating to state indebtedness; amending section 5, chapter 48, Laws of 1982 1st ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3048 by Senator Bottiger

AN ACT Relating to security interests; and amending section 9-310, chapter 157, Laws of 1965 ex. sess. and RCW 62A.9-310.

Referred to Committee on Judiciary.

SB 3049 by Senators Hansen and Rasmussen

AN ACT Relating to irrigation districts; and amending section 24, page 684, Laws of 1889-90 as last amended by section 1, chapter 102, Laws of 1982 and RCW 87.03.270.

Referred to Committee on Agriculture.

SB 3050 by Senators Vognild, Owen and Sellar

AN ACT Relating to real estate signs; amending section 2, chapter 96, Laws of 1961 as last amended by section 1, chapter 258, Laws of 1977 ex. sess. and RCW 47.42.020; and amending section 4, chapter 96, Laws of 1961 as last amended by section 1, chapter 69, Laws of 1979 and RCW 47.42.040.

Referred to Committee on Commerce and Labor.

SB 3051 by Senators Hansen and Barr

AN ACT Relating to animals; and amending section 5, chapter 146, Laws of 1901 as last amended by section 5, chapter 114, Laws of 1982 and RCW 16.52.080.

Referred to Committee on Agriculture.

SB 3052 by Senators Vognild and Newhouse (by Department of Labor and Industries request)

AN ACT Relating to elevators, lifting devices, and moving walks; amending section 1, chapter 26, Laws of 1963 as last amended by section 9, chapter 52, Laws of 1973 1st ex. sess. and RCW 70.87.010; amending section 2, chapter 26, Laws of 1963 and RCW 70.87.020; amending section 3, chapter 26, Laws of 1963 as last amended by section 10, chapter 52, Laws of 1973 1st ex. sess. and RCW 70.87.030; amending section 4, chapter 26, Laws of 1963 and RCW 70.87.040; amending section 5, chapter 26, Laws of 1963 as amended by section 2, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.050; amending section 6, chapter 26, Laws of 1963 and RCW 70.87.060; amending section 7, chapter 26, Laws of 1963 and RCW 70.87.070; amending section 8, chapter 26, Laws of 1963 and RCW 70.87.080; amending section 9, chapter 26, Laws of 1963 and RCW 70.87.090; amending section 10, chapter 26, Laws of 1963 and RCW 70.87.100; amending section 11, chapter 26, Laws of 1963 and RCW 70.87.110; amending section 12, chapter 26, Laws of 1963 as amended by section 2, chapter 22, Laws of 1970 ex. sess. and RCW 70.87.120; amending section 14, chapter 26, Laws of 1963 and RCW 70.87.140; amending section 15, chapter 26, Laws of 1963 and RCW 70.87.150; amending section 16, chapter 26, Laws of 1963 and RCW 70.87.160; amending section 17, chapter 26, Laws of 1963 and RCW 70.87.170; amending section 18, chapter 26, Laws of 1963 and RCW 70.87.180; amending section 19, chapter 26, Laws of 1963 and RCW 70.87.190; amending section 20, chapter 26, Laws of 1963 as amended by section 4, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.200; amending section 22, chapter 26, Laws of 1963 and RCW 70.87.900; adding new sections to chapter 26, Laws of 1963 and to chapter 70.87 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 3053 by Senators Vognild and Newhouse (by Department of Labor and Industries request)

AN ACT Relating to contractor registration; amending section 7, chapter 77, Laws of 1963 as last amended by section 1, chapter 66, Laws of 1977 ex. sess. and RCW 18.27.070; and adding a new section to chapter 18.27 RCW.

Referred to Committee on Commerce and Labor.

SB 3054 by Senators Vognild and Newhouse (by Department of Labor and Industries request)

AN ACT Relating to certification of plumbers; amending section 5, chapter 175, Laws of 1973 1st ex. sess. as amended by section 5, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.050; amending section 7, chapter 175, Laws of 1973 1st ex. sess. as amended by section 7, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.070; amending section 11, chapter 175, Laws of 1973 1st ex. sess. as amended by section 56, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.106.110; adding new sections to chapter 18.106 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 3055 by Senators Vognild and Newhouse (by Department of Labor and Industries request)

AN ACT Relating to the electrical construction trade; amending section 1, chapter 169, Laws of 1935 as last amended by section 1, chapter 117, Laws of 1965 ex. sess. and RCW 19.28.010; amending section 10, chapter 169, Laws of 1935 as amended by section 2,

chapter 117, Laws of 1965 ex. sess. and RCW 19.28.060; 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 4, chapter 188, Laws of 1974 ex. sess. as last amended by section 3, chapter 195, Laws of 1975 1st ex. sess. and RCW 19.28.125; amending section 8, chapter 169, Laws of 1935 as last amended by section 2, chapter 129, Laws of 1971 ex. sess. and RCW 19.28.210; amending section 9, chapter 169, Laws of 1935 and RCW 19.28.250; amending section 2, chapter 169, Laws of 1935 and RCW 19.28.260; 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 14, chapter 169, Laws of 1935 as amended by section 16, chapter 30, Laws of 1980 and RCW 19.28.350; amending section 2, chapter 30, Laws of 1980 and RCW 19.28.510; amending section 4, chapter 30, Laws of 1980 and RCW 19.28.530; amending section 5, chapter 30, Laws of 1980 and RCW 19.28.540; amending section 6, chapter 30, Laws of 1980 and RCW 19.28.550; adding new sections to chapter 19.28 RCW; repealing section 12, chapter 169, Laws of 1935, section 63, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.270; and repealing section 1, chapter 30, Laws of 1980 and RCW 19.28.500.

Referred to Committee on Commerce and Labor.

SB 3056 by Senators Vognild and Newhouse (by Department of Labor and Industries request)

AN ACT Relating to contractor registration; adding new sections to chapter 18.27 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 3058 by Senators Barr, Bottiger, McCaslin, Jones, Hansen, Deccio and Lee

AN ACT Relating to state government; adding a new chapter to Title 44 RCW; and providing an expiration date.

Referred to Committee on State Government.

SB 3059 by Senators Lee, Woody and McManus

AN ACT Relating to pets for the elderly and disabled; adding a new section to chapter 18.51 RCW; adding a new section to chapter 35.82 RCW; and creating a new section.

Referred to Committee on Social and Health Services.

SB 3060 by Senators Lee, Talmadge, Kiskaddon, Moore and Deccio

AN ACT Relating to protecting dependent or vulnerable adults; amending section 1, chapter 13, Laws of 1965 as last amended by section 24, chapter 80, Laws of 1977 ex. sess. and RCW 26.44.010; amending section 2, chapter 13, Laws of 1965 as last amended by section 6, chapter 129, Laws of 1982 and RCW 26.44.020; amending section 3, chapter 13, Laws of 1965 as last amended by section 7, chapter 129, Laws of 1982 and RCW 26.44.030; amending section 4, chapter 13, Laws of 1965 as last amended by section 27, chapter 80, Laws of 1977 ex. sess. and RCW 26.44.040; amending section 5, chapter 13, Laws of 1965 as last amended by section 3, chapter 164, Laws of 1981 and RCW 26.44.050; amending section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 4, chapter 164, Laws of 1981 and RCW 26.44.070; and adding a new chapter to Title 74 RCW.

Referred to Committee on Judiciary.

SB 3061 by Senators Hurley, Hughes and Woody

AN ACT Relating to fireworks; adding a new section to chapter 70.77 RCW; and declaring an emergency.

Referred to Committee on Commerce and Labor.

MOTION

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

MOTION

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

SENATE RESOLUTION 1983-3

By Lieutenant Governor John A. Cherberg; Senators Zimmerman, Bauer, Shinpoch, Thompson, Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen,

Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn and Woody; Sid Snyder, Secretary of the Senate; William Gleason, Assistant Secretary of the Senate; and Ole Scarpelli, Sergeant at Arms

WHEREAS, The death of Tom McCall, governor of the state of Oregon from 1967 through 1974, is a great loss to the people of Oregon, the Pacific Northwest, and this nation; and

WHEREAS, The stature of the man is demonstrated by his parting gift that despite his great pain from terminal cancer he successfully campaigned against the passage of an initiative that would have repealed Oregon's state-wide land use planning laws; and

WHEREAS, Tom McCall faced death as he faced life and all his personal challenges, candidly and openly; and

WHEREAS, Tom McCall's inspired leadership in protecting the environment left the whole Pacific Northwest region with the legacy of holding the land in trust for future generations and preserving our natural beauty as a gift to be treasured and not consumed; and

WHEREAS, Tom McCall was a leader's leader and by his examples in turning the Willamette river from a cesspool to a pristine river for swimming, boating, and fishing and preserving public access to Oregon's beautiful beaches showed that the environment can successfully be protected; and

WHEREAS, Tom McCall epitomized the Pacific Northwest with his tall stature which was more than equaled by his dynamic presence and eloquent, highly quotable, and communicative manner of speaking with which he expressed his feelings for the state of Oregon which he loved more than life; and

WHEREAS, Tom McCall was a true leader of a democratic government working and communicating with the people of Oregon and believing strongly in and working for the rights of the individual;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the members of the legislature on behalf of the people of the State of Washington express their grief at the loss of a genuine hero but also express their joy and gratitude in benefiting from the services of this great man; and

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Tom McCall's wife, Audrey and to the governor of Oregon, Vic Atiyeh.

MOTION

On motion of Senator Shinpoch, all members and the Lieutenant Governor will be added as additional sponsors of Senate Resolution 1983-3.

MOTION

On motion of Senator Shinpoch, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 3057 by Senators Moore, Jones, Hurley and Vognild

AN ACT Relating to the personal liability of fire safety directors and members of building staff fire fighting forces; and amending section 1, chapter 320, Laws of 1981 and RCW 4.24.400.

Referred to Committee on Judiciary.

MOTION

At 11:29 a.m., on motion of Senator Shinpoch, the Senate adjourned until 12:00 noon, Wednesday, January 12, 1983.

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

THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, January 12, 1983

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 Conner. On motion of Senator Vognild, Senator Conner was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kelly Hand and Steve Corsaletti, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 11, 1983

SB 3036 Prime Sponsor, Senator Talmadge: Correcting various double amendments in the Revised Code of Washington. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Fleming, Hemstad, Hughes, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

January 11, 1983

SB 3037 Prime Sponsor, Senator Talmadge: Correcting obsolete statutory references in the Revised Code of Washington. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Fleming, Hemstad, Hughes, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

January 11, 1983

SB 3038 Prime Sponsor, Senator Talmadge: Correcting obsolete statutory references to the utilities and transportation commission. Reported by Committee on Judiciary

MAJORITY recommendation: Do Pass. Signed by Senators Talmadge, Chairman; Fleming, Hemstad, Hughes, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

January 11, 1983

SB 3039 Prime Sponsor, Senator Talmadge: Rearranging misplaced statutory material and correcting a clerical error. Reported by Committee on Judiciary

MAJORITY recommendation: Do Pass. Signed by Senators Talmadge, Chairman; Fleming, Hemstad, Hughes, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 11, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Darlene C. McHenry appointed November 3, 1982, for a term ending June 17, 1987, succeeding Edith Kogenhop as a member of the Human Rights Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

January 11, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Henry Beauchamp appointed November 8, 1982, for a term ending June 30, 1983, succeeding Ruby Chow as a member of the State Jail Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Institutions.

January 11, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

R. E. "Ted" Hornibrook appointed January 3, 1983, for a term ending June 30, 1983, succeeding Les Conrad as a member of the State Jail Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Institutions.

January 11, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Earle Glant appointed August 3, 1982, for a term ending August 2, 1984, as a member of the State Lottery Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

January 11, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Walter E. White appointed December 27, 1982, for a term ending July 26, 1983, succeeding Al Hunter as a member of the Personnel Appeals Board.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on State Government.

January 11, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tomio Moriguchi appointed October 1, 1982, for a term ending September 30, 1987, succeeding Aurelia L. del Fierro as a member of the Board of Trustees for Community College District No. 6.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

January 11, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Anthony J. Pardini appointed January 2, 1983, for a term ending January 1, 1989, succeeding Robert C. Bailey as a member of the Utilities and Transportation Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Energy and Utilities.

MESSAGE FROM THE GOVERNOR
WITHDRAWING NOMINATION

December 10, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

Mr. Edyrn H. Jones, appointed April 2, 1981, to the State Board of Pharmacy, passed away on February 19, 1982. I, therefore, withdraw my nomination and request for senate confirmation of his appointment.

Sincerely,
JOHN SPELLMAN, Governor

MESSAGE FROM THE HOUSE

January 11, 1983

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 1, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 1.

MOTION

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

INTRODUCTION AND FIRST READING

SB 3062 by Senators Gaspard, Shinpoch, Newhouse, McDermott, Warnke, Deccio and Hayner

AN ACT Relating to the Washington public employees retirement system; amending section 1, chapter 274, Laws of 1947 as last amended by section 6, chapter 256, Laws of 1981 and RCW 41.40.010; and amending section 1, chapter 23, Laws of 1973 and RCW 41.40.450.

Referred to Committee on Education.

SB 3063 by Senators Metcalf, Gaspard, Bauer and Craswell

AN ACT Relating to teachers' retirement; and amending section 3, chapter 189, Laws of 1973 1st ex. sess. as amended by section 4, chapter 199, Laws of 1974 ex. sess. and RCW 41.32.498.

Referred to Committee on Education.

SB 3064 by Senator Moore

AN ACT Relating to the regulation of taxicab companies; amending section 81.04-.010, chapter 14, Laws of 1961 as amended by section 2, chapter 13, Laws of 1981 and RCW 81.04.010; creating a new chapter in Title 81 RCW; and providing penalties.

Referred to Committee on Commerce and Labor.

SB 3065 by Senators Talmadge and Moore

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

Referred to Committee on Transportation.

SB 3066 by Senator Peterson

AN ACT Relating to public lands; amending section 79, chapter 21, Laws of 1982 1st ex. sess. as amended by section 2, chapter 8, Laws of 1982 2nd ex. sess. and RCW 79.92-.110; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 3067 by Senators Hansen, Peterson and Guess

AN ACT Relating to motor vehicle and special fuels; amending section 23, chapter 37, Laws of 1980 as amended by section 1, chapter 147, Laws of 1980 and RCW 82.08.0255; and declaring an emergency.

Referred to Committee on Transportation.

SB 3068 by Senator Moore

AN ACT Relating to donated food; adding a new chapter to Title 69 RCW; and repealing section 1, chapter 115, Laws of 1979 and RCW 69.04.385.

Referred to Committee on Social and Health Services.

SB 3069 by Senator Moore

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

Referred to Committee on Judiciary.

SB 3070 by Senator Moore

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

Referred to Committee on Financial Institutions.

SB 3071 by Senator Moore

AN ACT Relating to inspection of business establishments; adding a new section to chapter 42.04 RCW; and adding a new section to chapter 80.04 RCW.

Referred to Committee on Commerce and Labor.

SB 3072 by Senator Moore

AN ACT Relating to fireworks; adding a new section to chapter 70.77 RCW; and declaring an emergency.

Referred to Committee on Local Government.

SB 3073 by Senator Moore

AN ACT Relating to parking fines; amending section 13, chapter 10, Laws of 1982 as amended by section 1, chapter 12, Laws of 1982 1st ex. sess. and RCW 46.63.110; reenacting section 13, chapter 10, Laws of 1982 as last amended by section 4, chapter 14, Laws of 1982 1st ex. sess. and by section 1 of this act and RCW 46.63.110; prescribing penalties; and providing an effective date.

Referred to Committee on Local Government.

SB 3074 by Senators Moore, Jones and McManus

AN ACT Relating to occupational therapists; adding a new chapter to Title 18 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Social and Health Services.

SB 3075 by Senator Moore

AN ACT Relating to securities and investments; and amending section 24, chapter 68, Laws of 1979 ex. sess. as amended by section 7, chapter 272, Laws of 1981 and RCW 21.20.340.

Referred to Committee on Financial Institutions.

SB 3076 by Senators Peterson, Guess, Deccio and Rasmussen

AN ACT Relating to garbage trucks; amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 159, chapter 158, Laws of 1979 and RCW 46.44.095; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 3077 by Senators Bottiger, Shinpoch and Jones

AN ACT Relating to legislative information; amending section 1, chapter 373, Laws of 1977 ex. sess. as amended by section 40, chapter 87, Laws of 1980 and RCW 44.48.010; adding a new section to chapter 44.48 RCW; repealing section 5, chapter 212, Laws of 1969 ex. sess. and RCW 1.08.100; and prescribing an effective date.

Referred to Committee on State Government.

SB 3078 by Senator Talmadge

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

Referred to Committee on Transportation.

SB 3079 by Senators Bauer and Sellar

AN ACT Relating to local district health care insurance; amending section 1, chapter 261, Laws of 1961 as last amended by section 5, chapter 190, Laws of 1981 and RCW 56.08.100; and amending section 2, chapter 261, Laws of 1961 as last amended by section 6, chapter 190, Laws of 1981 and RCW 57.08.100.

Referred to Committee on Local Government.

SB 3080 by Senator Moore

AN ACT Relating to drivers' licenses; amending section 46.20.106, chapter 12, Laws of 1961 as amended by section 14, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.106; and amending section 11, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 245, Laws of 1981 and RCW 46.20.161.

Referred to Committee on Transportation.

SB 3081 by Senators Vognild, Moore, Wojahn, Barr, Newhouse, Deccio, Bauer, McCaslin and Williams

AN ACT Relating to the regulation of barbering; repealing section 38, chapter 99, Laws of 1979 and RCW 43.131.223; repealing section 80, chapter 99, Laws of 1979 and RCW 43.131.224; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3082 by Senators Vognild and Moore

AN ACT Relating to manufacturers' 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 Committee on Commerce and Labor.

SB 3083 by Senators Warnke, Rasmussen and Hayner (by Department of Licensing request)

AN ACT Relating to licensing; reenacting and amending section 21, chapter 266, Laws of 1971 ex. sess. as last amended by section 1, chapter 162, Laws of 1982 and by section 4, chapter 205, Laws of 1982 and by section 16, chapter 227, Laws of 1982 and RCW 43.24.085; and amending section 1, chapter 52, Laws of 1971 as amended by section 104, chapter 158, Laws of 1979 and RCW 43.24.140.

Referred to Committee on State Government.

SB 3084 by Senators Thompson and Sellar

AN ACT Relating to boundary review boards; and amending section 10, chapter 189, Laws of 1967 as amended by section 1, chapter 220, Laws of 1982 and RCW 36.93.100.

Referred to Committee on Local Government.

SB 3085 by Senators McDermott, Vognild, Moore, Wojahn, Shinpoch, Talmadge, Hughes and McManus

AN ACT Relating to unemployment compensation; amending section 19, chapter 18, Laws of 1982 1st ex. sess. and RCW 50.22.120; 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; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3086 by Senators Vognild, McDermott, Moore, Shinpoch, Talmadge, Hughes and McManus

AN ACT Relating to unemployment compensation; amending section 2, chapter 1, Laws of 1971 as last amended by section 2, chapter 18, Laws of 1982 1st ex. sess. and RCW 50.22.010; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3087 by Senators Vognild, Moore, Shinpoch, Bottiger, Talmadge, Hughes and McManus

AN ACT Relating to unemployment insurance; adding a new chapter to Title 50 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3088 by Senators Vognild, Moore, Wojahn, Barr, Patterson, Newhouse, Deccio, Bauer, and Williams

AN ACT Relating to the regulation of cosmetology; repealing section 36, chapter 99, Laws of 1979 and RCW 43.131.219; repealing section 78, chapter 99, Laws of 1979 and RCW 43.131.220; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3089 by Senators Goltz, Kiskaddon and Bauer

AN ACT Relating to education; and amending section 28A.58.107, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 308, Laws of 1981 and RCW 28A.58.107.

Referred to Committee on Education.

SB 3090 by Senators Talmadge and Hughes

AN ACT Relating to budget and accounting; amending section 43.88.110, chapter 8, Laws of 1965 as last amended by section 1, chapter 15, Laws of 1982 2nd ex. sess. and RCW 43.88.110; repealing section 3, chapter 15, Laws of 1982 2nd ex. sess. and RCW 43.88.113; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3091 by Senators Talmadge and Hemstad

AN ACT Relating to the executive conflict of interest act; and amending section 22, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.220.

Referred to Committee on Judiciary.

SB 3092 by Senators Hemstad and Talmadge

AN ACT Relating to the law revision commission; and adding new sections to chapter 1.30 RCW.

Referred to Committee on Judiciary.

SB 3093 by Senator Haley

AN ACT Relating to firearms; amending section 9, chapter 172, Laws of 1935 as last amended by section 1, chapter 227, Laws of 1969 ex. sess. and RCW 9.41.090; adding new sections to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3094 by Senators Goltz, Zimmerman, Thompson and McCaslin

AN ACT Relating to street improvements; and adding a new chapter to Title 35 RCW.

Referred to Committee on Local Government.

SB 3095 by Senator Rasmussen

AN ACT Relating to attorney trust accounts; and adding a new section to chapter 2.44 RCW.

Referred to Committee on Judiciary.

MOTION

At 12:15 p.m., on motion of Senator Vognild, the Senate adjourned until 12:00 noon, Thursday, January 13, 1983.

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

FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 13, 1983

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 Clarke, Conner, Jones, Owen, Pullen and Sellar. On motion of Senator Shinpoch, Senators Conner and Owen were excused. On motion of Senator Bluechel, Senators Clarke, Jones and Pullen were excused. On motion of Senator Newhouse, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Hal Birkeland and Connie Chapman, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 3096 by Senator McDermott (by Office of Financial Management request)

AN ACT Relating to the local school district apportionment schedule; amending section 2, chapter 136, Laws of 1982 (uncodified); amending section 4, chapter 136, Laws of 1982 (uncodified); and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3097 by Senator Sellar

AN ACT Relating to motor vehicles; amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 2, chapter 114, Laws of 1980 and RCW 46.01.140; and amending section 82.12.045, chapter 15, Laws of 1961 as last amended by section 222, chapter 158, Laws of 1979 and RCW 82.12.045.

Referred to Committee on Transportation.

SB 3098 by Senators Bauer, Zimmerman and Thompson

AN ACT Relating to vacancies in county office; and amending section 36.16.110, chapter 4, Laws of 1963 and RCW 36.16.110.

Referred to Committee on Local Government.

SB 3099 by Senators Bauer, Bluechel, Hughes and Zimmerman

AN ACT Relating to property taxation; amending section 12, chapter 212, Laws of 1973 1st ex. sess. as amended by section 5, chapter 134, Laws of 1980 and RCW 84.34.108; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3100 by Senator McDermott (by Governor Spellman request)

AN ACT Relating to state agencies; adopting a supplemental budget; making supplemental appropriations and authorizing expenditures; amending section 30, chapter 340, Laws of 1981 as amended by section 29, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 125, chapter 340, Laws of 1981 as last amended by section 101, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 47, chapter 340, Laws of 1981 as amended by section 41, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3101 by Senators Vognild and Quigg (by Liquor Control Board request)

AN ACT Relating to the state liquor control board; 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 4, chapter 6, Laws of 1961 ex. sess. as amended by

section 1, chapter 239, Laws of 1963 and RCW 66.08.026; amending section 3, chapter 67, Laws of 1949 as last amended by section 6, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.20.180; amending section 23-A added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 29, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.150; amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 7, chapter 85, Laws of 1982 and RCW 66.28.010; amending section 23-H added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.28.070; amending section 36-A added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 245, Laws of 1943 as amended by section 24, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.44.310; and adding a new section to chapter 66.44 RCW.

Referred to Committee on Commerce and Labor.

SB 3102 by Senators Bottiger and Guess

AN ACT Relating to cities and towns; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government.

SB 3103 by Senator Sellar

AN ACT Relating to counties; and amending section 36.32.180, chapter 4, Laws of 1963 and RCW 36.32.180.

Referred to Committee on Local Government.

SB 3104 by Senators Vognild, Quigg, Woody, Moore, McManus and Guess

AN ACT Relating to public assistance payments to landlords for the purpose of rent; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Social and Health Services.

SB 3105 by Senators Vognild and McDermott

AN ACT Relating to marine employee collective bargaining; amending section 47.64.010, chapter 13, Laws of 1961 as last amended by section 1, chapter 344, Laws of 1981 and RCW 47.64.010; amending section 47.64.090, chapter 13, Laws of 1961 and RCW 47.64.090; amending section 4, chapter 344, Laws of 1981 and RCW 47.64.110; adding new sections to chapter 47.64 RCW; repealing section 2, chapter 344, Laws of 1981 and RCW 47.64.031; repealing section 3, chapter 344, Laws of 1981 and RCW 47.64.100; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3106 by Senators Talmadge, Granlund, Hemstad, Deccio and McCaslin

AN ACT Relating to driving while intoxicated; amending section 24, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.285; amending section 1, chapter 5, Laws of 1973 as amended by section 13, chapter 61, Laws of 1979 and RCW 46.20.391; amending section 1, chapter 120, Laws of 1963 and RCW 46.21.010; amending section 46.56.040, chapter 12, Laws of 1961 as last amended by section 3, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.61.520; amending section 12, chapter 10, Laws of 1982 and RCW 46.63.020; amending section 4, chapter 284, Laws of 1971 ex. sess. as last amended by section 1, chapter 188, Laws of 1981 and RCW 46.65.020; amending section 46.72.100, chapter 12, Laws of 1961 as amended by section 86, chapter 32, Laws of 1967 and RCW 46.72.100; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3107 by Senators Talmadge, Hemstad, Granlund, Shinpoch, Wojahn, Deccio, McCaslin and Barr

AN ACT Relating to driving while under the influence of alcohol or drugs; amending section 46.04.480, chapter 12, Laws of 1961 as amended by section 7, chapter 62, Laws of 1979 and RCW 46.04.480; amending section 11, chapter 260, Laws of 1981 and RCW 46.20.308; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 5, chapter 212, Laws of 1982 and RCW 46.20.311; amending section 12, chapter ... (SB 3036), Laws of 1983 and RCW 46.52.100; amending section 1, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.502; amending section 2, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.504; amending section 3, chapter 1, Laws of 1969 as last amended by section 5, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.506; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 27, chapter 47, Laws of 1982 1st ex. sess. and RCW 46.61.515; adding new sections to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3108 by Senators Vognild, Peterson, Bender, Wojahn, McDermott and Bauer

AN ACT Relating to transportation; amending section 9, chapter ... (SB ...), Laws of 1983 and RCW 41.05.050; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 9, chapter 342, Laws of 1981 and RCW 46.68.030; amending section 5, chapter 344, Laws of 1981 and RCW 47.60.326; amending section 47.64.090, chapter 13, Laws of 1961 and RCW 47.64.090; amending section 9, chapter 344, Laws of 1981 (uncodified); adding a new section to chapter 41.58 RCW; adding a new section to chapter 47.60 RCW; adding new sections to chapter 47.64 RCW; repealing section 7, chapter 344, Laws of 1981 and RCW 41.06.166; repealing section 8, chapter 24, Laws of 1972 ex. sess., section 10, chapter 342, Laws of 1981 and RCW 47.60.325; repealing section 47.64.010, chapter 13, Laws of 1961, section 33, chapter 296, Laws of 1975 1st ex. sess., section 1, chapter 344, Laws of 1981 and RCW 47.64.010; section 2, chapter 344, Laws of 1981 and RCW 47.64.031; repealing section 3, chapter 344, Laws of 1981 and RCW 47.64.100; repealing section 4, chapter 344, Laws of 1981 and RCW 47.64.110; repealing section 47.64.040, chapter 13, Laws of 1961, section 35, chapter 296, Laws of 1975 1st ex. sess., section 1, chapter 73, Laws of 1979 ex. sess. and RCW 47.64.040; providing penalties; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3109 by Senators McManus, Deccio, Moore, Newhouse, Wojahn and Guess

AN ACT Relating to social and health services; and amending section 22, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 1, chapter 19, Laws of 1982 1st ex. sess. and RCW 74.09.700.

Referred to Committee on Social and Health Services.

SB 3110 by Senators Wojahn, Sellar and Moore

AN ACT Relating to Washington credit union share guaranty association; amending section 7, chapter 80, Laws of 1975 1st ex. sess. as last amended by section 5, chapter 67, Laws of 1982 and RCW 31.12A.050; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 3111 by Senators Bauer, Zimmerman and Thompson

AN ACT Relating to public utility taxation; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Energy and Utilities.

SJM 101 by Senators Talmadge, Hughes, Bauer, Rinehart, Moore and McDermott

Requesting a mutual freeze on nuclear weapons.

Referred to Committee on Energy and Utilities.

MOTIONS

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

On motion of Senator McDermott, the Committee on Education was relieved of further consideration of Senate Bill No. 3062 and Senate Bill No. 3063.

On motion on Senator McDermott, Senate Bill No. 3062 and Senate Bill No. 3063 were referred to the Committee on Ways and Means.

MOTION

At 12:10 p.m., on motion of Senator Shinpoch, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:00 p.m. by President Cherberg.

MOTION

On motion of Senator Shinpoch, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 3112 by Senators Talmadge, Hemstad, Woody, Hughes, Gaspard, Vognild, Bender, Rinehart, Granlund and McManus

AN ACT Relating to reapportionment and redistricting; creating a new chapter in Title 44 RCW; and providing for a contingent effect.

Referred to Committee on Judiciary.

SJR 103 by Senators Talmadge, Hemstad, Woody, Hughes, Gaspard, Vognild, Bender, Rinehart, Granlund and McManus

Amending the Constitution to establish a redistricting commission.

Referred to Committee on Judiciary.

MOTION

At 1:03 p.m., on motion of Senator Talmadge, the Senate adjourned until 11:00 a.m., Friday, January 14, 1983.

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

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 14, 1983

The Senate was called to order at 11:00 a.m. by President Cherberg.

At 11:00 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 11:23 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Conner, Craswell, Fleming, Jones, Lee, Owen, Quigg and Sellar. On motion of Senator Vognild, Senators Conner, Fleming and Owen were excused. On motion of Senator Bluechel, Senators Craswell, Jones, Lee, Quigg and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jeff Callies and Debbie Fitchett, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 3113 by Senator Haley

AN ACT Relating to firearms; 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. as last amended by section 1, chapter 47, Laws of 1982 1st ex. sess. and RCW 9.41.025; amending section 12, chapter 137, Laws of 1981 as amended by section 4, chapter 92, Laws of 1982 and RCW 9.94A.120; amending section 9A.56.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.030; amending section 9A.56.040, chapter 260, Laws of 1975 1st ex. sess. as amended by section 15, chapter 47, Laws of 1982 1st ex. sess. and RCW 9A.56.040; amending section 9A.56.160, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.160; amending section 9A.20.020, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 9, chapter 192, Laws of 1982 and RCW 9A.20.020; amending section 10, chapter 192, Laws of 1982 and RCW 9A.20.021; adding a new section to chapter 9.94A RCW; providing an effective date; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3114 by Senators Vognild, Newhouse, Moore, Deccio, Sellar and Woody

AN ACT Relating to the control of gambling; amending section 1, chapter 139, Laws of 1981 and RCW 9.46.020; amending section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 139, Laws of 1981 and RCW 9.46.110; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 3115 by Senators Peterson, Hansen, Sellar, Deccio, Granlund and Patterson (by Department of Licensing request)

AN ACT Relating to the licensing of drivers; and amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 5, chapter 212, Laws of 1982 and RCW 46.20.311.

Referred to Committee on Transportation.

SB 3116 by Senators Peterson, Hansen and Sellar (by Department of Licensing request)

AN ACT Relating to drivers' licenses; 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 8, chapter 136, Laws of 1979 ex. sess. as last amended by section 2,

chapter 14, Laws of 1982 1st ex. sess. and RCW 46.63.060; amending section 9, chapter 136, Laws of 1979 ex. sess. as last amended by section 3, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.63.070; amending section 13, chapter 10, Laws of 1982 as amended by section 1, chapter 12, Laws of 1982 1st ex. sess. and RCW 46.63.110; reenacting section 13, chapter 10, Laws of 1982 as last amended by section 4, chapter 14, Laws of 1982 1st ex. sess. and by section 4, chapter _____, Laws of 1983 and RCW 46.63.110; and providing an effective date.

Referred to Committee on Transportation.

SB 3117 by Senators Thompson, Zimmerman and Bauer

AN ACT Relating to substances containing toxic vapors or fumes; amending section 1, chapter 149, Laws of 1969 ex. sess. and RCW 9.47A.010; amending section 2, chapter 149, Laws of 1969 ex. sess. and RCW 9.47A.020; amending section 3, chapter 149, Laws of 1969 ex. sess. and RCW 9.47A.030; amending section 4, chapter 149, Laws of 1969 ex. sess. and RCW 9.47A.040; and defining crimes.

Referred to Committee on Judiciary.

SB 3118 by Senators Talmadge, Newhouse and Vognild

AN ACT Relating to industrial insurance; and amending section 7, chapter 14, Laws of 1980 and RCW 51.16.120.

Referred to Committee on Commerce and Labor.

SB 3119 by Senators Thompson, Zimmerman and Bauer

AN ACT Relating to the liability of parents for acts of minor children; and amending section 1, chapter 99, Laws of 1961 as last amended by section 1, chapter 145, Laws of 1977 ex. sess. and RCW 4.24.190.

Referred to Committee on Judiciary.

SB 3120 by Senators Peterson, Zimmerman, and Thompson

AN ACT Relating to port commissioners; amending section 8, chapter 17, Laws of 1959 as amended by section 8, chapter 175, Laws of 1959 and RCW 53.12.150; and declaring an emergency.

Referred to Committee on Local Government.

SB 3121 by Senators Peterson, Hansen and Sellar (by Department of Licensing request)

AN ACT Relating to the licensing of drivers; amending section 11, chapter 260, Laws of 1981 and RCW 46.20.308; amending section 11, chapter 169, Laws of 1963 as amended by section 37, chapter 32, Laws of 1967 and RCW 46.29.110; and amending section 5, chapter 62, Laws of 1979 and RCW 46.65.065.

Referred to Committee on Transportation.

SB 3122 by Senators Peterson, Hansen and Sellar (by Department of Licensing request)

AN ACT Relating to the licensing of drivers; and 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.

Referred to Committee on Transportation.

SB 3123 by Senators Peterson, Hansen and Sellar (by Department of Licensing request)

AN ACT Relating to motor vehicles; and amending section 5, chapter 284, Laws of 1971 ex. sess. as last amended by section 95, chapter 136, Laws of 1979 ex. sess. and RCW 46.65.030.

Referred to Committee on Transportation.

SB 3124 by Senators McManus and Deccio (by Office of Financial Management request)

AN ACT Relating to Washington health care facilities authority; amending section 3, chapter 147, Laws of 1974 ex. sess. as amended by section 157, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 70.37.030; amending section 5, chapter 147, Laws of 1974 ex.

sess. as amended by section 1, chapter 121, Laws of 1981 and RCW 70.37.050; and declaring an emergency.

Referred to Committee on Social and Health Services.

SB 3125 by Senators Thompson, Zimmerman and Granlund

AN ACT Relating to street improvements; and adding a new chapter to Title 35 RCW.

Referred to Committee on Local Government.

SB 3126 by Senators Hansen, Moore, Sellar, Benitz, Vognilid, Guess and Deccio

AN ACT Relating to the state environmental policy act; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Parks and Ecology.

SB 3127 by Senators Talmadge, Bender, Hemstad, Goltz and Shinpoch

AN ACT Relating to industrial insurance; amending section 4, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.060; creating a new section; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3128 by Senators Talmadge, Hemstad and Hughes

AN ACT Relating to condemnation 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 Committee on Judiciary.

SB 3129 by Senators Fleming, McDermott, Bender, Rinehart, Warnke, Gaspard, Wojahn, Moore, Bauer, Hughes, Talmadge and Granlund

AN ACT Relating to holidays; amending section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 77, Laws of 1979 and RCW 1.16.050; 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.

SB 3130 by Senators Talmadge, Hemstad and Woody

AN ACT Relating to attorneys' fees for prevailing parties in frivolous actions or defenses and for certain other prevailing parties; and adding new sections to chapter 4.84 RCW.

Referred to Committee on Judiciary.

SB 3131 by Senators Talmadge, Hemstad and Woody

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

Referred to Committee on Judiciary.

SB 3132 by Senators Talmadge and Hemstad

AN ACT Relating to mortgages; and amending section 2, page 117, Laws of 1886 and RCW 61.16.030.

Referred to Committee on Judiciary.

SJR 104 by Senators Thompson, Zimmerman and Bauer

Providing an alternative method of enacting home rule charters.

Referred to Committee on Local Government.

MOTION

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

MOTION

Senator Hansen moved adoption of the following resolution:

SENATE RESOLUTION 1983-4

By Senators Hansen, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman, Lieutenant Governor John A. Cherberg, Sid Snyder, Secretary of the Senate; William Gleason, Assistant Secretary of the Senate; and Ole Scarpelli, Sergeant at Arms

WHEREAS, Development of new, alternative and developmental energy sources assists all citizens by lessening demands for other valuable energy resources; and

WHEREAS, Developing new energy resources requires cooperation and good will at all levels of government; and

WHEREAS, Energy conservation and use of innovative energy technology is a pocketbook issue as well as politically important as we look nationally and internationally; and

WHEREAS, The City of Ephrata, Washington, was successful in entering a contest for \$468,000 of U.S. Department of Housing and Urban Development funds for developing a renewable resource energy conservation program in 1980; and

WHEREAS, An innovative energy program was developed in cooperation with the Grant County Commissioners, Grant County Housing Authority and the State Energy Office with the able assistance of others which results in extraction of heat from eighty-four degree city water sources and allows the water to be returned to the city drinking water system; and

WHEREAS, This innovative geothermal system will be dedicated on January 19, 1983, culminating a cooperative, novel and worthy project;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in Olympia at this Forty-eighth Legislature, That we acknowledge the accomplishments, hard work and determination of the City of Ephrata, its citizens and officials, together with the Grant County Commission, Grant County Housing Authority, the faculty, staff and students of the Oregon Institute of Technology, State Energy Office, Washington's Congressional delegation, and the U.S. Department of Housing and Urban Development and all others involved, for their dedication towards proving that alternative, renewable energy projects can be developed and successful while assisting in achieving our goals of conserving other precious energy resources; and

BE IT FURTHER RESOLVED, That the Honorable Sid Snyder, Secretary of the Senate, is hereby directed to forward certified copies of this resolution to the City of Ephrata, Grant County Commissioners, Grant County Housing Authority and the State Energy Office.

MOTIONS

On motion of Senator Guess, all members and the Lieutenant Governor will be added as additional sponsors to Senate Resolution 1983-4.

On motion of Senator Zimmerman, the name of the Department of Natural Resources will be added to the bottom of the resolution and the Department will also receive a copy of the resolution.

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

PERSONAL PRIVILEGE

Senator Rasmussen: "Mr. President, I would ask that Senator Hansen furnish follow-up material on this resolution. We are all for the concept, but it really doesn't give us the information we need to know clearly what the project is about--and I am mindful of a certain windmill project where we were taking advantage of our natural resources--spent about 30 million and I don't know if we are going to spend another 30 million trying to make it work. That was the three windmills that

were going to generate so much electricity, so I would like to have some follow-up material on this, so we will know what the results are."

MOTION

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

SENATE RESOLUTION 1983-5

By Senators Fleming, McDermott, Goltz, Patterson, McManus, McCaslin, Bluechel, Benitz, Bottiger, Fuller, Vognild, Peterson, Bender, Hansen, Granlund, Thompson, Owen, Moore, Warnke, Rinehart, Gaspard, Metcalf, Williams, Shinpoch, Wojahn, Talmadge, Bauer, Hemstad, Hayner, Kiskaddon and Zimmerman

WHEREAS, We, the members of the Washington State Senate, as we gather here together on this day, January 14, 1983, the fifth day of the legislative session, are honored to pay tribute to the Reverend Dr. Martin Luther King, Jr., whose life exemplified the best one might offer humankind and whose total and unselfish love for his nation and the people of the world exemplified the best of American tradition; and

WHEREAS, This great American befriended the poor, fed the hungry, brought comfort to the sick and aged, and gave hope to those oppressed; and

WHEREAS, Dr. Martin Luther King, Jr., despite the difficulties and frustrations of his time, overcame the menaces of discrimination and sowed the seed for an America that would permit all people regardless of race, creed, color, religion, or national origin to pursue more fully life, liberty, and the pursuit of happiness; and

WHEREAS, This Nobel laureate spoke of peace in an age of war, of love in an age of hate, of selflessness in an age of self interest, of hope in an age of despair; and

WHEREAS, This Christian preacher gave his life to the betterment of others, believing in a God that created humankind and fervently loves all equally; and

WHEREAS, This voice of freedom, a clarion of peace, was silenced by a mindless act of violence while espousing the principles of nonviolence; and

WHEREAS, This black man, whose life became the conscience of a great nation, whose principles of life proved enduring after his tragic death;

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

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

MOTIONS

On motion of Senator Shinpoch, the Committee on Commerce and Labor was relieved of further consideration of Senate Bill No. 3127.

On motion of Senator Shinpoch, Senate Bill No. 3127 was referred to the Committee on Judiciary.

On motion of Senator Shinpoch, the Committee on Judiciary was relieved of further consideration of Senate Bill No. 3001.

On motion of Senator Shinpoch, Senate Bill No. 3001 was referred to the Committee on Energy.

MOTION

At 11:51 a.m., on motion of Senator Shinpoch, the Senate adjourned until 11:00 a.m., Monday, January 17, 1983.

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

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 17, 1983

The Senate was called to order at 11:00 a.m. by President Cherberg.

At 11:00 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 11:23 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender and Haley. On motion of Senator Vognild, Senator Bender was excused. On motion of Senator Bluechel, Senator Haley was excused.

The Sergeant at Arms Color Guard, consisting of Pages Zone Montoya and Chris Lewis, presented the Colors. Reverend Lester Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

January 14, 1983

SB 3086 Prime Sponsor, Senator Vognild: Modifying provisions relating to unemployment compensation benefits. Reported by Committee on Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3086 be substituted therefor and the substitute bill do pass. Signed by Senators Vognild, Haley, McCaslin, McManus, Moore, Quigg, Shinpoch, Williams, Wojahn.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 3133 by Senators Peterson, Guess and Vognild

AN ACT Relating to pilots and pilotage; amending section 2, chapter 196, Laws of 1981 and RCW 88.16.116; amending section 3, chapter 196, Laws of 1981 and RCW 88.16.117; and declaring an emergency.

Referred to Committee on Transportation.

SB 3134 by Senators Peterson, Guess and Hansen (by Department of Licensing request)

AN ACT Relating to special fuels; amending section 1, chapter 335, Laws of 1977 ex. sess. as last amended by section 1, chapter 129, Laws of 1981 and RCW 82.38.075; and declaring an emergency.

Referred to Committee on Transportation.

SB 3135 by Senators Peterson, Guess and Hansen (by Department of Licensing request)

AN ACT Relating to proportional registration of vehicles; amending section 2, chapter 106, Laws of 1963 as last amended by section 18, chapter 227, Laws of 1982 and RCW 46.85.020; amending section 4, chapter 106, Laws of 1963 as amended by section 20, chapter 227, Laws of 1982 and RCW 46.85.040; amending section 12, chapter 106, Laws of 1963 as last amended by section 3, chapter 222, Laws of 1981 and RCW 46.85.120; and amending section 19, chapter 106, Laws of 1963 as last amended by section 1, chapter 221, Laws of 1981 and RCW 46.85.190.

Referred to Committee on Transportation.

SB 3136 by Senators Moore, Newhouse, Woody, Bottiger, Deccio and Hayner

AN ACT Relating to abandonment of property as it relates to landlords and tenants; and amending section 31, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.310.

Referred to Committee on Judiciary.

SB 3137 by Senators Bauer, Hemstad and Moore

AN ACT Relating to marriages; amending section 1, chapter 107, Laws of 1953 as last amended by section 1, chapter 128, Laws of 1979 ex. sess. and RCW 26.04.180; and amending sections 13 and 14, page 83, Laws of 1866 as last amended by section 2, chapter 128, Laws of 1979 ex. sess. and RCW 26.04.210.

Referred to Committee on Judiciary.

SB 3138 by Senators Rasmussen, Zimmerman, Warnke and Guess (by Legislative Budget Committee request)

AN ACT Relating to historical activities; amending section 3, chapter 134, Laws of 1975 1st ex. sess. as amended by section 13, chapter 195, Laws of 1977 ex. sess. and RCW 27.53.030; adding a new chapter to Title 27 RCW; adding new sections to chapter 43.131 RCW; recodifying RCW 27.28.021, 27.28.022, and 27.36.020; repealing section 1, chapter 9, Laws of 1979 and RCW 27.28.010; repealing section 2, chapter 177, Laws of 1903 and RCW 27.28.020; repealing section 3, chapter 177, Laws of 1903, section 1, chapter 57, Laws of 1979 ex. sess. and RCW 27.28.030; repealing section 1, chapter 64, Laws of 1915 and RCW 27.28.040; repealing section 2, chapter 9, Laws of 1979 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., section 2, chapter 57, Laws of 1979 ex. sess. and RCW 27.32.030; repealing section 1, chapter 44, Laws of 1941, section 1, chapter 62, Laws of 1965 ex. sess., section 1, chapter 253, Laws of 1981 and RCW 27.36.010; repealing section 2, chapter 253, Laws of 1981 and RCW 27.36.015; repealing section 2, chapter 44, Laws of 1941, section 2, chapter 62, Laws of 1965 ex. sess., section 4, chapter 253, Laws of 1981 and RCW 27.36.030; repealing section 4, chapter 44, Laws of 1941, section 3, chapter 57, Laws of 1979 ex. sess., section 5; chapter 253, Laws of 1981 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, section 6, chapter 253, Laws of 1981 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 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., section 124, chapter 151, Laws of 1979 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 9, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.110; repealing section 10, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.120; repealing section 11, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.130; repealing section 19, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.140; repealing section 28, chapter 99, Laws of 1979 and RCW 43.131.203; repealing section 70, chapter 99, Laws of 1979 and RCW 43.131.204; repealing section 24, chapter 99, Laws of 1979 and RCW 43.131.195; repealing section 66, chapter 99, Laws of 1979 and RCW 43.131.196; repealing section 25, chapter 99, Laws of 1979 and RCW 43.131.197; repealing section 67, chapter 99, Laws of 1979 and RCW 43.131.198; repealing section 26, chapter 99, Laws of 1979 and RCW 43.131.199; repealing section 68, chapter 99, Laws of 1979 and RCW 43.131.200; repealing section 1 of this act; repealing section 2 of this act; repealing section 3 of this act; repealing section 4 of this act; repealing section 5 of this act; repealing section 6 of this act; repealing section 7 of this act; repealing section 8 of this act; repealing section 9 of this act; repealing section 10 of this act; repealing section 11 of this act; repealing section 12 of this act; repealing section 13 of this act; repealing section 14 of this act; repealing section 15 of this act; repealing section 16 of this act; repealing section 17 of this act; repealing section 18 of this act; repealing section 19 of this act; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on State Government.

SB 3139 by Senators Hemstad, Goltz, Zimmerman, Wojahn, Hayner, Deccio and McCaslin

AN ACT Relating to the state lottery; adding new sections to chapter 67.70 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 3140 by Senators Thompson and Zimmerman

AN ACT Relating to code cities; amending section 35A.12.010, chapter 119, Laws of 1967 ex. sess. as last amended by section 19, chapter 18, Laws of 1979 ex. sess. and RCW 35A.12.010; and amending section 35A.13.010, chapter 119, Laws of 1967 ex. sess. as last amended by section 24, chapter 18, Laws of 1979 ex. sess. and RCW 35A.13.010.

Referred to Committee on Local Government.

SB 3141 by Senators Goltz, Hemstad and Williams

AN ACT Relating to fireworks; amending section 13, chapter 230, Laws of 1982 and RCW 70.77.570; amending section 64, chapter 228, Laws of 1961 as amended by section 37, chapter 230, Laws of 1982 and RCW 70.77.435; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3142 by Senators Thompson and Newhouse

AN ACT Relating to financial disclosures of public treasurers; and amending section 10, chapter 112, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 102, Laws of 1981 and RCW 42.17.245.

Referred to Committee on Local Government.

SB 3143 by Senators Bottiger, Zimmerman and Thompson

AN ACT Relating to justices of the peace; and amending section 13, chapter 299, Laws of 1961 as last amended by section 2, chapter 95, Laws of 1974 ex. sess. and RCW 3.34.040.

Referred to Committee on Judiciary.

SB 3144 by Senators Peterson, Guess and Hansen (by Department of Licensing request)

AN ACT Relating to special fuels; amending section 11, chapter 175, Laws of 1971 ex. sess. as last amended by section 6, chapter 40, Laws of 1979 and RCW 82.38.100; and prescribing penalties.

Referred to Committee on Transportation.

SB 3145 by Senators Peterson, Guess and Hansen (by Department of Licensing request)

AN ACT Relating to special fuel taxation; amending section 6, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.050; amending section 12, chapter 175, Laws of 1971 ex. sess. as last amended by section 7, chapter 40, Laws of 1979 and RCW 82.38.110; amending section 18, chapter 175, Laws of 1971 ex. sess. as last amended by section 13, chapter 40, Laws of 1979 and RCW 82.38.170; and amending section 23, chapter 175, Laws of 1971 ex. sess. as amended by section 16, chapter 40, Laws of 1979 and RCW 82.38.220.

Referred to Committee on Transportation.

SB 3146 by Senators Thompson and Zimmerman

AN ACT Relating to local government debt limits; and amending section 1, chapter 143, Laws of 1917 as last amended by section 1, chapter 218, Laws of 1971 ex. sess. and RCW 39.36.020.

Referred to Committee on Local Government.

SB 3147 by Senators Thompson and Zimmerman

AN ACT Relating to water and sewer connection charges; and amending section 35.92.025, chapter 7, Laws of 1965 and RCW 35.92.025.

Referred to Committee on Local Government.

SB 3148 by Senators Thompson and Zimmerman

AN ACT Relating to municipal purchasing; and amending and reenacting section 4, chapter 268, Laws of 1961 as last amended by section 1, chapter 4, Laws of 1979 ex. sess. and by section 1, chapter 39, Laws of 1980 and RCW 42.23.030.

Referred to Committee on Local Government.

SB 3149 by Senators Thompson and Zimmerman

AN ACT Relating to cumulative reserve funds of cities and towns; and amending section 35.21.070, chapter 7, Laws of 1965 and RCW 35.21.070.

Referred to Committee on Local Government.

SB 3150 by Senators Talmadge and Peterson

AN ACT Relating to transportation; creating new sections; and making an appropriation.

Referred to Committee on Transportation.

SB 3151 by Senators Thompson, Hayner, Bauer and Barr

AN ACT Relating to counties; adding a new section to chapter 4, Laws of 1963 and to chapter 36.27 RCW; adding a new section to chapter 4, Laws of 1963 and to chapter 36.32 RCW; and repealing section 36.32.200, chapter 4, Laws of 1963 and RCW 36.32.200.

Referred to Committee on Local Government.

SB 3152 by Senator Hurley

AN ACT Relating to the state energy office; and adding a new section to chapter 43.21F RCW.

Referred to Committee on Energy and Utilities.

SB 3153 by Senators Owen, Hayner, Bottiger and Metcalf

AN ACT Relating to management of public lands; amending section 1, chapter 109, Laws of 1977 ex. sess. and RCW 79.66.010; amending section 2, chapter 109, Laws of 1977 ex. sess. and RCW 79.66.020; amending section 3, chapter 109, Laws of 1977 ex. sess. and RCW 79.66.030; amending section 4, chapter 109, Laws of 1977 ex. sess. and RCW 79.66.040; amending section 5, chapter 109, Laws of 1977 ex. sess. and RCW 79.66.050; amending section 54, chapter 255, Laws of 1927 as last amended by section 159, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.216; amending section 10, chapter 109, Laws of 1979 ex. sess. and RCW 79.01.242; amending section 154, chapter 255, Laws of 1927 and RCW 79.01.612; adding new sections to chapter 79.66 RCW; and making an appropriation.

Referred to Committee on Natural Resources.

SB 3154 by Senators Thompson, Moore and Sellar

AN ACT Relating to hydraulic works; and amending section 75.20.100, chapter 12, Laws of 1955 as last amended by section 1, chapter 29, Laws of 1975 1st ex. sess. and RCW 75.20.100.

Referred to Committee on Natural Resources.

SB 3155 by Senators Gaspard, Talmadge, Bauer, Warnke, Thompson, von Reichbauer, Shinpoch, Bottiger, Patterson, Peterson, Goltz, Vognild, Bender, Guess, McManus, Granlund, Fleming, Kiskaddon, Benitz, Lee and Woody

AN ACT Relating to high-technology education and training; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.20 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.30 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. as a new chapter in Title 28B RCW; creating new sections; repealing section 1, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.130; repealing section 2, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.140; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 3156 by Senators Talmadge, Hughes, Wojahn, Lee and von Reichbauer

AN ACT Relating to Puget Sound water quality; adding a new chapter to Title 90 RCW; and making an appropriation.

Referred to Committee on Parks and Ecology.

SB 3157 by Senators Talmadge, Lee and McManus

AN ACT Relating to boarding homes; and amending section 16, chapter 253, Laws of 1957 as amended by section 1, chapter 43, Laws of 1975 1st ex. sess. and RCW 18.20.160.

Referred to Committee on Social and Health Services.

SB 3158 by Senators Talmadge, Clarke and Woody (by Department of Licensing request)

AN ACT Relating to trade names; amending section 1, chapter 145, Laws of 1907 as amended by section 1, chapter 22, Laws of 1979 ex. sess. and RCW 19.80.010; amending section 5, chapter 145, Laws of 1907 and RCW 19.80.040; adding new sections to chapter 19.80 RCW; creating a new section; repealing section 4, chapter 145, Laws of 1907 and RCW 19.80.020; repealing section 3, chapter 145, Laws of 1907 and RCW 19.80.030; making an appropriation; and providing an effective date.

Referred to Committee on Judiciary.

SB 3159 by Senators Talmadge, Moore and McManus

AN ACT Relating to insurance; adding a new section to chapter 48.21 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 3160 by Senators Granlund, Craswell and Goltz

AN ACT Relating to fund-raising activities for individuals during legislative sessions; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Judiciary.

SB 3161 by Senators Granlund, Zimmerman and Thompson

AN ACT Relating to service districts; amending section 19, chapter ... (SB ...), Laws of 1983 and RCW 84.52.052; and adding a new chapter to Title 36 RCW.

Referred to Committee on Local Government.

SB 3162 by Senators Talmadge, McDermott and Granlund

AN ACT Relating to property taxation of nonprofit organizations; and amending section 2, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.030.

Referred to Committee on Ways and Means.

SB 3163 by Senators Fleming, Jones, Pullen, McDermott and Talmadge

AN ACT Relating to reparations for certain state employees; adding a new chapter to Title 41 RCW; creating a new section; and making an appropriation.

Referred to Committee on Ways and Means.

SB 3164 by Senators Moore, Sellar, Bottiger and Clarke

AN ACT Relating to insurance holding companies; amending section 4, chapter 13, Laws of 1971 ex. sess. and RCW 48.31A.020; amending section 5, chapter 13, Laws of 1971 ex. sess. and RCW 48.31A.030; amending section 7, chapter 13, Laws of 1971 ex. sess. and RCW 48.31A.050; and adding a new section to chapter 48.31A RCW.

Referred to Committee on Financial Institutions.

SB 3165 by Senators Barr, Hansen, Patterson and Hayner

AN ACT Relating to state route number 21; and amending section 18, chapter 51, Laws of 1970 ex. sess. as amended by section 1, chapter 63, Laws of 1975 and RCW 47.17.085.

Referred to Committee on Transportation.

SJR 105 by Senators Fleming, Moore, Sellar and Hansen

Allowing harbor leases to last for fifty years.

Referred to Committee on Natural Resources.

SCR 101 by Senators Goltz and Guess

Continuing the Joint Ad Hoc Committee on Science and Technology.

Referred to Committee on Rules.

MOTION

At 11:38 a.m. on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:53 a.m.

MOTION

On motion of Senator Shinpoch, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

January 17, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 1 by Representatives Brekke, R. King, Vekich, Wang, Lewis, Sutherland, Tanner, Johnson, Fisch, Rust, B. Williams, Patrick, Isaacson, Halsan, Martinis, Locke, Silver, Todd, Jacobsen, Lux, Long and Ebersole

AN ACT Relating to unemployment compensation; amending section 2, chapter 1, Laws of 1971 as last amended by section 2, chapter 18, Laws of 1982 1st ex. sess. and RCW 50.22.010; and declaring an emergency.

Hold.

MOTIONS

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

On motion of Senator Bottiger, the rules were suspended and Engrossed House Bill No. 1 was referred to the Committee on Rules.

MOTION

At 11:58 a.m., on motion of Senator Bottiger, the Senate adjourned until 11:00 a.m., Tuesday, January 18, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 18, 1983

The Senate was called to order at 11:00 a.m. by President Cherberg.

At 11:00 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 11:24 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Tyler James Regan and Jennifer Schmitt, presented the Colors. Reverend Lester Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 17, 1983

SB 3112 Prime Sponsor, Senator Talmadge: Enacting the Washington State Redistricting Act. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3112 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hayner, Hemstad, Hughes, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

January 17, 1983

SB 3128 Prime Sponsor, Senator Talmadge: Modifying conditions under which attorneys fees and costs may be awarded in condemnation proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Clarke, Hayner, Hemstad, Williams, Woody.

Passed to Committee on Rules for second reading.

January 17, 1983

ESB 3132 Prime Sponsor, Senator Talmadge: Providing for damages and attorney fees when mortgagees fail to release mortgage upon satisfaction. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Clarke, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

January 17, 1983

SJR 103 Prime Sponsor, Senator Talmadge: Amending the Constitution to establish a redistricting commission. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Joint Resolution 103 be substituted therefor and the substitute resolution do pass. Signed by Senators Talmadge, Chairman; Clarke, Hayner, Hemstad, Hughes, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 3166 by Senators Bauer, Sellar, Moore and Lee

AN ACT Relating to fees of notaries public; and amending section 1, chapter 56, Laws of 1907 as last amended by section 4, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.090.

Referred to Committee on Financial Institutions.

SB 3167 by Senator Peterson

AN ACT Relating to state route number 530; and amending section 152, chapter 51, Laws of 1970 ex. sess. as amended by section 20, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.755.

Referred to Committee on Transportation.

SB 3168 by Senators Rasmussen and Warnke

AN ACT Relating to credit cards; and creating a new section.

Referred to Committee on State Government.

SB 3169 by Senators Goltz and Owen (by Department of Game request)

AN ACT Relating to game and game fish; amending section 77.12.050, chapter 36, Laws of 1955 as amended by section 16, chapter 78, Laws of 1980 and RCW 77.04.090; amending section 77.12.040, chapter 36, Laws of 1955 as last amended by section 15, chapter 78, Laws of 1980 and RCW 77.12.040; amending section 77.12.150, chapter 36, Laws of 1955 as last amended by section 29, chapter 78, Laws of 1980 and RCW 77.12.150; amending section 77.16.020, chapter 36, Laws of 1955 as last amended by section 3, chapter 310, Laws of 1981 and RCW 77.16.020; and amending section 11, chapter 310, Laws of 1981 and RCW 77.32.340.

Referred to Committee on Natural Resources.

SB 3170 by Senators Rasmussen, Warnke, Clarke and Gaspard (by Legislative Budget Committee request)

AN ACT Relating to education; amending section 2, chapter 92, Laws of 1974 ex. sess. as last amended by section 9, chapter 359, Laws of 1977 ex. sess. and RCW 28A.02.201; amending section 12, chapter 282, Laws of 1971 ex. sess. as last amended by section 2, chapter 103, Laws of 1981 and RCW 28A.21.088; amending section 9, chapter 176, Laws of 1969 ex. sess. as last amended by section 18, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.090; amending section 14, chapter 176, Laws of 1969 ex. sess. as last amended by section 31, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.140; amending section 28A.48.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 68, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.48.030; amending section 28A.57.255, chapter 223, Laws of 1969 ex. sess. as last amended by section 97, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.255; amending section 28A.57.290, chapter 223, Laws of 1969 ex. sess. as last amended by section 98, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.290; amending section 28A.58.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 30, chapter 80, Laws of 1977 ex. sess. and RCW 28A.58.150; amending section 28A.59.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 118, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.59.150; amending section 1, chapter 111, Laws of 1973 as amended by section 21, chapter 43, Laws of 1975 and RCW 28A.60.328; amending section 16, chapter 15, Laws of 1970 ex. sess. as last amended by section 4, chapter 114, Laws of 1975-76 2nd ex. sess. and RCW 28A.67.070; amending section 28A.70.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 92, Laws of 1975-76 2nd ex. sess. and RCW 28A.70.130; amending section 28A.70.140, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 92, Laws of 1975-76 2nd ex. sess. and RCW 28A.70.140; amending section 1, chapter 16, Laws of 1975-76 2nd ex. sess. and RCW 41.32.420; repealing section 27, chapter 104, Laws of 1903, section 1, page 320, chapter 97, Laws of 1909, section 1, chapter 163, Laws of 1955, section 25, chapter 176, Laws of 1969 ex. sess., section 39, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.010; repealing section 28, chapter 104, Laws of 1903, section 2, page 320, chapter 97, Laws of 1909, section 2, chapter 163, Laws of 1955, section 26, chapter 176, Laws of 1969 ex. sess., section 8, chapter 195, Laws of 1973 1st ex. sess., section 40, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.020; repealing section 3, page 320, chapter 97, Laws of 1909, section 27, chapter 176, Laws of 1969 ex. sess., section 41, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.030; repealing section 4, page 320, chapter 97, Laws of 1909, section 3, chapter 163, Laws of 1955, section 28, chapter 176, Laws of 1969 ex. sess., section 42, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.040; repealing section 5, page 320, chapter 97, Laws of 1909, section 4, chapter 163, Laws of 1955, section 29, chapter 176,

Laws of 1969 ex. sess., section 43, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.050; repealing section 6, page 320, chapter 97, Laws of 1909, section 5, chapter 163, Laws of 1955, section 30, chapter 176, Laws of 1969 ex. sess., section 44, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.060; repealing section 18, chapter 176, Laws of 1969 ex. sess., section 24, chapter 282, Laws of 1971 ex. sess., section 20, chapter 75, Laws of 1974 ex. sess., section 34, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.180; repealing section 28A.44.060, chapter 223, Laws of 1969 ex. sess., section 16, chapter 48, Laws of 1971, section 34, chapter 282, Laws of 1971 ex. sess., section 61, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.060; repealing section 28A.44.070, chapter 223, Laws of 1969 ex. sess., section 17, chapter 48, Laws of 1971, section 35, chapter 282, Laws of 1971 ex. sess., section 62, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.070; repealing section 28A.66.060, chapter 223, Laws of 1969 ex. sess., section 46, chapter 48, Laws of 1971, section 129, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.66.060; repealing section 28A.66.100, chapter 223, Laws of 1969 ex. sess., section 47, chapter 48, Laws of 1971, section 130, chapter 275, Laws of 1975 1st ex. sess., section 32, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.66.100; repealing section 28A.67.040, chapter 223, Laws of 1969 ex. sess., section 48, chapter 48, Laws of 1971, section 131, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.67.040; repealing section 21, chapter 15, Laws of 1970 ex. sess., section 140, chapter 175, Laws of 1975 1st ex. sess. and RCW 28A.87.030; repealing section 28A.87.050, chapter 223, Laws of 1969 ex. sess., section 148, chapter 176, Laws of 1969 ex. sess., section 141, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.050; repealing section 22, chapter 15, Laws of 1970 ex. sess., section 142, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.080; repealing section 28A.87.100, chapter 223, Laws of 1969 ex. sess., section 151, chapter 176, Laws of 1969 ex. sess., section 144, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.100; repealing section 28A.87.110, chapter 223, Laws of 1969 ex. sess., section 152, chapter 176, Laws of 1969 ex. sess., section 145, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.110; and repealing section 28A.87.170, chapter 223, Laws of 1969 ex. sess., section 153, chapter 176, Laws of 1969 ex. sess., section 146, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.170.

Referred to Committee on Education.

SB 3171 by Senators Moore, Jones, Hurley, Owen and Fuller

AN ACT Relating to the state lottery commission; and amending section 3, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.030.

Referred to Committee on Commerce and Labor.

SB 3172 by Senators Guess and Peterson

AN ACT Relating to motor vehicles; amending section 1, chapter 75, Laws of 1979 ex. sess. as amended by section 25, chapter 47, Laws of 1982 1st ex. sess. and RCW 46.61.024; and prescribing penalties.

Referred to Committee on Transportation.

SB 3173 by Senators McManus, Hemstad, Talmadge, Bottiger, Zimmerman, Lee and Deccio

AN ACT Relating to local economic development; amending section 2, chapter 300, Laws of 1981 and RCW 39.84.020; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3174 by Senators McDermott, Peterson, Bottiger, Hemstad and Zimmerman

AN ACT Relating to cadet service instatement for members of the Washington state patrol retirement system; amending section 43.43.120, chapter 8, Laws of 1965 as last amended by section 24, chapter 52, Laws of 1982 1st ex. sess. and RCW 43.43.120; amending section 43.43.130, chapter 8, Laws of 1965 as amended by section 2, chapter 77, Laws of 1980 and RCW 43.43.130; adding a new section to chapter 41.40 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3175 by Senators Vognild, McManus, Bender, Wojahn, Warnke and Talmadge

AN ACT Relating to public employee collective bargaining; amending section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020; amending section 3, chapter 108, Laws of 1967 ex. sess. as last amended by section 15, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.030; amending section 5, chapter 131, Laws of 1973 as amended by section 3, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.460; and amending section 5, chapter

152, Laws of 1977 ex. sess. as last amended by section 2, chapter 11, Laws of 1980 and RCW 41.06.167.

Referred to Committee on Commerce and Labor.

SB 3176 by Senators Vognild, Hughes, McManus and Wojahn

AN ACT Relating to municipal employees; and amending section 3, chapter 108, Laws of 1967 ex. sess. as last amended by section 15, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.030.

Referred to Committee on Commerce and Labor.

SB 3177 by Senators Talmadge and Hayner

AN ACT Relating to revenue and taxation; amending section 47, chapter 26, Laws of 1967 ex. sess. as amended by section 9, chapter 46, Laws of 1982 1st ex. sess. and RCW 82.03.180; amending section 48, chapter 26, Laws of 1967 ex. sess. as last amended by section 50, chapter 209, Laws of 1979 ex. sess. and RCW 82.03.190; amending section 82.32.050, chapter 15, Laws of 1961 as last amended by section 16, chapter 299, Laws of 1971 ex. sess. and RCW 82.32.050; amending section 82.32.060, chapter 15, Laws of 1961 as last amended by section 4, chapter 95, Laws of 1979 ex. sess. and RCW 82.32.060; amending section 82.32.100, chapter 15, Laws of 1961 as last amended by section 20, chapter 299, Laws of 1971 ex. sess. and RCW 82.32.100; amending section 82.32.160, chapter 15, Laws of 1961 as last amended by section 4, chapter 158, Laws of 1975 1st ex. sess. and RCW 82.32.160; amending section 82.32.180, chapter 15, Laws of 1961 as last amended by section 148, chapter 81, Laws of 1971 and RCW 82.32.180; 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 82.48.090, chapter 15, Laws of 1961 as amended by section 96, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.48.090; amending section 16, chapter 260, Laws of 1981 and RCW 82.50.170; amending section 84.24.070, chapter 15, Laws of 1961 and RCW 84.24.070; amending section 84.68.020, chapter 15, Laws of 1961 and RCW 84.68.020; amending section 84.68.030, chapter 15, Laws of 1961 and RCW 84.68.030; amending section 84.68.050, chapter 15, Laws of 1961 and RCW 84.68.050; amending section 84.68.060, chapter 15, Laws of 1961 and RCW 84.68.060; amending section 84.68.070, chapter 15, Laws of 1961 and RCW 84.68.070; amending section 84.68.140, chapter 15, Laws of 1961 as amended by section 210, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.68.140; amending section 84.69.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 228, Laws of 1981 and RCW 84.69.020; amending section 84.69.030, chapter 15, Laws of 1961 and RCW 84.69.030; amending section 84.69.100, chapter 15, Laws of 1961 as amended by section 4, chapter 5, Laws of 1973 2nd ex. sess. and RCW 84.69.100; amending section 84.69.120, chapter 15, Laws of 1961 as amended by section 2, chapter 228, Laws of 1981 and RCW 84.69.120; amending section 84.69.140, chapter 15, Laws of 1961 and RCW 84.69.140; adding a new section to chapter 84.48 RCW; providing effective dates; prescribing penalties; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3178 by Senators Bauer, Zimmerman and Rinehart

AN ACT Relating to property taxation; and amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 322, Laws of 1981 and RCW 84.56.020.

Referred to Committee on Local Government.

SB 3179 by Senators Talmadge, Newhouse, Shinpoch and Deccio

AN ACT Relating to motor vehicle liability insurance; amending section 2, chapter 11, Laws of 1979 as amended by section 160, chapter 158, Laws of 1979 and RCW 46.52.030; amending section 12, chapter 10, Laws of 1982 and RCW 46.63.020; adding a new chapter to Title 46 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3180 by Senator Talmadge

AN ACT Relating to theft and robbery of sexual favors; 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 Committee on Judiciary.

SB 3181 by Senators Talmadge, Hemstad, Hughes and Pullen

AN ACT Relating to detention of mentally disordered persons; and amending section 20, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.150.

Referred to Committee on Judiciary.

SB 3182 by Senators Bottiger and Shinpoch

AN ACT Relating to financial institutions; repealing section 1, chapter 241, Laws of 1981 and RCW 43.19.095; and repealing section 2, chapter 241, Laws of 1981 and RCW 43.19.112.

Referred to Committee on Financial Institutions.

SB 3183 by Senators Moore, Hurley and Williams

AN ACT Relating to utilities; and amending section 1, chapter 33, Laws of 1979 and RCW 80.54.010.

Referred to Committee on Energy and Utilities.

SB 3184 by Senators Talmadge and Clarke (by Code Reviser request)

AN ACT Relating to statutory construction; and amending section 1, chapter 162, Laws of 1955 as last amended by section 2, chapter 87, Laws of 1980 and RCW 1.12.025.

Referred to Committee on Judiciary.

SB 3185 by Senators Talmadge and Hemstad

AN ACT Relating to crimes and punishment; amending section 1, chapter 75, Laws of 1969 and RCW 3.66.067; amending section 2, chapter 75, Laws of 1969 and RCW 3.66.068; amending section 3, chapter 75, Laws of 1969 and RCW 3.66.069; amending section 1, chapter 19, Laws of 1980 as last amended by section 10, chapter 47, Laws of 1982 1st ex. sess. and RCW 9.95.210; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3186 by Senators Bottiger and Granlund

AN ACT Relating to judicial retirement; and amending section 2, chapter 96, Laws of 1970 ex. sess. and RCW 2.12.100.

Referred to Committee on Ways and Means.

SB 3187 by Senators Bottiger, McDermott and Vognil

AN ACT Relating to the taxation of minerals and mineral resources; adding a new chapter to Title 82 RCW; adding a new section to chapter 84.36 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3188 by Senators Talmadge and Hemstad

AN ACT Relating to timeshares; adding a new chapter to Title 64 RCW; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on Judiciary.

SB 3189 by Senators Thompson, Peterson and Jones

AN ACT Relating to counties; 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 new sections to chapter 36.32 RCW; and repealing section 36.32.240, chapter 4, Laws of 1963, section 15, chapter 144, Laws of 1967 ex. sess., section 1, chapter 52, Laws of 1974 ex. sess. and RCW 36.32.240.

Referred to Committee on Local Government.

MOTIONS

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

On motion of Senator Zimmerman, Senators Bluechel and Fuller were excused.

SECOND READING

SENATE BILL NO. 3036, by Senators Talmadge and Clarke (by Code Reviser request)

Correcting various double amendments in the Revised Code of Washington.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3036 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3036.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3036, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Bluechel, Fuller - 2.

SENATE BILL NO. 3036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3037, by Senators Talmadge and Clarke (by Code Reviser request)

Correcting obsolete statutory references in the Revised Code of Washington.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Clarke was adopted:

On page 70, line 31, strike "chapter" and insert "chapters 41.59 and"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3037 was advanced to third reading, the second reading considered the third, and the bill was 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. 3037.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3037, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Bluechel, Fuller - 2.

ENGROSSED SENATE BILL NO. 3037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3038, by Senators Talmadge and Clarke (by Code Reviser request)

Correcting obsolete statutory references to the utilities and transportation commission.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3038 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3038.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3038, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Bluechel - 1.

SENATE BILL NO. 3038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3039, by Senators Talmadge and Clarke (by Code Reviser request)

Rearranging misplaced statutory material and correcting a clerical error.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3039 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3039.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3039, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Bluechel - 1.

SENATE BILL NO. 3039, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

January 18, 1983

SB 3035 Prime Sponsor, Senator McDermott: Directing preparation of a comprehensive plan for the maintenance and repair of the state's public works and appropriating funds for the plan. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3035 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Bauer, Bottiger, Deccio, Fleming, Lee, Metcalf, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

MOTIONS

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

On motion of Senator Bottiger, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 3187.

On motion of Senator Bottiger, Senate Bill No. 3187 was referred to the Committee on Natural Resources.

MOTION

At 11:58 a.m., on motion of Senator Bottiger, the Senate adjourned until 11:00 a.m., Wednesday, January 19, 1983.

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

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 19, 1983

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

The Sergeant at Arms Color Guard, consisting of Pages Debbie Chastain and Bayard Dominick, presented the Colors. Reverend Lester Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 3190 by Senators Peterson, Guess and Hansen

AN ACT Relating to signs near railroad grade crossings; amending section 36.86.100, chapter 4, Laws of 1963 and RCW 36.86.100; and amending section 47.32.140, chapter 13, Laws of 1961 and RCW 47.32.140.

Referred to Committee on Transportation.

SB 3191 by Senator Goltz

AN ACT Relating to speed limits for 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 Committee on Transportation.

SB 3192 by Senators Bauer, Zimmerman, Thompson, Hurley, Hughes and McCaslin

AN ACT Relating to sales and use tax exemptions; and amending section 39, chapter 37, Laws of 1980 as amended by section 1, chapter 5, Laws of 1982 1st ex. sess. and RCW 82.08.0273.

Referred to Committee on Local Government.

SB 3193 by Senator Talmadge

AN ACT Relating to the Washington clean air act; amending section 61, chapter 238, Laws of 1967 as amended by section 1, chapter 176, Laws of 1973 1st ex. sess. and RCW 70.94.430; and amending section 53, chapter 168, Laws of 1969 ex. sess. as amended by section 2, chapter 176, Laws of 1973 1st ex. sess. and RCW 70.94.431.

Referred to Committee on Parks and Ecology.

SB 3194 by Senators Peterson, Guess and Hansen (by Department of Licensing request)

AN ACT Relating to motor vehicle certificates of ownership; amending section 4, chapter 156, Laws of 1965 as amended by section 115, chapter 158, Laws of 1979 and RCW 46.01.040; amending section 46.08.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 22, Laws of 1971 ex. sess. and RCW 46.01.260; amending section 46.12.010, chapter 12, Laws of 1961 as last amended by section 132, chapter 158, Laws of 1979 and RCW 46.12.010; amending section 46.12.040, chapter 12, Laws of 1961 as last amended by section 1, chapter 138, Laws of 1975 1st ex. sess. and RCW 46.12.040; amending section 46.12.070, chapter 12, Laws of 1961 and RCW 46.12.070; amending section 6, chapter 140, Laws of 1967 as amended by section 16, chapter 170, Laws of 1969 ex. sess. and RCW 46.12.095; amending section 7, chapter 140, Laws of 1967 as last amended by section 1, chapter 99, Laws of 1972 ex. sess. and RCW 46.12.101; amending section 46.12.120, chapter 12, Laws of 1961 as last amended by section 11, chapter 25, Laws of 1975 and RCW 46.12.120; amending section 9, chapter 140, Laws of 1967 and RCW 46.12.151; amending section 46.12.160, chapter 12, Laws of 1961 as amended by section 12, chapter 25, Laws of 1975

and RCW 46.12.160; amending section 8, chapter 140, Laws of 1967 as amended by section 1, chapter 170, Laws of 1969 ex. sess. and RCW 46.12.181; amending section 14, chapter 231, Laws of 1971 ex. sess. as last amended by section 2, chapter 304, Laws of 1981 and RCW 46.12.290; amending section 46.72.070, chapter 12, Laws of 1961 as amended by section 84, chapter 32, Laws of 1967 and RCW 46.72.070; adding a new section to chapter 46.12 RCW; repealing section 46.12.080, chapter 12, Laws of 1961, section 1, chapter 113, Laws of 1979 ex. sess. and RCW 46.12.080; repealing section 46.12.230, chapter 12, Laws of 1961, section 13, chapter 32, Laws of 1967, section 14, chapter 25, Laws of 1975 and RCW 46.12.230; defining crimes; and prescribing penalties.

Referred to Committee on Transportation.

SB 3195 by Senators McDermott, Conner and Warnke

AN ACT Relating to preretirement counseling; adding a new section to chapter 41.50 RCW; and making an appropriation.

Referred to Committee on Ways and Means.

SB 3196 by Senators Talmadge, Hemstad and Hughes

AN ACT Relating to discrimination; and amending section 5, chapter 100, Laws of 1961 and RCW 49.44.090.

Referred to Committee on Judiciary.

SB 3197 by Senators Wojahn, Sellar, Moore and Woody

AN ACT Relating to insurance; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions.

SB 3198 by Senators Peterson, Sellar, Hansen and Deccio (by Department of Transportation request)

AN ACT Relating to transportation; making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

SB 3199 by Senators Rasmussen, Warnke, Hayner, Deccio, Granlund, Owen, McCaslin and Craswell (by Legislative Budget Committee request)

AN ACT Relating to adult correctional facility construction; amending section 5, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.050; amending section 6, chapter 96, Laws of 1974 ex. sess. as last amended by section 5, chapter 12, Laws of 1981 2nd ex. sess. and RCW 19.27.060; and amending section 2, chapter 176, Laws of 1974 ex. sess. and RCW 43.17.200.

Referred to Committee on Institutions.

SB 3200 by Senators Vognild, Hemstad and Warnke

AN ACT Relating to collective bargaining for public employees; adding a new section to chapter 28B.16 RCW; adding a new section to chapter 41.06 RCW; and providing a contingent effective date.

Referred to Committee on Commerce and Labor.

SB 3201 by Senators Hemstad, Rasmussen and Warnke

AN ACT Relating to state officers and employees; and amending section 43.01.040, chapter 8, Laws of 1965 as last amended by section 2, chapter 51, Laws of 1982 1st ex. sess. and RCW 43.01.040.

Referred to Committee on State Government.

SB 3202 by Senators Gaspard, Hemstad, Warnke and Bauer

AN ACT Relating to retirement from public service; amending section 50, chapter 80, Laws of 1947 as last amended by section 3, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.500; and amending section 16, chapter 274, Laws of 1947 as last amended by section 20, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.150.

Referred to Committee on Ways and Means.

SB 3203 by Senators Peterson, Bender, Haley, Hemstad, Talmadge and Deccio (by Legislative Transportation Committee request)

AN ACT Relating to motor vehicles; adding a new section to chapter 46.37 RCW; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 3204 by Senators Fleming, Wojahn and Moore

AN ACT Relating to neighborhood assistance; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways and Means.

SB 3205 by Senators Hansen, Barr, Fuller and Zimmerman

AN ACT Relating to noxious weed control; amending section 46.16.060, chapter 12, Laws of 1961 as last amended by section 8, chapter 342, Laws of 1981 and RCW 46.16.060; adding new sections to chapter 17.10 RCW; and adding new sections to chapter 43.131 RCW.

Referred to Committee on Agriculture.

SB 3206 by Senators Thompson, Zimmerman and Bauer

AN ACT Relating to the open public meetings act; amending section 2, chapter 250, Laws of 1971 ex. sess. as amended by section 10, chapter 43, Laws of 1982 1st ex. sess. and RCW 42.30.020; amending section 7, chapter 250, Laws of 1971 ex. sess. as amended by section 1, chapter 66, Laws of 1973 and RCW 42.30.070; and amending section 11, chapter 250, Laws of 1971 ex. sess. as last amended by section 1, chapter 42, Laws of 1979 and RCW 42.30.110.

Referred to Committee on Local Government.

SB 3207 by Senator Rasmussen

AN ACT Relating to the public employees' retirement system; amending section 1, chapter 274, Laws of 1947 as last amended by section 6, chapter 256, Laws of 1981 and RCW 41.40.010; amending section 4, chapter 34, Laws of 1975-'76 2nd ex. sess. as amended by section 17, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.165; amending section 35, chapter 274, Laws of 1947 as amended by section 18, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.340; amending section 38, chapter 274, Laws of 1947 as last amended by section 22, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.370; adding a new section to chapter 41.40 RCW; repealing section 21, chapter 295, Laws of 1977 ex. sess., section 6, chapter 249, Laws of 1979 ex. sess. and RCW 41.40.005; repealing section 1, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.600; repealing section 2, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.610; repealing section 3, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.620; repealing section 3, chapter 144, Laws of 1982 and RCW 41.40.625; repealing section 4, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.630; repealing section 5, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.640; repealing section 6, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.650; repealing section 7, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.660; repealing section 8, chapter 295, Laws of 1977 ex. sess., section 5, chapter 18, Laws of 1982 and RCW 41.40.670; repealing section 9, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.680; repealing section 10, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.690; repealing section 11, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.700; repealing section 12, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.710; repealing section 13, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.720; repealing section 14, chapter 295, Laws of 1977 ex. sess., section 23, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.730; repealing section 15, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.740; repealing section 24, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.900; and repealing section 25, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.920.

Referred to Committee on Ways and Means.

SB 3208 by Senators Talmadge, Clarke, Bottiger and McDermott

AN ACT Relating to judges' salaries; amending section 1, chapter 144, Laws of 1953 as last amended by section 4, chapter 255, Laws of 1979 ex. sess. and RCW 2.04.090; amending section 6, chapter 221, Laws of 1969 ex. sess. as last amended by section 5, chapter 255, Laws of 1979 ex. sess. and RCW 2.06.060; amending section 2, chapter 144, Laws of 1953 as last amended by section 6, chapter 255, Laws of 1979 ex. sess. and RCW 2.08.090; declaring an emergency; and providing an effective date.

Referred to Committee on Judiciary.

SB 3209 by Senators Gaspard, Pullen and Warnke

AN ACT Relating to travel reimbursement; and amending section 43.03.060, chapter 8, Laws of 1965 as last amended by section 84, chapter 151, Laws of 1979 and RCW 43.03.060.

Referred to Committee on Ways and Means.

SB 3210 by Senators Peterson, Talmadge, Vognild, Patterson, Granlund and Woody (by Legislative Transportation Committee request)

AN ACT Relating to driver's licenses; amending section 8, chapter 167, Laws of 1967 as amended by section 42, chapter 292, Laws of 1971 ex. sess. and RCW 46.20.011; amending section 46.20.102, chapter 12, Laws of 1961 as last amended by section 5, chapter 61, Laws of 1979 and RCW 46.20.102; adding a new section to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 3211 by Senators Peterson, Patterson and Hansen (by Department of Transportation request)

AN ACT Relating to the taxation of aircraft fuel; amending section 1, chapter 10, Laws of 1967 ex. sess. as last amended by section 1, chapter 25, Laws of 1982 1st ex. sess. and RCW 82.42.010; amending section 3, chapter 25, Laws of 1982 1st ex. sess. and RCW 82.42.025; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 3212 by Senators Gaspard, Hemstad and Wojahn

AN ACT Relating to public employment; amending section 1, chapter 51, Laws of 1982 1st ex. sess. and RCW 41.04.345; amending section 43.01.040, chapter 8, Laws of 1965 as last amended by section 2, chapter 51, Laws of 1982 1st ex. sess. and RCW 43.01.040; amending section 43.01.041, chapter 8, Laws of 1965 as amended by section 3, chapter 51, Laws of 1982 1st ex. sess. and RCW 43.01.041; and creating a new section.

Referred to Committee on State Government.

SB 3213 by Senators Warnke, Rasmussen and Pullen

AN ACT Relating to public employees; amending section 1, chapter 12, Laws of 1970 ex. sess. as last amended by section 1, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.020; amending section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 2, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.070; amending section 13, chapter 1, Laws of 1961 as amended by section 3, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.130; amending section 4, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.150; amending section 6, chapter 152, Laws of 1977 ex. sess. as amended by section 5, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.169; amending section 2, chapter 36, Laws of 1969 ex. sess. as last amended by section 14, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.020; amending section 4, chapter 36, Laws of 1969 ex. sess. as last amended by section 15, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.040; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 16, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.100; amending section 9, chapter 152, Laws of 1977 ex. sess. as amended by section 19, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.101; amending section 13, chapter 152, Laws of 1977 ex. sess. as amended by section 17, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.105; amending section 28B.50.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 24, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.50.030; adding a new section to chapter 28B.16 RCW; adding a new section to chapter 41.06 RCW; repealing section 12, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.10.644; repealing section 13, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.10.645; repealing section 11, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.10.646; repealing section 18, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.250; repealing section 21, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.260; repealing section 22, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.270; repealing section 20, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.280; repealing section 23, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.290; repealing section 25, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.50.830; repealing section 26, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.50.840; repealing section 27, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.250; repealing section 28, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.260; repealing section 29, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.270; repealing section 6, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.175; repealing section 8, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.185; repealing section 9, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.195;

repealing section 7, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.205; and repealing section 10, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.215.

Referred to Committee on State Government.

SB 3214 by Senators Bauer, Barr, Zimmerman, Goltz, Hansen and Hayner

AN ACT Relating to the state conservation commission; amending section 3, chapter 304, Laws of 1955 as last amended by section 4, chapter 184, Laws of 1973 1st ex. sess. and RCW 89.08.030; creating a new section; and making an appropriation.

Referred to Committee on Agriculture.

SB 3215 by Senators Rasmussen and Conner

AN ACT Relating to retirement from public service; 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 18, chapter 274, Laws of 1947 as last amended by section 12, chapter 294, Laws of 1981 and RCW 41.40.170.

Referred to Committee on State Government.

SB 3216 by Senators Warnke, Granlund and Pullen

AN ACT Relating to civil service; and amending section 28, chapter 136, Laws of 1981 and RCW 41.06.071.

Referred to Committee on Institutions.

SJR 106 by Senators Craswell, Owen, Rasmussen, Deccio, Metcalf, Pullen, McCaslin and Fuller

Limiting tax increases.

Referred to Committee on Ways and Means.

SJR 107 by Senators Vognild, Hemstad, Warnke and Conner

Amending the Constitution to require the appropriation of moneys for state employees' salaries determined through collective bargaining.

Referred to Committee on Commerce and Labor.

MOTION

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

MOTION

Senator Goltz moved adoption of the following resolution:

SENATE RESOLUTION 1983-6

By Senators Goltz and Talmadge

BE IT RESOLVED, That the Rules of the Senate for the 47th Legislature be adopted, as amended, for the 48th Legislature, to read as follows:

PERMANENT RULES OF THE SENATE FORTY-EIGHTH LEGISLATURE 1983

SECTION I - OFFICERS-MEMBERS-EMPLOYEES

- RULE 1 Duties of the President
- RULE 2 President Pro Tem
- RULE 3 Secretary of the Senate
- RULE 4 Sergeant at Arms
- RULE 5 Subordinate Officers
- RULE 6 Employees
- RULE 7 Conduct of Members and Officers

SECTION II - OPERATIONS AND MANAGEMENT

- RULE 8 Payment of Expenses - Facilities and Operations
- RULE 9 Use of Senate Chambers
- RULE 10 Admission to the Senate

- RULE 11 Printing of Bills
- RULE 12 Furnishing Full File of Bills
- RULE 13 Regulation of Lobbyists
- RULE 14 Security Management

SECTION III - RULES AND ORDER

- RULE ~~((14))~~15 Time of Convening
- RULE ~~((15))~~16 Quorum
- RULE ~~((16))~~17 Order of Business
- RULE ~~((17))~~18 Special Order
- RULE ~~((18))~~19 Unfinished Business
- RULE ~~((19))~~20 Motions and Senate Floor Resolutions (How Presented)
- RULE ~~((20))~~21 Precedence of Motions
- RULE ~~((21))~~22 Voting
- RULE ~~((22))~~23 Announcement of Vote
- RULE ~~((23))~~24 Call of the Senate
- RULE ~~((24))~~25 One Subject in a Bill
- RULE ~~((25))~~26 No Amendment by Mere Reference to Title of Act
- RULE ~~((26))~~27 Reading of Papers
- RULE ~~((27))~~28 Comparing Enrolled and Engrossed Bills

SECTION IV - PARLIAMENTARY PROCEDURE

- RULE ~~((28))~~29 Rules of Debate
- ~~((RULE 29 - Opening and Closing Debate))~~
- RULE 30 Recognition by the President
- RULE 31 Call for Division of a Question
- RULE 32 Point of Order - Decision Appealable
- RULE 33 Question of Privilege
- RULE 34 Protests
- RULE 35 Suspension of Rules
- RULE 36 Previous Question
- RULE 37 Reconsideration
- ~~((RULE 38 - Question of Consideration))~~
- RULE ~~((39))~~38 Motion to adjourn
- RULE ~~((40))~~39 Yeas and Nays - When Must be Taken
- RULE ~~((41))~~40 Reed's Parliamentary Rules
- ~~((RULE 42 - Rules to Apply for Biennium))~~

SECTION V - COMMITTEES

- RULE ~~((43))~~41 Committees - Appointment and Confirmation
- RULE ~~((44))~~42 Subcommittees
- RULE ~~((45))~~43 Subpoena Power
- RULE ~~((46))~~44 Duties of Committees
- RULE ~~((47))~~45 Committee Rules
- RULE ~~((48))~~46 Committee Meetings During Sessions
- RULE ~~((49))~~47 Reading of Reports
- RULE ~~((50))~~48 Recalling Bills from Committees
- RULE ~~((51))~~49 Bills Referred to Rules Committee
- RULE ~~((52))~~50 Rules Committee
- RULE ~~((53))~~51 ~~((Suspend Rules for))~~ Committee of the Whole
- ~~((RULE 54 - Formation of the Committee of the Whole~~
- ~~RULE 55 - Rules in the Committee of the Whole~~
- ~~RULE 56 - Report of Committee of the Whole~~
- ~~RULE 57 - Messages Received While Committee of the Whole Sits))~~
- RULE ~~((58))~~52 Appropriation Budget Bills

SECTION VI - BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

- RULE ~~((59))~~53 Definitions
- Rule ~~((60))~~54 Prefiling
- RULE ~~((61))~~55 Introduction of Bills
- RULE ~~((62))~~56 Amendatory Bills
- RULE ~~((63))~~57 Joint Resolutions and Memorials
- RULE ~~((64))~~58 Senate Concurrent Resolutions
- RULE ~~((65))~~59 Committee Bills

RULE ((66))60	Committee Reference
RULE ((67))61	Reading of Bills
RULE ((68))62	First Reading
RULE ((69))63	Second Reading/Amendments
RULE ((70))64	Third Reading
RULE ((71))65	Scope and Object of Bill Not to be Changed
(RULE 72	House Amendments to Senate Bills)
RULE 66	<u>Matter Related to Disagreement Between the Senate and House</u>
RULE ((73))67	Bills Committed for Special Amendment
RULE ((74))68	Confirmation of Gubernatorial Appointees

SECTION I

OFFICERS—MEMBERS—EMPLOYEES

DUTIES OF THE PRESIDENT

RULE 1. 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. (See also Art. 3, Sec. 16, State Constitution.)

2. The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber.

3. The president shall have charge of and see that all officers, employees, and clerks perform their respective duties, and shall have general control of the senate chamber and lobby. (See also Art. 2, Sec. 10, State Constitution.)

4. The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.

5. The president shall, in open session, sign all acts, addresses and joint resolutions. The president shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. (See also Art. 2, Sec. 32, State Constitution.)

6. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate. ~~((PROVIDED, HOWEVER, THAT))~~ The appointment of the ~~((said))~~ conference, special, joint and standing committees shall be confirmed by the senate. In the event the senate ~~((shall))~~ refuses to confirm any ~~((such))~~ conference, special, joint or standing committee or committees, such committee or committees shall be ~~((forthwith))~~ elected by the senate.

7. The president shall, on each day, announce to the senate the business in order, and no business shall be taken up or considered until the order to which it belongs shall be declared.

8. The president shall decide and announce the result of any vote taken.

9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

PRESIDENT PRO TEM

RULE 2. 1. Upon the organization of the senate the members shall elect one of their number as president pro tem who shall have all the powers and authority and who shall discharge all the duties of lieutenant governor acting as president during the lieutenant governor's absence. The senate shall also elect a vice-president pro tem who will serve in the absence of the lieutenant governor and the president pro tem. (See Art. 2, Sec. 10, State Constitution.)

2. In the absence of the president pro tem, and vice president pro tem, or with their consent, the president shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

SECRETARY OF THE SENATE

RULE 3. 1. The senate shall elect a secretary, who shall appoint an assistant secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their offices, and they shall hold office until their successors have been elected or appointed.

2. The secretary is the Personnel Officer of the senate and shall appoint, subject to the approval of the senate, all other senate employees and the hours of duty and assignments of all senate employees shall be under the secretary's directions and instructions and they may be dismissed at the secretary's discretion.

3. The secretary of the senate, prior to the convening of the next regular session, shall prepare his office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday in December preceding any regular session or twenty days prior to any special session of the legislature.

SERGEANT AT ARMS

RULE 4. 1. The senate shall elect a sergeant at arms who shall perform the usual duties pertaining to that office, and shall hold office until a successor has been elected.

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

~~((3. It is the policy of the senate that no persons except as provided herein shall be admitted to the floor and adjacent areas of the senate when the senate is convened:~~

~~4. The sergeant at arms shall not admit to the floor and adjacent areas of the senate while convened, or one-half hour prior to convening and one-half hour after adjournment, any person other than a member of the senate, except:~~

~~The governor:~~

~~Members of the house of representatives:~~

~~State elected officers:~~

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

~~Officers and authorized employees of the legislature:~~

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

SUBORDINATE OFFICERS

RULE 5. The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any employee be increased for past services. (See also Art. 2, Sec. 25, State Constitution.)

EMPLOYEES

RULE 6. 1. No senate employee shall lobby in favor of or against any matter under consideration.

2. A legislative employee shall not accept any gratuity or compensation for services rendered in connection with legislative employment other than legislative salary. A legislative employee shall not accept any employment, in addition to legislative employment, which would impair independence of judgment. Except within the scope of employment, a legislative employee shall not provide any service to a lobbyist or any other person.

3. A legislative employee shall not use or attempt to ~~((use his/her official position to))~~ (a) obtain any privilege, exemption, special treatment or any other thing of value, or (b) obtain any such benefit for others except as required to perform duties within the scope of senate employment.

4. A legislative employee shall not accept or solicit anything of value ~~((for himself/herself or for others))~~ under circumstances in which it can be reasonably inferred that the legislative employee's independence of judgment is impaired or is intended as a reward for any official action.

5. A legislative employee shall not disclose confidential information acquired by reason of senate employment to any person or group not entitled to receive such information, nor shall such information be used for personal gain or to benefit others.

6. A legislative employee shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the appropriate board of ethics.

7. A legislative employee shall not solicit or accept contributions for any candidate or political committee during working hours. At no time shall a legislative employee directly or indirectly coerce another employee into making a contribution to a candidate or a political committee. No legislative employee, as a condition of becoming or remaining employed, shall directly or indirectly be required to make any contribution to a political candidate, committee or party.

CONDUCT OF MEMBERS AND OFFICERS

RULE 7. 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time.

2. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted. ~~((See also Art. 2, Sec. 9, State Constitution.))~~

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume ~~((his/her))~~ the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that ~~((he/she))~~ the senator be allowed to proceed in order," when, if carried, ~~((he/she))~~ the senator shall ~~((confine themselves))~~ speak to the question under consideration.

4. No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent ~~((his or her))~~ the senator's per diem shall not be allowed or paid, and no senator, officer, or employee shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

5. In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)

SECTION II

OPERATIONS AND MANAGEMENT

PAYMENT OF EXPENSES - FACILITIES AND OPERATIONS

RULE 8. 1. After the reorganization caucuses of the Senate, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the Facilities and Operations Committee. The chair of the majority caucus shall be the chair of the Facilities and Operations Committee. The operation of the Senate shall transfer to the newly designated members after the reorganization caucuses of the Senate.

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

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

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

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

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

USE OF SENATE CHAMBERS

RULE 9. The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by the facilities and operations committee when not in session.

ADMISSION TO THE SENATE

~~RULE 10. ((The sergeant at arms and doorkeepers shall not admit to the floor of the senate during the time the senate is not convened any person other than specifically requested by a senator, the president or secretary of the senate, in writing, or when personally accompanied by a senator.~~

~~It is the policy of the senate that no persons except as provided herein shall be admitted to the floor and adjacent areas of the senate when the senate is convened.~~

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

~~The governor.~~

~~Members of the house of representatives.~~

~~State elected officers.~~

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

~~Officers and authorized employees of the senate.~~

~~Representatives of the press 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.)) The sergeant at arms shall admit only the following individuals to the floor and adjacent areas of the senate for the period of time beginning one-half hour before convening and ending when the senate has adjourned or recessed for an hour or more:~~

~~The governor and/or designees.~~

~~Members of the house of representatives.~~

~~State elected officials and/or designees.~~

~~Officers and authorized employees of the legislature.~~

~~Honored guests being presented to the senate.~~

~~Former members of the senate who are not registered lobbyists pursuant to chapter 42.17 RCW.~~

~~Representatives of the press.~~

~~Persons specifically requested by a senator to the president in writing or only as long as accompanied by a senator.~~

PRINTING OF BILLS

RULE 11. The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

FURNISHING FULL FILE OF BILLS

RULE 12. Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate, who shall refer all such requests to the committee on rules.

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

REGULATION OF LOBBYISTS

RULE 13. ~~((Any persons lobbying on legislation before the senate must register as a lobbyist under the provisions of chapter 42.17 RCW and shall be subject to the rules of the senate.~~

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

All persons who engage in lobbying of any kind as defined in chapter 42.17 RCW shall be subject to the rules of the senate and legislature when lobbying before the senate. Any person who fails to conform to the senate or joint rules may have their privilege to lobby and all other privileges revoked upon a majority vote of the committee on rules for such time as is deemed appropriate by the committee.

Any person registered as a lobbyist pursuant to chapter 42.17 RCW who intervenes in or attempts to influence any personnel decision of the senate regarding any employee may suffer an immediate revocation of all privileges before the senate or such other privileges and for such time as may be deemed appropriate by the senate committee on rules. This restriction shall not prohibit a registered lobbyist from making written recommendations for staff positions.

SECURITY MANAGEMENT

RULE 14. No person, other than military and law enforcement personnel, shall bring, carry or possess any pistol, rifle, shotgun, or other dangerous weapon, in the senate, its adjacent areas, the committee rooms, the senate gallery or any office of the senate.

SECTION III

RULES AND ORDER

TIME OF CONVENING

RULE ((14)) 15. ((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.)) The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day.

The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.

QUORUM

RULE ((15)) 16. A majority of all members elected to the senate shall be necessary to constitute a quorum to do business.((~~PROVIDED, That~~)) Less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

ORDER OF BUSINESS

RULE ((16)) 17. 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.

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

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

SPECIAL ORDER

RULE ((17)) 18. 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 of the members present, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business.

UNFINISHED BUSINESS

RULE ((18)) 19. The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

MOTIONS AND SENATE FLOOR RESOLUTIONS
(HOW PRESENTED)

RULE ((19)) 20. 1. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

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

PRECEDENCE OF MOTIONS

RULE ((20)) 21. When a motion has been made 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))~~
1st Rank: To lay on the table
2nd Rank: For the previous question
3rd Rank: To postpone to a day certain
To commit or recommit
To postpone indefinitely
4th Rank: To amend

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

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

At no time shall the senate entertain a Question of Consideration.

VOTING

RULE ((21)) 22. 1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon

any question upon which he or she is in any way personally or directly interested, nor be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced. (See also Art. 2, Secs. 27 and 30, State Constitution.)

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

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

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Rule 24.)

4. A senator having been absent during roll call may ask to have his or her name called. ~~((PROVIDED THAT))~~ Such a request ~~((is))~~ must be made before the result of the roll call has been announced by the president.

5. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Secs. 10 and 22, State Constitution.)

6. ~~((The order of names on the roll call shall be determined by the committee on rules))~~ The order of the names on the roll call shall be alphabetical by last name.

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

8. ~~((On any vote in a standing committee one-sixth of the members of such committee may demand that the vote be recorded and filed with the secretary of the senate, who shall preserve such record for a period of four years))~~ All votes in a committee shall be recorded and preserved as prescribed by the secretary of the senate.

ANNOUNCEMENT OF VOTE

RULE ~~((22))~~ 23. The announcement of all votes shall be made by the president.

CALL OF THE SENATE

RULE ~~((23))~~ 24. Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

ONE SUBJECT IN A BILL

RULE ~~((24))~~ 25. No bill shall embrace more than one subject and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

NO AMENDMENT BY MERE REFERENCE TO TITLE OF ACT

RULE ~~((25))~~ 26. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. (See also Art. 2, Sec. 37, State Constitution.)

READING OF PAPERS

RULE ~~((26))~~ 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 of reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution ~~((PROVIDED, HOWEVER, THAT))~~. This shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

COMPARING ENROLLED AND ENGROSSED BILLS

RULE ~~((27))~~ 28. Any senator shall have the right to compare an enrolled bill with the engrossed bill before the president signs the same.

SECTION IV
PARLIAMENTARY PROCEDURE
RULES OF DEBATE

RULE ~~((28))~~ 29. ~~((+))~~ When any senator is about to speak in debate, or submit any matter to the senate, ~~((he/she))~~ the senator shall rise ~~((from his/her seat))~~, and standing in place, respectfully address ~~((himself/herself to "Mr. President,")~~ the President, and when recognized shall, in a courteous manner, ((confine himself/herself)) speak to the question under debate, avoiding personalities((-and when finished shall resume his/her seat)). No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be limited to less than three minutes on each question. In any event, the senator who presents the motion may open and close debate on the question.

~~((OPENING AND CLOSING DEBATE~~

~~RULE 29. The author of a bill, motion or resolution shall have the privilege of opening and closing debate upon the same, unless the previous question has been moved and sustained.))~~

RECOGNITION BY THE PRESIDENT

RULE 30. When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

CALL FOR DIVISION OF A QUESTION

RULE 31. Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

POINT OF ORDER - DECISION APPEALABLE

RULE 32. Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the chair stand as the judgment of the senate?"

QUESTION OF PRIVILEGE

RULE 33. Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but ~~((he/she))~~ shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries, ~~((PROVIDED, That))~~ The president upon notice received may acknowledge the presence of any distinguished person or persons.

A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator.

PROTESTS

RULE 34. Any senator or senators may protest against the action of the senate upon any question. ~~((and have))~~ Such protest may be entered upon the journal ~~((PROVIDED, That such protest))~~ if it does not exceed 200 words. The senator protesting shall file ~~((his))~~ the protest with the secretary of the senate within 48 hours following the action protested.

ADOPTION AND SUSPENSION OF RULES

RULE 35. 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No ((standing)) permanent rule or order of the senate shall be rescinded or changed without a majority vote

of the members, and one day's notice of the motion (~~thereof. PROVIDED, That adoption of permanent rules may be by simple majority without notice, and a~~)

2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the president no objection is offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, (~~however;~~) the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

PREVIOUS QUESTION

RULE 36. The previous question shall not be put unless demanded by three senators. (~~whose names shall be entered upon the journal;~~) and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

RECONSIDERATION

RULE 37. 1. After the final vote on any (~~resolution or bill~~) measure, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration unless a motion to immediately transmit the measure to the house has been decided in the affirmative and the measure is no longer in possession of the senate. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the tenth day prior to adjournment sine die of any (~~regular~~) session, as determined pursuant to Article 2, Section 12, or concurrent resolution, or in the event that the measure is subject to a senate rule or resolution or a joint rule or concurrent resolution, which would preclude consideration on the next day of sitting a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

(QUESTION OF CONSIDERATION)

(~~RULE 38. When the question of consideration has been raised as to any motion, resolution or amendment, it shall not be put until said motion, resolution or amendment has been read. The question of consideration shall be carried by a majority vote of the senators present. PROVIDED, HOWEVER, That the rule may be suspended by the majority of those senators present.~~)

MOTION TO ADJOURN

RULE (~~(39)~~)38. Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

YEAS AND NAYS - WHEN MUST BE TAKEN

RULE (~~(40)~~)39. 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 Rules 22 and 24.)

REED'S PARLIAMENTARY RULES

RULE (~~(41)~~)40. The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

((RULES TO APPLY FOR BIENNIUM

RULE 42. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium.))

SECTION V
COMMITTEES

COMMITTEES—APPOINTMENT AND CONFIRMATION

RULE ((43))41. The president shall appoint all conference, special, joint and ((hereinafter named)) standing committees on the part of the senate, ((PROVIDED; HOWEVER; That)) The appointment of the ((said)) conference, special, joint and standing committees shall be confirmed by the senate.

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

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

((1. Agriculture	6
2. Commerce and Labor	7
3. Constitutions and Elections	7
4. Education	9
5. Energy and Utilities	11
6. Financial Institutions and Insurance	9
7. Higher Education	9
8. Judiciary	9
9. Local Government	9
10. Natural Resources	9
11. Parks and Ecology	11
12. Rules	15
13. Social and Health Services	9
14. State Government	11
15. Transportation	15
16. Ways and Means	17))
1. Agriculture	6
2. Commerce and Labor	11
3. Education	17
4. Energy and Utilities	9
5. Financial Institutions	9
6. Institutions	7
7. Judiciary	10
8. Local Government	7
9. Natural Resources	11
10. Parks and Ecology	12
11. Rules	21
12. Social and Health Services	7
13. State Government	7
14. Transportation	13
15. Ways and Means	21

SUBCOMMITTEES

RULE ((44))42. Committee ((chairpersons)) chairmen may create subcommittees of the standing committee and designate subcommittee ((chairpersons)) chairmen thereof to study subjects within the jurisdiction of the standing committee. The committee ((chairperson)) chairmen shall approve the use of committee staff and equipment assigned to the subcommittee. Subcommittee activities shall further be subject to facilities and operations committee approval to the same extent as are the actions of the standing committee from which they derive their authority.

SUBPOENA POWER

RULE ((45))43. Any of the above referenced committees, including subcommittees thereof, or any special committees created by the senate, ((shall)) may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW((-if and when specifically authorized by the committee

on rules, for specific purposes and for specific subjects in accordance with the authorization of the committee on rules). The committee chairman shall file with the committee on rules, prior to issuance of any process, a statement of purpose setting forth the name or names of those subject to process. The rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to consideration by the rules committee. The process shall be limited to the named individuals and the committee on rules may overrule the service on an individual so named.

DUTIES OF COMMITTEES

RULE ~~((46))~~44. The several committees shall fully consider measures referred to them.

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

COMMITTEE RULES

RULE ~~((47))~~45. 1. At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. ~~((: PROVIDED, That))~~ By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee 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 ~~((for))~~ may order the meeting closed to any person or persons creating such disturbance.

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

4. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall carry one of the following recommendations, shall be adopted at a regularly or specially called meeting and shall be signed by a majority of the committee:

- a. Do pass.
- b. Do pass as amended.
- c. That a substitute bill be substituted therefor, and the substitute bill do pass.
- d. That the bill be referred to another committee.
- e. Without recommendation.
- f. That the bill be indefinitely postponed.
- g. Do not pass.

5. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 3 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

6. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's notice of said motion is provided to all committee members.

~~((6:))~~ 7. Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation which shall be signed by those members of the committee subscribing thereto.

~~((7:))~~ 8. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

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

~~((8-))~~ 9. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

~~((9-))~~ 10. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session.

COMMITTEE MEETINGS DURING SESSIONS

RULE ~~((40))~~ 46. No committee shall sit during the daily session of the senate unless by special leave.

No committee shall sit during any scheduled caucus.

READING OF REPORTS

RULE ~~((49))~~ 47. The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the journal.

RECALLING BILLS FROM COMMITTEES

RULE ~~((50))~~ 48. Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

BILLS REFERRED TO RULES COMMITTEE

RULE ~~((51))~~ 49. 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 Rules ~~((64))~~ 62 and ~~((65))~~ 63.)

RULES COMMITTEE

RULE ~~((52))~~ 50. The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

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

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

~~((SUSPEND RULES FOR))~~ COMMITTEE OF THE WHOLE

RULE ~~((53))~~ 51. At no time shall the senate sit as a committee of the whole.

The senate may at any time, by the vote of the majority of the members present, sit as a body ~~((suspend the rules and orders of the senate))~~ for the purpose of taking testimony on ~~((going into the committee of the whole for the consideration of))~~ any measure ~~((bill, memorial or resolution))~~ before the senate.

~~((FORMATION OF THE COMMITTEE OF THE WHOLE~~

RULE 54. ~~In forming the committee of the whole, the president shall name a chairperson to preside, and all bills considered shall be read by sections and the chairperson shall call for amendments and debates thereon at the conclusion of the reading of each section. The body of the bill shall not be defaced or interlined; but all amendments (noting the page and line) shall be duly entered by the secretary on a separate paper as the same shall be agreed to by the committee, and so reported to the senate for action:~~

~~RULES IN THE COMMITTEE OF THE WHOLE~~

RULE 55. ~~The rules of the senate shall apply to proceedings in committee of the whole, except that the previous question or the motion to lay on the table shall not be ordered, nor the yeas and nays demanded, but the committee may limit the number of times that any member may speak at any stage of the proceedings during the sitting:~~

REPORT OF COMMITTEE OF THE WHOLE

RULE 56. ~~A motion that the committee of the whole rise shall always be in order, and shall be decided without debate.~~

MESSAGES RECEIVED WHILE COMMITTEE OF THE WHOLE SITS

RULE 57. ~~Messages may be received by the president while the committee of the whole is sitting, in which case the president shall resume the chair, receive the message, and vacate the chair, in favor of the chairman of the committee.))~~

APPROPRIATION BUDGET BILLS

RULE ~~((58))~~52. ~~((Omnibus appropriation bills shall be considered in committee of the whole senate, and no change in the amount appropriated shall be made outside of the committee of the whole.))~~

No amendment to the ~~((omnibus appropriations bill, commonly known as the budget or supplemental budget, adding any new item, or items, thereto))~~ budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of ~~((two-thirds))~~ sixty percent of the senators elected.

SECTION VI

BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

DEFINITIONS

RULE ~~((59))~~ 53. "Measure" means a bill, joint memorial, ~~((or))~~ joint resolution, or concurrent resolution.

"Bill" when used alone means bill, joint memorial, ~~((or))~~ joint resolution, or concurrent resolution.

"Majority" shall mean a majority of those members present unless otherwise stated.

PREFLILING

RULE ~~((60))~~ 54. 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 special session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day, ~~((PROVIDED, HOWEVER, That))~~ No bill, joint memorial or joint resolution shall be prefilled by title and/or preamble only. (See also Rule 3, Sub. 3.)

INTRODUCTION OF BILLS

RULE ~~((61))~~ 55. All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. ~~((Not more than three senators may sponsor a bill, except committee bills which shall be in accordance with the joint rules of the senate and house. PROVIDED, HOWEVER, That))~~ Any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced, ~~((PROVIDED FURTHER, That))~~ All bills to be considered by the senate during a sixty day regular session shall be on the request list of the code reviser by 5:00 p.m. on the nineteenth day, or on the fortieth day during a one hundred five day regular session, and shall be read in under the proper order of business no later than the twenty-third legislative day of a sixty day regular session, or on the forty-sixth day of a one hundred five day regular session.

After the expiration of deadlines for bill introductions provided in this rule, no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session, ~~((PROVIDED, That))~~ The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

AMENDATORY BILLS

RULE ~~((62))~~ 56. Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted

matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

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

JOINT RESOLUTIONS AND MEMORIALS

RULE ((63)) 57. Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

SENATE CONCURRENT RESOLUTIONS

RULE ((64)) 58. 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. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rule 61.

COMMITTEE BILLS

RULE ((65)) 59. Committee bills introduced by a standing committee may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

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

COMMITTEE REFERENCE

RULE ((66)) 60. 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.))~~

FIRST: A standing committee.

SECOND: A select committee.

READING OF BILLS

RULE ((67)) 61. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. ~~((PROVIDED, HOWEVER, That))~~ On and after the tenth day preceding adjournment sine die of any ((regular) session, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, this rule may be suspended by a majority vote. (See also Rule 58).

FIRST READING

RULE ((68)) 62. 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 pursuant to Rule 60.

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 ((51))49.)

A bill shall be reported back by the committee ~~((chairperson))~~ chairman upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule ((47))45, Sub. 4.

No committee ~~((chairperson))~~ 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.

SECOND READING/AMENDMENTS

RULE ((69)) 63. Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

Any member may, if sustained by three members, remove a bill from the consent calendar as constituted by the committee on rules. A bill removed from the consent calendar shall take its place as the last bill in the order of consideration of bills on the second reading calendar.

No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary.

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

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

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

THIRD READING

RULE ((70)) 64. Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

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

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

SCOPE AND OBJECT OF BILL NOT TO BE CHANGED

RULE ((71)) 65. No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.)

((HOUSE AMENDMENTS TO SENATE BILLS))

MATTERS RELATED TO DISAGREEMENT BETWEEN THE SENATE AND HOUSE

RULE ((72)) 66. When there is a disagreement between the senate and house on a measure before the senate, the senate may act upon the measure with the following motions which have priority in the following order:

To concur

To non-concur

To recede

To insist

To adhere

These motions are in order as to any single amendment or to a series of amendments.

(See Reed's Rules 247 through 254.)

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 the event a scope and object ruling results in a measure being referred to committee, a motion to ask the house to recede, to insist or to adhere shall be in order on the same day upon which the scope and object ruling resulted in the measure being referred to committee.

BILLS COMMITTED FOR SPECIAL AMENDMENT

RULE ((73)) 67. A bill may be committed with or without special instructions to amend at any time before taking the final vote.

CONFIRMATION OF GUBERNATORIAL APPOINTEES

RULE ((74)) 68. When the names of appointees to state offices are transmitted to the Secretary of the Senate for senate confirmation, the communication from the governor shall be recorded and referred to the appropriate standing committee ~~((unless, prior to the referral of an appointment or appointments to the appropriate committees, a message is received from the governor requesting the return of the appointment or appointments, in which instances the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the senators elected))~~.

The standing committee, or subcommittee, pursuant to rule 42, shall require each appointee referred to the committee for consideration to complete the standard questionnaire to be used to ascertain the appointee's general background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he has been appointed.

The standing committee, or subcommittees, pursuant to rule 42, shall hold a public hearing on the appointment. The appointee ((shall)) may be required to

appear before the committee on request ~~((unless the required appearance is waived by a two-thirds vote of the committee members))~~. When appearing, the appointee shall be required to testify under oath. The ~~((chairperson))~~ chairman of the ~~((standing))~~ committee or the presiding member shall administer the oath in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal,~~((PROVIDED, That))~~ In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the senators elected. (Article 13 of the State Constitution.)

PARLIAMENTARY INQUIRY

Senator Clarke: "As a matter of parliamentary inquiry and perhaps Senator Goltz might want to comment, also. I take it that we, at this time, would have the opportunity of presenting and having argument on various amendments and that following the procedure of whether the amendments are adopted or not adopted, the entire resolution would then be again up for discussion on the floor."

REPLY BY THE PRESIDENT

President Cherberg: "The resolution is open to amendments, Senator Clarke."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Following the argument on amendments and then on final passage, it would be subject to arguments on both sides after the proposed amendments have been disposed of?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator."

POINT OF INQUIRY

Senator Newhouse: "I have a question on the last paragraph of Subsection 8, Rule 22, Senator Goltz, in which the recording of votes in committee is somewhat unclear. My question would be, should we read this as two parts? All votes in committee should be recorded and then that the preservation of those records shall be as prescribed by the Secretary of the Senate?"

Senator Goltz: "Yes, that is a very good question, Senator Newhouse, and one that I think should be clarified. It is not the intention of this rule that committees would have to have a recorded roll call vote on each measure or amendment brought before the committee. The meaning of this rule is that in the committee, when the committee takes an action, whether it be by voice vote or hand raised vote, it is the intent of this rule to have in the records a statement by the chairman who interprets that vote, so that the vote itself will be recorded.

"This is important in the matter of trying to trace the history of legislation and the meaning of legislation through the legislature, and sometimes a defeated motion adds as much to the interpretation and the knowledge of that bill as a passed motion. I hope that I have answered the first part of your question. The second part, the preservation as prescribed by the Secretary of the Senate, I think, will require this body to ask the Secretary of the Senate, when this passes, to develop a method by which these records are preserved.

"The previous rule had a preservation provision that they be kept for a period of four years. We simply are offering the Secretary of the Senate, the flexibility of developing a system where the records will be maintained in a manner adequate to meet the provision of this rule."

Senator Newhouse: "A further question then, Senator Goltz. You are striking in this proposed amendment to our rules the right of the minority of one-sixth to

demand that the individual votes of members on an issue be recorded. Is that your intent? Should we not leave that right to the minority?"

Senator Goltz: "I believe, and someone may have to correct me, but I believe there also is a provision in other rules which will allow for the demand of the roll call. I would have to make a reference to Reed's, but I believe there is already a rule which allows for a minority to demand a roll call vote in a committee."

Debate ensued.

MOTION

Senator Lee moved adoption of the following amendment:
On page 23, line 609, after "senate" insert "or joint committees"

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Bottiger, just so we can take you up on your offer, when would those joint rules probably be considered by this body?"

Senator Bottiger: "I have asked Senator Goltz to act as a representative of the Senate to meet with somebody from the House and I guess I would have to ask him how he is coming on that. I don't know if they have met yet."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "I would expect that the joint rules would be ready for consideration by the Senate next week."

REMARKS BY SENATOR LEE

Senator Lee: "Thank you, Senator Goltz. With that sort of assurance, Mr. President, presuming I am still recognized, I would withdraw the amendment."

REPLY BY THE PRESIDENT

President Cherberg: "If there is no objection, the amendment is withdrawn."

MOTION

Senator Haley moved adoption of the following amendment by Senators Haley, Hemstad and Pullen:

On page 14, line 412, after "senate" and before the period insert ". One-sixth of the committee may demand an oral roll call"

POINT OF ORDER

Senator Bluechel: "Mr. President, I have an amendment which pertains to these same rules. Could you clarify whether there would be any conflict if Senator Haley's amendment is adopted? We are talking about two different areas, but please clarify the order."

REPLY BY THE PRESIDENT

President Cherberg: "The President does not believe there is a conflict, Senator Bluechel, but the President believes that the suggestion by the Secretary of the Senate to consider your amendment first would be in order."

The President declared the question before the Senate to be adoption of the amendment by Senators Haley, Hemstad and Pullen.

The motion by Senator Haley carried on a rising vote and the amendment was adopted.

MOTION

On motion of Senator Bluechel, the following amendment by Senators Bluechel, Hayner and Goltz was adopted:

On page 14, Rule 22, beginning on line 411, strike the underscored material, down through "senate" on line 412, and insert: "All votes in a committee shall be recorded, and the record shall be preserved as prescribed by the secretary of the senate"

MOTION

Senator Hemstad moved adoption of the following amendment by Senators Hemstad, Hayner, and Clarke:

On page 28, line 718, after "~~committee~~;) strike all material down to and including "elected." on page 29, line 727, and insert:

~~((APPROPRIATION-BUDGET BILLS"~~

~~RULE 58. Omnibus appropriation bills shall be considered in committee of the whole senate, and no change in the amount appropriated shall be made outside of the committee of the whole.~~

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

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Hemstad, Hayner and Clarke.

ROLL CALL

The Secretary called the roll and the motion by Senator Hemstad failed and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogndild, Warnke, Wojahn, Woody - 25.

Absent: Senator Williams - 1.

MOTION

Senator Pullen moved adoption of the following amendment:

On page 9, line 292, after "shall" and before "bring" insert "without permission of the senate"

POINT OF INQUIRY

Senator Rasmussen: "Senator Goltz, I read in the newspaper that Mayor Royer of Seattle flew down here, because he didn't have time to travel by car, to attend the State Finance Committee hearing. At that time, it also said, he was accompanied by his bodyguard. Now, I don't know if that is a private bodyguard or whether it is a fireman or a policeman that he takes off the force there in Seattle to bodyguard him, but apparently he brought him with him.

"Now if that gentleman was not a law enforcement officer and Mayor Royer, who may be carrying a gun himself—I don't know—if he needs a bodyguard, he probably is carrying a gun. What I am wondering is, if Mayor Royer, with his bodyguard, wanted to enter this sacred chamber, would we then have to move to suspend the rules the way it is drafted now? Or if the way that Senator Pullen proposes in his amendment, the Secretary of the Senate could prescribe that?"

Senator Goltz: "Senator Rasmussen, in either case, whether the Pullen amendment carried or whether the present rule that I referred to carried, permission of the Senate would be required. Nobody is giving that to anybody else. It would be my interpretation that if a bodyguard comes to the Legislature, he is a law enforcement officer and he would be entitled to carry that. He obviously has a law enforcement officer credential.

"We simply do not want, I think, under this rule change to have people appear here with guns and other dangerous weapons as though this is a place where that kind of intimidation behavior is allowable."

MOTION

At 12:26 p.m., on motion of Senator Bottiger, the Senate adjourned until 11:00 a.m., Thursday, January 20, 1983.

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

ELEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 20, 1983

The Senate was called to order at 11:00 a.m. by President Cherberg.

At 11:00 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 11:16 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Hayner. On motion of Senator Bluechel, Senator Hayner was excused.

The Sergeant at Arms Color Guard, consisting of Pages Diane Dinsmore and Hans Brandal, presented the Colors. Reverend Lester Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 19, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

F. George Warren appointed October 1, 1982, for a term ending April 3, 1986, as a member of the State Board for Community College Education.

Sincerely,

John Spellman, Governor

Referred to the Committee on Education.

January 19, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Della M. Newman reappointed January 14, 1983, for a term ending January 4, 1989, as a member of the State Personnel Board.

Sincerely,

John Spellman, Governor

Referred to the Committee on State Government.

INTRODUCTION AND FIRST READING

SB 3217 by Senators Bauer, Zimmerman and Thompson

AN ACT relating to salmon fishing; and amending section 3, chapter 108, Laws of 1957 and RCW 75.12.210.

Referred to Committee on Natural Resources.

SB 3218 by Senators Rasmussen, Deccio and Warnke

AN ACT Relating to highways; directing construction of a Naches Pass tunnel; adding new sections to chapter 47.56 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 3219 by Senators Granlund, Haley and Moore

AN ACT Relating to property taxation; amending section 12, chapter 212, Laws of 1973 1st ex. sess. as amended by section 5, chapter 134, Laws of 1980 and RCW 84.34.108; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3220 by Senators Vognild, Quigg, Shinpoch and Wojahn (by Department of Employment Security request)

AN ACT Relating to the federal unemployment trust fund; amending section 8, chapter 35, Laws of 1945 as last amended by section 1, chapter 3, Laws of 1971 and RCW 50.04.070; amending section 8, chapter 266, Laws of 1959 as amended by section 3, chapter 3, Laws of 1971 and RCW 50.04.072; amending section 60, chapter 35, Laws of 1945 as last amended by section 1, chapter 142, Laws of 1980 and RCW 50.16.010; and adding new sections to chapter 50.16 RCW.

Referred to Committee on Commerce and Labor.

SB 3221 by Senators Rasmussen, Warnke and Hughes

AN ACT Relating to the veterans affairs advisory committee; and amending section 14, chapter 115, Laws of 1975-76 2nd ex. sess. as amended by section 1, chapter 285, Laws of 1977 ex. sess. and RCW 43.60A.080.

Referred to Committee on State Government.

SB 3222 by Senator Rasmussen and Hughes

AN ACT Relating to parking for disabled persons; amending section 6, chapter 192, Laws of 1979 ex. sess. and RCW 46.16.380; amending section 65, chapter 155, Laws of 1965 ex. sess. as last amended by section 21, chapter 178, Laws of 1979 ex. sess. and RCW 46.61.565; amending section 2, chapter 128, Laws of 1961 as last amended by section 2, chapter 27, Laws of 1979 ex. sess. and RCW 46.61.580; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on State Government.

SB 3223 by Senators Talmadge, Hemstad, Hughes, Bender and Fleming (by Attorney General request)

AN ACT Relating to antitrust and unfair and deceptive business practices; amending section 14, chapter 216, Laws of 1961 as amended by section 7, chapter 26, Laws of 1970 ex. sess. and RCW 19.86.140; amending section 9, chapter 216, Laws of 1961 as amended by section 2, chapter 26, Laws of 1970 ex. sess. and RCW 19.86.090; amending section 15.66.010, chapter 11, Laws of 1961 as last amended by section 180, chapter 35, Laws of 1982 and RCW 15.66.010; creating a new section; repealing section 1, chapter 221, Laws of 1939 and RCW 19.90.010; repealing section 2, chapter 221, Laws of 1939 and RCW 19.90.020; repealing section 3, chapter 221, Laws of 1939 and RCW 19.90.030; repealing section 4, chapter 221, Laws of 1939 and RCW 19.90.040; repealing section 5, chapter 221, Laws of 1939 and RCW 19.90.050; repealing section 6, chapter 221, Laws of 1939 and RCW 19.90.060; repealing section 7, chapter 221, Laws of 1939 and RCW 19.90.070; repealing section 8, chapter 221, Laws of 1939 and RCW 19.90.080; repealing section 9, chapter 221, Laws of 1939 and RCW 19.90.090; repealing section 10, chapter 221, Laws of 1939 and RCW 19.90.100; repealing section 11, chapter 221, Laws of 1939 and RCW 19.90.110; repealing section 12, chapter 221, Laws of 1939 and RCW 19.90.120; repealing section 13, chapter 221, Laws of 1939 and RCW 19.90.130; repealing section 1, chapter 246, Laws of 1959 and RCW 19.90.140; repealing section 2, chapter 246, Laws of 1959 and RCW 19.90.150; repealing section 3, chapter 246, Laws of 1959 and RCW 19.90.160; repealing section 14, chapter 221, Laws of 1939 and RCW 19.90.900; repealing section 4, chapter 246, Laws of 1959 and RCW 19.90.901; repealing section 15, chapter 221, Laws of 1939 and RCW 19.90.910; repealing section 16, chapter 221, Laws of 1939 and RCW 19.90.920; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3224 by Senators Goltz, Quigg, Williams, Fuller, Hurley, McManus and Moore (by Energy Office request)

AN ACT Relating to heating systems and services; and adding a new chapter to Title 35 RCW.

Referred to Committee on Energy and Utilities.

SB 3225 by Senators Williams, Quigg and Moore (by Energy Office request)

AN ACT Relating to the regulation of district heating systems and services; adding a new chapter to Title 80 RCW; and providing an expiration date.

Referred to Committee on Energy and Utilities.

SB 3226 by Senators McDermott, Jones and Thompson (by Department of Retirement Systems request)

AN ACT Relating to retirement from public service; amending section 9, chapter 163, Laws of 1982 and RCW 41.50.032; amending section 19, chapter 209, Laws of 1969 ex. sess. as amended by section 6, chapter 294, Laws of 1981 and RCW 41.26.210; amending section 20, chapter 209, Laws of 1969 ex. sess. as amended by section 7, chapter 294, Laws of 1981 and RCW 41.26.220; and amending section 21, chapter 209, Laws of 1969 ex. sess. as amended by section 103, chapter 81, Laws of 1971 and RCW 41.26.230.

Referred to Committee on Ways and Means.

SB 3227 by Senators McDermott, Jones and Thompson (by Department of Retirement Systems request)

AN ACT Relating to retirement of public employees; adding a new chapter to Title 41 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 3228 by Senators Talmadge, Warnke, Bauer and Gaspard

AN ACT Relating to childhood nutrition in the common schools; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

SB 3229 by Senators Goltz, Bluechel, Jones, Hemstad, Quigg, Bender, Williams, McManus, Clarke and Sellar (by Governor Spellman request)

AN ACT Relating to state participation in the British Columbia World Exposition of 1986; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on State Government.

SB 3230 by Senators Fleming, Bluechel, Wojahn, Hemstad, Quigg, Deccio, Fuller, McManus, von Reichbauer, Granlund, Lee, Bender, Kiskaddon and Bauer (by Governor Spellman request)

AN ACT Relating to minority and women's business enterprises; adding a new chapter to Title 39 RCW; adding a new section to chapter 39.29 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.19 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SB 3231 by Senators Bottiger, Zimmerman, Williams, Bauer, Woody and Quigg (by Governor Spellman request)

AN ACT Relating to energy-related building standards; amending section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 1, chapter 8, Laws of 1980 and RCW 19.27.030; adding a new section to chapter 19.27 RCW; creating new sections; repealing section 3, chapter 76, Laws of 1979 ex. sess. and RCW 19.27.075; repealing section 1, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.200; repealing section 2, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.210; repealing section 3, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.220; repealing section 4, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.230; repealing section 5, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.240; repealing section 6, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.250; repealing section 7, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.260; repealing section 8, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.270; repealing section 9, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.280; repealing section 10, chapter 14, Laws of 1977 ex. sess. and RCW 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; repealing section 17, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.905; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 3232 by Senators Hayner, Bauer, Guess, Thompson, Bluechel, Hansen, Goltz, McManus, Warnke, Zimmerman, Quigg, McCaslin and Deccio (by Governor Spellman request)

AN ACT Relating to economic development; amending section 2, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.020; amending section 8, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.080; amending section 11, chapter 117, Laws of 1972 ex. sess. as amended by section 5, chapter 76, Laws of 1981 and RCW 43.31A.110; amending section 16, chapter 117, Laws of 1972 ex. sess. as amended by section 1, chapter 6, Laws of 1982 2nd ex. sess. and RCW 43.31A.160; amending section 2, chapter 6, Laws of 1982 2nd ex. sess. (uncodified); amending section 4, chapter 76, Laws of 1981 and RCW 43.31A.400; amending section 10, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.900; adding new sections to chapter 43.160 RCW; providing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3233 by Senators Fleming, Hemstad, Jones, McManus, Lee and Granlund (by Governor Spellman request)

AN ACT Relating to the Washington state Asian-American commission; amending section 1, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.010; amending section 14, chapter 140, Laws of 1974 ex. sess. as amended by section 1, chapter 297, Laws of 1977 ex. sess. and RCW 43.117.910; amending section 34, chapter 99, Laws of 1979 and RCW 43.131.215; amending section 76, chapter 99, Laws of 1979 and RCW 43.131.216; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SB 3234 by Senators Talmadge, Hayner and Deccio

AN ACT Relating to the disposition of unclaimed property; and adding a new section to chapter 63.28 RCW.

Referred to Committee on Judiciary.

SB 3235 by Senators Talmadge and Hemstad

AN ACT Relating to the lien of judgment; amending section 1, chapter 60, Laws of 1929 as last amended by section 3, chapter 105, Laws of 1980 and RCW 4.56.190; and creating a new section.

Referred to Committee on Judiciary.

SB 3236 by Senators McDermott, Jones and Thompson (by Department of Retirement Systems request)

AN ACT Relating to the Washington public employees' retirement system; and amending section 13, chapter 274, Laws of 1947 as last amended by section 19, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.120.

Referred to Committee on Ways and Means.

SB 3237 by Senators Bluechel, Guess, Patterson, Hemstad, von Reichbauer and Kiskaddon (by Governor Spellman request)

AN ACT Relating to higher education fees; amending section 2, chapter 279, Laws of 1971 ex. sess. as last amended by section 12, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.031; amending section 7, chapter 322, Laws of 1977 ex. sess. as last amended by section 16, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.070; amending section 6, chapter 257, Laws of 1981 as amended by section 18, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.202; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.20 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.30 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

SB 3238 by Senators Zimmerman, Fleming and Bluechel (by Governor Spellman request)

AN ACT Relating to the planning and community affairs agency; amending section 3, chapter 74, Laws of 1967 and RCW 43.63A.030; amending section 2, chapter 74, Laws of 1967 and RCW 43.63A.020; 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 6, chapter 74, Laws of 1967 and RCW 43.63A.060; amending section 10, chapter 74, Laws of 1967 and

RCW 43.63A.100; amending section 2, chapter 269, Laws of 1981 and RCW 43.63A.190; amending section 3, chapter 123, Laws of 1980 and RCW 28A.91.110; amending section 9, chapter 10, Laws of 1982 and RCW 42.17.240; amending section 7, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.080; amending section 2, chapter 19, Laws of 1977 ex. sess. as amended by section 149, chapter 151, Laws of 1979 and RCW 43.132.020; amending section 3, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.030; amending section 8, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.070; amending section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030; amending section 21, chapter 99, Laws of 1979 and RCW 43.131.189; amending section 63, chapter 99, Laws of 1979 and RCW 43.131.190; adding new sections to chapter 43.63A RCW; creating new sections; repealing section 43.31.200, chapter 8, Laws of 1965, section 42, chapter 171, Laws of 1974 ex. sess. and RCW 43.31.200; repealing section 43.31.210, chapter 8, Laws of 1965 and RCW 43.31.210; repealing section 43.31.220, chapter 8, Laws of 1965 and RCW 43.31.220; repealing section 43.31.230, chapter 8, Laws of 1965 and RCW 43.31.230; repealing section 1, chapter 74, Laws of 1967 and RCW 43.63A-.010; repealing section 7, chapter 74, Laws of 1967, section 28, chapter 151, Laws of 1977 ex. sess., section 132, chapter 151, Laws of 1979 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 11, chapter 74, Laws of 1967 and RCW 43.63A.110; repealing section 28, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.270; declaring an emergency; and providing an effective date.

Referred to Committee on State Government.

SB 3239 by Senators Hansen, Newhouse, Deccio, Barr, Goltz, Bauer and Benitz

AN ACT Relating to excise taxes; and amending section 2, chapter 8, Laws of 1970 ex. sess. as last amended by section 3, chapter 90, Laws of 1975 1st ex. sess. and RCW 82.04.280.

Referred to Committee on Agriculture.

SB 3240 by Senator Lee (by Joint Administrative Rules Review Committee request)

AN ACT Relating to conforming lobbyist employer reporting requirements with lobbyist reporting requirements; and 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.

Referred to Committee on State Government.

SB 3241 by Senators McDermott, Jones, and Thompson (by Department of Retirement Systems request)

AN ACT Relating to public employment; amending section 6, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.450; amending section 6, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.775; and amending section 6, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.650.

Referred to Committee on Ways and Means.

SB 3242 by Senators Hemstad, Guess, Bluechel, Kiskaddon and Barr (by Governor Spellman request)

AN ACT Relating to highway safety; amending section 1, chapter 244, Laws of 1975 1st ex. sess. as amended by section 26, chapter 47, Laws of 1982 1st ex. sess. and RCW 10.05.010; amending section 6, chapter 244, Laws of 1975 1st ex. sess. as amended by section 4, chapter 158, Laws of 1979 and RCW 10.05.060; amending section 84, page 115, Laws of 1854 as amended by section 1040, Code of 1881 and RCW 10.22.010; amending section 46.04.480, chapter 12, Laws of 1961 as amended by section 7, chapter 62, Laws of 1979 and RCW 46.04.480; amending section 24, chapter 121, Laws of 1965 ex. sess. and RCW 46.20-.285; amending section 11, chapter 260, Laws of 1981 and RCW 46.20.308; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 5, chapter 212, Laws of 1982 and RCW 46.20.311; reenacting and amending section 46.52.100, chapter 12, Laws of 1961 as last amended by section 81, chapter 136, Laws of 1979 ex. sess. and by section 4, chapter 176, Laws of 1979 ex. sess. and RCW 46.52.100; amending section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 84, chapter 136, Laws of 1979 ex. sess. and RCW 46.52.130; amending section 1, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.502; amending section 2, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.504; amending section 3, chapter 1, Laws of 1969 as last amended by section 5, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.506; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 27, chapter 47, Laws of 1982 1st ex. sess. and RCW 46.61.515; amending section 12, chapter 10, Laws of 1982 and RCW 46.63.020; amending section 442, chapter 249, Laws of 1909 and RCW 66.44.240; amending section

441, chapter 249, Laws of 1909 and RCW 66.44.250; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.32 RCW; adding new sections to chapter 46.61 RCW; repealing section 46.20.380, chapter 12, Laws of 1961, section 31, chapter 32, Laws of 1967, section 12, chapter 61, Laws of 1979 and RCW 46.20.380; repealing section 1, chapter 5, Laws of 1973, section 13, chapter 61, Laws of 1979 and RCW 46.20.391; repealing section 46.20.400, chapter 12, Laws of 1961, section 33, chapter 32, Laws of 1967 and RCW 46.20.400; repealing section 46.20.410, chapter 12, Laws of 1961, section 34, chapter 32, Laws of 1967 and RCW 46.20.410; defining crimes; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3243 by Senators Granlund, Fuller, Owen, McCaslin, Woody and Craswell

AN ACT Relating to construction of correctional facilities; and amending section 2, chapter 176, Laws of 1974 ex. sess. and RCW 43.17.200.

Referred to Committee on Institutions.

SJR 108 by Senators Thompson, Hemstad, Zimmerman and Granlund

Providing for a commission to promulgate alternate county home rule charters.

Referred to Committee on Local Government.

SJR 109 by Senators Zimmerman and Bluechel (by Governor Spellman request)

Authorizing reorganization of state government.

Referred to Committee on State Government.

MOTION

On motion of Senator Shipoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3035, by Senators McDermott, Gaspard, Bender and Hughes

Directing preparation of a comprehensive plan for the maintenance and repair of the state's public works and appropriating funds for the plan.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3035 was substituted for Senate Bill No. 3035 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3035 was advanced to third reading, the second reading considered the third, and the bill was 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. 3035.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3035, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Haley - 1.

Excused: Senator Hayner - 1.

SUBSTITUTE SENATE BILL NO. 3035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McDermott, Substitute Senate Bill No. 3035 was ordered immediately transmitted to the House.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 101, by Senators Goltz and Guess

Continuing the Joint Ad Hoc Committee on Science and Technology.

The resolution was read the second time.

MOTION

On motion of Senator Goltz, the rules were suspended, Senate Concurrent Resolution No. 101 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 101.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 101, and the resolution passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Haley - 1.

Excused: Senator Hayner - 1.

SENATE CONCURRENT RESOLUTION NO. 101, having received the constitutional majority, was declared passed.

MOTIONS

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

On motion of Senator Bottiger, the Senate resumed consideration of Senate Resolution 1983-6 and the pending amendment by Senator Pullen on page 9, line 292. (Permanent Rules of the Senate -- For previous action, see Journal, 10th Day, January 19, 1983)

On motion of Senator Pullen, and there being no objection, the amendment was withdrawn.

On motion of Senator Pullen, the following amendment by Senators Pullen, Benitz, Guess, Craswell, Quigg, Sellar, Fuller, Metcalf, and Zimmerman was adopted:

On line 291, after "RULE 14.", strike the balance of the rule and replace with "The sergeant at arms may develop methods to protect the senate, including its members, staff, and the visiting public, by establishing procedures to curtail the use or possession of any weapon in a manner that is prohibited by law or by the rules of the department of general administration."

MOTION

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

On page 30, line 750, after "~~PROVIDED FURTHER, That~~)" strike all the material down through "session" at the end of the paragraph on line 753.

On page 30, after "provided" on line 754, strike "in this rule" on line 755 and insert "~~((in this rule))~~ for by resolution"

The President declared the question before the Senate to be adoption of Senate Resolution 1983-6, as amended.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of Senate Resolution 1983-6, as amended.

ROLL CALL

The Secretary called the roll and Senate Resolution 1983-6, as amended, was adopted by the following vote: Yeas, 26; nays, 23; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

MOTIONS

On motion of Senator Bottiger, the Committee on Judiciary was relieved of further consideration of Gubernatorial Appointments No. 8, 24, 25, and 26.

On motion of Senator Bottiger, Gubernatorial Appointments No. 8, 24, 25, and 26 were referred to the Committee on Institutions.

MOTION

At 12:17 p.m., on motion of Senator Rasmussen, the Senate adjourned until 11:00 a.m., Friday, January 21, 1983.

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

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 21, 1983

The Senate was called to order at 11:00 a.m. by President Cherberg.

At 11:00 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 11:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Lee. On motion of Senator Bluechel, Senator Lee was excused.

The Sergeant at Arms Color Guard, consisting of Pages Ann Froderberg and Sandy Harnden, presented the Colors. Reverend Lester Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SCR 103 by Senators Bottiger, Hayner, Fleming and Jones

Establishing cutoff dates for the regular session.

MOTIONS

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

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

On motion of Senator Bottiger, Senate Concurrent Resolution No. 103 was ordered immediately transmitted to the House.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

January 20, 1983

SB 3108 Prime Sponsor, Senator Vognild: Revising laws governing labor relations for ferry workers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3108 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Moore, McManus, Shinpoch, Williams, Wojahn.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

January 20, 1983

GA 4 RANDY S. FISHER, to the position of Director of the Department of Veterans Affairs, appointed by the Governor on May 6, 1982, for the term ending at the Governor's pleasure, succeeding Hector L. Torres. Reported by Committee on State Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Jones, McCaslin, McDermott, Rasmussen, Rinehart, Zimmerman.

Passed to Committee on Rules.

January 20, 1983

GA 2 LELAND BLANKENSHIP, to the position of Public Printer of the Department of Printing, appointed by the Governor on November 1, 1982, for the term ending at the pleasure of the Governor, succeeding William Hanson. Reported by Committee on State Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Jones, McCaslin, McDermott, Rasmussen, Rinehart, Zimmerman.

Passed to Committee on Rules.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

January 20, 1983

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 20, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 3244 by Senators Thompson, Jones, Bauer, Bluechel, Fuller, Granlund and Bender

AN ACT Relating to business and occupation taxes; amending section 6, chapter 196, Laws of 1979 ex. sess. as amended by section 80, chapter 37, Laws of 1980 and RCW 82.04.431; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 3245 by Senators Fleming, Jones, Bottiger, Gaspard, Bluechel, Hurley, Barr, Warnke, Shinpoch, Peterson, Moore, Owen, Vognild, Williams, Talmadge, Wojahn, Bauer, Woody, Hemstad, Quigg, McManus, Hughes, Deccio, Fuller, von Reichbauer, Sellar, Bender, McCaslin, Kiskaddon and Hayner (by Governor Spellman request)

AN ACT Relating to housing financing; amending section 9, chapter 10, Laws of 1982 and RCW 42.17.240; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on State Government.

SB 3246 by Senator Patterson (by Governor Spellman request)

AN ACT Relating to transportation; amending section 2, chapter 67, Laws of 1981 as amended by section 1, chapter 189, Laws of 1982 and RCW 34.12.020; reenacting and amending section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 6, chapter 344, Laws of 1981 and by section 2, chapter 34, Laws of 1982 1st ex. sess. and RCW 41.05.050; amending section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 2, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.070; amending section 46.68-.030, chapter 12, Laws of 1961 as last amended by section 9, chapter 342, Laws of 1981 and RCW 46.68.030; 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 5, chapter 344, Laws of 1981 and RCW 47.60.326; amending section 47.64.090, chapter 13, Laws of 1961 and RCW 47.64.090; amending section 9, chapter 344, Laws of 1981 (uncodified); adding a new section to chapter 41.58 RCW; adding a new section to chapter 47.60 RCW; adding new sections to chapter 47.64 RCW; repealing section 7, chapter 344, Laws of 1981 and RCW 41.06.166; repealing section 8, chapter 24, Laws of 1972 ex. sess., section 10, chapter 342, Laws of 1981 and RCW 47.60.325; repealing section 47.64.010, chapter 13, Laws of 1961, section 33, chapter 296, Laws of 1975 1st ex. sess., section 1, chapter 344, Laws of 1981 and RCW 47.64.010; repealing section 2, chapter 344, Laws of 1981 and RCW 47.64.031; repealing section 3, chapter 344, Laws of 1981 and RCW 47.64.100; repealing section 4,

chapter 344, Laws of 1981 and RCW 47.64.110; repealing section 47.64.040, chapter 13, Laws of 1961, section 35, chapter 296, Laws of 1975 1st ex. sess., section 1, chapter 73, Laws of 1979 ex. sess. and RCW 47.64.040; providing penalties; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3247 by Senators Vognild, Patterson, Granlund, Thompson, Guess and Woody (by Legislative Transportation Committee request)

AN ACT Relating to transportation safety; amending section 3, chapter 75, Laws of 1969 and RCW 3.66.069; amending section 1, chapter 244, Laws of 1975 1st ex. sess. as amended by section 26, chapter 47, Laws of 1982 1st ex. sess. and RCW 10.05.010; amending section 84, page 115, Laws of 1854 as amended by section 1040, Code of 1881 and RCW 10.22.010; amending section 46.04.480, chapter 12, Laws of 1961 as amended by section 7, chapter 62, Laws of 1979 and RCW 46.04.480; amending section 11, chapter 260, Laws of 1981 and RCW 46.20.308; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 5, chapter 212, Laws of 1982 and RCW 46.20.311; amending section 3, chapter 1, Laws of 1969 as last amended by section 5, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.506; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 27, chapter 47, Laws of 1982 1st ex. sess. and RCW 46.61.515; amending section 12, chapter 10, Laws of 1982 and RCW 46.63.020; amending section 11, chapter 284, Laws of 1971 ex. sess. as last amended by section 6, chapter 62, Laws of 1979 and RCW 46.65.090; adding a new section to chapter 46.61 RCW; repealing section 46.20.380, chapter 12, Laws of 1961, section 31, chapter 32, Laws of 1967, section 12, chapter 61, Laws of 1979 and RCW 46.20.380; repealing section 1, chapter 5, Laws of 1973, section 13, chapter 61, Laws of 1979 and RCW 46.20.391; repealing section 46.20.400, chapter 12, Laws of 1961, section 33, chapter 32, Laws of 1967 and RCW 46.20.400; repealing section 46.20.410, chapter 12, Laws of 1961, section 34, chapter 32, Laws of 1967 and RCW 46.20.410; and prescribing penalties.

Referred to Committee on Transportation.

SB 3248 by Senators Lee, Wojahn, Kiskaddon, McDermott, Warnke, Patterson, Woody, Bottiger, Fleming, Rinehart, Fuller, Hemstad, Haley, Vognild, Hayner, Zimmerman, Jones, von Reichbauer, Bluechel, Granlund, Talmadge, Hurley, Shinpoch, Deccio, Craswell and Bauer

AN ACT Relating to comparable worth for salaries for persons in public employment; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 16, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.100; amending section 4, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.150; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Ways and Means.

SB 3249 by Senators Bottiger, Hansen and Sellar

AN ACT Relating to water transportation; adding a new chapter to Title 88 RCW; prescribing penalties; making an appropriation; providing effective dates; and declaring an emergency.

Referred to Committee on Transportation.

SB 3250 by Senators Peterson, Patterson and Vognild (by Department of Transportation request)

AN ACT Relating to Washington state ferries; amending section 31, chapter 1, Laws of 1973 as last amended by section 1, chapter 64, Laws of 1982 and RCW 42.17.310; adding new sections to chapter 47.60 RCW; repealing section 2, chapter 166, Laws of 1977 ex. sess. and RCW 47.60.660; and declaring an emergency.

Referred to Committee on Transportation.

SB 3251 by Senators Vognild, Jones, Bottiger and Williams

AN ACT Relating to standards for portable oil heaters; adding a new subchapter to chapter 19.27 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 3252 by Senators Hansen, Guess and Conner (by Department of Transportation request)

AN ACT Relating to aircraft dealers; amending section 2, chapter 150, Laws of 1955 and RCW 14.20.020; amending section 7, chapter 150, Laws of 1955 and RCW 14.20.070; and amending section 9, chapter 150, Laws of 1955 and RCW 14.20.090.

Referred to Committee on Transportation.

SB 3253 by Senators Rinehart, Kiskaddon, Talmadge, Bluechel, Deccio and Woody

AN ACT Relating to abused persons; amending section 5, chapter 13, Laws of 1965 as last amended by section 3, chapter 164, Laws of 1981 and RCW 26.44.050; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Judiciary.

SB 3254 by Senators Bottiger, Hemstad and Williams

AN ACT Relating to the award of interest on judgments; amending section 4, chapter 136, Laws of 1895 as last amended by section 1, chapter 198, Laws of 1982 and RCW 4.56.110; and amending section 1, chapter 26, Laws of 1975 and RCW 4.56.115.

Referred to Committee on Judiciary.

SB 3255 by Senators Granlund, Craswell and Owen (by Department of Transportation request)

AN ACT Relating to toll facilities; and amending section 1, chapter 259, Laws of 1961 as amended by section 91, chapter 136, Laws of 1979 ex. sess. and RCW 46.61.690.

Referred to Committee on Transportation.

SB 3256 by Senators Williams, Fuller, Bender, Hansen, Conner, Moore, Warnke, Benitz, Brauer, Talmadge and Fleming

AN ACT Relating to financing energy conservation measures; creating a new section; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; and providing an effective date.

Referred to Committee on Energy and Utilities.

SB 3257 by Senators Bauer, Zimmerman, Thompson and McCaslin

AN ACT Relating to boundaries and plats; and reenacting and amending section 4, chapter 271, Laws of 1969 ex. sess. as last amended by section 2, chapter 292, Laws of 1981 and by section 3, chapter 293, Laws of 1981 and RCW 58.17.040.

Referred to Committee on Local Government.

SB 3258 by Senator McDermott (by Governor Spellman request)

AN ACT Relating to revenue and taxation; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.08.020; amending section 31, chapter 35, Laws of 1982 1st ex. sess. as amended by section 1, chapter 14, Laws of 1982 2nd ex. sess. and RCW 82.02.030; amending section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 3, chapter 144, Laws of 1981 and RCW 82.04.050; amending section 82.04.060, chapter 15, Laws of 1961 and RCW 82.04.060; amending section 82.04.190, chapter 15, Laws of 1961 as last amended by section 2, chapter 90, Laws of 1975 1st ex. sess. and RCW 82.04.190; 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 82.04.470, chapter 15, Laws of 1961 as amended by section 43, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.04.470; amending section 82.08.080, chapter 15, Laws of 1961 as last amended by section 48, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.08.080; amending section 3, chapter 94, Laws of 1970 ex. sess. as last amended by section 1, chapter 211, Laws of 1982 and RCW 82.14.020; adding a new section to chapter 82.08 RCW; providing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3259 by Senators Williams, Shinpoch, Woody, Rinehart, Hurley and Moore

AN ACT Relating to public disclosure; and amending section 9, chapter 10, Laws of 1982 and RCW 42.17.240.

Referred to Committee on Energy and Utilities.

SB 3260 by Senator McDermott (by Department of Revenue request)

AN ACT Relating to revenue and taxation; amending section 42, chapter 26, Laws of 1967 ex. sess. as last amended by section 6, chapter 46, Laws of 1982 1st ex. sess. and RCW 82.03.130; amending section 43, chapter 26, Laws of 1967 ex. sess. as amended by section 8, chapter 46, Laws of 1982 1st ex. sess. and RCW 82.03.140; and amending section 47, chapter 26, Laws of 1967 ex. sess. as amended by section 9, chapter 46, Laws of 1982 1st ex. sess. and RCW 82.03.180.

Referred to Committee on Ways and Means.

SB 3261 by Senator McDermott (by Department of Revenue request)

AN ACT Relating to revenue transfers among timber tax accounts; amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 6, chapter 4, Laws of 1981 and RCW 84.33.080; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3262 by Senator McDermott (by Department of Revenue request)

AN ACT Relating to property taxation; 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 84.12.260, chapter 15, Laws of 1961 as amended by section 164, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.12.260; amending section 84.16.036, chapter 15, Laws of 1961 as amended by section 178, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.16.036; amending section 17, chapter 260, Laws of 1981 and RCW 84.48.110; amending section 84.56.270, chapter 15, Laws of 1961 and RCW 84.56.270; and prescribing penalties.

Referred to Committee on Ways and Means.

SB 3263 by Senator Thompson

AN ACT Relating to counties; amending section 36.32.120, chapter 4, Laws of 1963 as last amended by section 3, chapter 226, Laws of 1982 and RCW 36.32.120; amending section 36.49.010, chapter 4, Laws of 1963 and RCW 36.49.010; amending section 36.53.020, chapter 4, Laws of 1963 and RCW 36.53.020; amending section 36.71.020, chapter 4, Laws of 1963 and RCW 36.71.020; amending section 36.71.080, chapter 4, Laws of 1963 and RCW 36.71.080; amending section 3, chapter 111, Laws of 1923 and RCW 67.12.030; amending section 1, chapter 112, Laws of 1909 and RCW 67.12.110; and amending section 4, page 438, Laws of 1873 as last amended by section 100, chapter 154, Laws of 1973 1st ex. sess. and RCW 67.14.040.

Referred to Committee on Local Government.

SB 3264 by Senators Conner, Guess, Moore, Bauer, Pullen, Bender and McCaslin

AN ACT Relating to the creation and organization of a new county; amending section 6, chapter 125, Laws of 1951 as last amended by section 2, chapter 139, Laws of 1982 and RCW 2.08.064; amending section 2, chapter 221, Laws of 1969 ex. sess. as amended by section 1, chapter 49, Laws of 1977 ex. sess. and RCW 2.06.020; amending section 10, chapter 299, Laws of 1961 as last amended by section 1, chapter 153, Laws of 1975 1st ex. sess. and RCW 3.34.010; amending section 28B.50.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 72, Laws of 1981 and RCW 28B.50.040; reenacting and amending section 1, page 472, Laws of 1854 as last amended by section 1, page 292, Laws of 1869 and by section 1, chapter 40, Laws of 1925 ex. sess. and RCW 36.04.050; reenacting and amending section 1, page 292, Laws of 1869 as last amended by section 1, page 406, Laws of 1877 (Hills Code Vol. 1 section 12) and by section 1, chapter 40, Laws of 1925 ex. sess. and RCW 36.04.160; amending section 36.09.050, chapter 4, Laws of 1963 and RCW 36.09.050; amending section 36.17.020, chapter 4, Laws of 1963 as last amended by section 2, chapter 88, Laws of 1973 1st ex. sess. and RCW 36.17.020; amending section 43.62.030, chapter 8, Laws of 1965 as last amended by section 129, chapter 151, Laws of 1979 and RCW 43.62.030; amending section 34, chapter 288, Laws of 1981 and RCW 44.07B.240; amending section 46.68.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 33, Laws of 1982 and RCW 46.68.120; amending section 11, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.050; amending section 1, chapter 168, Laws of 1945 and RCW 58.20.010; amending section 3, chapter 108, Laws of 1957 and RCW 75.12.210; adding a new section to chapter 84.33 RCW; adding a new chapter to Title 36 RCW; creating new sections; and providing an effective date contingent on voter approval.

Referred to Committee on Local Government.

SB 3265 by Senators Williams, Hemstad, McDermott, Hurley, Talmadge and Shinpoch

AN ACT Relating to electrical rates and conservation; and adding a new chapter to Title 80 RCW.

Referred to Committee on Energy and Utilities.

SB 3266 by Senators Williams, Benitz, Talmadge, Bender, Thompson, Moore, Bauer, Woody and Hurley

AN ACT Relating to operating agencies; and amending section 2, chapter 3, Laws of 1981 1st ex. sess. as amended by section 3, chapter 43, Laws of 1982 1st ex. sess. and RCW 43.52.374.

Referred to Committee on Energy and Utilities.

SB 3267 by Senator McDermott (by Department of Revenue request)

AN ACT Relating to exemptions from and deferrals of property taxes and assessments; amending section 2, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.030; amending section 2, chapter 141, Laws of 1981 and RCW 84.36.037; amending section 84.36.040, chapter 15, Laws of 1961 as last amended by section 3, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.040; amending section 23, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.045; amending section 1, chapter 348, Laws of 1977 ex. sess. and RCW 84.36.047; 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; amending section 22, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.480; amending section 7, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 4, chapter 141, Laws of 1981 and RCW 84.36.805; amending section 8, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 5, chapter 141, Laws of 1981 and RCW 84.36.810; amending section 9, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 18, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.815; amending section 10, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 1, chapter 127, Laws of 1975-76 2nd ex. sess. and RCW 84.36.820; amending section 12, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 3, chapter 127, Laws of 1975-76 2nd ex. sess. and RCW 84.36.830; amending section 22, chapter 44, Laws of 1971 ex. sess. and RCW 84.40.350; amending section 3, chapter 44, Laws of 1971 ex. sess. and RCW 84.40.360; amending section 4, chapter 44, Laws of 1971 ex. sess. and RCW 84.40.370; amending section 5, chapter 44, Laws of 1971 ex. sess. and RCW 84.40.380; amending section 6, chapter 44, Laws of 1971 ex. sess. and RCW 84.40.390; amending section 27, chapter 291, Laws of 1975 1st ex. sess. as amended by section 5, chapter 214, Laws of 1979 ex. sess. and RCW 84.38.020; amending section 28, chapter 291, Laws of 1975 1st ex. sess. as amended by section 6, chapter 214, Laws of 1979 ex. sess. and RCW 84.38.030; amending section 35, chapter 291, Laws of 1975 1st ex. sess. as amended by section 1, chapter 322, Laws of 1981 and RCW 84.38.100; amending section 36, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.110; amending section 37, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.120; amending section 38, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.130; amending section 39, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.140; adding a new section to chapter 40, Laws of 1973 2nd ex. sess. and to chapter 84.36 RCW; repealing section 2, chapter 348, Laws of 1977 ex. sess. and RCW 84.36.048; and making an appropriation.

Referred to Committee on Ways and Means.

SB 3268 by Senator McDermott (by Department of Revenue request)

AN ACT Relating to sales and use taxation; amending section 6, chapter 94, Laws of 1970 ex. sess. as last amended by section 10, chapter 4, Laws of 1981 2nd ex. sess. and RCW 82.14.050; amending section 7, chapter 94, Laws of 1970 ex. sess. as last amended by section 11, chapter 4, Laws of 1981 2nd ex. sess. and RCW 82.14.060; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3269 by Senators Hurley, Craswell, Owen, Deccio, Hughes, Zimmerman, Bauer, Pullen and McCaslin.

AN ACT Relating to prohibiting causes of action for wrongful life and wrongful birth; prohibiting a defense, an award of damages, or a penalty based on the failure or refusal to prevent a live birth; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SB 3270 by Senator Talmadge

AN ACT Relating to banking; creating the Washington Redevelopment Bank; adding a new chapter to Title 30 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions.

SB 3271 by Senator Haley

AN ACT Relating to firearms; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3272 by Senators Thompson, Zimmerman, Bauer and Talmadge

AN ACT Relating to death investigations; amending section 13, chapter 188, Laws of 1953 as last amended by section 1, chapter 84, Laws of 1975-'76 2nd ex. sess. and RCW 68.08.107; amending section 43.20.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 52, Laws of 1979 ex. sess. and RCW 43.20A.630; amending section 9, chapter 94, Laws of 1974 ex. sess. as amended by section 4, chapter 132, Laws of 1981 and RCW 43.101.090; amending section 10, chapter 94, Laws of 1974 ex. sess. as amended by section 5, chapter 132, Laws of 1981 and RCW 43.101.100; amending section 1, chapter 90, Laws of 1917 and RCW 68.12.010; amending section 7, chapter 188, Laws of 1953 as amended by section 3, chapter 178, Laws of 1963 and RCW 68.08.104; adding a new section to chapter 43.79 RCW; adding new sections to chapter 68.08 RCW; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Local Government.

SB 3273 by Senators Williams, Hurley, Bauer and Talmadge

AN ACT Relating to radioactive waste; creating the Washington radioactive waste commission; adding a new chapter to Title 43 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 3274 by Senators Bottiger, Conner and Peterson

AN ACT Relating to the emergency commission on economic recovery; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3275 by Senators Rasmussen and Wojahn

AN ACT Relating to the issuance and sale of bonds by metropolitan park districts; amending section 35.61.100, chapter 7, Laws of 1965 as amended by section 14, chapter 42, Laws of 1970 ex. sess. and RCW 35.61.100; and amending section 35.61.160, chapter 7, Laws of 1965 and RCW 35.61.160.

Referred to Committee on Parks and Ecology.

SB 3276 by Senators Fleming, Bauer, McManus, Moore and Conner

AN ACT Relating to cities and counties; 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.

SB 3277 by Senators Rinehart, Hemstad, Williams, Bender, Fuller, Moore, McDermott, Benitz, Haley, Talmadge, Kiskaddon, Guess and Hayner

AN ACT Relating to public health and safety; adding a new section to chapter 19.27 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 3278 by Senators Goltz, Shinpoch, Fleming, Vognild and Peterson

AN ACT Relating to employment; creating new sections; and providing an expiration date.

Referred to Committee on Natural Resources.

SB 3279 by Senators Wojahn, Vognild, McDermott and Fleming

AN ACT Relating to technology development; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 3280 by Senators McDermott, Talmadge, Fleming, Shinpoch, Bender, Goltz and Woody

AN ACT Relating to the Washington redevelopment finance agency; adding a new chapter to Title 43 RCW; adding a new section to chapter 39.84 RCW; and making appropriations.

Referred to Committee on Ways and Means.

SB 3281 by Senator Warnke (by Department of Personnel request)

AN ACT Relating to the state personnel board; and amending section 8, chapter 10, Laws of 1982 and RCW 41.06.110.

Referred to Committee on State Government.

SB 3282 by Senators Guess, Peterson and Hansen

AN ACT Relating to the Multistate Highway Transportation Agreement; and creating a new chapter in Title 47 RCW.

Referred to Committee on Transportation.

SJM 102 by Senators Benitz, Fuller, Barr, Hemstad and von Reichbauer (by Governor Spellman request)

Urging Congress to ratify the Northwest Interstate Compact on Low-Level Radioactive Waste.

Referred to Committee on Energy and Utilities.

SJR 110 by Senators McDermott, Talmadge, Fleming, Shinpoch, Woody and Bender

Authorizing the use of public funds for industrial mortgage insurance.

Referred to Committee on Ways and Means.

SJR 111 by Senator Talmadge

Providing specific Constitutional authority for establishment of a state bank.

Referred to Committee on Financial Institutions.

SJR 112 by Senators Williams, Fuller, Talmadge, Bauer, McManus, Hansen, Moore, McDermott, Benitz and Woody

Allowing the state to provide financing for energy conservation.

Referred to Committee on Energy and Utilities.

SJR 113 by Senators McDermott and Fleming

Authorizing the formation of public corporation for economic development.

Referred to Committee on Ways and Means.

SCR 102 by Senators Bottiger, Peterson, Wojahn, Guess, Fleming, Newhouse, Hayner and Woody

Establishing the legislature's emergency commission on economic recovery.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 20 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Pruitt, R. King, Vekich, Sommers, Jacobsen, Ristuben, P. King, Charnley, Fisch, Rust, Moon, Halsan, Locke, Tanner, Armstrong, Powers, Todd, Fisher, Hine, Ellis, Kaiser and Burns)

Establishing a temporary congressional redistricting commission.

Hold.

MOTION

On motion of Senator Bottiger, Engrossed Substitute House Bill No. 20 was referred to the Committee on Judiciary.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1, by Representatives Brekke, R. King, Vekich, Wang, Lewis, Sutherland, Tanner, Johnson, Fisch, Rust, B. Williams, Patrick, Isaacson, Halsan, Martinis, Locke, Silver, Todd, Jacobsen, Lux, Long and Ebersole

Modifying trigger for extended unemployment benefits to re-comply with optional federal benefit program.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 1 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Lee, McCaslin - 2.

ENGROSSED HOUSE BILL NO. 1, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:07 p.m., on motion of Senator Rasmussen, the Senate adjourned until 11:00 a.m., Monday, January 24, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 24, 1983

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 McDermott and Metcalf. On motion of Senator Bluechel, Senator Metcalf was excused.

The Sergeant at Arms Color Guard, consisting of Pages Lisa McMurry and Becky Hauth, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

MOTION

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

MOTION

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

MOTION

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

SENATE RESOLUTION 1983-7

By Senators Goltz, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; and Bill Gleason, Assistant Secretary of the Senate

WHEREAS, The nursing profession is highly regarded in Washington State for the competent, quality services it provides to the citizens of our state; and

WHEREAS, Eunice R. Cole, outstanding and esteemed member of the nursing profession, has given over 25 years of dedicated service as a health care professional in the northern portions of our state; and

WHEREAS, Eunice R. Cole has always exemplified the most admirable qualities, both as a health care professional and as an active Washington State citizen; and

WHEREAS, Eunice R. Cole has consistently contributed her time, energies, and considerable talents to her family and to her community, as well as to her profession, striving to enrich the quality of life for all of those with whom she associates; and

WHEREAS, Eunice R. Cole, as a professional, has devoted herself to maintaining and improving the work and the working conditions of members of the nursing profession through involvement with health care issues and organizations here in our state and nationally; and

WHEREAS, Eunice R. Cole, Bellingham resident and influential member of both the Washington State and the American Nurses Association, has recently been elected to serve for a two-year term as President of the 190,000-member American Nurses Association in Washington, D.C., and is indeed the first Washingtonian to receive this distinctive honor;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That Eunice R. Cole, current President of the American Nurses Association, be formally

recognized by the Washington State Senate for her devoted service and honorable achievements in the health care field; and

BE IT FURTHER RESOLVED, That a copy of this Resolution shall be forwarded by the Secretary of the Senate to Eunice R. Cole.

MOTION

On motion of Senator Fleming, all members and the Lieutenant Governor will be added as additional sponsors of Senate Resolution 1983-7.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Eunice R. Cole, a Bellingham resident, and President of the American Nurses Association. The President appointed Senators Haley, Goltz, Sellar and Gaspard as a committee of honor to escort the honored guest to the Senate rostrum.

With permission of the Senate, business was suspended to permit Ms. Cole to address the Senate.

The honored guest was escorted from the Senate Chamber and the committee was discharged.

MOTION

On motion of Senator Shinpoch, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

January 20, 1983

SB 3062 Prime Sponsor, Senator Gaspard: Modifying the determination of school district employee's service periods under the public employees retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill 3062 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Craswell, Deccio, Fleming, Hughes, Lee, Pullen, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 20, 1983

SB 3106 Prime Sponsor, Senator Talmadge: Increasing penalties for vehicular homicide and vehicular assault. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Fleming, Hemstad, Hughes, Newhouse, Thompson, Woody.

Passed to Committee on Rules for second reading.

January 20, 1983

SB 3181 Prime Sponsor, Senator Talmadge: Modifying provisions relating to involuntary treatment. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3181 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hemstad, Hughes, Thompson, Woody.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

January 24, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1.

INTRODUCTION AND FIRST READING

SB 3283 by Senators McDermott, Hemstad, Bottiger, Fuller, Wojahn, Vognild, Granlund, Lee, Talmadge, Warnke and Bauer

AN ACT Relating to retirement from public service; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; repealing section 9, chapter 189, Laws of 1973 1st ex. sess., section 1, chapter 32, Laws of 1973 2nd ex. sess. and RCW 41.32-.499; repealing section 1, chapter 68, Laws of 1970 ex. sess., section 6, chapter 271, Laws of 1971 ex. sess., section 11, chapter 190, Laws of 1973 1st ex. sess., section 1, chapter 14, Laws of 1973 2nd ex. sess. and RCW 41.40.195; and providing an effective date.

Referred to Committee on Ways and Means.

SB 3284 by Senators Bauer, Benitz, Thompson, Quigg, Conner, Fuller, Deccio, Sellar, Peterson and Rasmussen

AN ACT Relating to revenue and taxation; adding new sections to chapter 84.28 RCW; adding a new section to chapter 84.33 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SB 3285 by Senators Barr, Goltz and Benitz

AN ACT Relating to road signs; amending section 4, chapter 96, Laws of 1961 as last amended by section 1, chapter 69, Laws of 1979 and RCW 47.42.040; and amending section 12, chapter 96, Laws of 1961 as amended by section 17, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.120.

Referred to Committee on Agriculture.

SB 3286 by Senators Williams and Bauer

AN ACT Relating to conservation and small scale renewable energy development; adding a new chapter to Title 43 RCW; providing an expiration date; and providing an effective date.

Referred to Committee on Energy and Utilities.

SB 3287 by Senators Bauer, Hemstad and Granlund

AN ACT Relating to public retirement; amending section 16, chapter 274, Laws of 1947 as last amended by section 20, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40-.150; adding a new section to chapter 41.40 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3288 by Senators Conner, Rasmussen and Peterson

AN ACT Relating to railroads; adding a new section to chapter 81.44 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

SB 3289 by Senators Shinpoch, Haley, Rinehart, Hemstad, Talmadge, Williams and Goltz

AN ACT Relating to unlawful discrimination based on sexual orientation in employment, housing, public accommodations, credit, insurance, and commercial transactions; amending section 7, chapter 119, Laws of 1975-76 2nd ex. sess. and RCW 48.30.300; amending section 1, chapter 183, Laws of 1949 as last amended by section 1, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.010; amending section 12, chapter 183, Laws of 1949 as last amended by section 2, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60-.020; amending section 2, chapter 183, Laws of 1949 as last amended by section 2, chapter 127, Laws of 1979 and RCW 49.60.030; amending section 3, chapter 183, Laws of 1949 as last amended by section 3, chapter 127, Laws of 1979 and RCW 49.60.040; amending section 8, chapter 270, Laws of 1955 as last amended by section 4, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.120; amending section 9, chapter 270, Laws of 1955 as last amended by section 146, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 49.60.130; amending section 1, chapter 68, Laws of 1959 as last amended by section 4, chapter 127, Laws of 1979 and RCW 49.60.175; amending section 5, chapter 141, Laws of 1973 as amended by section 5, chapter 127, Laws of 1979 and RCW 49.60.176; amending section 6,

chapter 141, Laws of 1973 as last amended by section 6, chapter 127, Laws of 1979 and RCW 49.60.178; amending section 9, chapter 37, Laws of 1957 as last amended by section 6, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.180; amending section 10, chapter 37, Laws of 1957 as last amended by section 8, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.190; amending section 11, chapter 37, Laws of 1957 as last amended by section 9, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.200; amending section 14, chapter 37, Laws of 1957 as amended by section 7, chapter 127, Laws of 1979 and RCW 49.60.215; amending section 4, chapter 167, Laws of 1969 ex. sess. as last amended by section 8, chapter 127, Laws of 1979 and RCW 49.60.222; amending section 5, chapter 167, Laws of 1969 ex. sess. as amended by section 9, chapter 127, Laws of 1979 and RCW 49.60.223; amending section 6, chapter 167, Laws of 1969 ex. sess. as amended by section 10, chapter 127, Laws of 1979 and RCW 49.60.224; and amending section 7, chapter 167, Laws of 1969 ex. sess. as last amended by section 11, chapter 127, Laws of 1979 and RCW 49.60.225.

Referred to Committee on Judiciary.

SB 3290 by Senators Moore, Barr, Goltz and Williams

AN ACT Relating to aquatic lands; creating a new section; repealing section 2, chapter 97, Laws of 1979 ex. sess., section 2, chapter 117, Laws of 1982, section 176, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.525; providing an expiration date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 3291 by Senators McDermott, Kiskaddon, Gaspard and Hemstad

AN ACT Relating to the teachers' retirement system; amending section 1, chapter 80, Laws of 1947 as last amended by section 6, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.32.010; amending section 24, chapter 80, Laws of 1947 as last amended by section 3, chapter 45, Laws of 1979 ex. sess. and RCW 41.32.240; amending section 57, chapter 80, Laws of 1947 as last amended by section 5, chapter 151, Laws of 1967 and RCW 41.32.570; and amending section 7, chapter 293, Laws of 1977 ex. sess. as amended by section 5, chapter 45, Laws of 1979 ex. sess. and RCW 41.32.780.

Referred to Committee on Ways and Means.

SB 3292 by Senators Warnke, McCaslin, Thompson, Shipoch and Jones

AN ACT Relating to cultural arts, stadium, and convention districts; amending section 19, chapter ... (SB 3036), Laws of 1983 and RCW 84.52.052; repealing section 1, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.010; repealing section 2, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.020; repealing section 3, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.030; repealing section 4, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.040; repealing section 5, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.050; repealing section 6, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.060; repealing section 7, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.070; repealing section 8, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.080; repealing section 9, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.090; repealing section 10, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.100; repealing section 11, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.110; repealing section 12, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.120; repealing section 13, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.130; repealing section 14, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.140; repealing section 15, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.150; repealing section 16, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.160; repealing section 19, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.900; repealing section 20, chapter 22, Laws of 1982 1st ex. sess. and RCW 35.21.285; and repealing section 21, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.905.

Referred to Committee on Local Government.

SB 3293 by Senators Vognild, Peterson, Fuller, Barr, Owen, Goltz and Metcalf

AN ACT Relating to the sale and processing of timber from public lands; adding a new chapter to Title 79 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 3294 by Senator McCaslin

AN ACT Relating to state pension fund investing; creating a new section; and adding a new section to chapter 43.33A RCW.

Referred to Committee on Ways and Means.

SB 3295 by Senators Talmadge, Clarke, Rasmussen and Hemstad

AN ACT Relating to judgments; amending section 6, chapter 60, Laws of 1929 and RCW 4.56.100; and amending section 307, page 75, Laws of 1869 as last amended by section 305, Code of 1881 and RCW 4.64.030.

Referred to Committee on Judiciary.

SB 3296 by Senators Talmadge, Lee, Kiskaddon, Bauer and Warnke

AN ACT Relating to mental health; and adding a new chapter to Title 71 RCW.

Referred to Committee on Education.

SB 3297 by Senators Hansen, Barr, Goltz and Benitz (by Department of Agriculture request)

AN ACT Relating to the department of agriculture; amending section 14, chapter 240, Laws of 1967 and RCW 43.23.005; amending section 43.23.010, chapter 8, Laws of 1965 as amended by section 1, chapter 240, Laws of 1967 and RCW 43.23.010; amending section 15, chapter 240, Laws of 1967 and RCW 43.23.015; amending section 43.23.030, chapter 8, Laws of 1965 as amended by section 3, chapter 240, Laws of 1967 and RCW 43.23.030; amending section 43.23.050, chapter 8, Laws of 1965 as amended by section 5, chapter 240, Laws of 1967 and RCW 43.23.050; amending section 43.23.070, chapter 8, Laws of 1965 as amended by section 7, chapter 240, Laws of 1967 and RCW 43.23.070; amending section 43.23.090, chapter 8, Laws of 1965 as amended by section 9, chapter 240, Laws of 1967 and RCW 43.23.090; amending section 43.23.110, chapter 8, Laws of 1965 as amended by section 11, chapter 240, Laws of 1967 and RCW 43.23.110; amending section 13, chapter 240, Laws of 1967 and RCW 43.23.160; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.23 RCW; repealing section 43.23.020, chapter 8, Laws of 1965, section 2, chapter 240, Laws of 1967 and RCW 43.23.020; repealing section 43.23.040, chapter 8, Laws of 1965, section 4, chapter 240, Laws of 1967 and RCW 43.23.040; repealing section 43.23.060, chapter 8, Laws of 1965, section 6, chapter 240, Laws of 1967 and RCW 43.23.060; repealing section 43.23.080, chapter 8, Laws of 1965, section 8, chapter 240, Laws of 1967 and RCW 43.23.080; repealing section 43.23.100, chapter 8, Laws of 1965, section 10, chapter 240, Laws of 1967 and RCW 43.23.100; and repealing section 12, chapter 240, Laws of 1967 and RCW 43.23.150.

Referred to Committee on Agriculture.

SB 3298 by Senators Owen and Fuller (by Department of Game request)

AN ACT Relating to wildlife; amending section 77.16.230, chapter 36, Laws of 1955 as amended by section 91, chapter 78, Laws of 1980 and RCW 77.12.265; repealing section 77.12.260, chapter 36, Laws of 1955, section 43, chapter 78, Laws of 1980 and RCW 77.12.260; repealing section 77.12.270, chapter 36, Laws of 1955, section 8, chapter 177, Laws of 1963, section 45, chapter 78, Laws of 1980 and RCW 77.12.270; repealing section 77.12.280, chapter 36, Laws of 1955, section 1, chapter 177, Laws of 1957, section 8, chapter 144, Laws of 1977 ex. sess., section 176, chapter 151, Laws of 1979, section 46, chapter 78, Laws of 1980 and RCW 77.12.280; repealing section 77.12.290, chapter 36, Laws of 1955, section 2, chapter 177, Laws of 1957, section 9, chapter 177, Laws of 1963, section 47, chapter 78, Laws of 1980 and RCW 77.12.290; and repealing section 77.12.300, chapter 36, Laws of 1955, section 3, chapter 177, Laws of 1957, section 48, chapter 78, Laws of 1980 and RCW 77.12.300.

Referred to Committee on Natural Resources.

SB 3299 by Senators Moore, Sellar and Wojahn

AN ACT Relating to personal property leasing; amending section 1, chapter 80, Laws of 1899 as amended by section 1, chapter 80, Laws of 1981 and RCW 19.52.010; amending section 1, chapter 236, Laws of 1963 as last amended by section 1, chapter 77, Laws of 1981 and RCW 63.14.010; creating a new section; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 3300 by Senators Bauer, Zimmerman, Thompson, Bluechel, Conner, Hughes, Guess, Hemstad and Gaspard

AN ACT Relating to property taxation; and amending section 12, chapter 212, Laws of 1973 1st ex. sess. as amended by section 5, chapter 134, Laws of 1980 and RCW 84.34.108.

Referred to Committee on Ways and Means.

SB 3301 by Senators Talmadge and Hughes

AN ACT Relating to fireworks; amending section 13, chapter 230, Laws of 1982 and RCW 70.77.570; amending section 64, chapter 228, Laws of 1961 as amended by section 37, chapter 230, Laws of 1982 and RCW 70.77.435; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3302 by Senators Haley, Wojahn and Fuller

AN ACT Relating to motor vehicle insurance; adding a new section to chapter 46.16 RCW; adding new sections to chapter 48.22 RCW; and providing an effective date.

Referred to Committee on Financial Institutions.

SB 3303 by Senator Haley

AN ACT Relating to the redistricting commission; adding a new chapter to Title 44 RCW; repealing section 18, chapter 2, Laws of 1982 and RCW 29.70.010; repealing section 19, chapter 2, Laws of 1982 and RCW 29.70.020; repealing section 20, chapter 2, Laws of 1982 and RCW 29.70.030; repealing section 21, chapter 2, Laws of 1982 and RCW 29.70.040; repealing section 22, chapter 2, Laws of 1982 and RCW 29.70.050; repealing section 23, chapter 2, Laws of 1982 and RCW 29.70.060; repealing section 24, chapter 2, Laws of 1982 and RCW 29.70.070; repealing section 25, chapter 2, Laws of 1982 and RCW 29.70.080; repealing section 26, chapter 2, Laws of 1982 and RCW 29.70.090; repealing section 27, chapter 2, Laws of 1982 and RCW 29.70.100; repealing section 28, chapter 2, Laws of 1982 and RCW 29.70.110; repealing section 29, chapter 2, Laws of 1982 and RCW 29.70.120; repealing section 30, chapter 2, Laws of 1982 and RCW 29.70.130; repealing section 31, chapter 2, Laws of 1982 and RCW 29.70.900; repealing section 33, chapter 2, Laws of 1982 and RCW 29.70.910; and providing a contingent effective date.

Referred to Committee on Judiciary.

SB 3304 by Senators Bluechel and McDermott

AN ACT Relating to revenue and taxation; amending section 6, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 3, chapter 141, Laws of 1981 and RCW 84.36.800; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3305 by Senator Goltz

AN ACT Relating to enforcement of laws prohibiting driving while intoxicated; and adding a new section to chapter 46.64 RCW.

Referred to Committee on Judiciary.

SB 3306 by Senators Goltz, Patterson, Rinehart and Hansen

AN ACT Relating to fees for institutions of higher education; and amending section 2, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.012.

Referred to Committee on Education.

SB 3307 by Senators Haley, Clarke, Woody and Hayner

AN ACT Relating to civil immunity of parents and guardians; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SB 3308 by Senators Goltz, Deccio, Moore and Shinpoch

AN ACT Relating to insurance; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.21A RCW; adding a new section to chapter 48.44 RCW; adding a new chapter to Title 48 RCW; and providing an effective date.

Referred to Committee on Financial Institutions.

SB 3309 by Senators McManus, McDermott, Talmadge, Jones and Bottiger

AN ACT Relating to cigarette taxes; and amending section 2, chapter 59, Laws of 1979 ex. sess. and RCW 82.24.025.

Referred to Committee on Ways and Means.

SB 3310 by Senators Talmadge, Hemstad and Williams

AN ACT Relating to conservation easements; and adding a new chapter to Title 64 RCW.

Referred to Committee on Judiciary.

SB 3311 by Senators Vognild, Quigg and Wojahn (by Department of Employment Security request)

AN ACT Relating to unemployment compensation; amending section 4, chapter 3, Laws of 1971 and RCW 50.04.073; amending section 10, chapter 35, Laws of 1945 as last amended by section 1, chapter 73, Laws of 1977 ex. sess. and RCW 50.04.090; amending section 13, chapter 35, Laws of 1945 as amended by section 8, chapter 3, Laws of 1971 and RCW 50.04.115; amending section 13, chapter 35, Laws of 1981 and RCW 50.04.165; amending section 22, chapter 35, Laws of 1945 and RCW 50.04.210; amending section 33, chapter 35 Laws of 1945 as last amended by section 3, chapter 2, Laws of 1970 ex. sess. and RCW 50.04.320; amending section 19, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 35, Laws of 1981 and RCW 50.04.323; amending section 46, chapter 35, Laws of 1945 as last amended by section 3, chapter 33, Laws of 1977 ex. sess. and RCW 50.12.070; amending section 47, chapter 35, Laws of 1945 as amended by section 2, chapter 215, Laws of 1951 and RCW 50.12.080; amending section 61, chapter 35, Laws of 1945 s last amended by section 12, chapter 40, Laws of 1975 and RCW 50.16.020; amending section 80, chapter 35, Laws of 1945 as last amended by section 5, chapter 35, Laws of 1981 and RCW 50.20.120; amending section 81, chapter 35, Laws of 1945 as last amended by section 3, chapter 7, Laws of 1973 2nd ex. sess. and RCW 50.20.130; amending section 5, chapter 1, Laws of 1971 and RCW 50.22.040; amending section 90, chapter 35, Laws of 1945 as amended by section 5, chapter 286, Laws of 1955 and RCW 50.24.020; amending section 94, chapter 35, Laws of 1945 and RCW 50.24.060; amending section 15, chapter 228, Laws of 1975 1st ex. sess. as amended by section 8, chapter 190, Laws of 1979 ex. sess. and RCW 50.24.115; amending section 10, chapter 2, Laws of 1970 ex. sess. as last amended by section 11, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.010; amending section 15, chapter 2, Laws of 1970 ex. sess. as amended by section 13, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.060; amending section 16, chapter 2, Laws of 1970 ex. sess. as amended by section 14, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.070; amending section 119, chapter 35, Laws of 1945 as last amended by section 7, chapter 266, Laws of 1959 and RCW 50.32.030; amending section 121, chapter 35, Laws of 1945 as amended by section 24, chapter 214, Laws of 1949 and RCW 50.32.050; amending section 15, chapter 292, Laws of 1977 ex. sess. and RCW 50.44.035; amending section 22, chapter 3, Laws of 1971 as last amended by section 12, chapter 35, Laws of 1981 and RCW 50.44.050; amending section 23, chapter 3, Laws of 1971 as amended by section 19, chapter 292, Laws of 1977 ex. sess. and RCW 50.44.060; providing effective dates; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3312 by Senators Wojahn, Quigg, Vognild, Rasmussen, Hughes and Woody

AN ACT Relating to increasing revenues received from gambling activities by bona fide charitable or nonprofit organizations; amending section 1, chapter 139, Laws of 1981 and RCW 9.46.020; amending section 2, chapter 139, Laws of 1981 and RCW 9.46.030; and amending section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 139, Laws of 1981 and RCW 9.46.110.

Referred to Committee on Commerce and Labor.

SB 3313 by Senator Talmadge

AN ACT Relating to wilderness areas; and adding new sections to chapter 43.06 RCW.

Referred to Committee on Natural Resources.

SB 3314 by Senators Vognild, Quigg and Wojahn (by Department of Employment Security request)

AN ACT Relating to old age and survivors' insurance; adding a new section to chapter 41.48 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 3315 by Senator Goltz

AN ACT Relating to sales of alcoholic beverages; adding a new section to chapter 66.28 RCW; defining crimes; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 3316 by Senators Haley and Talmadge

AN ACT Relating to assault; adding a new section to chapter 9.91 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3317 by Senators Conner, Hansen and Vognild

AN ACT Relating to common carrier railroads; creating a new section; and adding a new section to chapter 81.40 RCW.

Referred to Committee on Transportation.

SB 3318 by Senators Goltz and Shipoch

AN ACT Relating to driving while intoxicated; adding a new section to chapter 46.61 RCW; and providing penalties.

Referred to Committee on Judiciary.

SJR 114 by Senators Talmadge, Granlund and Goltz

Providing for a unicameral legislature.

Referred to Committee on State Government.

REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, President Eunice Cole and the officials of the Nursing Association have been invited to attend a reception in the Office of the Lieutenant Governor, following her appearance in the House of Representatives, and you are all invited, also."

MOTION

At 11:39 a.m., on motion of Senator Fleming, the Senate adjourned until 10:00 a.m., Tuesday, January 25, 1983.

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

SIXTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 25, 1983

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 Metcalf and Pullen. On motion of Senator Bluechel, Senators Metcalf and Pullen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Monica Sturzion and Jeff Cole, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

MOTION

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

MOTION

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

MOTION

On motion of Senator Goltz, the following resolution was unanimously adopted:

SENATE RESOLUTION 1983-8

By Lieutenant Governor John A. Cherberg; Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody and Zimmerman; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate and Ole Scarpelli, Sergeant at Arms

WHEREAS, The state of Washington and the province of British Columbia are geographical neighbors having a mutual interest in the continued good relationship between their constituents; and

WHEREAS, Tourism is an important means of promoting friendship and understanding between the state of Washington and the province of British Columbia; and

WHEREAS, The nearby province of British Columbia offers beautiful scenery and interesting travel to residents of the state of Washington; and

WHEREAS, The Honourable Claude Richmond, who was born in Kamloops, British Columbia, has served as alderman of Kamloops, has been chairman of the Kamloops Advisory Planning Commission, and presently represents the Kamloops constituency in the legislature of British Columbia; and

WHEREAS, Mr. Richmond serves on numerous legislative committees and is also the Minister of Tourism of British Columbia;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That on this day we are pleased and honored to welcome the Honourable Claude Richmond to the state of Washington and, more specifically, to this gathering of the Senate of the State of Washington.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Mr. Claude Richmond, British Columbia's Minister of Tourism, and Mr. James D. Rae, their Deputy Director of Tourism. The President appointed Senators Vognild, Newhouse,

Shinpoeh, and Quigg as a committee of honor to escort the honored guests to the Senate rostrum.

The President presented Mr. Richmond with certificates, designating him as an Ambassador of Good Will and a Washington General.

With permission of the Senate, business was suspended to permit the Minister of Tourism to address the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

MOTION

On motion of Senator Shinpoeh, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

January 24, 1983

SB 3075 Prime Sponsor, Senator Moore: Placing one thousand five hundred dollar limit on the filing fee for certain securities and investment trusts. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Deccio, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

January 24, 1983

SB 3084 Prime Sponsor, Senator Thompson: Modifying procedures for local government review board procedures. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Barr, Bauer, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 24, 1983

SB 3107 Prime Sponsor, Senator Talmadge: Strengthening laws against drunk driving. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3107 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Clarke, Hayner, Hemstad, Hughes, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

January 25, 1983

SB 3164 Prime Sponsor, Senator Moore: Modifying provisions regulating acquisitions of control of domestic insurers. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3164 be substituted therefor, and that the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

January 24, 1983

GA 12 JOHN H. JESSUP, JR., to the position of Member of the Interagency Committee for Outdoor Recreation, appointed by the Governor on May 4, 1982, for the term ending December 31, 1984, succeeding Kirby Billingsley. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hughes, Chairman; Bluechel, Hansen, Hurley, Kiskaddon, Lee, Talmadge.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

January 24, 1983

Mr. President:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 103, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 103.

INTRODUCTION AND FIRST READING

SB 3319 by Senator Williams

AN ACT Relating to radioactive waste.

Referred to Committee on Energy and Utilities.

SB 3320 by Senator Williams

AN ACT Relating to renewable energy.

Referred to Committee on Energy and Utilities.

SB 3321 by Senator Williams

AN ACT Relating to telephone systems.

Referred to Committee on Energy and Utilities.

SB 3322 by Senator Williams

AN ACT Relating to geothermal heat.

Referred to Committee on Energy and Utilities.

SB 3323 by Senator Williams

AN ACT Relating to biomass energy.

Referred to Committee on Energy and Utilities.

SB 3324 by Senator Williams

AN ACT Relating to biomass energy.

Referred to Committee on Energy and Utilities.

SB 3325 by Senator Williams

AN ACT Relating to electric energy conservation.

Referred to Committee on Energy and Utilities.

SB 3326 by Senator Williams

AN ACT Relating to electric energy conservation.

Referred to Committee on Energy and Utilities.

SB 3327 by Senator Williams

AN ACT Relating to joint operating agencies.

Referred to Committee on Energy and Utilities.

SB 3328 by Senator Williams

AN ACT Relating to joint operating agencies.

Referred to Committee on Energy and Utilities.

SB 3329 by Senator Williams

AN ACT Relating to public utility districts.

Referred to Committee on Energy and Utilities.

SB 3330 by Senator Williams

AN ACT Relating to public utility districts.

Referred to Committee on Energy and Utilities.

SB 3331 by Senator Williams

AN ACT Relating to energy conservation.

Referred to Committee on Energy and Utilities.

SB 3332 by Senator Williams

AN ACT Relating to energy conservation.

Referred to Committee on Energy and Utilities.

SB 3333 by Senator Williams

AN ACT Relating to energy conservation.

Referred to Committee on Energy and Utilities.

SB 3334 by Senator Williams

AN ACT Relating to energy conservation.

Referred to Committee on Energy and Utilities.

SB 3335 by Senator Williams

AN ACT Relating to renewable energy.

Referred to Committee on Energy and Utilities.

SB 3336 by Senator Williams

AN ACT Relating to renewable energy.

Referred to Committee on Energy and Utilities.

SB 3337 by Senator Williams

AN ACT Relating to renewable energy.

Referred to Committee on Energy and Utilities.

SB 3338 by Senator Williams

AN ACT Relating to energy.

Referred to Committee on Energy and Utilities.

SB 3339 by Senator Williams

AN ACT Relating to radioactive waste.

Referred to Committee on Energy and Utilities.

SB 3340 by Senator Williams

AN ACT Relating to energy facilities.

Referred to Committee on Energy and Utilities.

SB 3341 by Senator Williams

AN ACT Relating to utility financing.

Referred to Committee on Energy and Utilities.

SB 3342 by Senator Williams

AN ACT Relating to utility financing.

Referred to Committee on Energy and Utilities.

SB 3343 by Senator Williams

AN ACT Relating to utilities.

Referred to Committee on Energy and Utilities.

SB 3344 by Senator Williams

AN ACT Relating to utilities.

Referred to Committee on Energy and Utilities.

- SB 3345 by Senator Williams
AN ACT Relating to energy.
Referred to Committee on Energy and Utilities.
- SB 3346 by Senator Williams
AN ACT Relating to telephone poles.
Referred to Committee on Energy and Utilities.
- SB 3347 by Senator Williams
AN ACT Relating to utility taxes.
Referred to Committee on Energy and Utilities.
- SB 3348 by Senator Williams
AN ACT Relating to utility taxes.
Referred to Committee on Energy and Utilities.
- SB 3349 by Senator Williams
AN ACT Relating to energy facilities.
Referred to Committee on Energy and Utilities.
- SB 3350 by Senator Williams
AN ACT Relating to telephone poles.
Referred to Committee on Energy and Utilities.
- SB 3351 by Senator Williams
AN ACT Relating to cable television.
Referred to Committee on Energy and Utilities.
- SB 3352 by Senator Williams
AN ACT Relating to electric rates.
Referred to Committee on Energy and Utilities.
- SB 3353 by Senator Williams
AN ACT Relating to electric rates.
Referred to Committee on Energy and Utilities.
- SB 3354 by Senator Williams
AN ACT Relating to high level waste.
Referred to Committee on Energy and Utilities.
- SB 3355 by Senator Williams
AN ACT Relating to high level waste.
Referred to Committee on Energy and Utilities.
- SB 3356 by Senator Williams
AN ACT Relating to low level waste.
Referred to Committee on Energy and Utilities.
- SB 3357 by Senator Williams
AN ACT Relating to low level waste.
Referred to Committee on Energy and Utilities.
- SB 3358 by Senator Williams
AN ACT Relating to alternative energy.
Referred to Committee on Energy and Utilities.
- SB 3359 by Senator Williams

AN ACT Relating to alternative energy.

Referred to Committee on Energy and Utilities.

SB 3360 by Senator Williams

AN ACT Relating to alternative energy.

Referred to Committee on Energy and Utilities.

SB 3361 by Senator Williams

AN ACT Relating to alternative energy.

Referred to Committee on Energy and Utilities.

SB 3362 by Senators Hansen, Benitz, Goltz and Barr

AN ACT Relating to water rights; and adding a new section to chapter 90.44 RCW.

Referred to Committee on Agriculture.

SB 3363 by Senators Moore, Newhouse, Hansen and Thompson

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 Financial Institutions.

SB 3364 by Senators Gaspard, Talmadge, Williams, Moore, Fleming, Craswell and Lee

AN ACT Relating to employees requesting hearings after school districts' notices of nonrenewal of contracts when there is a reduction in force; and amending section 16, chapter 15, Laws of 1970 ex. sess. as last amended by section 4, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.67.070.

Referred to Committee on Education.

SB 3365 by Senators Moore and Sellar

AN ACT Relating to savings and loan associations; and adding a new section to chapter 33.12 RCW.

Referred to Committee on Financial Institutions.

SB 3366 by Senators Moore and Sellar

AN ACT Relating to mutual savings banks; and adding a new section to chapter 32.08 RCW.

Referred to Committee on Financial Institutions.

SB 3367 by Senators Moore and Sellar

AN ACT Relating to savings and loan associations; amending section 4, chapter 235, Laws of 1945 as last amended by section 14, chapter 3, Laws of 1982 and RCW 33.08.030; and amending section 30.04.020, chapter 33, Laws of 1955 as amended by section 1, chapter 88, Laws of 1981 and RCW 30.04.020.

Referred to Committee on Financial Institutions.

SB 3368 by Senators Moore and Sellar

AN ACT Relating to mutual savings banks; amending section 32.12.050, chapter 13, Laws of 1955 and RCW 32.12.050; amending section 32.12.090, chapter 13, Laws of 1955 as last amended by section 2, chapter 104, Laws of 1977 ex. sess. and RCW 32.12.090; amending section 98, chapter 85, Laws of 1981 and RCW 32.32.495; and amending section 104, chapter 85, Laws of 1981 and RCW 32.32.525.

Referred to Committee on Financial Institutions.

SB 3369 by Senators Guess and Vognild

AN ACT Relating to accountancy; amending section 3, chapter 226, Laws of 1949 and RCW 18.04.040; amending section 4, chapter 226, Laws of 1949 and RCW 18.04.050; amending section 23, chapter 226, Laws of 1949 and RCW 18.04.240; adding new sections to chapter 18.04 RCW; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3370 by Senators Kiskaddon, Hayner, Zimmerman, Goltz, Hemstad, Bluechel and Barr (by Governor Spellman request)

AN ACT Relating to economic assistance; amending section 8, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.080; adding new sections to chapter 43.160 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 3371 by Senators Quigg, Hemstad, Zimmerman, Benitz, Kiskaddon, Fuller, Bluechel, Hayner, Barr, Sellar, Gaspard and Lee (by Governor Spellman request)

AN ACT Relating to vocational and occupational training; adding a new chapter to Title 28C RCW; and making an appropriation.

Referred to Committee on Education.

SB 3372 by Senators Vognild, Owen and Metcalf (by Department of Game request)

AN ACT Relating to wildlife; amending section 77.12.170, chapter 36, Laws of 1955 as last amended by section 2, chapter 310, Laws of 1981 and RCW 77.12.170; and adding a new section to chapter 77.21 RCW.

Referred to Committee on Natural Resources.

SB 3373 by Senators Guess and Bluechel

AN ACT Relating to factory built housing; amending section 5, chapter 44, Laws of 1970 ex. sess. and RCW 43.22.470; amending section 6, chapter 44, Laws of 1970 ex. sess. as last amended by section 104, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.22.475; amending section 7, chapter 44, Laws of 1970 ex. sess. as last amended by section 2, chapter 76, Laws of 1979 ex. sess. and RCW 43.22.480; and amending section 8, chapter 44, Laws of 1970 ex. sess. as amended by section 6, chapter 22, Laws of 1973 1st ex. sess. and RCW 43.22.485.

Referred to Committee on Commerce and Labor.

SB 3374 by Senators Gaspard, Sellar and Wojahn

AN ACT Relating to librarian certification; amending section 1, chapter 295, Laws of 1955 and RCW 27.08.045; adding new sections to chapter 27.08 RCW; repealing section 11, chapter 119, Laws of 1935, section 12, chapter 106, Laws of 1973 and RCW 27.08.010; and prescribing penalties.

Referred to Committee on Education.

SB 3375 by Senators Goltz, Zimmerman, Shinpoch, Fuller, Gaspard, Kiskaddon, Wojahn, Fleming, Barr, Peterson, Woody, Vognild, McManus, Moore, Hurley, Warnke, Granlund, Talmadge, Bender, Williams, Bauer and Lee (by Governor Spellman request)

AN ACT Relating to the jobs for Washington youth program; adding a new section to chapter 49.46 RCW; adding a new chapter to Title 50 RCW; creating a new section; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3376 by Senators Talmadge, Clarke and Warnke

AN ACT Relating to the administrator for the courts; and amending section 1, chapter 259, Laws of 1957 as last amended by section 7, chapter 255, Laws of 1979 ex. sess. and RCW 2.56.010.

Referred to Committee on Judiciary.

SB 3377 by Senators Moore and Sellar

AN ACT Relating to mutual savings banks; and adding a new chapter to Title 32 RCW.

Referred to Committee on Financial Institutions.

SB 3378 by Senators Gaspard, Talmadge, Bauer, Benitz, McManus and Woody

AN ACT Relating to vocational education; amending section 4, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.040; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28C.04 RCW; and making an appropriation.

Referred to Committee on Education.

SB 3379 by Senators Owen, Fuller, Vognild, Bender and Quigg

AN ACT Relating to fishing licenses; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Natural Resources.

SB 3380 by Senators McManus, Talmadge, Deccio, Kiskaddon and Moore

AN ACT Relating to state residential schools; amending section 2, chapter 166, Laws of 1981 and RCW 72.33.161; providing an effective date; and declaring an emergency.

Referred to Committee on Social and Health Services.

SB 3381 by Senators Zimmerman, Gaspard, Kiskaddon, Haley, Fuller, Woody, Guess, Goltz, von Reichbauer, Hemstad, Bottiger, Williams, Fleming, Bauer and Granlund (by Governor Spellman request)

AN ACT Relating to the state parks and recreation commission; creating new sections; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Parks and Ecology.

MOTIONS

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

On motion of Senator Bottiger, the Committee on Social and Health Services was relieved of further consideration of the Sunset Audit on the Veterinary Board of Governors.

On motion of Senator Bottiger, the Sunset Audit on the Veterinary Board of Governors was referred to the Committee on Agriculture.

MOTION

At 10:46 a.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Wednesday, January 26, 1983.

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

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 26, 1983

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 Bauer, Hansen, Hayner, Hughes, Metcalf, Newhouse, Quigg and Sellar. On motion of Senator Bluechel, Senator Metcalf was excused. On motion of Senator Vognild, Senator Hansen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Suzanne Rhoden and Andrew Gimlett, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 24, 1983

SB 3045 Prime Sponsor, Senator Hansen: Removing the requirement for a warm water fish stamp. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Conner, Fuller, Patterson, Quigg, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

January 24, 1983

ESB 3076 Prime Sponsor, Senator Peterson: Modifying requirements for weight distribution for garbage trucks. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Owen, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

January 24, 1983

SB 3100 Prime Sponsor, Senator McDermott: Adopting a supplemental budget. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3100 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Bauer, Bottiger, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Craswell, Hayner, Lee, Zimmerman.

Passed to Committee on Rules for second reading.

January 24, 1983

SB 3116 Prime Sponsor, Senator Peterson: Correcting language in driver licensing statutes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Owen, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

January 24, 1983

ESB 3120 Prime Sponsor, Senator Peterson: Changing the manner in which port commissioner vacancies are filled. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Barr, Bauer, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 24, 1983

SB 3121 Prime Sponsor, Senator Peterson: Permitting certain notices to be sent to drivers by first class mail. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Granlund, Guess, Haley, Owen, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

January 24, 1983

SB 3123 Prime Sponsor, Senator Peterson: Providing that only one transcript recording a conviction must be sent by department of licensing to hearings officers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Barr, Bender, Granlund, Guess, Haley, Sellar.

Passed to Committee on Rules for second reading.

January 24, 1983

SB 3127 Prime Sponsor, Senator Talmadge: Modifying the distribution of industrial insurance awards and settlements. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3127 be substituted therefor, and that the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hayner, Hemstad, Hughes, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

January 24, 1983

SB 3169 Prime Sponsor, Senator Goltz: Making various housekeeping changes in the game laws. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Conner, Fuller, Patterson, Quigg, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

January 24, 1983

SJR 105 Prime Sponsor, Senator Fleming: Allowing harbor leases to last for fifty years. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Conner, Patterson, Quigg, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

January 24, 1982

SB 3122 Prime Sponsor, Senator Peterson: Prohibiting issuance of drivers licenses to persons failing to meet certain vision standards. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3122 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Bender, Granlund, Haley, Owen, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 24, 1982

SB 3130 Prime Sponsor, Senator Talmadge: Awarding attorneys fees in frivolous actions or defenses and to prevailing parties acting as private attorneys general. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hayner, Hemstad, Hughes, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

January 24, 1982

ESB 3131 Prime Sponsor, Senator Talmadge: Defining costs which may be awarded to a prevailing party in civil actions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Fleming, Hughes, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

January 24, 1982

SB 3184 Prime Sponsor, Senator Talmadge: Authorizing the code reviser to correct double amendments in the code. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hayner, Hemstad, Hughes, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

January 25, 1983

ESHB 20 Prime Sponsor, Committee on Constitution, Elections and Ethics: Establishing a temporary congressional redistricting commission. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hemstad, Hughes, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

January 21, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Susan E. Gould appointed January 6, 1983, for a term ending September 30, 1988, succeeding Thomas Galbraith as a member of the Board of Trustees for Central Washington University.

Sincerely,
John Spellman, Governor

MOTION

On motion of Senator Bottiger, the appointment was referred to the Committee on Education.

MESSAGE FROM THE HOUSE

January 25, 1983

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 103, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 3382 by Senators Hemstad, Wojahn, Hayner and Deccio

AN ACT Relating to driving while intoxicated; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 27, chapter 47, Laws of 1982 1st ex. sess. and RCW 46.61.515; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3383 by Senators Clarke, Talmadge and Hemstad (by Secretary of State request)

AN ACT Relating to professional corporations; amending section 3, chapter 122, Laws of 1969 and RCW 18.100.030; amending section 6, chapter 122, Laws of 1969 and RCW 18.100.060; amending section 9, chapter 122, Laws of 1969 and RCW 18.100.090; amending section 11, chapter 122, Laws of 1969 and RCW 18.100.110; amending section 13, chapter 122, Laws of 1969 and RCW 18.100.130; adding new sections to chapter 18.100 RCW; and repealing section 1, chapter 57, Laws of 1971 and RCW 18.100.135.

Referred to Committee on Judiciary.

SB 3384 by Senators Conner, Hemstad, Granlund, Goltz and Shinpoch (by Secretary of State request)

AN ACT Relating to election offenses; amending section 29.51.020, chapter 9, Laws of 1965 and RCW 29.51.020; defining crimes; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3385 by Senator Moore

AN ACT Relating to sales and use taxation; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 3386 by Senators Clarke, Talmadge and Hemstad (by Secretary of State request)

AN ACT Relating to corporations; amending section 10, chapter 99, Laws of 1980 as amended by section 39, chapter 35, Laws of 1982 and RCW 23A.28.125; amending section 108, chapter 53, Laws of 1965 as last amended by section 41, chapter 35, Laws of 1982 and RCW 23A.28.250; amending section 113, chapter 53, Laws of 1965 as last amended by section 42, chapter 35, Laws of 1982 and by section 3, chapter 45, Laws of 1982 and RCW 23A.32.050; amending section 124, chapter 53, Laws of 1965 as last amended by section 52, chapter 35, Laws of 1982 and RCW 23A.32.160; amending section 125, chapter 53, Laws of 1965 as amended by section 53, chapter 35, Laws of 1982 and RCW 23A.32.170; amending section 157, chapter 53, Laws of 1965 and RCW 23A.44.100; adding new sections to chapter 23A.28 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3387 by Senators Moore, Jones, Goltz, Shinpoch and Talmadge

AN ACT Relating to custodial interference; amending section 9A.40.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.40.050; adding a new section to chapter 9A.40 RCW; adding a new section to chapter 26.09 RCW; adding a new section to chapter 26.21 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3388 by Senators Bluechel, Bottiger, Clarke and Hayner

AN ACT Relating to traffic infractions; amending section 9, chapter 136, Laws of 1979 ex. sess. as last amended by section 3, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.63.070; and providing an effective date.

Referred to Committee on Judiciary.

SB 3389 by Senators Rinehart, Zimmerman, Thompson and Granlund (by Secretary of State request)

AN ACT Relating to voting by mail; amending section 6, chapter 109, Laws of 1967 ex. sess. as amended by section 2, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.120; amending section 7, chapter 109, Laws of 1967 ex. sess. and RCW 29.36.130; amending section 29.45.010, chapter 9, Laws of 1965 as amended by section 1, chapter 101, Laws of

1965 ex. sess. and RCW 29.45.010; and repealing section 8, chapter 109, Laws of 1967 ex. sess., section 3, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.140.

Referred to Committee on Judiciary.

SB 3390 by Senators Owen and Fuller (by Department of Game request)

AN ACT Relating to personalized license plates; and amending section 4, chapter 200, Laws of 1973 1st ex. sess. as amended by section 3, chapter 59, Laws of 1975 and RCW 46.16.570; making an appropriation; and providing an effective date.

Referred to Committee on Natural Resources.

SB 3391 by Senators Fuller, Bauer, Gaspard and Deccio

AN ACT Relating to the Washington state patrol; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Transportation.

SB 3392 by Senators McManus, Quigg and Bottiger

AN ACT Relating to electrical utility installation; and amending section 3, chapter 56, Laws of 1975 1st ex. sess. and RCW 35.22.640.

Referred to Committee on Energy and Utilities.

SB 3393 by Senators Talmadge, Clarke and Hemstad

AN ACT Relating to the state militia; and amending section 21, chapter 130, Laws of 1943 as last amended by section 1, chapter 100, Laws of 1965 ex. sess. and RCW 38.12.030.

Referred to Committee on Judiciary.

SB 3394 by Senator McDermott (by Governor Spellman and State Treasurer request)

AN ACT Relating to limitations on the debt contracted by the state; amending section 6, chapter 184, Laws of 1971 ex. sess. as amended by section 1, chapter 204, Laws of 1979 ex. sess. and RCW 39.42.060; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3395 by Senators Moore and Lee

AN ACT Relating to public water supply systems; amending section 1, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.010; amending section 3, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.030; amending section 5, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.050; amending section 7, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.070; amending section 8, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.080; amending section 9, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.090; amending section 10, chapter 99, Laws of 1977 ex. sess. as amended by section 13, chapter 201, Laws of 1982 and RCW 70.119.100; amending section 11, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.110; amending section 13, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.130; and amending section 14, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.140.

Referred to Committee on Local Government.

SB 3396 by Senators Fuller, Rinehart, Lee, Jones and Deccio

AN ACT Relating to budget and accounting; adding a new section to chapter 43.88 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3397 by Senators Williams, Zimmerman, Hughes, Bauer, Fuller and Hemstad

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

Referred to Committee on Parks and Ecology.

SB 3398 by Senator Haley

AN ACT Relating to civil procedure; and adding a new chapter to Title 4 RCW.

Referred to Committee on Judiciary.

SB 3399 by Senators Owen, Newhouse and Jones

AN ACT Relating to judgments; and adding a new section to chapter 4.56 RCW.

Referred to Committee on Judiciary.

SB 3400 by Senators Bauer, Newhouse, Jones and Deccio

AN ACT Relating to actions for injuries resulting from health care; and adding a new section to chapter 7.70 RCW.

Referred to Committee on Judiciary.

SB 3401 by Senators Bauer and Newhouse

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 Committee on Judiciary.

SB 3402 by Senators Warnke, Haley and Jones

AN ACT Relating to privileged communications; and amending section 294, page 187, Laws of 1854 as last amended by section 1, chapter 56, Laws of 1982 and RCW 5.60.060.

Referred to Committee on Judiciary.

SB 3403 by Senators Warnke and Haley

AN ACT Relating to special rights of action; and amending section 1, chapter 35, Laws of 1975 1st ex. sess. and RCW 4.24.290.

Referred to Committee on Judiciary.

SB 3404 by Senators Warnke and Haley

AN ACT Relating to actions for injuries resulting from health care; and amending section 9, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 7.70.040.

Referred to Committee on Judiciary.

SB 3405 by Senators Warnke, Haley and Jones

AN ACT Relating to actions for injuries from health care; and amending section 10, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 7.70.050.

Referred to Committee on Judiciary.

SB 3406 by Senators Owen and Haley

AN ACT Relating to limitations of actions; 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 Committee on Judiciary.

SB 3407 by Senators Bauer, Newhouse and Haley

AN ACT Relating to the medical disciplinary board; amending section 10, chapter ... (SB 3036), Laws of 1983 and RCW 43.24.085; and adding new sections to chapter 18.72 RCW.

Referred to Committee on Ways and Means.

SB 3408 by Senators Wojahn and Talmadge

AN ACT Relating to exempt property; and amending section 253, page 178, Laws of 1854 as last amended by section 1, chapter 65, Laws of 1979 ex. sess. and RCW 6.16.020.

Referred to Committee on Judiciary.

SJR 115 by Senators Fleming, Talmadge, McDermott, Lee and Kiskaddon

Ratifying the U.S. Constitutional Amendment giving voting rights to the District of Columbia.

Referred to the Committee on Judiciary.

SJR 116 by Senator Haley

Establishing a redistricting commission.

Referred to the Committee on Judiciary.

SCR 104 by Senator Haley

Authorizing a study of the need for a public transit system in the Western Washington Corridor.

Referred to Committee on Transportation.

MOTION

At 10:20 a.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Thursday, January 27, 1983.

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

EIGHTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 27, 1983

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 Metcalf and Rinehart. On motion of Senator Bluechel, Senator Metcalf was excused. On motion of Senator Vognild, Senator Rinehart was excused.

The Sergeant at Arms Color Guard, consisting of Pages Stacy Brown and Bob Vance, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 25, 1983

SB 3090 Prime Sponsor, Senator Talmadge: Modifying the budget and accounting act. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Hughes, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 26, 1983

SB 3109 Prime Sponsor, Senators McManus: Making \$500 the maximum deduction for medically needy people seeking care under the limited casualty program. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass as amended. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 25, 1983

SB 3203 Prime Sponsor, Senator Peterson: Requiring child restraints in motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Bender, Granlund, Guess, Haley, Owen, Patterson, Vognild.

Passed to Committee on Rules for second reading.

January 25, 1983

SCR 102 Prime Sponsor, Senator Bottiger: Establishing the legislature's emergency commission on economic recovery. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Fleming, Hayner, Hughes, Lee, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

January 25, 1983

GA 3 DONALD BURROWS, to the position of Director of the Department of Revenue, appointed by the Governor on June 10, 1982, for the term ending at

the pleasure of the Governor, succeeding Glenn Pascall. Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Fleming, Hayner, Hughes, Lee, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules.

January 25, 1983

GA 13 RICHARD E. HELKE, to the position of member of the State Investment Board, appointed by the Governor on November 8, 1982, for the term ending December 31, 1984, succeeding Gloria M. Champeaux. Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Fleming, Hayner, Hughes, Lee, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules.

January 26, 1983

GA 22 LAWRENCE J. FAULK, to the position of member of the Pollution Control Hearings Board, appointed by the Governor on September 28, 1982, for the term ending June 30, 1988, succeeding Nat W. Washington. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hughes, Chairman; Bluechel, Haley, Hansen, Hurlay, Kiskaddon, Lee, Talmadge.

Passed to Committee on Rules.

January 25, 1983

GA 35 SAMUEL E. KELLY, to the position of member of the Board of Tax Appeals, appointed by the Governor on June 10, 1982, for the term ending March 1, 1987, succeeding Charles C. Stidham. Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Fleming, Hayner, Hughes, Lee, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

January 25, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Otto Amen appointed January 11, 1983, for a term ending December 31, 1987, succeeding Milford Vanik as a member of the Public Disclosure Commission.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING

SB 3409 by Senators Kiskaddon, Wojahn, Vognild and Lee

AN ACT Relating to cosmetology and barbering; amending section 21, chapter 266, Laws of 1971 ex. sess. as last amended by section 10, chapter ... (SB ...), Laws of 1983 and RCW 43.24.085; adding new sections to chapter 18.18 RCW; repealing section 1, chapter 75, Laws of 1923, section 1, chapter 211, Laws of 1927, section 1, chapter 52, Laws of 1957, section 1, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.010; repealing section 2,

chapter 75, Laws of 1923, section 1, chapter 209, Laws of 1929, section 1, chapter 199, Laws of 1937, section 1, chapter 51, Laws of 1949, section 1, chapter 16, Laws of 1951, section 2, chapter 223, Laws of 1967 and RCW 18.15.020; repealing section 3, chapter 75, Laws of 1923, section 2, chapter 199, Laws of 1937, section 2, chapter 51, Laws of 1949, section 2, chapter 16, Laws of 1951, section 1, chapter 101, Laws of 1957, section 3, chapter 223, Laws of 1967, section 4, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.040; repealing section 3, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.045; repealing section 6, chapter 75, Laws of 1923, section 5, chapter 211, Laws of 1927, section 3, chapter 209, Laws of 1929, section 4, chapter 51, Laws of 1949, section 3, chapter 16, Laws of 1951, section 4, chapter 84, Laws of 1959, section 4, chapter 223, Laws of 1967, section 2, chapter 148, Laws of 1973 1st ex. sess., section 5, chapter 30, Laws of 1975 1st ex. sess., section 11, chapter 158, Laws of 1979 and RCW 18.15.050; repealing section 7, chapter 101, Laws of 1957 and RCW 18.15.051; repealing section 8, chapter 101, Laws of 1957, section 5, chapter 223, Laws of 1967 and RCW 18.15.052; repealing section 9, chapter 101, Laws of 1957, section 6, chapter 223, Laws of 1967 and RCW 18.15.053; repealing section 10, chapter 101, Laws of 1957 and RCW 18.15.054; repealing section 11, chapter 101, Laws of 1957, section 1, chapter 188, Laws of 1967, section 28, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 18.15.055; repealing section 12, chapter 101, Laws of 1957, section 8, chapter 223, Laws of 1967 and RCW 18.15.056; repealing section 7, chapter 75, Laws of 1923, section 6, chapter 211, Laws of 1927, section 4, chapter 209, Laws of 1929, section 14, chapter 101, Laws of 1957, section 9, chapter 223, Laws of 1967, section 2, chapter 266, Laws of 1971 ex. sess., section 4, chapter 148, Laws of 1973 1st ex. sess., section 6, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.060; repealing section 3, chapter 84, Laws of 1959, section 10, chapter 223, Laws of 1967, section 5, chapter 148, Laws of 1973 1st ex. sess., section 7, chapter 30, Laws of 1975 1st ex. sess., section 12, chapter 158, Laws of 1979 and RCW 18.15.065; repealing section 12, chapter 75, Laws of 1923, section 9, chapter 211, Laws of 1927, section 11, chapter 223, Laws of 1967 and RCW 18.15.070; repealing section 13, chapter 75, Laws of 1923, section 10, chapter 211, Laws of 1927, section 4, chapter 199, Laws of 1937, section 5, chapter 51, Laws of 1949, section 4, chapter 16, Laws of 1951 and RCW 18.15.080; repealing section 14, chapter 75, Laws of 1923, section 11, chapter 211, Laws of 1927, section 6, chapter 209, Laws of 1929, section 1, chapter 102, Laws of 1947, section 12, chapter 223, Laws of 1967, section 6, chapter 148, Laws of 1973 1st ex. sess., section 13, chapter 158, Laws of 1979, section 4, chapter 283, Laws of 1981 and RCW 18.15.090; repealing section 2, chapter 84, Laws of 1959, section 14, chapter 223, Laws of 1967, section 8, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.095; repealing section 5, chapter 283, Laws of 1981 and RCW 18.15.096; repealing section 13, chapter 223, Laws of 1967, section 7, chapter 148, Laws of 1973 1st ex. sess., section 9, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.097; repealing section 8, chapter 172, Laws of 1901, section 5, chapter 75, Laws of 1923, section 3, chapter 199, Laws of 1937, section 3, chapter 51, Laws of 1949, section 2, chapter 101, Laws of 1957, section 5, chapter 84, Laws of 1959, section 15, chapter 223, Laws of 1967, section 8, chapter 148, Laws of 1973 1st ex. sess., section 10, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.100; repealing section 7, chapter 209, Laws of 1929, section 6, chapter 51, Laws of 1949, section 6, chapter 84, Laws of 1959, section 16, chapter 223, Laws of 1967, section 9, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.110; repealing section 15, chapter 75, Laws of 1923, section 17, chapter 223, Laws of 1967 and RCW 18.15.120; repealing section 13, chapter 101, Laws of 1957, section 7, chapter 84, Laws of 1959, section 18, chapter 223, Laws of 1967, section 11, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.125; repealing section 4, chapter 101, Laws of 1957, section 19, chapter 223, Laws of 1967 and RCW 18.15.130; 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 6, chapter 101, Laws of 1957, section 21, chapter 223, Laws of 1967 and RCW 18.15.150; repealing section 17, chapter 75, Laws of 1923, section 12, chapter 211, Laws of 1927, section 8, chapter 209, Laws of 1929, section 22, chapter 223, Laws of 1967 and RCW 18.15.160; repealing section 10, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.200; repealing section 11, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.210; repealing section 12, chapter 148, Laws of 1973 1st ex. sess., section 12, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.220; repealing section 13, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.230; repealing section 14, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.240; repealing section 15, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.250; repealing section 19, chapter 75, Laws of 1923 and RCW 18.15.900; repealing section 1, chapter 25, Laws of 1974 ex. sess., section 14, chapter 158, Laws of 1979, section 1, chapter 242, Laws of 1979 ex. sess., section 1, chapter 225, Laws of 1982 and RCW 18.18.010; repealing section 8, chapter 215, Laws of 1937, section 17, chapter 148, Laws of 1973 1st ex. sess., section 15, chapter 158, Laws of 1979, section 2, chapter 225, Laws of 1982 and RCW 18.18.020; repealing section 1, chapter 215, Laws of 1937, section 2, chapter 3, Laws of 1965 ex. sess., section 18, chapter 148, Laws of 1973 1st ex. sess., section 4, chapter 225, Laws of 1982 and RCW 18.18.030; repealing section 18, chapter 215, Laws of 1937, section 19, chapter 148, Laws of 1973 1st ex. sess., section 5, chapter 225, Laws of 1982 and RCW 18.18.040; repealing section 2, chapter 180, Laws of 1951, section 3, chapter 52, Laws of 1957, section 3, chapter 324, Laws of 1959, section 21, chapter 148,

Laws of 1973 1st ex. sess., section 6, chapter 225, Laws of 1982 and RCW 18.18.050; repealing section 2, chapter 324, Laws of 1959, section 3, chapter 3, Laws of 1965 ex. sess., section 22, chapter 148, Laws of 1973 1st ex. sess., section 7, chapter 225, Laws of 1982 and RCW 18.18.065; repealing section 4, chapter 180, Laws of 1951, section 5, chapter 52, Laws of 1957, section 4, chapter 3, Laws of 1965 ex. sess., section 6, chapter 283, Laws of 1981, section 8, chapter 225, Laws of 1982 and RCW 18.18.070; repealing section 7, chapter 283, Laws of 1981 and RCW 18.18.075; repealing section 9, chapter 225, Laws of 1982 and RCW 18.18.078; repealing section 3, chapter 225, Laws of 1982 and RCW 18.18.085; 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., section 2, chapter 242, Laws of 1979 ex. sess. and RCW 18.18.090; repealing section 7, chapter 215, Laws of 1937, section 7, chapter 3, Laws of 1965 ex. sess., section 24, chapter 148, Laws of 1973 1st ex. sess., section 16, chapter 158, Laws of 1979, section 10, chapter 225, Laws of 1982 and RCW 18.18.100; repealing section 1, chapter 168, Laws of 1953, section 11, chapter 225, Laws of 1982 and RCW 18.18.102; repealing section 2, chapter 168, Laws of 1953, section 8, chapter 3, Laws of 1965 ex. sess., section 30, chapter 34, Laws of 1975-76 2nd ex. sess., section 12, chapter 225, Laws of 1982 and RCW 18.18.104; repealing section 4, chapter 168, Laws of 1953, section 13, chapter 225, Laws of 1982 and RCW 18.18.108; repealing section 4, chapter 313, Laws of 1955, section 9, chapter 3, Laws of 1965 ex. sess., section 25, chapter 148, Laws of 1973 1st ex. sess., section 14, chapter 225, Laws of 1982 and RCW 18.18.110; repealing section 14, chapter 215, Laws of 1937, section 6, chapter 180, Laws of 1951, section 10, chapter 3, Laws of 1965 ex. sess., section 14, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.18.120; repealing section 5, chapter 313, Laws of 1955, section 15, chapter 225, Laws of 1982 and RCW 18.18.130; repealing section 7, chapter 180, Laws of 1951, section 6, chapter 313, Laws of 1955, section 5, chapter 324, Laws of 1959, section 11, chapter 3, Laws of 1965 ex. sess., section 3, chapter 266, Laws of 1971 ex. sess., section 27, chapter 148, Laws of 1973 1st ex. sess., section 15, chapter 30, Laws of 1975 1st ex. sess., section 2, chapter 310, Laws of 1977 ex. sess., section 3, chapter 242, Laws of 1979 ex. sess., section 16, chapter 225, Laws of 1982 and RCW 18.18.140; repealing section 6, chapter 52, Laws of 1957 and RCW 18.18.150; repealing section 7, chapter 52, Laws of 1957, section 6, chapter 324, Laws of 1959, section 17, chapter 225, Laws of 1982 and RCW 18.18.160; repealing section 8, chapter 52, Laws of 1957, section 7, chapter 324, Laws of 1959, section 18, chapter 225, Laws of 1982 and RCW 18.18.170; repealing section 6, chapter 215, Laws of 1937 and RCW 18.18.180; repealing section 8, chapter 180, Laws of 1951, section 9, chapter 52, Laws of 1957, section 12, chapter 3, Laws of 1965 ex. sess., section 26, chapter 148, Laws of 1973 1st ex. sess., section 19, chapter 225, Laws of 1982 and RCW 18.18.190; repealing section 4, chapter 215, Laws of 1937, section 20, chapter 225, Laws of 1982 and RCW 18.18.200; repealing section 9, chapter 180, Laws of 1951, section 10, chapter 52, Laws of 1957, section 13, chapter 3, Laws of 1965 ex. sess., section 21, chapter 225, Laws of 1982 and RCW 18.18.210; repealing section 15, chapter 215, Laws of 1937, section 8, chapter 324, Laws of 1959, section 28, chapter 148, Laws of 1973 1st ex. sess., section 22, chapter 225, Laws of 1982 and RCW 18.18.220; 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 11, chapter 52, Laws of 1957, section 9, chapter 324, Laws of 1959, section 17, chapter 3, Laws of 1965 ex. sess., section 29, chapter 148, Laws of 1973 1st ex. sess., section 1, chapter 310, Laws of 1977 ex. sess., section 4, chapter 242, Laws of 1979 ex. sess., section 23, chapter 225, Laws of 1982 and RCW 18.18.260; repealing section 12, chapter 52, Laws of 1957, section 30, chapter 148, Laws of 1973 1st ex. sess., section 24, chapter 225, Laws of 1982 and RCW 18.18.270; repealing section 5, chapter 242, Laws of 1979 ex. sess. and RCW 18.18.275; repealing section 16, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.290; repealing section 20, chapter 148, Laws of 1973 1st ex. sess., section 17, chapter 158, Laws of 1979, section 25, chapter 225, Laws of 1982 and RCW 18.18.300; repealing section 38, chapter 99, Laws of 1979 and RCW 43.131-.223; repealing section 36, chapter 99, Laws of 1979 and RCW 43.131.219; repealing section 78, chapter 99, Laws of 1979 and RCW 43.131.220; repealing section 80, chapter 99, Laws of 1979 and RCW 43.131.224; and repealing section 3, chapter 168, Laws of 1953 and RCW 18.18.106.

Referred to Committee on Commerce and Labor.

SB 3410 by Senators McManus, Fuller and Williams

AN ACT Relating to revenue and taxation; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 3411 by Senators Granlund, McCaslin and Owen

AN ACT Relating to the retail sales and use taxation of fire fighting equipment; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 3412 by Senators Warnke, Newhouse and Owen (by Department of General Administration request)

AN ACT Relating to state purchasing; and amending section 43.19.1906, chapter 8, Laws of 1965 as last amended by section 2, chapter 103, Laws of 1980 and RCW 43.19.1906.

Referred to Committee on State Government.

SB 3413 by Senators Hughes and Lee (by Parks and Recreation Commission request)

AN ACT Relating to nonresident camping fees surcharge; repealing section 2, chapter 153, Laws of 1979 (uncodified); and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 3414 by Senators Hemstad, Talmadge, Clarke, Thompson and Granlund

AN ACT Relating to the sentencing of criminal offenders; and adding new sections to chapter 9.94A RCW.

Referred to Committee on Judiciary.

SB 3415 by Senators Hughes, Hurley, McDermott, Talmadge, Williams, Haley, Bauer and Lee

AN ACT Relating to water resources; and amending section 2, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.020.

Referred to Committee on Parks and Ecology.

SB 3416 by Senators Hemstad, Talmadge, Clarke, Thompson and Granlund

AN ACT Relating to crimes and punishments; amending section 3, chapter 137, Laws of 1981 as amended by section 1, chapter 192, Laws of 1982 and RCW 9.94A.030; amending section 6, chapter 137, Laws of 1981 and RCW 9.94A.060; amending section 12, chapter 137, Laws of 1981 as amended by section 4, chapter 192, Laws of 1982 and RCW 9.94A.120; adding a new section to chapter 9.94A RCW; and providing an effective date.

Referred to Committee on Judiciary.

SB 3417 by Senators Warnke, Newhouse and Owen (by Department of General Administration request)

AN ACT Relating to offshore items; 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; and repealing section 3, chapter 139, Laws of 1967 and RCW 39.25.030.

Referred to Committee on Natural Resources.

SB 3418 by Senators Haley and Rasmussen

AN ACT Relating to county sewerage, water, and drainage systems; amending section 23, chapter 72, Laws of 1967 as last amended by section 4, chapter 313, Laws of 1981 and RCW 36.94.230; and amending section 7, chapter 313, Laws of 1981 and RCW 36.94.380.

Referred to Committee on Local Government.

SB 3419 by Senators Lee, Moore, Hayner, Jones and Quigg

AN ACT Relating to property tax relief; amending section 2, chapter 182, Laws of 1974 ex. sess. as last amended by section 5, chapter 185, Laws of 1980 and RCW 84.36.383; amending section 3, chapter 182, Laws of 1974 ex. sess. as last amended by section 3, chapter 214, Laws of 1979 ex. sess. and RCW 84.36.385; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3420 by Senators Lee, Zimmerman, McCaslin, Barr, Rinehart, Kiskaddon, Jones and Moore

AN ACT Relating to water district rates; and amending section 8, chapter 114, Laws of 1929 as amended by section 1, chapter 108, Laws of 1959 and RCW 57.08.010.

Referred to Committee on Local Government.

SB 3421 by Senators Bottiger, Hemstad, Vognild, Fuller, Shinpoch, Lee and Zimmerman

AN ACT Relating to state officers and employees; amending section 2, chapter 208, Laws of 1957 as last amended by section 53, chapter 151, Laws of 1979 and RCW 41.04.036; amending section 5, chapter 59, Laws of 1969 as last amended by section 1, chapter 120, Laws of 1980 and RCW 41.04.230; amending section 1, chapter 130, Laws of 1891 as last amended by section 68, chapter 151, Laws of 1979 and RCW 42.16.010; adding a new section to chapter 41.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SJM 103 by Senator Williams

Memorializing Congress regarding low-level nuclear waste compact.

Referred to Committee on Energy and Utilities.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Rasmussen, the appointment of Leland Blankenship as Public Printer was confirmed.

APPOINTMENT OF LELAND BLANKENSHIP

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Hayner, Moore - 2.

Excused: Senators Metcalf, Rinehart - 2.

MOTION

On motion of Senator Rasmussen, the appointment of Randy S. Fisher as Director of the Department of Veterans Affairs was confirmed.

APPOINTMENT OF RANDY S. FISHER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Metcalf - 1.

MOTION

On motion of Senator Hughes, the appointment of John H. Jessup, Jr. as a member of the Interagency Committee for Outdoor Recreation was confirmed.

APPOINTMENT OF JOHN H. JESSUP, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Kiskaddon - 1.

Excused: Senator Metcalf - 1.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

January 26, 1983

SB 3231 Prime Sponsor, Senator Bottiger: Providing for model energy conservation standards for new structures. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Williams, Chairman; Hurley, Fuller, Goltz, McManus, Moore, Quigg.

Referred to Committee on Ways and Means.

MOTION

At 10:32 a.m., on motion of Senator Fleming, the Senate adjourned until 11:00 a.m., Friday, January 28, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 28, 1983

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 Hughes, Sellar and Wojahn. On motion of Senator Vognild, Senators Hughes and Wojahn were excused. On motion of Senator Bluechel, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Tina Gove and Kari Couch, presented the Colors. Reverend Sheryl E. Laubach Peterson, associate pastor of the United Churches of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 24, 1983

SB 3079 Prime Sponsor, Senator Bauer: Authorizing insurance services for officials as well as employees of sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3079 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Bauer, Granlund, McCaslin, Woody.

Passed to Committee on Rules for second reading.

January 27, 1983

SB 3083 Prime Sponsor, Senator Warnke: Modifying certain license fees and procedures. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

January 26, 1983

SB 3087 Prime Sponsor, Senator Vognild: Authorizing payment of shared work unemployment insurance. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3087 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; McManus, Moore, Shinpoch, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 27, 1983

SB 3134 Prime Sponsor, Senator Peterson: Extending the license fee on the use of certain special fuels in motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Granlund, Guess, Haley, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 27, 1983

SB 3211 Prime Sponsor, Senator Peterson: Modifying provisions on aircraft fuel taxes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Owen, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 27, 1983

SB 3224 Prime Sponsor, Senator Goltz: Authorizing the provisions of heating services by governmental entities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz.

Passed to Committee on Rules for second reading.

January 27, 1983

SB 3282 Prime Sponsor, Senator Guess: Enacting the Multistate Highway Transportation Agreement. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Barr, Bender, Granlund, Guess, Haley, Owen, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 27, 1983

SB 3314 Prime Sponsor, Senator Vognild: Establishing the OASI revolving fund. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Haley, McCaslin, McManus, Moore, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 27, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Mardith A. Korten appointed January 11, 1983, for a term ending September 30, 1987, succeeding Rosemary Smith as a member of the Board of Trustees for Community College District No. 13.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

January 27, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Mabel E. "Mickey" Roberts appointed January 4, 1983, for a term ending September 30, 1987, succeeding Richard Langabeer as a member of the Board of Trustees for Community College District No. 21.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

January 27, 1983

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:

Eustace "Sunny" Vynne, Jr. reappointed January 17, 1983, for a term ending December 31, 1988, as a member of the State Parks and Recreation Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Parks and Ecology.

INTRODUCTION AND FIRST READING

SB 3422 by Senators Warnke, Newhouse and Owen (by Department of General Administration request)

AN ACT Relating to state purchasing; and amending section 43.19.1911, chapter 8, Laws of 1965 as amended by section 8, chapter 172, Laws of 1980 and RCW 43.19.1911.

Referred to Committee on State Government.

SB 3423 by Senators Thompson, Guigg and Owen

AN ACT Relating to forest products; amending section 1, chapter 154, Laws of 1925 ex. sess. and RCW 76.36.010; amending section 2, chapter 154, Laws of 1925 ex. sess. and RCW 76.36.020; amending section 3, chapter 154, Laws of 1925 ex. sess. as amended by section 1, chapter 36, Laws of 1957 and RCW 76.36.030; amending section 4, chapter 154, Laws of 1925 ex. sess. as amended by section 2, chapter 36, Laws of 1957 and RCW 76.36.040; amending section 5, chapter 154, Laws of 1925 ex. sess. as amended by section 3, chapter 36, Laws of 1957 and RCW 76.36.050; amending section 6, chapter 154, Laws of 1925 ex. sess. as amended by section 4, amending section 7, chapter 154, Laws of 1925 ex. sess. as amended by section 5, chapter 36, Laws of 1957 and RCW 76.36.070; amending section 9, chapter 154, Laws of 1925 ex. sess. as amended by section 6, chapter 36, Laws of 1957 and RCW 76.36.090; amending section 11, chapter 154, Laws of 1925 ex. sess. and RCW 76.36.110; amending section 1, chapter 216, Laws of 1949 as amended by section 9, chapter 36, Laws of 1957 and RCW 76.36.150; and amending section 10, chapter 36, Laws of 1957 and RCW 76.36.160.

Referred to Committee on Natural Resources.

SB 3424 by Senators Newhouse, Thompson and Patterson

AN ACT Relating to courts of limited jurisdiction; amending section 4, page 404, Laws of 1854 as last amended by section 69, chapter 81, Laws of 1971 and RCW 26.04.050; amending section 100, chapter 299, Laws of 1961 as last amended by section 8, chapter 162, Laws of 1980 and RCW 3.58.010; and amending section 122, chapter 299, Laws of 1961 and RCW 3.66.110.

Referred to Committee on Judiciary.

SB 3425 by Senators Guess, Bottiger, Clarke, Hayner, McCaslin and Zimmerman

AN ACT Relating to admissibility of evidence; and adding a new section to chapter 10.79 RCW.

Referred to Committee on Judiciary.

SB 3426 by Senators Talmadge and Bottiger

AN ACT Relating to homesteads; and amending section 6, chapter 64, Laws of 1895 and RCW 6.12.110.

Referred to Committee on Judiciary.

SB 3427 by Senators Hurley, Metcalf, Craswell, Hansen and Deccio

AN ACT Relating to public officials; and adding a new section to chapter 43.03 RCW.

Referred to Committee on State Government.

SB 3428 by Senators Hurley, Hughes, Fleming, Rinehart, Hansen and Shinpoch

AN ACT Relating to watercraft; adding a new chapter to Title 82 RCW; adding a new section to chapter 84.36 RCW; adding a new chapter to Title 88 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 3429 by Senators Talmadge and Granlund

AN ACT Relating to the criminal justice system; and creating a new section.

Referred to Committee on Judiciary.

SB 3430 by Senators Talmadge and Granlund

AN ACT Relating to corrections; amending section 9, chapter 340, Laws of 1955 as last amended by section 8, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 9.95.003; amending section 3, chapter 32, Laws of 1959 as amended by section 1, chapter 63, Laws of 1975-'76 2nd ex. sess. and RCW 9.95.007; amending section 24, chapter 137, Laws of 1981 as amended by section 8, chapter 192, Laws of 1982 and RCW 9.95.009; 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 1, chapter 67, Laws of 1972 ex. sess. and RCW 9.95.052; amending section 9, chapter 133, Laws of 1955 as last amended by section 1, chapter 68, Laws of 1972 ex. sess. and RCW 9.95.080; amending section 13, chapter 133, Laws of 1955 as last amended by section 37, chapter 136, Laws of 1981 and RCW 9.95.120; amending section 3, chapter 98, Laws of 1969 as last amended by section 38, chapter 136, Laws of 1981 and RCW 9.95.121; amending section 5, chapter 98, Laws of 1969 and RCW 9.95.123; amending section 6, chapter 98, Laws of 1969 as last amended by section 39, chapter 136, Laws of 1981 and RCW 9.95.124; amending section 7, chapter 98, Laws of 1969 and RCW 9.95.125; adding new sections to chapter 9.95 RCW; creating a new section; and providing an effective date.

Referred to Committee on Institutions.

SB 3431 by Senators Talmadge, Clarke, Bottiger, Moore, Bauer and Deccio

AN ACT Relating to privileged communications for nurses; amending section 294, page 187, Laws of 1854 as last amended by section 1, chapter 56, Laws of 1982 and RCW 5.60.060; amending section 51.04.050, chapter 23, Laws of 1961 and RCW 51.04.050; and amending section 95, page 117, Laws of 1854 as last amended by section 1, chapter 81, Laws of 1977 ex. sess. and RCW 10.52.020.

Referred to Committee on Judiciary.

SB 3432 by Senators Thompson, Quigg and Owen

AN ACT Relating to log patrols; amending section 1, chapter 182, Laws of 1957 and RCW 76.40.010; amending section 2, chapter 140, Laws of 1953 as amended by section 1, chapter 108, Laws of 1955 and RCW 76.40.012; amending section 9, chapter 182, Laws of 1957 and RCW 76.40.013; amending section 1, chapter 116, Laws of 1947 as last amended by section 2, chapter 182, Laws of 1957 and RCW 76.40.020; amending section 3, chapter 116, Laws of 1947 as last amended by section 13, chapter 67, Laws of 1979 ex. sess. and RCW 76.40.030; amending section 4, chapter 116, Laws of 1947 as amended by section 4, chapter 182, Laws of 1957 and RCW 76.40.040; amending section 5, chapter 116, Laws of 1947 as last amended by section 5, chapter 182, Laws of 1957 and RCW 76.40.050; amending section 6, chapter 116, Laws of 1947 as amended by section 199, chapter 35, Laws of 1982 and RCW 76.40.060; amending section 8, chapter 116, Laws of 1947 as amended by section 6, chapter 182, Laws of 1957 and RCW 76.40.070; amending section 9, chapter 116, Laws of 1947 and RCW 76.40.080; amending section 11, chapter 116, Laws of 1947 and RCW 76.40.100; amending section 14, chapter 116, Laws of 1947 and RCW 76.40.120; adding new sections to chapter 116, Laws of 1947 and to chapter 76.40 RCW; repealing section 3, chapter 140, Laws of 1953 and RCW 76.40.122; repealing section 4, chapter 140, Laws of 1953 and RCW 76.40.124; repealing section 5, chapter 140, Laws of 1953, section 6, chapter 108, Laws of 1955 and RCW 76.40.125; repealing section 6, chapter 140, Laws of 1953, section 7, chapter 108, Laws of 1955, section 8, chapter 182, Laws of 1957 and RCW 76.40.127; and repealing section 7, chapter 140, Laws of 1953, section 8, chapter 108, Laws of 1955 and RCW 76.40.128.

Referred to Committee on Natural Resources.

SB 3433 by Senators Moore, Hayner, Bottiger, McManus, Deccio, McDermott, Hemstad and Hurley (by Lieutenant Governor request)

AN ACT Relating to higher education institutions; adding new sections to chapter 223, Laws of 1969 ex. sess. as a new chapter in Title 28B RCW; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 3434 by Senators Peterson, Sellar and Vognild

AN ACT Relating to gambling; and amending section 1, chapter 139, Laws of 1981 and RCW 9.46.020.

Referred to Committee on Commerce and Labor.

SB 3435 by Senators Hurley, Rasmussen, McManus, Craswell and Deccio

AN ACT Relating to higher education; amending section 28B.20.130, chapter 223, Laws of 1969 ex. sess. as amended by section 20, chapter 75, Laws of 1977 and RCW 28B.20.130; amending section 28B.30.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 21, chapter 75, Laws of 1977 and RCW 28B.30.150; amending section 48, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.120; amending section 28B.40.120, chapter 223, Laws of 1969 ex. sess. as amended by section 68, chapter 169, Laws of 1977 ex. sess. and RCW 28B.40.120; and amending section 6, chapter 14, Laws of 1979 as last amended by section 3, chapter 246, Laws of 1981 and RCW 28B.50.140.

Referred to Committee on Education.

SB 3436 by Senators Bluechel, McDermott, Jones, Lee and Shinpoch

AN ACT Relating to excess levies; amending section 84.52.054, chapter 15, Laws of 1961 as last amended by section 2, chapter 325, Laws of 1977 ex. sess. and RCW 84.52.054; and adding new sections to chapter 36.33 RCW.

Referred to Committee on Local Government.

SB 3437 by Senators Talmadge and Patterson

AN ACT Relating to malicious prosecution; amending section 1, chapter 158, Laws of 1977 ex. sess. and RCW 4.24.350; and creating new sections.

Referred to Committee on Judiciary.

SB 3438 by Senators McDermott, Bluechel and Rinehart

AN ACT Relating to property tax exemptions; amending section 7, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 4, chapter 141, Laws of 1981 and RCW 84.36.805; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Ways and Means.

SB 3439 by Senators McDermott, Bluechel and Rinehart

AN ACT Relating to property taxation; and amending section 8, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 5, chapter 141, Laws of 1981 and RCW 84.36.810.

Referred to Committee on Ways and Means.

SB 3440 by Senators McDermott, Rasmussen, Goltz, Bauer and Shinpoch

AN ACT Relating to the processing of timber from public lands; adding a new chapter to Title 79 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

MOTIONS

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

On motion of Senator Bottiger, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 3410.

On motion of Senator Bottiger, Senate Bill No. 3410 was referred to the Committee on Energy.

On motion of Senator Bottiger, the Committee on Natural Resources was relieved of further consideration of Senate Bill No. 3417.

On motion of Senator Bottiger, Senate Bill No. 3417 was referred to the Committee on State Government.

MOTION

At 11:28 a.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Monday, January 31, 1983.

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

TWENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 31, 1983

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 Conner, Guess, Hughes, McDermott and Quigg. On motion of Senator Vognild, Senators Conner, Hughes, and McDermott were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kris Kopfner and Chris Treacy, presented the Colors. Reverend Wallace F. Misterek, pastor of the Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

January 28, 1983

SB 3059 Prime Sponsor, Senator Lee: Providing for pets in nursing homes and public housing for the elderly. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Granlund, Moore, Deccio, Kiskaddon.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 11, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Gonzalez appointed January 14, 1981, for a term ending at the pleasure of the Governor, succeeding R. Y. Woodhouse as Director of the Department of Licensing.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Transportation.

January 11, 1983

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:

Chester A. Richmond, Jr. reappointed February 1, 1982, for a term ending December 26, 1985, as a member of the Board of Pilotage Commissioners.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Transportation.

January 11, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Avery K. Loposer appointed February 17, 1982, for a term ending September 30, 1983, succeeding Donald K. Anderson as a member of the Board of Trustees for Community College District No. 3.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

January 11, 1983

TO THE 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 Justice appointed February 11, 1982, for a term ending September 30, 1986, succeeding Charles W. Votaw as a member of the Board of Trustees for Community College District No. 20.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

January 11, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

I. A. Tony Weza appointed February 11, 1982, for a term ending December 31, 1986, succeeding Valoria Ann Loveland as a member of the Public Disclosure Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

MESSAGES FROM THE HOUSE

January 28, 1983

Mr. President:

The House has passed:

SENATE BILL NO. 3036,

ENGROSSED SENATE BILL NO. 3037,

SENATE BILL NO. 3038,

SENATE BILL NO. 3039, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3036,

SENATE BILL NO. 3037,

SENATE BILL NO. 3038,

SENATE BILL NO. 3039.

INTRODUCTION AND FIRST READING

SB 3441 by Senators Thompson, Zimmerman, Goltz and Hughes

AN ACT Relating to water pollution control; and amending section 24, chapter 13, Laws of 1967 as last amended by section 1, chapter 267, Laws of 1979 ex. sess. and RCW 90.48.260.

Referred to Committee on Parks and Ecology.

SB 3442 by Senators Talmadge and Clarke (by Judicial Council request)

AN ACT Relating to domestic relations; and adding a new chapter to Title 26 RCW.

Referred to Committee on Judiciary.

SB 3443 by Senators McDermott, Hansen and Guess

AN ACT Relating to long-distance conveyer belt transportation systems; and creating new sections.

Referred to Committee on Ways and Means.

SB 3444 by Senators Rasmussen, Metcalf and Haley

AN ACT Relating to salmon propagation facilities; and adding a new chapter to Title 75 RCW.

Referred to Committee on Natural Resources.

SB 3445 by Senator Moore

AN ACT Relating to trustees; and adding a new section to chapter 30.99 RCW.

Referred to Committee on Financial Institutions.

SB 3446 by Senators Moore, Deccio and Bottiger

AN ACT Relating to insurance; adding a new section to chapter 48.21 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 3447 by Senators Rasmussen, Talmadge, Pullen and Woody

AN ACT Relating to the homestead exemption; and amending section 24, chapter 64, Laws of 1895 as last amended by section 10, chapter 329, Laws of 1981 and RCW 6.12.050.

Referred to Committee on Judiciary.

SB 3448 by Senators Hughes and Patterson

AN ACT Relating to tuition and fees for institutions of higher education; and amending section 2, chapter 82, Laws of 1979 and RCW 28B.15.535.

Referred to Committee on Education.

SB 3449 by Senators Woody, Hayner, Bottiger, Gaspard and Hemstad

AN ACT Relating to the candidates' pamphlet; and amending section 29.80.030, chapter 9, Laws of 1965 as amended by section 4, chapter 57, Laws of 1979 ex. sess. and RCW 29.80.030.

Referred to Committee on State Government.

SB 3450 by Senator Warnke

AN ACT Relating to maintenance of streets, roads, and highways; adding a new section to chapter 35.77 RCW; adding a new section to chapter 36.75 RCW; and adding a new section to chapter 47.28 RCW.

Referred to Committee on Transportation.

SB 3451 by Senators Benitz, Hayner, Newhouse, Deccio, Zimmerman, Guess, Barr, Fuller, McCaslin, Quigg and Kiskaddon

AN ACT Relating to elected public officials; adding a new section to chapter 41.40 RCW; adding a new section to chapter 44.04 RCW; and prescribing penalties.

Referred to Committee on State Government.

SB 3452 by Senators Rasmussen, Metcalf and Owen

AN ACT Relating to Dungeness crabs; and adding a new section to chapter 75.12 RCW.

Referred to Committee on Natural Resources.

SB 3453 by Senators Goltz, Patterson and Hansen

AN ACT Relating to institutions of higher education; amending section 28B.10.565, chapter 223, Laws of 1969 ex. sess. as amended by section 22, chapter 136, Laws of 1979 ex. sess. and RCW 28B.10.565; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW.

Referred to Committee on Education.

SB 3454 by Senators Woody, Guess and Peterson

AN ACT Relating to driver's licenses; amending section 8, chapter 167, Laws of 1967 as amended by section 42, chapter 292, Laws of 1971 ex. sess. and RCW 46.20.011;

amending section 46.20.102, chapter 12, Laws of 1961 as last amended by section 5, chapter 61, Laws of 1979 and RCW 46.20.102; adding a new section to chapter 46.20 RCW; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation.

SB 3455 by Senators Gaspard, Hayner, Hurley, Bottiger, Hemstad, Bauer and Vognild

AN ACT Relating to membership on the state board of education; amending section 28A.04.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 179, Laws of 1980 and RCW 28A.04.010; amending section 28A.04.020, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 38, Laws of 1981 and RCW 28A.04.020; and amending section 28A.04.050, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 38, Laws of 1981 and RCW 28A.04.050.

Referred to Committee on Education.

SB 3456 by Senators Vognild and Newhouse

AN ACT Relating to timber sales; repealing section 14, chapter 222, Laws of 1982 and RCW 79.01.126; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 3457 by Senators Vognild, Newhouse and Deccio

AN ACT Relating to state timber sales market indices; amending section 14, chapter 222, Laws of 1982 and RCW 79.01.126; amending section 15, chapter 222, Laws of 1982 (uncodified); declaring an emergency; and providing an effective date.

Referred to Committee on Natural Resources.

SB 3458 by Senators Goltz, Zimmerman, Shinpoch and Benitz (by Attorney General request)

AN ACT Relating to public employees; amending section 82, chapter 249, Laws of 1909 as amended by section 34, chapter 234, Laws of 1969 ex. sess. and RCW 42.20.010; adding a new section to chapter 9.46 RCW; adding a new section to chapter 67.70 RCW; adding a new section to chapter 42.18 RCW; repealing section 21, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.210; and repealing section 32, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.320.

Referred to Committee on Commerce and Labor.

SJM 104 by Senators Rasmussen, Moore, Pullen, Hurley, Goltz, Metcalf, Woody, Zimmerman, Deccio, Hayner, Lee and McCaslin

Opposing withholding ten percent of interest earned on savings accounts for income tax purposes.

Referred to Committee on Financial Institutions.

MOTION

At 10:17 a.m., on motion of Senator Bottiger, the Senate recessed until 11:00 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:23 a.m.

MOTION

At 11:26 a.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Tuesday, February 1, 1983.

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

TWENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 1, 1983

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Jay Tinnerstet and Katy Warren, presented the Colors. Reverend Wallace F. Misterek, pastor of the Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 1983

SB 3117 Prime Sponsor, Senator Thompson: Regulating substances containing toxic vapors or fumes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Clarke, Hayner, Hemstad, Newhouse, Thompson, Woody.

Passed to Committee on Rules for second reading.

January 31, 1983

SB 3165 Prime Sponsor, Senator Barr: Extending state route 21 to Kahlotus. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Granlund, Guess, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 31, 1983

SB 3167 Prime Sponsor, Senator Peterson: Extending state route number 530. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Granlund, Guess, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 28, 1983

SB 3185 Prime Sponsor, Senator Talmadge: Extending the term of jurisdiction for courts of limited jurisdiction. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Clarke, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

January 31, 1983

SB 3250 Prime Sponsor, Senator Peterson: Establishing prequalifying procedures for ferry contractors. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Granlund, Guess, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 31, 1983

SB 3255 Prime Sponsor, Senator Granlund: Extending penalties for evading toll facility payment to pedestrians as well as vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Granlund, Guess, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

January 31, 1983

GA 11 MRS. SILVA BOLDS, to the position of Member of the Interagency Committee for Outdoor Recreation, appointed by the Governor on May 4, 1982, for the term ending December 31, 1984, succeeding Elizabeth B. Avery. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hughes, Chairman; Bluechel, Haley, Hansen, Hurley, Kiskaddon, Lee, Rasmussen, Talmadge, Williams.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

January 31, 1983

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3036,

SENATE BILL NO. 3037,

SENATE BILL NO. 3038,

SENATE BILL NO. 3039, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

January 31, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 23,

ENGROSSED HOUSE BILL NO. 32,

SUBSTITUTE HOUSE BILL NO. 39,

HOUSE BILL NO. 61,

HOUSE BILL NO. 145, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 3459 by Senator Warnke

AN ACT Relating to veterans' affairs.

Referred to Committee on State Government.

SB 3460 by Senator Warnke

AN ACT Relating to state personnel.

Referred to Committee on State Government.

SB 3461 by Senator Warnke

AN ACT Relating to state government organization.

Referred to Committee on State Government.

SB 3462 by Senator Warnke

AN ACT Relating to state government organization.

Referred to Committee on State Government.

SB 3463 by Senator Warnke

AN ACT Relating to public works.

Referred to Committee on State Government.

SB 3464 by Senator Warnke

AN ACT Relating to housing finance.

Referred to Committee on State Government.

SB 3465 by Senator Warnke

AN ACT Relating to fiscal affairs.

Referred to Committee on State Government.

SB 3466 by Senator Warnke

AN ACT Relating to state personnel.

Referred to Committee on State Government.

SB 3467 by Senator Warnke

AN ACT Relating to state government.

Referred to Committee on State Government.

SB 3468 by Senator Warnke

AN ACT Relating to state government.

Referred to Committee on State Government.

SB 3469 by Senator Warnke

AN ACT Relating to state government.

Referred to Committee on State Government.

SB 3470 by Senator Warnke

AN ACT Relating to fiscal affairs.

Referred to Committee on State Government.

SB 3471 by Senator Warnke

AN ACT Relating to fiscal affairs.

Referred to Committee on State Government.

SB 3472 by Senator Warnke

AN ACT Relating to state government organization.

Referred to Committee on State Government.

SB 3473 by Senator Warnke

AN ACT Relating to housing finance.

Referred to Committee on State Government.

SB 3474 by Senator Warnke

AN ACT Relating to veterans' affairs.

Referred to Committee on State Government.

SB 3475 by Senators Owen, Patterson and Rasmussen

AN ACT Relating to licenses to take crab; and amending section 4, chapter 133, Laws of 1980 as amended by section 1, chapter 157, Laws of 1982 and RCW 75.28.275.

Referred to Committee on Natural Resources.

SB 3476 by Senators Quigg and Guess

AN ACT Relating to prevailing wages on public works; amending section 1, chapter 63, Laws of 1945 as last amended by section 1, chapter 130, Laws of 1982 and RCW 39.12-.020; amending section 1, chapter 91, Laws of 1972 ex. sess. and RCW 39.12.022; amending section 4, chapter 63, Laws of 1945 as last amended by section 2, chapter 130, Laws of 1982 and RCW 39.12.040; amending section 5, chapter 63, Laws of 1945 as last amended by section 1, chapter 71, Laws of 1977 ex. sess. and RCW 39.12.050; amending section 6,

chapter 63, Laws of 1945 as amended by section 4, chapter 133, Laws of 1965 ex. sess. and RCW 39.12.060; and repealing section 1, chapter 38, Laws of 1982 1st ex. sess. and RCW 39.12.070.

Referred to Committee on Commerce and Labor.

SB 3477 by Senators Vognild, Warnke and Bauer

AN ACT Relating to boilers and unfired pressure vessels; amending section 1, chapter 32, Laws of 1951 and RCW 70.79.010; amending section 5, chapter 32, Laws of 1951 and RCW 70.79.050; amending section 9, chapter 32, Laws of 1951 as amended by section 2, chapter 86, Laws of 1972 ex. sess. and RCW 70.79.090; amending section 10, chapter 32, Laws of 1951 and RCW 70.79.100; amending section 11, chapter 32, Laws of 1951 and RCW 70.79.110; amending section 12, chapter 32, Laws of 1951 and RCW 70.79.120; amending section 18, chapter 32, Laws of 1951 and RCW 70.79.170; amending section 21, chapter 32, Laws of 1951 and RCW 70.79.200; amending section 25, chapter 32, Laws of 1951 and RCW 70.79.220; amending section 17, chapter 32, Laws of 1951 and RCW 70.79.230; amending section 22, chapter 32, Laws of 1951 and RCW 70.79.240; amending section 26, chapter 32, Laws of 1951 and RCW 70.79.270; amending section 27, chapter 32, Laws of 1951 and RCW 70.79.280; amending section 28, chapter 32, Laws of 1951 as last amended by section 1, chapter 175, Laws of 1977 ex. sess. and RCW 70.79.290; amending section 30, chapter 32, Laws of 1951 and RCW 70.79.310; amending section 31, chapter 32, Laws of 1951 and RCW 70.79.320; amending section 32, chapter 32, Laws of 1951 as last amended by section 2, chapter 175, Laws of 1977 ex. sess. and RCW 70.79.330; amending section 34, chapter 32, Laws of 1951 as last amended by section 171, chapter 151, Laws of 1979 and RCW 70.79.350; amending section 36, chapter 32, Laws of 1951 and RCW 70.79.360; creating new sections; adding a new section to chapter 46.01 RCW; adding new sections to chapter 70.79 RCW; repealing section 13, chapter 32, Laws of 1951 and RCW 70.79.130; repealing section 14, chapter 32, Laws of 1951 and RCW 70.79.140; repealing section 15, chapter 32, Laws of 1951 and RCW 70.79.150; repealing section 16, chapter 32, Laws of 1951 and RCW 70.79.160; repealing section 19, chapter 32, Laws of 1951 and RCW 70.79.180; repealing section 20, chapter 32, Laws of 1951 and RCW 70.79.190; repealing section 29, chapter 32, Laws of 1951 and RCW 70.79.300; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 3478 by Senators Rinehart and Shinpoch (by Governor Spellman request)

AN ACT Relating to the taxation of watercraft; adding a new chapter to Title 82 RCW; adding a new section to chapter 84.36 RCW; adding a new chapter to Title 88 RCW; creating a new section; prescribing penalties; making appropriations; providing effective dates; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 3479 by Senators Peterson, Rasmussen, Moore, Deccio and McCaslin

AN ACT Relating to the state lottery; amending section 25, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.250; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3480 by Senators Bottiger and Newhouse

AN ACT Relating to industrial insurance; amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 15, chapter 63, Laws of 1982 and RCW 51.12.020; and adding a new section to chapter 51.12 RCW.

Referred to Committee on Commerce and Labor.

SB 3481 by Senator Talmadge

AN ACT Relating to transportation; amending section 19, chapter 317, Laws of 1981 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

SB 3482 by Senators Moore, Lee, Quigg, Zimmerman, Bauer, Jones and Talmadge (by Joint Administrative Rules Review Committee request)

AN ACT Relating to business and occupation taxation of out-of-state businesses; amending section 82.04.270, chapter 15, Laws of 1961 as last amended by section 4, chapter 172, Laws of 1981 and RCW 82.04.270; amending section 82.04.250, chapter 15,

Laws of 1961 as last amended by section 2, chapter 172, Laws of 1981 and RCW 82.04.250; and creating a new section.

Referred to Committee on Ways and Means.

SB 3483 by Senators Hansen, Deccio, Bender, Bauer, Goltz, Sellar, Benitz, Newhouse and Barr

AN ACT Relating to oil and gas conservation; amending section 1, chapter 146, Laws of 1951 and RCW 78.52.001; amending section 3, chapter 146, Laws of 1951 and RCW 78.52.010; amending section 4, chapter 146, Laws of 1951 as last amended by section 7, chapter 180, Laws of 1971 ex. sess. and RCW 78.52.020; amending section 5, chapter 146, Laws of 1951 and RCW 78.52.025; amending section 6, chapter 146, Laws of 1951 and RCW 78.52.030; amending section 11, chapter 146, Laws of 1951 and RCW 78.52.050; amending section 13, chapter 146, Laws of 1951 and RCW 78.52.100; amending section 14, chapter 146, Laws of 1951 and RCW 78.52.120; amending section 8, chapter 180, Laws of 1971 ex. sess. and RCW 78.52.125; amending section 18, chapter 146, Laws of 1951 and RCW 78.52.160; amending section 19, chapter 146, Laws of 1951 and RCW 78.52.170; amending section 21, chapter 146, Laws of 1951 and RCW 78.52.190; amending section 38, chapter 146, Laws of 1951 and RCW 78.52.350; amending section 39, chapter 146, Laws of 1951 and RCW 78.52.360; amending section 40, chapter 146, Laws of 1951 and RCW 78.52.370; amending section 43, chapter 146, Laws of 1951 and RCW 78.52.400; amending section 46, chapter 146, Laws of 1951 and RCW 78.52.430; amending section 49, chapter 146, Laws of 1951 and RCW 78.52.460; amending section 58, chapter 146, Laws of 1951 and RCW 78.52.550; adding new sections to chapter 78.52 RCW; repealing section 22, chapter 146, Laws of 1951 and RCW 78.52.200; repealing section 23, chapter 146, Laws of 1951 and RCW 78.52.210; repealing section 24, chapter 146, Laws of 1951 and RCW 78.52.220; repealing section 25, chapter 146, Laws of 1951 and RCW 78.52.230; repealing section 26, chapter 146, Laws of 1951 and RCW 78.52.240; repealing section 27, chapter 146, Laws of 1951 and RCW 78.52.250; repealing section 28, chapter 146, Laws of 1951 and RCW 78.52.260; repealing section 48, chapter 146, Laws of 1951 and RCW 78.52.450; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 3484 by Senators Warnke, Newhouse, Conner, Deccio, McCaslin and Lee (by Attorney General request)

AN ACT Relating to the initiative; amending section 2, chapter 122, Laws of 1973 as amended by section 2, chapter 116, Laws of 1982 and RCW 29.79.015; and adding a new section to chapter 29.79 RCW.

Referred to Committee on Judiciary.

SB 3485 by Senators Gaspard and Hughes

AN ACT Relating to the state board of education; amending section 28A.04.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 179, Laws of 1980 and RCW 28A.04.010; and amending section 28A.04.090, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 160, Laws of 1982 and RCW 28A.04.090.

Referred to Committee on Education.

SB 3486 by Senators Moore, Talmadge and Granlund

AN ACT Relating to the salaries of state elected officials; amending section 43.03.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 255, Laws of 1979 ex. sess. and RCW 43.03.010; and providing a contingent effective date.

Referred to Committee on Judiciary.

SJR 117 by Senators Talmadge, Lee and Williams

Proposing a constitutional amendment stating conditions for removal of certain elected officials.

Referred to Committee on Judiciary.

SJR 118 by Senators Moore, Talmadge and Granlund

Halving the size of the legislature and increasing the length of members' terms by one year.

Referred to Committee on Judiciary.

SCR 105 by Senators Bluechel, Gaspard and Hughes

Acknowledging the participation and support by citizens of Washington in the National History Contest.

Hold.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 23 by Representatives R. King, Clayton and Gallagher (by Department of Labor and Industries request)

Permitting common carriers in only interstate and/or foreign commerce to elect coverage under industrial insurance law.

Referred to Committee on Commerce and Labor.

EHB 32 by Representative Lux

Modifying provisions regarding credit union regulation.

Referred to Committee on Financial Institutions.

SHB 39 by Committee on State Government (originally sponsored by Representatives Walk, Lewis, Dickie, Brough, Miller, Sayan, Nealey, Hankins, Isaacson, Silver, Hastings, Addison, Tilly, Struthers, Mitchell, Allen, J. Williams, Barrett and Clayton)

Modifying sunset review procedures.

Referred to Committee on State Government.

HB 61 by Representatives Grimm, Tilly and Isaacson (by Department of Revenue request)

Extending transfers to the timber tax reserve account.

Referred to Committee on Ways and Means.

HB 145 by Representatives Galloway, P. King, Dickie, Schoon, Struthers and Holland (by Superintendent of Public Instruction request)

Revising certain laws regulating common schools.

Referred to Committee on Education.

MOTION

On motion of Senator Bottiger, Senate Concurrent Resolution No. 105 was held and not referred to a committee at the present time.

SECOND READING

SENATE JOINT RESOLUTION NO. 103, by Senators Talmadge, Hemstad, Woody, Hughes, Gaspard, Vognild, Bender, Rinehart, Granlund and McManus

Amending the Constitution to establish a redistricting commission.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Joint Resolution No. 103 was substituted for Senate Joint Resolution No. 103 and the substitute resolution was placed on second reading and read the second time.

Senator Rasmussen moved adoption of the following amendment:

On page 1, line 21, strike "supreme court" and insert "governor"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen.

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

POINT OF INQUIRY

Senator Fleming: "Senator Hayner, I can appreciate your concern, but I also heard you mention the budgetary problems and so forth that we have and that we ought to be working on those. I guess my question would be, is that a declaration

that you are ready to proceed with the budgetary matters and that we might very well go on with some nonpartisan support in the tax measure?"

Senator Hayner: "As soon as we know what your options are, we will look at them very carefully."

MOTION

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

On page 1, line 28, after "duties," strike all material down to and including "thereto." on page 2, line 9. Renumber the remaining sections and internal references accordingly.

On page 2, line 27, after "section," strike all material down to and including "first." on page 3, line 3. Renumber the remaining sections accordingly.

On page 3, line 8, after "revised" strike all material down to and including "or" on line 9.

On page 3, line 12, after "census" strike all material down to and including "section" on line 14.

On page 3, line 15, after "unless" strike "their" and insert "its"

Debate ensued.

Senator Haley 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 Haley.

ROLL CALL

The Secretary called the roll and the motion by Senator Haley failed and the amendments were not adopted by the following vote: Yeas, 16; nays, 33; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Deccio, Fuller, Haley, Hayner, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Patterson, Pullen, Sellar, von Reichbauer - 16.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hurley, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogniid, Warnke, Williams, Wojahn, Woody, Zimmerman - 33.

MOTION

Senator Hemstad moved the following amendments by Senators Hemstad and Talmadge be considered and adopted simultaneously:

On page 1, line 29, after "(5)", strike all material down to and including "thereto." on page 2, line 9, and insert: "The legislature shall enact laws providing for the reconvening of the commission for the purpose of modifying a plan upon a two-thirds vote of the members elected or appointed in each house. Modifications of a plan by the reconvened commission, or any amendment to the modification by the legislature, shall be accomplished in the same manner as provided for decennial redistricting. The legislature shall enact laws establishing additional procedures for such a reconvened commission."

On page 2, line 28, after "(8)", strike all material down to and including "first." on page 3, line 3, and insert: "Unless amended within thirty days during the next regular or special session by a two-thirds vote of the members elected or appointed in each house of the legislature, the redistricting plan approved by the commission or as modified by a reconvened commission, shall constitute the state districting law."

On page 3, line 7, after "(10)", strike all material down to and including "section." on line 14.

POINT OF INFORMATION

Senator Metcalf: "Mr. President, would the passage of the Hemstad-Talmadge amendments now preclude or eliminate the possibility of considering any other of the amendments that are before the body?"

REPLY BY THE PRESIDENT

President Cherberg: "It may preclude some, but the President would have to review the situation and give you a definite answer."

FURTHER REMARKS BY THE PRESIDENT

President Cherberg: "Senator Metcalf, and other honored members. The only proposed amendment on the desk that it would preclude is the one on page 3, line 10, strike 'and congressional.' Your amendments would be in order."

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, you indicated that one of the amendments on the desk that would be precluded was one of the ones I had offered. My amendment is actually several amendments dealing with the issue of congressional redistricting. I have no objection to the Hemstad-Talmadge amendments being considered first, as long as the other aspects of my amendments could later be considered."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Pullen, one of your amendments, the amendment on page 3, line 10, strike 'and congressional,' would be precluded by the Senator Hemstad and Senator Talmadge amendments. Your other three amendments would be in order."

The President declared the question before the Senate to be adoption of the amendments by Senators Hemstad and Talmadge.

The motion by Senator Hemstad carried and the amendments were adopted.

MOTION

Senator Metcalf moved adoption of the following amendment:

On page 2, line 12, after "district" insert ", and shall be drawn so that every precinct shall be wholly within a single legislative or congressional district."

POINT OF INQUIRY

Senator Clarke: "Thank you, Mr. President. I am merely going to voice an inquiry that Senator Metcalf may answer. It would seem to me that the concept which he is proposing would more properly be included in the statute if it is a desirable enactment, because I conceive of a possible situation where it is in the Constitution that there could be existing precincts, which in effect, should be reallocated or split.

"I am wondering, Senator, if it wouldn't be more proper to put something like that in the statute, rather than putting it in cement in the Constitution which would mean, in effect, that you could not make a change which would interfere with existing precincts. I just have some apprehension that that kind of situation might develop sometime."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Metcalf.

The motion by Senator Metcalf failed and the amendment was not adopted on a rising vote.

MOTION

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

On page 1, line 7, after "3" strike "and Article XXVII, section 13"

On page 1, line 11, strike "and congressional"

On page 3, line 5, strike "congressional and"

The President declared the question before the Senate to be adoption of the amendments by Senator Pullen.

The motion by Senator Pullen failed and the amendments were not adopted.

MOTIONS

On motion of Senator Talmadge the following amendments, the first by Senator Talmadge and the second by Senator Hemstad, were considered and adopted simultaneously:

On page 3, line 15, strike "their" and insert "its"

On page 1, line 13, after "follows:" strike "Each" and insert "The legislative"

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

POINT OF INQUIRY

Senator Fleming: "Senator Hemstad, in the original version of Senate Joint Resolution No. 103, there was language on page 2, starting on line 6, down through line 9, that indicates 'no district may be drawn to purposely dilute the voting strength of any language or racial minority group--the commission's plan shall not be drawn to purposely favor any political party, incumbent, or other person or group.' In committee, you amended that language and left the language in 'the commission's plan shall not be drawn to purposely favor or discriminate against any political party or groups.'

"I guess my question is, I would like to know the intent of that language and whether, in fact, we are indeed allowing the commission to dilute the voting strength of a language or racial minority group?"

Senator Hemstad: "Senator Fleming, in response to your query, it was my intent in offering the amendment, striking that sentence from the language of the original proposed resolution, in order to make clear that not only is there concern about the problem about dilution, but there is also concern about the problem of packing.

"That is to say, there can be a concerted intent to harm the interests of a defined minority interest by either diffusing their vote through multiple districts or concentrating their vote into a single district. As the decades go by, looking at now a standard that will be in place, presumably at least, for the next generation in this state, it seems to me, it would work to the disinterest of the minority groups to have as a standard in the Constitution, a requirement that the vote of the minority groups could not be diluted--which would actually be able to be interpreted as requiring that a minority group would be required to be placed wherever possible into a single legislative or congressional district. In many circumstances, that could act to their disinterest."

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

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Joint Resolution No. 103, and the resolution passed the Senate by the following vote: Yeas, 44; nays, 05; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Boltiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Bluechel, Guess, Haley, Metcalf, Pullen - 5.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 103, having received the constitutional two-thirds majority, was declared passed.

SECOND READING

SENATE BILL NO. 3112, by Senators Talmadge, Hemstad, Woody, Hughes, Gaspard, Vognild, Bender, Rinehart, Granlund and McManus

Enacting the Washington State Redistricting Act.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3112 was substituted for Senate Bill No. 3112 and the substitute bill was placed on second reading and read the second time.

Senator Vognild moved the following amendment by Senators Vognild, Talmadge and Craswell be adopted:

On page 4, line 27, after "subdivisions" insert "and areas recognized as communities of interest"

Debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Senator Vognild, one of the problems, and I happen to live in an area where the city is divided into three districts--Kirkland. The big problem there is finding the right numbers. Now, what you are saying by this, in every case

as I would interpret it, is that no city or town or the surrounding community could be separated in redistricting. That is what could be construed by your amendment. Now, is that mathematically possible?

"Let's take the city of Seattle as suggested here. They cannot be separated and yet if you draw any congressional district in the city of Seattle, it doesn't fit. The population size is either over or under, but more importantly for most of the suburban cities, this particular clause would create enormous difficulties on a strictly mathematical basis of making it work out.

"Could you answer what your intent is in something like that? Are you intending to include communities with core suburban areas which have a community of interest which cannot be separated?"

Senator Vognild: "Senator Bluechel, the answer to your question, community of interest, in my opinion, can be areas within areas. When you talk about the downtown area of Seattle, for example, you have communities of interest within the city of Seattle. What I am attempting to do is to say that when it is consistent with the numbers that you have mentioned, and it is not always possible and I think we all recognize that, but when consistent with the population figures, that communities of interest should be maintained inasmuch as possible."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Vognild, Talmadge and Craswell.

The motion by Senator Vognild carried and the amendment was adopted on a rising vote.

MOTIONS

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

On page 5, line 34, strike "an amended" and insert "a modified"

On page 6, line 8, strike "an amended" and insert "a modified"

On page 6, line 31, strike "amending" and insert "modifying"

On page 7, line 17, after "(4)" strike all material down to and including "amendment to the" on line 36 and insert: "The commission shall complete the modification to the redistricting plan as soon as possible, but no later than sixty days after the effective date of the legislation reconvening the commission. At least three of the voting members shall approve the modification to the redistricting plan.

(5) Following approval of a modification to the redistricting plan by the commission, the legislature has the next thirty days during any regular or special session to amend the commission's modification. Any amendment by the legislature must be approved by an affirmative vote in each house of two-thirds of the members elected or appointed thereto. No amendment by the legislature may include more than two percent of the population of any legislative or congressional district contained in the commission's modification.

(6) The commission's modification to the redistricting plan, with any amendments approved by the legislature, shall be final upon approval of the amendments or after expiration of the time provided for legislative amendment by subsection (5) of this section, whichever occurs first.

(7) Following the period provided by subsection (4) of this section for the commission's approval of a modification to the

On page 8, line 9, strike "an amendment" and insert "a modification"

Senator Talmadge moved adoption of the following amendment:

On page 8, after line 20, insert the following:

"Sec. 16. Section 27, chapter 2, Laws of 1982 and RCW 29.70.100 are each amended to read as follows:

(1) It is the responsibility of each (~~local government and each~~) municipal corporation with a governing body comprised of internal director districts not based on statutorily required land ownership (~~or residency~~) criteria to periodically redistrict its governmental unit, based on population information from the most recent federal decennial census.

(2) Within forty-five days after (~~its~~) receipt of federal decennial census information applicable to (~~the~~) a specific local area, the commission (~~or the secretary of state~~) established in section 3 of this act shall forward the census information to each (~~local government and~~) municipal corporation charged with redistricting under this (~~chapter~~) section.

(3) No later than eight months after its receipt of federal decennial census data, the governing body of the municipal corporation shall prepare a plan for redistricting its internal or director districts.

(4) The plan shall be consistent with the following criteria:

(a) Each internal director district shall be as nearly equal in population as possible to each and every other internal director district comprising the municipal corporation.

(b) Each district shall be as compact as possible.

(c) Each district shall ~~((be comprised))~~ consist of geographically contiguous area.

(d) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.

(e) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(5) During the adoption of its plan, the municipal corporation shall ensure that full and reasonable public notice of its actions is provided. The municipal corporation shall hold at least one public hearing on the redistricting plan at least one week before adoption of the plan.

(6)(a) ~~((An elected official))~~ Any registered voter residing in an area affected by the municipal corporation's redistricting plan may request review of the adopted local plan by the ~~((voting boundary commission))~~ superior court of the county in which he or she resides, within forty-five days of the plan's adoption. Any request for review must specify the reason or reasons alleged why the local plan is not consistent with the applicable redistricting criteria. The municipal corporation may be joined as respondent. The ~~((voting boundary commission))~~ superior court shall thereupon review the challenged plan for compliance with the applicable redistricting criteria set out in ~~((RCW 29.70.030 and))~~ subsection (4) of this section.

(b) If ~~((within thirty days of submission of a local government plan, the commission))~~ the superior court finds the plan to be consistent with the requirements of this ~~((chapter or the commission fails to find that the plan is not consistent with the requirements of this chapter, the secretary of state shall certify the plan. A certified))~~ section, the plan shall take effect ~~((ten days after certification))~~ immediately.

(c) If the ~~((commission))~~ superior court determines the plan does not meet the requirements of this ~~((chapter))~~ section, in whole or in part, it shall remand the plan for further or corrective action within a specified and reasonable time period.

(d) If the ~~((commission))~~ superior court finds that any request for review is frivolous or has been filed solely for purposes of harassment or delay, it may impose appropriate sanctions on the party requesting review, including payment of attorneys' fees and costs to the respondent municipal corporation."

Renumber the sections following consecutively, and correct internal references accordingly.

POINT OF INQUIRY

Senator Metcalf: "I just want some clarification, Senator Talmadge. Did you say that this repeals the present redistricting act?"

Senator Talmadge: "Yes, it does, Senator."

Senator Metcalf: "This repeals the present redistricting act passed in 1981?"

Senator Talmadge: "Excuse me, not this particular amendment. Substitute Senate Bill No. 3112, in section 16, does repeal the remainder of the redistricting act, because the court in the decision, apparently found a great portion of that act to be unconstitutional, and we have already adopted a commission process in the amendment and this bill would substitute, except where the amendment that we have before us, for the bill that was adopted in 1982."

Senator Metcalf: "To continue my questioning, this bill as written does or does not tamper with the 1981 legislative redistricting? Does it or doesn't it repeal?"

Senator Talmadge: "No, it doesn't repeal the legislative redistricting. It simply deals with the congressional lines that were drawn, is my understanding."

Senator Metcalf: "Congressional redistricting? You said that the redistricting bill of 1981 was repealed and I want to know or make very clear."

Senator Talmadge: "My understanding is that it deals solely and exclusively with the congressional redistricting, Senator."

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

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

MOTION

On motion of Senator Talmadge, the following title amendment was adopted:

In line 1 of the title, after "redistricting;" insert "amending section 27, chapter 2, Laws of 1982 and RCW 29.70.100;"

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3112 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Fleming: "Mr. President and members of the Senate, with the risk of being redundant, I will do it on this bill and I will do it on the next one, too. I would like to ask Senator Hemstad a question.

"Senator Hemstad, in regard to Engrossed Substitute Senate Bill No. 3112, I ask the same question as I asked before, and I think it is okay to reference your remarks to Engrossed Substitute Senate Joint Resolution No. 103, in regards to getting the intent on this measure. I will do the same on the next bill."

Senator Hemstad: "Senator Fleming, I reference my remarks with regard to Engrossed Substitute Joint Resolution No. 103, in responding to what I believe is essentially the same question you asked of me there. My answer would be the same."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3112.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3112, and the bill passed the Senate by the following vote: Yeas, 44; nays, 05; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Benitz, Bluechel, Guess, Hayner, Pullen - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Bottiger, the Committee on Judiciary was relieved of further consideration of Senate Bill No. 3486.

On motion of Senator Bottiger, Senate Bill No. 3486 was referred to the Committee on State Government.

On motion of Senator Bottiger, the Committee on Judiciary was relieved of further consideration of Senate Joint Resolution No. 118.

On motion of Senator Bottiger, Senate Joint Resolution No. 118 was referred to the Committee on State Government.

MOTION

At 12:11 p.m., on motion of Senator Bottiger the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:04 p.m.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 20, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Pruitt, R. King, Vekich, Sommers, Jacobsen, Ristuben, P. King, Charnley, Fisch, Rust, Moon, Halsan, Locke, Tanner, Armstrong, Powers, Todd, Fisher, Hine, Ellis, Kaiser and Burns)

Establishing a temporary congressional redistricting commission.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge the following Committee on Judiciary amendment was adopted:

On page 5, line 35, after "district" strike all the material down to and including the period on page 6, line 2, and insert "shall be drawn to purposely favor or discriminate against any political party or group."

On motion of Senator Talmadge the following Committee on Judiciary amendment was adopted:

On page 6, line 8, strike "house of representatives" and insert "legislature"

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

On page 2, line 8, after "established", strike all material down to and including "sooner," on line 9 and insert "within five days after the effective date of this act"

On page 2, line 18, after "3", strike all the material down to and including the period on line 28 and insert "If three of the four appointees fail to select a fifth appointee within twelve days after the effective date of this act pursuant to subsection (2) of this section, the supreme court is required to appoint the fifth person within nineteen days after the effective date of this act. If a fifth person is not appointed within nineteen days after the effective date of this act, then on and after such date the commission membership shall be limited to four persons and these four shall select a chairman from among their own number."

On page 6, line 5, after "commission," strike all material down to and including the period on line 6 and insert "within thirty days after the effective date of this act."

MOTIONS

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

On page 2, line 13, after "(1)", strike "Each" and insert "The legislative"

On motion of Senator Hemstad, the following amendment by Senators Hemstad and Talmadge was adopted:

On page 5, line 20, after "as", strike "traditional"

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

On page 2, line 13, strike "(~~leader~~)" and insert "leaders"

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Mr. President, with the members' indulgence, I would like to ask Senator Hemstad another question. Senator Hemstad, with regard to the amendment on page 5, line 35, where you remove language and insert new language, I would like to have your intent given to us expeditiously."

Senator Hemstad: "Mr. President and members of the Senate, in response to Senator Fleming's question, my response would be the same as that to his question to me with respect to Engrossed Substitute Senate Joint Resolution No. 103."

Further debate ensued.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 20, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 20, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 20, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 11; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Quigg, Rasmussen, Rinehart, Shipoch, Talmadge, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senators Barr, Benitz, Bluechel, Fuller, Guess, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Sellar - 11.

Absent: Senator Thompson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 20, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

February 1, 1983

Senate Journal:

I was called off the floor briefly by a constituent during debate on Engrossed Substitute House Bill No. 20, and returned to discover that the roll call result had just been announced. Had I not been so distracted, I would have voted for this measure as I did in the Judiciary Committee.

ALAN THOMPSON

MOTION

On motion of Senator Shinpoch, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

SB 3005 Prime Sponsor, Senator Shinpoch: Relating to reasonable home mortgage financing through state investments. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3005 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

MINORITY recommendation: That Substitute Senate Bill No. 3005 be not substituted therefor, and the substitute bill do not pass. Signed by Senators Bluechel, Craswell, Deccio, Hayner, Lee, Metcalf.

Passed to Committee on Rules for second reading.

January 31, 1983

SB 3022 Prime Sponsor, Senator Talmadge: Clarifying the Crime Victim Compensation Act. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3022 be substituted therefor and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

January 28, 1983

SB 3092 Prime Sponsor, Senator Hemstad: Modifying provisions relating to the law revision commission. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 1, 1983

SB 3118 Prime Sponsor, Senator Talmadge: Modifying provisions relating to workers' compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vogmild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Moore, Newhouse, Quigg, Sellar, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

January 31, 1983

SB 3196 Prime Sponsor, Senator Talmadge: Modifying provisions relating to age discrimination. Reported by Committee on Judiciary

MAJORITY recommendation: Do Pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

January 31, 1983

SB 3256 Prime Sponsor, Senator Williams: Permitting public entities involved in the generation, sale, or distribution of energy to provide energy conservation analyses and financing assistance for their customers. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3256 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Hemstad, McManus, Moore.

Passed to Committee on Rules for second reading.

January 31, 1983

SJR 112 Prime Sponsor, Senator Williams: Allowing the state to provide financing for energy conservation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 112 be substituted therefor, and the substitute resolution do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Hemstad, McManus, Moore.

Passed to Committee on Rules for second reading.

MOTION

At 2:43 p.m., on motion of Senator Bottiger, the Senate adjourned until 9:00 a.m., Wednesday, February 2, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 2, 1983

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

The Sergeant at Arms Color Guard, consisting of Pages Drew Gonzales and Theresa Bertrand, presented the Colors. Reverend Wallace F. Misterek, pastor of the Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 31, 1983

SB 3137 Prime Sponsor, Senator Bauer: Changing certain requirements for acquiring a marriage license. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 1, 1983

SB 3145 Prime Sponsor, Senator Peterson: Modifying provisions on special fuel taxes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Granlund, Guess, Haley, Owen, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

January 31, 1983

SB 3197 Prime Sponsor, Senator Wojahn: Providing insurance coverage for reconstructive breast surgery resulting from a mastectomy. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3197 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Jones, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1983

SB 3208 Prime Sponsor, Senator Talmadge: Increasing judges' salaries. Reported by Committee on Judiciary

MAJORITY recommendation: Refer to Ways and Means Committee. Signed by Senators Talmadge, Chairman; Fleming, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Ways and Means.

INTRODUCTION AND FIRST READING

SB 3487 by Senators Moore, Warnke, Metcalf, Conner, Bender, Gaspard, Woody, von Reichbauer, Benitz, Peterson, Vognild, Hansen and Goltz

AN ACT Relating to health care; amending section 1, chapter 268, Laws of 1947 as last amended by section 10, chapter 102, Laws of 1980 and RCW 48.44.010; amending

section 2, chapter 268, Laws of 1947 as last amended by section 1, chapter 65, Laws of 1973 1st ex. sess. and RCW 48.44.020; and adding new sections to chapter 48.44 RCW.

Referred to Committee on Financial Institutions.

SB 3488 by Senators Rinehart, Hughes, Pullen, Goltz, Kiskaddon, Gaspard, Patterson and Warnke

AN ACT Relating to higher education tuition and fees; and amending section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 11, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.100.

Referred to Committee on Education.

SB 3489 by Senators Talmadge, Lee and Gaspard

AN ACT Relating to elections; adding a new chapter to Title 29 RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on State Government.

SB 3490 by Senators Goltz, Deccio and Granlund

AN ACT Relating to local boards of health; amending section 4, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.040; amending section 9, chapter 51, Laws of 1967 ex. sess. as amended by section 1, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.050; amending section 3, chapter 114, Laws of 1969 ex. sess. as amended by section 76, chapter 141, Laws of 1979 and RCW 70.05.053; and amending section 13, chapter 51, Laws of 1967 ex. sess. as amended by section 81, chapter 141, Laws of 1979 and RCW 70.05.080.

Referred to Committee on Local Government.

SB 3491 by Senators Moore, Quigg and Williams

AN ACT Relating to energy; amending section 80.04.010, chapter 14, Laws of 1961 as last amended by section 10, chapter 191, Laws of 1979 ex. sess. and RCW 80.04.010; adding new sections to chapter 23.86 RCW; adding new sections to chapter 35.92 RCW; adding new sections to chapter 54.04 RCW; adding new sections to chapter 80.04 RCW; and adding new sections to chapter 87.03 RCW.

Referred to Committee on Energy and Utilities.

SB 3492 by Senators Goltz, Patterson, Gaspard and Hughes

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

Referred to Committee on Education.

SB 3493 by Senators Talmadge and Newhouse

AN ACT Relating to industrial insurance appeals; and amending section 51.52.095, chapter 23, Laws of 1961 as last amended by section 7, chapter 109, Laws of 1982 and RCW 51.52.095.

Referred to Committee on Commerce and Labor.

SB 3494 by Senators Talmadge, Hemstad and Hughes

AN ACT Relating to small claims; amending section 10, chapter 187, Laws of 1919 and RCW 12.40.100; and amending section 11, chapter 187, Laws of 1919 as last amended by section 1, chapter 40, Laws of 1975 1st ex. sess. and RCW 12.40.110.

Referred to Committee on Judiciary.

SB 3495 by Senators Vognild, Zimmerman, Goltz and Lee

AN ACT Relating to arson; amending section 2, chapter 80, Laws of 1979 ex. sess. and RCW 48.50.020; amending section 6, chapter 80, Laws of 1979 ex. sess. and RCW 48.50.060; adding new sections to chapter 48.50 RCW; and providing an expiration date.

Referred to Committee on Commerce and Labor.

SB 3496 by Senators Vognild, Pullen, Wojahn, Talmadge, Gaspard, Fleming, Bauer, Moore, Hansen, Warnke, Owen and Goltz

AN ACT Relating to fire protection; amending section 1, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.010; amending section 5, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.050; amending section 1, chapter 225, Laws of 1979 ex. sess. as amended by section 1, chapter 48, Laws of 1982 1st ex. sess. and RCW 28C.51.010; amending section 5,

chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.050; adding new sections to chapter 48.48 RCW; creating new sections; repealing section 1, chapter 98, Laws of 1969 ex. sess. and RCW 28C.04.140; repealing section .05.32, chapter 79, Laws of 1947 and RCW 48.05-.320; repealing section .33.01, chapter 79, Laws of 1947 and RCW 48.48.010; repealing section .33.02, chapter 79, Laws of 1947, section 17, chapter 241, Laws of 1969 ex. sess. and RCW 48.48.020; repealing section .33.10, chapter 79, Laws of 1947 and RCW 48.48.100; repealing section .33.13, chapter 79, Laws of 1947 and RCW 48.48.130; making an appropriation; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 3497 by Senators Vognild, Guess, Wojahn, Peterson and Bender

AN ACT Relating to passenger motor vehicles fueled by propane gas; adding a new section to chapter 46.37 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 3498 by Senators Warnke, Zimmerman and Deccio

AN ACT Relating to sentencing; amending section 12, chapter 137, Laws of 1981 as amended by section 4, chapter 192, Laws of 1982 and RCW 9.94A.120; and providing an effective date.

Referred to Committee on Judiciary.

SB 3499 by Senators Talmadge, Hemstad, Clarke and Granlund

AN ACT Relating to juvenile justice; amending section 70, chapter 291, Laws of 1977 ex. sess. as last amended by section 13, chapter 299, Laws of 1981 and RCW 13.40.160; amending section 74, chapter 291, Laws of 1977 ex. sess. as amended by section 70, chapter 155, Laws of 1979 and RCW 13.40.200; amending section 73, chapter 291, Laws of 1977 ex. sess. as amended by section 69, chapter 155, Laws of 1979 and RCW 13.40.190; amending section 56, chapter 291, Laws of 1977 ex. sess. as last amended by section 2, chapter 299, Laws of 1981 and RCW 13.40.020; amending section 1, chapter 170, Laws of 1975 1st ex. sess. as last amended by section 17, chapter 299, Laws of 1981 and RCW 13.40.300; amending section 61, chapter 291, Laws of 1977 ex. sess. as last amended by section 7, chapter 299, Laws of 1981 and RCW 13.40.070; amending section 9, chapter 155, Laws of 1979 as amended by section 19, chapter 299, Laws of 1981 and RCW 13.50.050; adding new sections to chapter 13.40 RCW; repealing section 16, chapter 160, Laws of 1913 and RCW 13.04.160; and repealing section 7, chapter 214, Laws of 1959, section 203, chapter 141, Laws of 1979, section 94, chapter 136, Laws of 1981 and RCW 72.13.070.

Referred to Committee on Judiciary.

SB 3500 by Senator Rasmussen

AN ACT Relating to sewage, water, and drainage systems; amending section 23, chapter 72, Laws of 1967 as last amended by section 4, chapter 313, Laws of 1981 and RCW 36.94.230; and amending section 24, chapter 72, Laws of 1967 as last amended by section 5, chapter 313, Laws of 1981 and RCW 36.94.240.

Referred to Committee on Local Government.

SB 3501 by Senators Talmadge and Hemstad

AN ACT Relating to interpreters in legal proceedings; amending section 1, chapter 22, Laws of 1973 and RCW 2.42.010; and amending section 2, chapter 22, Laws of 1973 and RCW 2.42.020.

Referred to Committee on Judiciary.

SB 3502 by Senators Talmadge and Gaspard

AN ACT Relating to fair political practices; limiting campaign contributions; adding to the duties of the public disclosure commission; amending section 1, chapter 1, Laws of 1973 as amended by section 1, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.010; amending section 3, chapter 1, Laws of 1973 as amended by section 2, chapter 313, Laws of 1977 ex. sess. and RCW 42.17.030; adding new sections to chapter 42.17 RCW; creating a new section; and providing an effective date.

Referred to Committee on State Government.

SB 3503 by Senators Thompson, Zimmerman and Bauer

AN ACT Relating to concealed weapons license fees; amending section 7, chapter 172, Laws of 1935 as last amended by section 1, chapter 158, Laws of 1979 and RCW 9.41-.070; creating a new section; and making an appropriation.

Referred to Committee on Local Government.

SB 3504 by Senators Owen and Zimmerman

AN ACT Relating to property taxation; amending section 3, chapter 87, Laws of 1970 ex. sess. as amended by section 3, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34-.030; amending section 4, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.035; amending section 5, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.037; amending section 5, chapter 87, Laws of 1970 ex. sess. as amended by section 6, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.050; and amending section 7, chapter 87, Laws of 1970 ex. sess. as amended by section 8, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.070.

Referred to Committee on Natural Resources.

SB 3505 by Senators Rasmussen and Metcalf

AN ACT Relating to natural resources; amending section 1, chapter 46, Laws of 1965 and RCW 9.41.185; amending section 5, chapter 319, Laws of 1977 ex. sess. as amended by section 78, chapter 158, Laws of 1979 and RCW 19.02.050; amending section 2, chapter 98, Laws of 1982 and RCW 39.04.150; amending section 9, chapter 10, Laws of 1982 and RCW 42.17.240; amending section 1, chapter 10, Laws of 1979 as amended by section 61, chapter 136, Laws of 1981 and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 as amended by section 62, chapter 136, Laws of 1981 and RCW 43.17.020; amending section 43.19.450, chapter 8, Laws of 1965 as last amended by section 3, chapter 98, Laws of 1982 and RCW 43.19.450; amending section 17, chapter 62, Laws of 1970 ex. sess. as amended by section 68, chapter 141, Laws of 1979 and RCW 43.21A.170; amending section 3, chapter 68, Laws of 1975-76 2nd ex. sess. and RCW 43.31.880; amending section 8, chapter 209, Laws of 1975 1st ex. sess. as amended by section 6, chapter 11, Laws of 1982 and RCW 43.51.340; amending section 6, chapter 120, Laws of 1967 as amended by section 5, chapter 55, Laws of 1969 ex. sess. and RCW 43.51.675; amending section 46.08.180, chapter 12, Laws of 1961 as amended by section 7, chapter 120, Laws of 1967 and RCW 43.51.680; amending section 3, chapter 306, Laws of 1977 ex. sess. and RCW 43.51.943; amending section 10, chapter 75, Laws of 1977 ex. sess. and RCW 43.51.955; amending section 43.52-.350, chapter 8, Laws of 1965 as amended by section 5, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.350; amending section 43.82.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 41, Laws of 1982 and RCW 43.82.010; amending section 11, chapter 5, Laws of 1965 as last amended by section 1, chapter 206, Laws of 1981 and by section 7, chapter 338, Laws of 1981 and RCW 43.99.110; amending section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 130, chapter 158, Laws of 1979 and RCW 46.09-.170; amending section 2, chapter 182, Laws of 1979 ex. sess. and RCW 46.10.220; amending section 7, chapter 144, Laws of 1955 and RCW 69.30.070; amending section 2, chapter 101, Laws of 1975-76 2nd ex. sess. and RCW 70.105.020; amending section 75.04.010, chapter 12, Laws of 1955 as amended by section 2, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.04.010; amending section 75.04.020, chapter 12, Laws of 1955 and RCW 75.04-.020; amending section 3, chapter 112, Laws of 1949 as amended by section 1, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.08.012; amending section 10, chapter 207, Laws of 1953 and RCW 75.08.014; amending section 75.08.020, chapter 12, Laws of 1955 as amended by section 87, chapter 75, Laws of 1977 and RCW 75.08.020; amending section 4, chapter 112, Laws of 1949 and RCW 75.08.022; amending section 75.08.025, chapter 12, Laws of 1955 and RCW 75.08.025; amending section 1, chapter 315, Laws of 1959 and RCW 75.08.027; amending section 75.08.030, chapter 12, Laws of 1955 and RCW 75.08.030; amending section 75.08.040, chapter 12, Laws of 1955 as amended by section 1, chapter 212, Laws of 1955 and RCW 75.08.040; amending section 75.08.056, chapter 12, Laws of 1955 as amended by section 1, chapter 38, Laws of 1967 ex. sess. and RCW 75.08.056; amending section 75.08.080, chapter 12, Laws of 1955 as amended by section 1, chapter 55, Laws of 1980 and RCW 75.08.080; amending section 75.08.100, chapter 12, Laws of 1955 and RCW 75.08.100; amending section 75.08.150, chapter 12, Laws of 1955 as amended by section 133, chapter 78, Laws of 1980 and RCW 75.08.150; amending section 75.08.160, chapter 12, Laws of 1955 and RCW 75.08.160; amending section 75.08.170, chapter 12, Laws of 1955 and RCW 75.08.170; amending section 75.08.190, chapter 12, Laws of 1955 and RCW 75.08.190; amending section 75.08.200, chapter 12, Laws of 1955 as amended by section 134, chapter 78, Laws of 1980 and RCW 75.08.200; amending section 75.08.220, chapter 12, Laws of 1955 and RCW 75.08.220; amending section 75.08.230, chapter 12, Laws of 1955 as last amended by section 175, chapter 151, Laws of 1979 and RCW 75.08-.230; amending section 75.08.240, chapter 12, Laws of 1955 as amended by section 4, chapter 95, Laws of 1973 and RCW 75.08.240; amending section 75.08.250, chapter 12, Laws of 1955 as amended by section 34, chapter 106, Laws of 1973 and RCW 75.08.250; amending section 75.12.010, chapter 12, Laws of 1955 as last amended by section 2,

chapter 220, Laws of 1973 1st ex. sess. and RCW 75.12.010; amending section 1, chapter 106, Laws of 1971 ex. sess. and RCW 75.12.115; amending section 3, chapter 234, Laws of 1963 and RCW 75.12.232; amending section 75.16.060, chapter 12, Laws of 1955 and RCW 75.16.060; amending section 4, chapter 35, Laws of 1971 as amended by section 1, chapter 23, Laws of 1974 ex. sess. and RCW 75.16.120; amending section 75.18.005, chapter 12, Laws of 1955 and RCW 75.18.005; amending section 75.18.070, chapter 12, Laws of 1955 and RCW 75.18.070; amending section 75.18.080, chapter 12, Laws of 1955 as last amended by section 3, chapter 327, Laws of 1977 ex. sess. and RCW 75.18.080; amending section 75.18.090, chapter 12, Laws of 1955 and RCW 75.18.090; amending section 1, chapter 327, Laws of 1977 ex. sess. as amended by section 8, chapter 98, Laws of 1980 and RCW 75.18.100; amending section 2, chapter 327, Laws of 1977 ex. sess. as last amended by section 1, chapter 66, Laws of 1980 and RCW 75.18.110; amending section 75.20.010, chapter 12, Laws of 1955 and RCW 75.20.010; amending section 75.20.020, chapter 12, Laws of 1955 and RCW 75.20.020; amending section 75.20.050, chapter 12, Laws of 1955 and RCW 75.20.050; amending section 75.20.100, chapter 12, Laws of 1955 as last amended by section 1, chapter 29, Laws of 1975 1st ex. sess. and RCW 75.20.100; amending section 8, chapter 7, Laws of 1982 and RCW 75.20.300; amending section 1, chapter 253, Laws of 1969 ex. sess. as amended by section 1, chapter 141, Laws of 1979 ex. sess. and RCW 75.24.100; amending section 3, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.030; amending section 4, chapter 243, Laws of 1979 ex. sess. as amended by section 1, chapter 81, Laws of 1980 and RCW 75.25.040; amending section 5, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.050; amending section 5, chapter 309, Laws of 1959 as last amended by section 5, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.085; amending section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 60, Laws of 1979 and RCW 75.28.095; amending section 75.28.280, chapter 12, Laws of 1955 as last amended by section 3, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.280; amending section 9, chapter 212, Laws of 1955 as amended by section 2, chapter 253, Laws of 1969 ex. sess. and RCW 75.28.281; amending section 75.28.285, chapter 12, Laws of 1955 as amended by section 1, chapter 27, Laws of 1965 ex. sess. and RCW 75.28.285; amending section 4, chapter 253, Laws of 1969 ex. sess. as amended by section 4, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.287; amending section 7, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.288; amending section 1, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.390; amending section 3, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.410; amending section 4, chapter 173, Laws of 1973 1st ex. sess. as amended by section 1, chapter 104, Laws of 1974 ex. sess. and RCW 75.28.420; amending section 2, chapter 104, Laws of 1974 ex. sess. and RCW 75.28.440; amending section 2, chapter 184, Laws of 1974 ex. sess. as last amended by section 1, chapter 135, Laws of 1979 and RCW 75.28.455; amending section 7, chapter 184, Laws of 1974 ex. sess. as amended by section 171, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.475; amending section 3, chapter 183, Laws of 1975 1st ex. sess. as amended by section 3, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.505; amending section 15, chapter 327, Laws of 1977 ex. sess. as amended by section 135, chapter 78, Laws of 1980 and RCW 75.28.650; amending section 75.36.010, chapter 12, Laws of 1955 and RCW 75.36.010; amending section 75.40.040, chapter 12, Laws of 1955 as amended by section 2, chapter 171, Laws of 1963 and RCW 75.40.040; amending section 75.40.050, chapter 12, Laws of 1955 as amended by section 1, chapter 100, Laws of 1977 ex. sess. and RCW 75.40.050; amending section 4, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.040; amending section 9, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.090; amending section 10, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.100; amending section 75.98.040, chapter 12, Laws of 1955 as last amended by section 9, chapter 98, Laws of 1980 and RCW 75.98.040; amending section 4, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.040; amending section 18, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.180; amending section 20, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.200; amending section 77.04.020, chapter 36, Laws of 1955 as amended by section 3, chapter 78, Laws of 1980 and RCW 77.04.020; amending section 77.04.060, chapter 36, Laws of 1955 as last amended by section 6, chapter 78, Laws of 1980 and RCW 77.04.060; amending section 77.08.010, chapter 36, Laws of 1955 as amended by section 9, chapter 78, Laws of 1980 and RCW 77.08.010; amending section 77.08.020, chapter 36, Laws of 1955 as last amended by section 10, chapter 78, Laws of 1980 and RCW 77.08.020; amending section 1, chapter 166, Laws of 1971 ex. sess. as amended by section 11, chapter 78, Laws of 1980 and RCW 77.08.030; amending section 77.12.010, chapter 36, Laws of 1955 as last amended by section 12, chapter 78, Laws of 1980 and RCW 77.12.010; amending section 77.12.020, chapter 36, Laws of 1955 as last amended by section 13, chapter 78, Laws of 1980 and RCW 77.12.020; amending section 77.12.030, chapter 36, Laws of 1955 as last amended by section 14, chapter 78, Laws of 1980 and RCW 77.12.030; amending section 77.12.040, chapter 36, Laws of 1955 as last amended by section 15, chapter 78, Laws of 1980 and RCW 77.12.040; amending section 17, chapter 78, Laws of 1980 and RCW 77.12.055; amending section 77.12.060, chapter 36, Laws of 1955 as last amended by section 18, chapter 78, Laws of 1980 and RCW 77.12.060; amending section 77.12.070, chapter 36, Laws of 1955 as last amended by section 19, chapter 78, Laws of 1980 and RCW 77.12.070; amending section 77.12.080, chapter 36, Laws of 1955 as last amended by section 20, chapter 78, Laws of

1980 and RCW 77.12.080; amending section 77.12.090, chapter 36, Laws of 1955 as amended by section 21, chapter 78, Laws of 1980 and RCW 77.12.090; amending section 22, chapter 78, Laws of 1980 as amended by section 1, chapter 152, Laws of 1982 and RCW 77.12.095; amending section 77.12.100, chapter 36, Laws of 1955 as amended by section 23, chapter 78, Laws of 1980 and RCW 77.12.100; amending section 77.16.030, chapter 36, Laws of 1955 as last amended by section 71, chapter 78, Laws of 1980 and RCW 77.12.105; amending section 77.12.130, chapter 36, Laws of 1955 as amended by section 27, chapter 78, Laws of 1980 and RCW 77.12.130; amending section 77.12.140, chapter 36, Laws of 1955 as amended by section 28, chapter 78, Laws of 1980 and RCW 77.12.140; amending section 77.12.150, chapter 36, Laws of 1955 as last amended by section 29, chapter 78, Laws of 1980 and RCW 77.12.150; amending section 77.12.170, chapter 36, Laws of 1955 as last amended by section 2, chapter 310, Laws of 1981 and RCW 77.12.170; amending section 77.12.200, chapter 36, Laws of 1955 as last amended by section 35, chapter 78, Laws of 1980 and RCW 77.12.200; amending section 77.12.210, chapter 36, Laws of 1955 as last amended by section 38, chapter 78, Laws of 1980 and RCW 77.12.210; amending section 77.12.220, chapter 36, Laws of 1955 as amended by section 39, chapter 78, Laws of 1980 and RCW 77.12.220; amending section 77.12.250, chapter 36, Laws of 1955 as amended by section 42, chapter 78, Laws of 1980 and RCW 77.12.250; amending section 77.12.260, chapter 36, Laws of 1955 as amended by section 43, chapter 78, Laws of 1980 and RCW 77.12.260; amending section 77.16.230, chapter 36, Laws of 1955 as amended by section 91, chapter 78, Laws of 1980 and RCW 77.12.265; amending section 77.12.270, chapter 36, Laws of 1955 as last amended by section 45, chapter 78, Laws of 1980 and RCW 77.12.270; amending section 77.12.280, chapter 36, Laws of 1955 as last amended by section 46, chapter 78, Laws of 1980 and RCW 77.12.280; amending section 77.12.290, chapter 36, Laws of 1955 as last amended by section 47, chapter 78, Laws of 1980 and RCW 77.12.290; amending section 77.12.300, chapter 36, Laws of 1955 as last amended by section 48, chapter 78, Laws of 1980 and RCW 77.12.300; amending section 1, chapter 183, Laws of 1971 ex. sess. as amended by section 49, chapter 78, Laws of 1980 and RCW 77.12.315; amending section 77.12.320, chapter 36, Laws of 1955 as last amended by section 50, chapter 78, Laws of 1980 and RCW 77.12.320; amending section 15, chapter 10, Laws of 1982 and RCW 77.12.323; amending section 2, chapter 315, Laws of 1959 as amended by section 52, chapter 78, Laws of 1980 and RCW 77.12.325; amending section 77.12.330, chapter 36, Laws of 1955 as amended by section 53, chapter 78, Laws of 1980 and RCW 77.12.330; amending section 77.12.370, chapter 36, Laws of 1955 as amended by section 55, chapter 78, Laws of 1980 and RCW 77.12.370; amending section 77.12.420, chapter 36, Laws of 1955 as amended by section 59, chapter 78, Laws of 1980 and RCW 77.12.420; amending section 77.12.440, chapter 36, Laws of 1955 as last amended by section 2, chapter 26, Laws of 1982 and RCW 77.12.440; amending section 1, chapter 62, Laws of 1967 as amended by section 62, chapter 78, Laws of 1980 and RCW 77.12.450; amending section 3, chapter 62, Laws of 1967 as amended by section 63, chapter 78, Laws of 1980 and RCW 77.12.470; amending section 4, chapter 62, Laws of 1967 as amended by section 64, chapter 78, Laws of 1980 and RCW 77.12.480; amending section 67, chapter 78, Laws of 1980 and RCW 77.12.530; amending section 77.40.060, chapter 36, Laws of 1955 as amended by section 127, chapter 78, Laws of 1980 and RCW 77.12.560; amending section 77.28.020, chapter 36, Laws of 1955 as last amended by section 98, chapter 78, Laws of 1980 and RCW 77.12.570; amending section 77.28.070, chapter 36, Laws of 1955 as amended by section 99, chapter 78, Laws of 1980 and RCW 77.12.580; amending section 77.28.080, chapter 36, Laws of 1955 as amended by section 100, chapter 78, Laws of 1980 and RCW 77.12.590; amending section 77.16.010, chapter 36, Laws of 1955 as amended by section 69, chapter 78, Laws of 1980 and RCW 77.16.010; amending section 77.16.020, chapter 36, Laws of 1955 as last amended by section 3, chapter 310, Laws of 1981 and RCW 77.16.020; amending section 77.16.040, chapter 36, Laws of 1955 as last amended by section 72, chapter 78, Laws of 1980 and RCW 77.16.040; amending section 77.16.060, chapter 36, Laws of 1955 as amended by section 74, chapter 78, Laws of 1980 and RCW 77.16.060; amending section 77.16.080, chapter 36, Laws of 1955 as amended by section 76, chapter 78, Laws of 1980 and RCW 77.16.080; amending section 78, chapter 78, Laws of 1980 and RCW 77.16.095; amending section 77.16.110, chapter 36, Laws of 1955 as amended by section 80, chapter 78, Laws of 1980 and RCW 77.16.110; amending section 77.16.120, chapter 36, Laws of 1955 as amended by section 81, chapter 78, Laws of 1980 and RCW 77.16.120; amending section 77.16.130, chapter 36, Laws of 1955 as amended by section 82, chapter 78, Laws of 1980 and RCW 77.16.130; amending section 77.16.150, chapter 36, Laws of 1955 as amended by section 83, chapter 78, Laws of 1980 and RCW 77.16.150; amending section 77.16.180, chapter 36, Laws of 1955 as amended by section 86, chapter 78, Laws of 1980 and RCW 77.16.180; amending section 1, chapter 127, Laws of 1979 ex. sess. as last amended by section 4, chapter 310, Laws of 1981 and RCW 77.16.310; amending section 1, chapter 44, Laws of 1980 as amended by section 5, chapter 310, Laws of 1981 and RCW 77.16.320; amending section 77.16.240, chapter 36, Laws of 1955 as last amended by section 1, chapter 31, Laws of 1982 and RCW 77.21.010; amending section 77.32.010, chapter 36, Laws of 1955 as last amended by section 7, chapter 310, Laws of 1981 and RCW 77.32.010; amending section 77.32.050, chapter 36, Laws of 1955 as last amended by section 16,

chapter 310, Laws of 1981 and RCW 77.32.050; amending section 77.32.070, chapter 36, Laws of 1955 as last amended by section 18, chapter 310, Laws of 1981 and RCW 77.32.070; amending section 77.32.090, chapter 36, Laws of 1955 as last amended by section 19, chapter 310, Laws of 1981 and RCW 77.32.090; amending section 1, chapter 17, Laws of 1957 as last amended by section 21, chapter 310, Laws of 1981 and RCW 77.32.155; amending section 1, chapter 43, Laws of 1977 as last amended by section 24, chapter 310, Laws of 1981 and RCW 77.32.197; amending section 30, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 25, chapter 310, Laws of 1981 and RCW 77.32.211; amending section 77.32.220, chapter 36, Laws of 1955 as last amended by section 26, chapter 310, Laws of 1981 and RCW 77.32.220; amending section 77.32.250, chapter 36, Laws of 1955 as last amended by section 29, chapter 310, Laws of 1981 and RCW 77.32.250; amending section 32, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 30, chapter 310, Laws of 1981 and RCW 77.32.256; amending section 10, chapter 64, Laws of 1970 ex. sess. and RCW 78.44.090; amending section 3, chapter 119, Laws of 1972 ex. sess. as amended by section 3, chapter 189, Laws of 1981 and RCW 79.70.030; amending section 4, chapter 189, Laws of 1981 and RCW 79.70.070; amending section 5, chapter 189, Laws of 1981 and RCW 79.70.080; amending section 7, chapter 161, Laws of 1977 ex. sess. and RCW 79.72.070; amending section 125, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.94.400; amending section 136, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.96.030; amending section 137, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.96.040; amending section 138, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.96.050; amending section 141, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.96.080; amending section 143, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.96.100; amending section 144, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.96.110; amending section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030; amending section 1, chapter 166, Laws of 1979 ex. sess. as amended by section 46, chapter 87, Laws of 1980 and RCW 90.03.247; amending section 30, chapter 117, Laws of 1917 as last amended by section 1, chapter 275, Laws of 1953 and RCW 90.03.280; amending section 31, chapter 117, Laws of 1917 as last amended by section 1, chapter 133, Laws of 1947 and RCW 90.03.290; amending section 3, chapter 284, Laws of 1969 ex. sess. and RCW 90.22.010; amending section 4, chapter 284, Laws of 1969 ex. sess. and RCW 90.22.020; amending section 4, chapter 107, Laws of 1939 as last amended by section 1, chapter 243, Laws of 1963 and RCW 90.24.030; amending section 7, chapter 107, Laws of 1939 and RCW 90.24.060; amending section 13, chapter 139, Laws of 1967 ex. sess. as amended by section 12, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.142; adding new sections to chapter 43.43 RCW; adding a new section to chapter 75.08 RCW; adding new sections to chapter 77.04 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; repealing section 77.04.030, chapter 36, Laws of 1955, section 4, chapter 78, Laws of 1980, section 11, chapter 338, Laws of 1981 and RCW 77.04.030; repealing section 77.04.040, chapter 36, Laws of 1955, section 5, chapter 78, Laws of 1980 and RCW 77.04.040; and providing an effective date.

Referred to Committee on Natural Resources.

SB 3506 by Senators Thompson, Zimmerman and Bauer

AN ACT Relating to the payment of rates and charges by the state to general purpose units of local government for storm water control facilities; adding a new section to chapter 35.67 RCW; adding a new section to chapter 36.89 RCW; and adding a new section to chapter 36.94 RCW.

Referred to Committee on Local Government.

SB 3507 by Senators Hurley, Talmadge, Warnke and Hughes

AN ACT Relating to gubernatorial appointments; and amending section 2, chapter 338, Laws of 1981 and RCW 43.06.092.

Referred to Committee on State Government.

SCR 105 by Senators Bluechel, Gaspard and Hughes

Acknowledging the participation and support by citizens of Washington in the National History Contest.

Hold.

SCR 106 by Senators Talmadge, Hemstad and Granlund

Adopting juvenile disposition standards.

Referred to Committee on Judiciary.

The President announced that Senate Concurrent Resolution No. 105 would again be held on first reading and not referred to a committee at this time.

MOTION

At 9:13 a.m., on motion of Senator Bottiger, the Senate recessed until 11:00 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:00 a.m.

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

SECOND READING

SENATE JOINT RESOLUTION NO. 105, by Senators Fleming, Moore, Sellar and Hansen

Allowing harbor leases to last for fifty years.

The resolution was read the second time.

MOTION

On motion of Senator Owen, the following Committee on State Government amendment was adopted:

On line 12, after "~~(thirty)~~", delete "fifty" and insert "fifty-five"

MOTION

On motion of Senator Fleming, the rules were suspended, Engrossed Senate Joint Resolution No. 105 was advanced to third reading, the second reading considered the third, and the resolution was 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. 105.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Joint Resolution No. 105, and the resolution passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 03; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoeh, Talmadge, Thompson, Vogndil, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Absent: Senators Benitz, McDermott, Moore - 3.

ENGROSSED SENATE JOINT RESOLUTION NO. 105, having received the constitutional two-thirds majority, was declared passed.

SECOND READING

SENATE BILL NO. 3106, by Senators Talmadge, Granlund, Hemstad, Deccio and McCaslin

Increasing penalties for vehicular homicide and vehicular assault.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendments were considered and adopted simultaneously:

On page 1, line 19, after "injury", strike "received" and insert "~~((received))~~ proximately caused"

On page 10, line 17, after "to", strike "negligent" and insert "~~((negligent))~~ vehicular"

Senator Talmadge moved adoption of the following amendment:

On page 2, line 8, after ";", add "or"

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, a week ago a young lady with two children ran a stop light and crashed into a bus in the city of Tacoma. I presume

she was paying attention to the children or something else. She wasn't drunk or on drugs. Would this be classed as vehicular assault? Now, there were serious injuries and I am wondering if—obviously, it wasn't done under anything other than inadvertence—would they be prosecuted on the charge of vehicular assault?"

Senator Talmadge: "Senator, I don't know specifically about how the prosecutor will go about charging it, but I can tell you that there are different standards of conduct. There is negligence and I think inadvertence in a situation like that might more likely amount to nothing more than negligence. Then there is recklessness. It is a different standard; it is a higher standard of culpability that the law imposes. You have to be engaging in an act that is beyond the boundary of just normal negligence, I guess I would have to say.

"I think in your situation, I would find it difficult to believe that conduct would be reckless, if it was just the inadvertence that you describe. If the individual was bobbing and weaving through traffic and operating a vehicle at one-hundred ten miles an hour, I think that kind of conduct would be reckless when they ran into the bus."

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

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

On motion of Senator Talmadge, Engrossed Senate Bill No. 3106 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

On motion of Senator Vognild, Senator McDermott was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3106.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3106, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator McDermott - 1.

ENGROSSED SENATE BILL NO. 3106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bottiger, consideration of Senate Bill No. 3107 was delayed and the bill took its place at the bottom of the calendar.

On motion of Senator Bluechel, Senator Clarke was excused.

SECOND READING

SENATE BILL NO. 3076, by Senators Peterson, Guess, Deccio and Rasmussen

Modifying requirements for weight distribution for garbage trucks.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following Committee on Transportation amendments were considered and adopted simultaneously:

On page 2, line 1, after "RCW 46.42.042," insert "and notwithstanding RCW 46.44.041 and RCW 46.44.091".

On page 2, line 4, after "tandem", strike "axle" and insert "axles".

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 3076 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 Peterson, is there anything in this measure that would prohibit the county from putting weight load limits on during road breakups as the result of weather?"

Senator Peterson: "There are no exceptions in the bill that would allow this. I am certain that it would pertain to garbage haulers, as well as fuel haulers and other necessary public services."

REMARKS BY SENATOR GUESS

Senator Guess: "May I add to that response from Senator Peterson? Senator Bottiger, the counties or local agencies still retain, under 46.44.080--local regulations--where they may by reason of rain, snow, traumatic or other conditions, make weight limitations at the proper time by proper passing of the ordinances."

POINT OF INQUIRY

Senator Kiskaddon: "Senator Peterson, you said that the tire sizes would be larger if there was more weight. Would that make it possible so that there would be no more damage to roads? I am concerned that county roads and roads around, with these extra weights, may actually be destroyed and hurt. Wouldn't you think it would be enough to say that the increased tire sizes would solve the problem?"

Senator Peterson: "Well, every individual case would have to rest on its own merit. Certainly, increased tire sizes would minimize the damage that you are concerned with. In certain cases where there is asphalt that is already deteriorated to any extent, I expect that it may have some effect. The safeguard is that the tire sizes will be increased to the maximum weight-carrying capacity."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3076.

ROLL CALL

The Secretary call the roll on final passage of Engrossed Senate Bill No. 3076, and the bill passed the Senate by the following vote: Yeas, 38; nays, 09; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Conner, Craswell, Deccio, Fuller, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Woody, Zimmerman - 38.

Voting nay: Senators Bluechel, Fleming, Gaspard, Hemstad, Hurley, Jones, Shinpoeh, Williams, Wojahn - 9.

Excused: Senators Clarke, McDermott - 2.

ENGROSSED SENATE BILL NO. 3076, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3184, by Senators Talmadge and Clarke (by Code Reviser request)

Authorizing the code reviser to correct double amendments in the code.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3184 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3184.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3184, and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Pullen, Rasmussen - 2.

Excused: Senators Clarke, McDermott - 2.

SENATE BILL NO. 3184, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3120, by Senators Peterson, Zimmerman and Thompson

Changing the manner in which port commissioner vacancies are filled.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following Committee on Local Government amendment was adopted:

On page 2, after line 4, insert the following: "(3) Appointments made pursuant to this section shall be ad interim to the next general election."

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

On page 2, line 3, after "occurrence," insert "or within 15 days after the effective date of this 1983 act."

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 3120 was advanced to third reading, the second reading considered the third, and the bill was 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. 3120.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3120, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Clarke, McDermott - 2.

ENGROSSED SENATE BILL NO. 3120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3122, by Senators Peterson, Hansen and Sellar (by Department of Licensing request)

Prohibiting issuance of drivers licenses to persons failing to meet certain vision standards.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3122 was substituted for Senate Bill No. 3122 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3122 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 Peterson, this is not a question for the record, but simply for information to help me understand the bill. How are the infraction notices to be maintained? When we had this bill before us before, we were concerned about the

record keeping that would be required to bring the notice of infraction and failure to respond to the attention of the Licensing Department. As far as I can tell, just by glancing at the language in the bill, this does not provide a system by which those records are to be kept."

Senator Peterson: "The information that we had in committee was that with the computerized mechanism that the Department of Licensing now has, the infractions are maintained in the Olympia office and it is just a matter of pushing a button."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3122.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3122, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Pullen - 1.

Excused: Senators Clarke, McDermott - 2.

SUBSTITUTE SENATE BILL NO. 3122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bottiger, the Senate reverted to the fifth order of business for consideration of Senate Concurrent Resolution No. 105, deferred earlier today.

INTRODUCTION AND FIRST READING

SCR 105 by Senators Bluechel, Gaspard and Hughes

Acknowledging the participation and support by citizens of Washington in the National History Contest.

Hold.

MOTION

On motion of Senator Bottiger, the rules were suspended, Senate Concurrent Resolution No. 105 was advanced to second reading and placed at the bottom of the second reading calendar.

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

MOTIONS

On motion of Senator Bottiger, the Committee on Natural Resources was relieved of further consideration of Senate Bill No. 3504.

On motion of Senator Bottiger, Senate Bill No. 3504 was referred to the Committee on Local Government.

On motion of Senator Bottiger, the Committee on Natural Resources was relieved of further consideration of Senate Bill No. 3505.

On motion of Senator Bottiger, Senate Bill No. 3505 was referred to the Committee on State Government.

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 1, 1983

SB 3052 Prime Sponsor, Senator Vognild: Revising elevator laws. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3052 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McManus, Moore, Newhouse, Quigg, Sellar, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

January 31, 1983

SB 3103 Prime Sponsor, Senator Sellar: Providing for surprise audits of county treasuries. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3103 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 27, 1983

SB 3239 Prime Sponsor, Senator Hansen: Defining "cold storage warehouse" for excise tax purposes. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 3239 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz.

Passed to Committee on Rules for second reading.

January 27, 1983

SB 3205 Prime Sponsor, Senator Hansen: Establishing the noxious weed control fund. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 3205 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz.

Passed to Committee on Rules for second reading.

MOTION

At 12:04 p.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Thursday, February 3, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 3, 1983

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Mardell Newhouse and Jenny Wolcott, presented the Colors. Reverend Wallace F. Misterek, pastor of the Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 2, 1983

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:

Jack R. Gustafson reappointed January 17, 1983, for a term ending December 31, 1988, as a member of the State Parks and Recreation Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to the Committee on Parks and Ecology.

February 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Marliss M. Swayze appointed January 17, 1983, for a term ending September 30, 1985, succeeding Lawrence J. Faulk as a member of the Board of Trustees for Community College District No. 22.

Sincerely,
JOHN SPELLMAN, Governor

Referred to the Committee on Education.

February 2, 1983

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 D. Panther reappointed January 20, 1983, for a term ending December 31, 1985, as a member of the State Investment Board.

Sincerely,
JOHN SPELLMAN, Governor

Referred to the Committee on Ways and Means.

MESSAGE FROM THE HOUSE

February 2, 1983

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 20, except the amendment on page 5, line 35, which reads as follows:

"After "district" strike all the material down to and including the period on page 6, line 2, and insert "shall be drawn to purposely favor or discriminate against any political party or group."

and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

The President announced that if there was no objection, the Message from the House would be held until a later time.

INTRODUCTION AND FIRST READING

SB 3508 by Senators Bottiger and Gaspard

AN ACT Relating to mobile home landlords and tenants; amending section 8, chapter 279, Laws of 1977 ex. sess. as last amended by section 21, chapter 304, Laws of 1981 and RCW 59.20.080; amending section 9, chapter 279, Laws of 1977 ex. sess. as last amended by section 2, chapter 152, Laws of 1980 and RCW 59.20.090; and adding a new section to chapter 59.20 RCW.

Referred to Committee on Judiciary.

SB 3509 by Senator Pullen

AN ACT Relating to penalties for traffic infractions; amending section 13, chapter 10, Laws of 1982 as amended by section 1, chapter 12, Laws of 1982 1st ex. sess. and RCW 46.63.110; reenacting section 13, chapter 10, Laws of 1982 as last amended by section 4, chapter 14, Laws of 1982 1st ex. sess. and by section 1 of this act and RCW 46.63.110; and providing an effective date.

Referred to Committee on Judiciary.

SB 3510 by Senators Pullen, Rasmussen, Lee, Hayner, Deccio and McCaslin

AN ACT Relating to the state lottery; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Commerce and Labor.

SB 3511 by Senators Hansen, Benitz, Goltz, Barr and Hayner

AN ACT Relating to the creation of separate legal authorities by one or more irrigation districts and any combination of one or more cities, towns, or public utility districts for the purpose of constructing, financing, acquiring, owning, operating, and maintaining hydroelectric facilities; adding new sections to chapter 87.03 RCW; and declaring an emergency.

Referred to Committee on Agriculture.

SB 3512 by Senators Talmadge and Hemstad

AN ACT Relating to personal and campaign financing of public officials; amending section 9, chapter 1, Laws of 1973 as last amended by section 7, chapter 147, Laws of 1982 and RCW 42.17.090; adding new sections to chapter 42.17 RCW; and adding a new section to chapter 44.60 RCW.

Referred to Committee on State Government.

SB 3513 by Senators Wojahn, Quigg and Vognild

AN ACT Relating to licensing barbers and men's hairstylists; amending section 6, chapter 75, Laws of 1923 as last amended by section 11, chapter 158, Laws of 1979 and RCW 18.15.050; amending section 7, chapter 101, Laws of 1957 and RCW 18.15.051; amending section 7, chapter 75, Laws of 1923 as last amended by section 6, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.060; amending section 3, chapter 84, Laws of 1959 as last amended by section 12, chapter 158, Laws of 1979 and RCW 18.15.065; amending section 2, chapter 84, Laws of 1959 as last amended by section 8, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.095; amending section 13, chapter 223, Laws of 1967 as last amended by section 9, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.097; adding new sections to chapter 18.15 RCW; repealing section 38, chapter 99, Laws of 1979 and RCW 43.131.223; repealing section 80, chapter 99, Laws of 1979 and RCW 43.131.224; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3514 by Senators Hemstad, Craswell, Lee, McCaslin and Metcalf

AN ACT Relating to education; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.27 RCW.

Referred to Committee on Education.

SB 3515 by Senators Rasmussen, Lee, Peterson and Conner

AN ACT Relating to independent dentistry; amending section 1, chapter 130, Laws of 1951 as last amended by section 35, chapter 158, Laws of 1979 and RCW 18.32.030; creating a new chapter in Title 18 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Social and Health Services.

SB 3516 by Senators Talmadge and Bottiger

AN ACT Relating to the legislative branch of government; amending section 1, chapter 43, Laws of 1951 as last amended by section 30, chapter 87, Laws of 1980 and RCW 44.28.010; amending section 11, chapter 157, Laws of 1951 as amended by section 3, chapter 95, Laws of 1959 and RCW 1.08.025; amending section 9, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.410; amending section 10, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.415; amending section 11, chapter 215, Laws of 1969 ex. sess. as last amended by section 99, chapter ... (SB 3037), Laws of 1983 and RCW 41.56.420; amending section 13, chapter 74, Laws of 1967 as amended by section 6, chapter 157, Laws of 1981 and RCW 43.63A.130; repealing section 3, chapter 6, Laws of 1895 and RCW 44.16.040; repealing section 4, chapter 6, Laws of 1895 and RCW 44.16.050; repealing section 5, chapter 6, Laws of 1895 and RCW 44.16.060; repealing section 6, chapter 6, Laws of 1895 and RCW 44.16.070; repealing section 7, chapter 6, Laws of 1895 and RCW 44.16.080; repealing section 8, chapter 6, Laws of 1895 and RCW 44.16.090; repealing section 9, chapter 6, Laws of 1895 and RCW 44.16.100; repealing section 10, chapter 6, Laws of 1895 and RCW 44.16.110; repealing section 14, chapter 6, Laws of 1895 and RCW 44.16.160; repealing section 16, chapter 6, Laws of 1895 and RCW 44.16.170; repealing section 1, chapter 36, Laws of 1947, section 1, chapter 148, Laws of 1965 ex. sess., section 6, chapter 134, Laws of 1967 ex. sess., section 1, chapter 10, Laws of 1969, section 28, chapter 87, Laws of 1980 and RCW 44.24.010; repealing section 2, chapter 36, Laws of 1947, section 1, chapter 206, Laws of 1955, section 1, chapter 134, Laws of 1967 ex. sess., section 29, chapter 87, Laws of 1980 and RCW 44.24.020; repealing section 3, chapter 36, Laws of 1947, section 2, chapter 134, Laws of 1967 ex. sess. and RCW 44.24.030; repealing section 4, chapter 36, Laws of 1947, section 3, chapter 134, Laws of 1967 ex. sess. and RCW 44.24.040; repealing section 5, chapter 36, Laws of 1947 and RCW 44.24.050; repealing section 6, chapter 36, Laws of 1947, section 1, chapter 142, Laws of 1951, section 2, chapter 206, Laws of 1955, section 4, chapter 134, Laws of 1967 ex. sess., section 153, chapter 151, Laws of 1979 and RCW 44.24.060; repealing section 7, chapter 36, Laws of 1947, section 3, chapter 206, Laws of 1955, section 5, chapter 134, Laws of 1967 ex. sess. and RCW 44.24.070; repealing section 8, chapter 36, Laws of 1947 and RCW 44.24.900; repealing section 1, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.010; repealing section 2, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.015; repealing section 3, chapter 265, Laws of 1969 ex. sess., section 32, chapter 87, Laws of 1980 and RCW 44.30.020; repealing section 4, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.025; repealing section 5, chapter 265, Laws of 1969 ex. sess., section 33, chapter 87, Laws of 1980 and RCW 44.30.030; repealing section 6, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.035; repealing section 7, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.040; repealing section 8, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.045; repealing section 9, chapter 265, Laws of 1969 ex. sess., section 154, chapter 151, Laws of 1979 and RCW 44.30.050; repealing section 10, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.055; repealing section 11, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.060; repealing section 12, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.065; repealing section 13, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.070; repealing section 14, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.075; repealing section 1, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.200; repealing section 2, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.210; repealing section 3, chapter 130, Laws of 1965 ex. sess., section 3, chapter 10, Laws of 1969, section 34, chapter 87, Laws of 1980 and RCW 44.33.220; repealing section 4, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.230; repealing section 5, chapter 130, Laws of 1965 ex. sess., section 6, chapter 10, Laws of 1969, section 35, chapter 87, Laws of 1980 and RCW 44.33.240; repealing section 6, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.250; repealing section 7, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.260; repealing section 8, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.270; repealing section 9, chapter 130, Laws of 1965 ex. sess., section 155, chapter 151, Laws of 1979 and RCW 44.33.280; repealing section 10, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.290; repealing section 11, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.300; repealing section 12, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.310; repealing section 13, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.320; repealing section 14, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.330; repealing section 15,

chapter 130, Laws of 1965 ex. sess. and RCW 44.33.340; repealing section 1, chapter 308, Laws of 1961 and RCW 44.36.010; repealing section 2, chapter 308, Laws of 1961 and RCW 44.36.020; repealing section 3, chapter 308, Laws of 1961, section 36, chapter 87, Laws of 1980 and RCW 44.36.030; repealing section 4, chapter 308, Laws of 1961 and RCW 44.36.040; repealing section 5, chapter 308, Laws of 1961, section 37, chapter 87, Laws of 1980 and RCW 44.36.050; repealing section 6, chapter 308, Laws of 1961 and RCW 44.36.060; repealing section 7, chapter 308, Laws of 1961 and RCW 44.36.070; repealing section 8, chapter 308, Laws of 1961 and RCW 44.36.080; repealing section 9, chapter 308, Laws of 1961 and RCW 44.36.090; repealing section 10, chapter 308, Laws of 1961 and RCW 44.36.100; repealing section 11, chapter 308, Laws of 1961 and RCW 44.36.110; repealing section 12, chapter 308, Laws of 1961 and RCW 44.36.120; repealing section 13, chapter 308, Laws of 1961 and RCW 44.36.130; repealing section 14, chapter 308, Laws of 1961 and RCW 44.36.140; repealing section 15, chapter 308, Laws of 1961 and RCW 44.36.150; repealing section 16, chapter 308, Laws of 1961 and RCW 44.36.160; repealing section 1, chapter 260, Laws of 1969 ex. sess., section 13, chapter 328, Laws of 1977 ex. sess. and RCW 44.39.010; repealing section 2, chapter 260, Laws of 1969 ex. sess., section 14, chapter 328, Laws of 1977 ex. sess. and RCW 44.39.015; repealing section 3, chapter 260, Laws of 1969 ex. sess., section 15, chapter 328, Laws of 1977 ex. sess., section 38, chapter 87, Laws of 1980 and RCW 44.39.020; repealing section 4, chapter 260, Laws of 1969 ex. sess., section 16, chapter 328, Laws of 1977 ex. sess. and RCW 44.39.025; repealing section 13, chapter 14, Laws of 1977 ex. sess. and RCW 44.39.038; repealing section 8, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.045; repealing section 9, chapter 260, Laws of 1969 ex. sess., section 156, chapter 151, Laws of 1979 and RCW 44.39.050; repealing section 17, chapter 328, Laws of 1977 ex. sess. and RCW 44.39.060; and repealing section 18, chapter 328, Laws of 1977 ex. sess. and RCW 44.39.070.

Referred to Committee on State Government.

SB 3517 by Senators Gaspard, McDermott and Bauer (by Superintendent of Public Instruction request)

AN ACT Relating to the school facilities cost stabilization program; amending section 2, chapter 89, Laws of 1977 ex. sess. and RCW 28A.03.401; amending section 6, chapter 89, Laws of 1977 ex. sess. as amended by section 1, chapter 89, Laws of 1979 and RCW 28A.03.407; repealing section 7, chapter 89, Laws of 1977 ex. sess. and RCW 28A.03.409; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3518 by Senators Wojahn, Quigg, Vognild and Woody

AN ACT Relating to cosmetology; amending section 1, chapter 25, Laws of 1974 ex. sess. as last amended by section 1, chapter 225, Laws of 1982 and RCW 18.18.010; amending section 1, chapter 168, Laws of 1953 as amended by section 11, chapter 225, Laws of 1982 and RCW 18.18.102; amending section 7, chapter 180, Laws of 1951 as last amended by section 16, chapter 225, Laws of 1982 and RCW 18.18.140; adding new sections to chapter 18.18 RCW; repealing section 36, chapter 99, Laws of 1979 and RCW 43.131.219; repealing section 78, chapter 99, Laws of 1979 and RCW 43.131.220; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3519 by Senators Thompson, Zimmerman and Bauer (by Governor Spellman request)

AN ACT Relating to the effects of the eruption of Mount St. Helens; amending section 1, chapter 7, Laws of 1982 and RCW 43.01.200; amending section 2, chapter 7, Laws of 1982 and RCW 43.01.210; amending section 4, chapter 7, Laws of 1982 and RCW 90.58.500; amending section 5, chapter 7, Laws of 1982 and RCW 43.21C.500; amending section 6, chapter 7, Laws of 1982 and RCW 89.16.500; amending section 7, chapter 7, Laws of 1982 and RCW 43.21A.500; amending section 8, chapter 7, Laws of 1982 and RCW 75.20.300; adding a new section to chapter 43.01 RCW; making an appropriation; making a reapportionment; and declaring an emergency.

Referred to Committee on Local Government.

SB 3520 by Senators Woody, Zimmerman and Thompson

AN ACT Relating to elections; amending section 29.65.010, chapter 9, Laws of 1965 as amended by section 101, chapter 361, Laws of 1977 ex. sess. and RCW 29.65.010; adding new sections to chapter 29.10 RCW; repealing section 29.59.010, chapter 9, Laws of 1965, section 1, chapter 225, Laws of 1967 and RCW 29.59.010; repealing section 29.59.020, chapter 9, Laws of 1965 and RCW 29.59.020; repealing section 29.59.030, chapter 9, Laws of 1965 and RCW 29.59.030; repealing section 29.59.040, chapter 9, Laws of 1965, section 29,

chapter 109, Laws of 1967 ex. sess. and RCW 29.59.040; and repealing section 29.59.060, chapter 9, Laws of 1965 and RCW 29.59.060.

Referred to Committee on State Government.

SB 3521 by Senators Jones, Warnke, Owen, Bluechel and Zimmerman

AN ACT Relating to the possession or consumption of liquor by persons under age twenty-one; amending section 2, chapter 70, Laws of 1955 and RCW 66.44.270; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3522 by Senator Peterson

AN ACT Relating to property tax levies; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Local Government.

SB 3523 by Senators Granlund, Owen and Metcalf (by Department of Corrections request)

AN ACT Relating to corrections; and amending section 13, chapter 20, Laws of 1973 and RCW 72.66.036.

Referred to Committee on Institutions.

SB 3524 by Senators Granlund, Owen, Metcalf and McCaslin (by Department of Corrections request)

AN ACT Relating to corrections; amending section 1, chapter 40, Laws of 1959 as last amended by section 72, chapter 136, Laws of 1981 and RCW 72.01.370; and adding a new section to chapter 72.01 RCW.

Referred to Committee on Institutions.

SB 3525 by Senators Granlund, Owen, Pullen and Metcalf (by Department of Corrections request)

AN ACT Relating to prisoners; and amending section 72.68.080, chapter 28, Laws of 1959 as amended by section 10, chapter 122, Laws of 1967 ex. sess. and RCW 72.68.080.

Referred to Committee on Institutions.

SB 3526 by Senators Granlund, Owen and Metcalf (by Department of Corrections request)

AN ACT Relating to corrections; and adding a new chapter to Title 72 RCW.

Referred to Committee on Institutions.

SB 3527 by Senators Granlund, Owen, Pullen and Metcalf (by Department of Corrections request)

AN ACT Relating to the department of corrections; and amending section 11, chapter 136, Laws of 1981 and RCW 72.09.100.

Referred to Committee on Institutions.

SB 3528 by Senators Granlund, Owen, Pullen and Metcalf (by Department of Corrections request)

AN ACT Relating to institutional industries; and amending section 3, chapter 7, Laws of 1972 ex. sess. and RCW 72.62.030.

Referred to Committee on Institutions.

SB 3529 by Senators Granlund, Owen, Metcalf and Deccio (by Department of Corrections request)

AN ACT Relating to the transfer of convicted offenders; amending section 72.68.010, chapter 28, Laws of 1959 as amended by section 282, chapter 141, Laws of 1979 and RCW 72.68.010; and adding a new section to chapter 43.06 RCW.

Referred to Committee on Institutions.

SB 3530 by Senators Granlund, Owen, Pullen, Metcalf and Deccio (by Department of Corrections request)

AN ACT Relating to imprisonment of persons condemned to death; and amending section 17, chapter 138, Laws of 1981 and RCW 10.95.170.

Referred to Committee on Institutions.

SJM 105 by Senator Pullen

Requesting the administration to study the extent of Alaskan oil reserves and the nature of the energy crisis.

Referred to Committee on Energy and Utilities.

SJR 119 by Senators Zimmerman, Fleming, Hemstad, Fuller, Thompson, Goltz, Bluechel, Kiskaddon and Bauer (by Governor Spellman request)

Providing the means for the payment of indebtedness on public improvements.

Referred to Committee on Local Government.

SCR 107 by Senators Williams, Benitz, Goltz, Quigg, McManus, Hemstad, Moore, Hurley, Fleming, Hayner, Jones, Bottiger, Fuller and Deccio

Calling for resolution of the WPPSS financial situation.

Referred to Committee on Energy and Utilities.

MOTION

On motion of Senator Shipoch, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

February 1, 1983

ESB 3162 Prime Sponsor, Senator Talmadge: Modifying the property taxation on nonprofit organizations. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Deccio, Fleming, Hayner, Lee, Metcalf, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 1, 1983

SB 3163 Prime Sponsor, Senator Fleming: Granting reparation to certain state employees who suffered salary losses during World War II. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3163 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Craswell, Deccio, Fleming, Hayner, Hughes, Lee, Metcalf, Pullen, Rinehart, Shipoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 1, 1983

SB 3231 Prime Sponsor, Senator Bottiger: Providing for model energy conservation standards for new structures. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Deccio, Fleming, Hayner, Lee, Metcalf, Rinehart, Shipoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

On motion of Senator Goltz, the following resolution was unanimously adopted:
SENATE RESOLUTION 1983-11

By Senators Goltz, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg, Sid Snyder, Secretary of the Senate, Bill Gleason, Assistant Secretary of the Senate and Ole Scarpelli, Sergeant at Arms

WHEREAS, On February 5, 1883, Ida Agatha Platte was born in Moorhead, Minnesota; and

WHEREAS, When Ida was ten years old she and her mother and two sisters traveled by rail from Moorhead to Coulee City, Washington, and continued on by wagon to Okanogan, where only an Indian mission marked the site of the town; and

WHEREAS, Ida's mother married again, to one of the few early white settlers, who brought in a tutor for the girls' education; and

WHEREAS, On January 5, 1903, Ida married Thomas A. Hansen at Conconully in Okanogan County and the couple raised a family of three sons and two daughters and a niece from the age of two; and

WHEREAS, Ida served as postmistress for the town of Olema in Okanogan County in 1913, where her son Franklin D. Hansen, later nicknamed "Tub", was born; and

WHEREAS, In the year 1917 the family moved to Neppel, now known as Moses Lake, in Grant County, where Ida still lives in the original family home. Besides her five children, all still living, she has eighteen grandchildren, forty-two great-grandchildren, and two great-great grandchildren; and

WHEREAS, Seven of her grandsons who live nearby take turns spending the night to care for her when she is not feeling well, and Ida is proud to brag that she is the only woman her age who has a different man sleeping in her room each night; and

WHEREAS, Ida is celebrating the One Hundredth Anniversary of her birth with a family reunion and an Open House Reception in her home on Saturday, February 5, 1983;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Senate wishes to take this occasion to extend its heartfelt congratulations to Ida Agatha Platte Hansen, one of the true pioneers of Washington State, for her long life and valuable contributions to the State of Washington, and wishes her a very Happy Birthday and many more years of a happy life with her wonderful family; and

BE IT FURTHER RESOLVED, That a suitably inscribed copy of this Resolution be transmitted by the Secretary of the Senate via our distinguished young colleague, Senator Frank "Tub" Hansen, to Ida Agatha Platte Hansen at her home in Moses Lake.

MOTION

At 10:22 a.m., on motion of Senator Bottiger, the Senate recessed until 11:00 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:19 a.m.

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

The President announced that the Senate would now consider the Message from the House, which was read at the first morning session, concerning Engrossed Substitute House Bill No. 20 and the request for the Senate to recede from the Senate amendment on page 5, line 35.

MOTION

Senator Talmadge moved that the Senate recede from the amendment on page 5, line 35.

Debate ensued.

The President declared that the question before the Senate to be the request of the House for the Senate to recede from the amendment on page 5, line 35, to Engrossed Substitute House Bill No. 20.

The motion by Senator Talmadge carried and the Senate receded from the amendment on page 5, line 35.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 20, as amended by the Senate, but without the Senate amendment on page 5, line 35.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 20, as amended by the Senate, but without the amendment on page 5, line 35, and the bill, as amended by the Senate, passed by the following vote: Yeas, 29; nays, 20; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Craswell, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 29.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 20.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 20, as amended by the Senate, but without the amendment on page 5, line 35, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bottiger, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3084, by Senators Thompson and Sellar

Modifying procedures for local government review board procedures.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3084 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3084.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3084, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 02; excused, 00.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 47.

Absent: Senators Bauer, Zimmerman - 2.

SENATE BILL NO. 3084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3045, by Senators Hansen, Rasmussen, Woody and Barr

Removing the requirement for a warm water fish stamp.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 3045 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to the roll call on final passage of Senate Bill No. 3045.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3045, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 03; excused, 00.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 46.

Absent: Senators Bauer, Kiskaddon, Zimmerman - 3.

SENATE BILL NO. 3045, having received the constitutional 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 11:43 a.m., on motion of Senator Bottiger, the Senate recessed until 7:30 p.m.

EVENING SESSION

The President called the Senate to order at 7:30 p.m.

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

MESSAGES FROM THE HOUSE

February 3, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 20, as amended by the Senate with the exception of the amendment to page 5, line 35, from which the Senate receded.

DEAN R. FOSTER, Chief Clerk

February 3, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 20, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 20.

MOTION

At 7:31 p.m., on motion of Senator Bottiger, the Senate adjourned until 9:00 a.m., Friday, February 4, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 4, 1983

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

The Sergeant at Arms Color Guard, consisting of Pages Sheila Pfalzer and Leslieanne Shedd, presented the Colors. Reverend Wallace F. Misterek, pastor of the Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 2, 1983

SB 3379 Prime Sponsor, Senator Owen: Providing group fishing permits for the handicapped and senior citizens. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Patterson, Rasmussen, Shinpoch, Vognild.

Passed to Committee on Rules for second reading.

February 2, 1983

HB 61 Prime Sponsor, Representative Grimm: Extending transfers to the timber tax reserve account. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Craswell, Deccio, Hayner, Hughes, Lee, Metcalf, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

February 3, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on February 3, 1983, Governor Spellman approved the following Senate Bills entitled:

Senate Bill No. 3036

Relating to the correction of various state statutes.

Senate Bill No. 3037

Relating to obsolete statutory references in the RCW.

Senate Bill No. 3038

Relating to state government.

Senate Bill No. 3039

Relating to the correction of state statutes.

Sincerely,
Marilyn Showalter
Counsel to the Governor

MESSAGE FROM THE HOUSE

February 3, 1983

Mr. President:

The House has passed ENGROSSED HOUSE BILL NO. 2, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 3531 by Senators Rinehart, Benitz and Goltz

AN ACT Relating to higher education; and amending section 28B.15.600, chapter 223, Laws of 1969 ex. sess. as last amended by section 40, chapter 169, Laws of 1977 ex. sess. and RCW 28B.15.600.

Referred to Committee on Education.

SB 3532 by Senators Gaspard, Benitz and Shinpoch

AN ACT Relating to community colleges; and amending section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 103, Laws of 1979 ex. sess. and RCW 28B.50.100.

Referred to Committee on Education.

SB 3533 by Senators Kiskaddon, Wojahn, Hemstad, Gaspard and Rinehart

AN ACT Relating to basic education; amending section 2, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.752; and amending section 3, chapter 359, Laws of 1977 ex. sess. as last amended by section 1, chapter 158, Laws of 1982 and RCW 28A.58.754.

Referred to Committee on Education.

SB 3534 by Senators Metcalf, Rasmussen, Conner and Quigg

AN ACT Relating to food fish; and amending section 75.08.080, chapter 12, Laws of 1955 as amended by section 1, chapter 55, Laws of 1980 and RCW 75.08.080.

Referred to Committee on Natural Resources.

SB 3535 by Senators Hughes, Haley and Hurley

AN ACT Relating to beverage containers; and amending section 2, chapter 113, Laws of 1982 and RCW 70.132.020.

Referred to Committee on Parks and Ecology.

SB 3536 by Senators Conner, Deccio, Owen and Barr

AN ACT Relating to law enforcement; and adding a new chapter to Title 36 RCW.

Referred to Committee on Local Government.

SB 3537 by Senators Vognild, Lee and Woody

AN ACT Relating to firefighters; and adding a new section to chapter 48.48 RCW.

Referred to Committee on Commerce and Labor.

SB 3538 by Senators Peterson, Patterson and Haley

AN ACT Relating to the traffic safety commission; amending section 4, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.040; amending section 7, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.060; amending section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 2, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.070; 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 35, chapter 99, Laws of 1979 and RCW 43.131.217; and repealing section 77, chapter 99, Laws of 1979 and RCW 43.131.218.

Referred to Committee on Transportation.

SB 3539 by Senators Granlund, McDermott and Owen

AN ACT Relating to the state jail commission; amending section 2, chapter 131, Laws of 1981 and RCW 70.48A.020; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2 by Representatives Todd, Barnes, D. Nelson, Armstrong, Hine, Wang, Vekich, Charnley, Rust, Jacobsen, Crane and Lux

Requiring energy-efficient standards for buildings.

Referred to Committee on Energy and Utilities.

MOTION

At 9:06 a.m., on motion of Senator Shipchoch, the Senate recessed until 11:00 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:00 a.m.

At 11:01 a.m., on motion of Senator Rasmussen, 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 Shipchoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 3, 1983

SB 3085 Prime Sponsor, Senator McDermott: Modifying provisions on unemployment compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3085 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; McManus, Moore, Quigg, Shipchoch, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 2, 1983

SB 3098 Prime Sponsor, Senator Bauer: Providing for filling county freeholder vacancies. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3098 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1983

SB 3166 Prime Sponsor, Senator Bauer: Modifying provisions relating to notary fees. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3166 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1983

SB 3192 Prime Sponsor, Senator Bauer: Reducing the fee for nonresident sales tax exemption permits. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3192 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1983

SB 3214 Prime Sponsor, Senator Bauer: Modifying provisions relating to the state conservation commission. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

February 4, 1983

SB 3363 Prime Sponsor, Senator Moore: Amending procedures for the selection of port district treasurers. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 4, 1983

GA 14 DAN BOONE, to the position of Member of the State Jail Commission, appointed by the Governor on November 8, 1982, for the term ending June 30, 1983, succeeding James L. Young. Reported by Committee on Institutions

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; McManus, Peterson.

Passed to Committee on Rules.

February 4, 1983

GA 15 LARRY V. ERICKSON, to the position of Member of the State Jail Commission, reappointed by the Governor on November 8, 1982, for the term ending June 30, 1983. Reported by Committee on Institutions

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; McManus, Peterson.

Passed to Committee on Rules.

February 4, 1983

GA 16 DAVID S. McEACHRAN, to the position of Member of the State Jail Commission, appointed by the Governor on November 8, 1982, for the term ending June 30, 1983, succeeding C. J. "Corky" Johnson. Reported by Committee on Institutions

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; McManus, Peterson.

Passed to Committee on Rules.

February 4, 1983

GA 69 HENRY BEAUCHAMP, to the position of Member of the State Jail Commission, appointed by the Governor on November 8, 1982, for the term ending June 30, 1983, succeeding Ruby Chow. Reported by Committee on Institutions

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; McManus, Peterson.

Passed to Committee on Rules.

MOTION

At 1:35 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Monday, February 7, 1983.

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

TWENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 7, 1983

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 Conner. On motion of Senator Vognild, Senator Conner was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kristal Kink and Todd LaVack, presented the Colors. Reverend Nell M. Carlson, interim minister of Richmond Beach Congregational Church of Seattle, and a guest of Senator Bill Kiskaddon, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 3, 1983

SB 3067 Prime Sponsor, Senator Hansen: Modifying provisions and the taxation of motor vehicle and special fuels. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3067 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Guess, Patterson, Vognild.

Passed to Committee on Rules for second reading.

February 4, 1983

SCR 107 Prime Sponsor, Senator Williams: Calling for resolution of the WPPSS financial situation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Hurløy, Vice Chairman; Fuller, Hemstad, Moore.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 4, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 35,

ENGROSSED HOUSE BILL NO. 63,

ENGROSSED HOUSE BILL NO. 66,

ENGROSSED HOUSE BILL NO. 74,

HOUSE BILL NO. 76,

HOUSE BILL NO. 78,

HOUSE BILL NO. 106,

HOUSE BILL NO. 185, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 4, 1983

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 9, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 3540 by Senator Vognild

AN ACT Relating to gambling.

Referred to Committee on Commerce and Labor.

SB 3541 by Senator Vognild

AN ACT Relating to the liquor control board.

Referred to Committee on Commerce and Labor.

SB 3542 by Senator Vognild

AN ACT Relating to alcoholic beverages.

Referred to Committee on Commerce and Labor.

SB 3543 by Senator Vognild

AN ACT Relating to industrial insurance.

Referred to Committee on Commerce and Labor.

SB 3544 by Senator Vognild

AN ACT Relating to consumer protection.

Referred to Committee on Commerce and Labor.

SB 3545 by Senator Vognild

AN ACT Relating to labor.

Referred to Committee on Commerce and Labor.

SB 3546 by Senator Vognild

AN ACT Relating to international trade; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 3547 by Senator Vognild

AN ACT Relating to commerce; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 3548 by Senator Vognild

AN ACT Relating to industrial insurance.

Referred to Committee on Commerce and Labor.

SB 3549 by Senator Vognild

AN ACT Relating to gambling regulation.

Referred to Committee on Commerce and Labor.

SB 3550 by Senator Vognild

AN ACT Relating to fire safety; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 3551 by Senator Vognild

AN ACT Relating to revisions of the fireworks law.

Referred to Committee on Commerce and Labor.

SB 3552 by Senator Vognild

AN ACT Relating to unemployment compensation funding; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 3553 by Senator Vognild

AN ACT Relating to economic development.

Referred to Committee on Commerce and Labor.

SB 3554 by Senator Vognild

AN ACT Relating to economic development.

Referred to Committee on Commerce and Labor.

SB 3555 by Senator Vognild

AN ACT Relating to public employees collective bargaining.

Referred to Committee on Commerce and Labor.

SB 3556 by Senator Vognild

AN ACT Relating to fire protection.

Referred to Committee on Commerce and Labor.

SB 3557 by Senator Vognild

AN ACT Relating to small business.

Referred to Committee on Commerce and Labor.

SB 3558 by Senator Vognild

AN ACT Relating to unfair labor practices.

Referred to Committee on Commerce and Labor.

SB 3559 by Senator Vognild

AN ACT Relating to the lottery.

Referred to Committee on Commerce and Labor.

SB 3560 by Senator Vognild

AN ACT Relating to collective bargaining.

Referred to Committee on Commerce and Labor.

SB 3561 by Senator Vognild

AN ACT Relating to unemployment compensation.

Referred to Committee on Commerce and Labor.

SB 3562 by Senator Vognild

AN ACT Relating to unemployment compensation.

Referred to Committee on Commerce and Labor.

SB 3563 by Senator Vognild

AN ACT Relating to unemployment compensation benefits.

Referred to Committee on Commerce and Labor.

SB 3564 by Senator Vognild

AN ACT Relating to the expansion of collective bargaining.

Referred to Committee on Commerce and Labor.

SB 3565 by Senator Vognild

AN ACT Relating to labor.

Referred to Committee on Commerce and Labor.

SB 3566 by Senator Vognild

AN ACT Relating to labor relations.

Referred to Committee on Commerce and Labor.

SB 3567 by Senator Vognild

AN ACT Relating to professional licensing.

Referred to Committee on Commerce and Labor.

SB 3568 by Senator Vognild

AN ACT Relating to disability benefits.

Referred to Committee on Commerce and Labor.

SB 3569 by Senator Vognild

AN ACT Relating to public employees labor relations.

Referred to Committee on Commerce and Labor.

SB 3570 by Senator McManus

AN ACT Relating to health planning.

Referred to Committee on Social and Health Services.

SB 3571 by Senator McManus

AN ACT Relating to public assistance.

Referred to Committee on Social and Health Services.

SB 3572 by Senator McManus

AN ACT Relating to social services.

Referred to Committee on Social and Health Services.

SB 3573 by Senator McManus

AN ACT Relating to hospitals.

Referred to Committee on Social and Health Services.

SB 3574 by Senator McManus

AN ACT Relating to mental health.

Referred to Committee on Social and Health Services.

SB 3575 by Senator McManus

AN ACT Relating to medical assistance.

Referred to Committee on Social and Health Services.

SB 3576 by Senator McManus

AN ACT Relating to health services.

Referred to Committee on Social and Health Services.

SB 3577 by Senator McManus

AN ACT Relating to social and health services.

Referred to Committee on Social and Health Services.

SB 3578 by Senator McManus

AN ACT Relating to social and health services.

Referred to Committee on Social and Health Services.

SB 3579 by Senator McManus

AN ACT Relating to social and health services.

Referred to Committee on Social and Health Services.

SB 3580 by Senator Talmadge

AN ACT Relating to the licensure and regulation of lobbyists.

Referred to Committee on Judiciary.

SB 3581 by Senators Talmadge and Shinpoch

AN ACT Relating to contributions to public retirement systems; amending section 8, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.080; amending section 11, chapter 14, Laws of 1963 ex. sess. as last amended by section 9, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.32.401; and amending section 4, chapter 231, Laws of 1957 as last amended by section 13, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.361.

Referred to Committee on Ways and Means.

SB 3582 by Senators Talmadge, Newhouse and McDermott

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; and amending section 8, chapter 294, Laws of 1977 ex. sess. as last amended by section 2, chapter 12, Laws of 1982 and RCW 41.26.470.

Referred to Committee on Ways and Means.

SB 3583 by Senators Talmadge and Granlund

AN ACT Relating to the legislative ethics; and adding a new chapter to Title 44 RCW.

Referred to Committee on Judiciary.

SB 3584 by Senator Haley

AN ACT Relating to electronic surveillance; adding a new section to chapter 36.28 RCW; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Local Government.

SB 3585 by Senators Fleming, Hansen, Sellar, Thompson and Barr

AN ACT Relating to harbor areas; amending section 75, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.92.070; amending section 76, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.92.080; and providing a contingent effective date.

Referred to Committee on Natural Resources.

SB 3586 by Senators Newhouse and Thompson

AN ACT Relating to short plats and subdivisions; and 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.

Referred to Committee on Local Government.

SB 3587 by Senators Goltz and Lee (by Secretary of State request)

AN ACT Relating to public records; and adding new sections to chapter 40.14 RCW.

Referred to Committee on State Government.

SB 3588 by Senators Goltz and Lee (by Secretary of State request)

AN ACT Relating to the state archivist; and amending section 2, chapter 246, Laws of 1957 as amended by section 1, chapter 115, Laws of 1981 and RCW 40.14.020.

Referred to Committee on State Government.

SB 3589 by Senators Goltz, Metcalf, Rasmussen and Jones

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 1, chapter 83, Laws of 1979 ex. sess. and RCW 28B.15.620.

Referred to Committee on Education.

SB 3590 by Senator McDermott

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 3591 by Senator McDermott

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 3592 by Senator McDermott

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 3593 by Senators Rasmussen and Peterson

AN ACT Relating to commercial salmon fishing; amending section 3, chapter 108, Laws of 1957 and RCW 75.12.210; amending section 5, chapter 108, Laws of 1957 as

amended by section 2, chapter 234, Laws of 1963 and RCW 75.12.230; and creating a new section.

Referred to Committee on Natural Resources.

SB 3594 by Senators Warnke and McDermott

AN ACT Relating to state government; and amending section 4, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.040.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 35 by Representatives Kaiser, West, Nealey, Broback, Isaacson, Silver, Bond, Ballard, Addison, Struthers, R. King, Allen, Smith and Dickie

Authorizing cities or towns to receive payment from state agencies for fire protection services.

Referred to Committee on Local Government.

EHB 63 by Representatives Kreidler, Lewis, Wang, Ballard and Isaacson (by Department of Licensing request)

Modifying the regulation of licensed practical nurses.

Referred to Committee on Social and Health Services.

EHB 66 by Representatives Martinis, Wilson, Charnley, Betrozoff, Rust, Holland, Garrett, Patrick, Wang, Long, Lux, Mitchell, Vekich, R. King, Powers, Jacobsen, Zellinsky, Haugen, Locke, Tanner, Belcher, Hine, Dellwo, Burns, Brekke, Walk, Todd, P. King, Pruitt, Fisch, Schoon, Chandler, McMullen, Ristuben, Crane, Egger, Stratton, Appelwick, Broback, Isaacson, Silver, D. Nelson, Allen and Armstrong (by Legislative Transportation Committee request)

Requiring child restraints in motor vehicles.

Referred to Committee on Transportation.

EHB 74 by Representatives Moon, Van Dyken and Egger

Raising limits on local government contracts that may benefit local officers.

Referred to Committee on Local Government.

HB 76 by Representatives Moon, Van Dyken, Egger and Ristuben

Extending the use of cumulative reserve funds by cities and towns.

Referred to Committee on Local Government.

HB 78 by Representatives Miller, Hine, Isaacson, Mitchell and Long

Modifying contracting procedures of water and sewer districts.

Referred to Committee on Local Government.

HB 106 by Representatives Sommers, B. Williams, Taylor and Galloway (by Legislative Budget Committee request)

Revising certain laws pertaining to educational service districts.

Referred to Committee on Education.

HB 185 by Representatives McMullen, Wilson and Sutherland (by Department of Transportation request)

Revising highway routes.

Referred to Committee on Transportation.

HCR 9 by Representatives Heck and McDonald

Providing for memorial services for the former members of the Senate and House of Representatives who have passed away.

Hold.

MOTIONS

On motion of Senator Shinpoch, the Senate immediately considered House Concurrent Resolution No. 9.

On motion of Senator Shinpoch, the rules were suspended, House Concurrent Resolution No. 9 was advanced to second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended and House Concurrent Resolution No. 9 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

MOTION

At 10:19 a.m., on motion of Senator Fleming, the Senate recessed until 11:00 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:42 a.m.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Granlund, Guess and Rinehart to a committee to meet with a like committee from the House, pursuant to House Concurrent Resolution No. 9, to plan for the joint memorial services scheduled for February 21, 1983.

MOTION

On motion of Senator Shinpoch, the appointees were confirmed.

MOTIONS

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

On motion of Senator Shinpoch, the Rules Committee was relieved of further consideration of Senate Bill No. 3100.

On motion of Senator Shinpoch, Senate Bill No. 3100 was referred to the Committee on Ways and Means.

On motion of Senator Shinpoch, the Committee on Local Government was relieved of further consideration of Senate Bill No. 3584.

On motion of Senator Shinpoch, Senate Bill No. 3584 was referred to the Committee on Judiciary.

MOTION

On motion of Senator Shinpoch, the Senate reverted to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 105, by Senators Bluechel, Gaspard and Hughes:

Acknowledging the participation and support by citizens of Washington in the National History Contest.

The resolution was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Concurrent Resolution No. 105 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

MOTION

At 11:50 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Tuesday, February 8, 1983.

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

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 8, 1983

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Barry Glenn and Michelle Bredeson, presented the Colors. Reverend Theodore Marmo, pastor of St. Michael's Catholic Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 7, 1983

SB 3057 Prime Sponsor, Senator Moore: Modifying the liability of building fire safety personnel. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3057 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 4, 1983

SB 3258 Prime Sponsor, Senator McDermott: Modifying taxes ('81-'83 Biennium). Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3258 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Warnke, Wojahn, Woody.

MINORITY recommendation: That Substitute Senate Bill No. 3258 be not substituted therefor, and the substitute bill do not pass. Signed by Senators Bluechel, Craswell, Deccio, Hayner, Lee, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

February 7, 1983

SB 3393 Prime Sponsor, Senator Talmadge: Permitting judges to belong to the National Guard. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 7, 1983

SB 3414 Prime Sponsor, Senator Hemstad: Approving the sentencing guidelines and prosecuting standards of the sentencing guidelines commission. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3414 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hayner, Hemstad, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 4, 1983

SB 3416 Prime Sponsor, Senator Hemstad: Revising certain sentencing laws to facilitate implementation of the recommendations of the sentencing guidelines commission. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hemstad, Newhouse, Woody.

Passed to Committee on Rules for second reading.

February 7, 1983

SJM 104 Prime Sponsor, Senator Rasmussen: Opposing withholding ten percent of interest earned on savings accounts for income tax purposes. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Clarke, Deccio, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Shinpoch, the rules were suspended, Senate Bill No. 3258 was advanced to second reading and placed on the second reading calendar.

MESSAGES FROM THE HOUSE

February 7, 1983

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 9, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 7, 1983

Mr. President:

The House has passed:

HOUSE BILL NO. 183, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 9.

INTRODUCTION AND FIRST READING

SB 3595 by Senator Warnke

AN ACT Relating to veterans; and amending section 43.61.030, chapter 8, Laws of 1965 as last amended by section 21, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.61.030.

Referred to Committee on State Government.

SB 3596 by Senator Haley

AN ACT Relating to soldiers' and veterans' homes; amending section 72.36.010, chapter 28, Laws of 1959 and RCW 72.36.010; amending section 72.36.070, chapter 28, Laws of 1959 as amended by section 4, chapter 186, Laws of 1977 ex. sess. and RCW 72.36.070; amending section 72.36.090, chapter 28, Laws of 1959 as amended by section 9, chapter 186, Laws of 1977 ex. sess. and RCW 72.36.090; amending section 72.36.110, chapter 28, Laws of 1959 as amended by section 1, chapter 120, Laws of 1959 and RCW 72.36.110; and adding a new section to chapter 72.36 RCW.

Referred to Committee on State Government.

SB 3597 by Senators Vognild, Lee, Metcalf, Warnke, Bender, Bauer and McManus

AN ACT Relating to the provision of services in school communities; amending section 28A.57.318, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.318; reenacting and amending section 4, chapter 268, Laws of 1961 as last amended by section 1, chapter 4,

Laws of 1979 ex. sess. and by section 1, chapter 39, Laws of 1980 and RCW 42.23.030; amending section 19, chapter ... (Senate Bill No. 3036). Laws of 1983 and RCW 84.52.052; and adding new sections to chapter 223, Laws of 1969 ex. sess. as a new chapter in Title 28A RCW.

Referred to Committee on Education.

SB 3598 by Senator Metcalf

AN ACT Relating to state government; and creating new sections.

Hold.

SB 3599 by Senators Talmadge, Warnke, Shipoch, Hughes, Hurley and McManus

AN ACT Relating to state government; and creating new sections.

Referred to Committee on State Government.

SB 3600 by Senators McDermott, Gaspard and Lee

AN ACT Relating to fees and expenses under the water rights codes; amending section 44, chapter 117, Laws of 1917 as last amended by section 1, chapter 160, Laws of 1965 ex. sess. and RCW 90.03.470; and amending section 3, chapter 161, Laws of 1925 ex. sess. and RCW 90.03.471.

Referred to Committee on Ways and Means.

SB 3601 by Senators McDermott, Gaspard and Lee

AN ACT Relating to power license fees; amending section 1, chapter 105, Laws of 1929 and RCW 90.16.050; amending section 2, chapter 105, Laws of 1929 and RCW 90.16.060; and amending section 3, chapter 105, Laws of 1929 as last amended by section 39, chapter 106, Laws of 1973 and RCW 90.16.090.

Referred to Committee on Energy and Utilities.

SB 3602 by Senators McDermott, Gaspard and Lee

AN ACT Relating to administrative expenses of the department of ecology; adding a new section to chapter 43.21A RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 3603 by Senators Gaspard and Kiskaddon

AN ACT Relating to safety in public school buildings; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; and prescribing penalties.

Referred to Committee on Education.

SB 3604 by Senators Hayner and Talmadge

AN ACT Relating to professional service corporations; amending section 11.36.010, chapter 145, Laws of 1965 as amended by section 14, chapter ... (Senate Bill No. 3037), Laws of 1983 and RCW 11.36.010; and amending section 6, chapter 122, Laws of 1969 and RCW 18.100.060.

Referred to Committee on Judiciary.

SB 3605 by Senators Goltz, Peterson, Vognild, Fuller, Metcalf and Conner

AN ACT Relating to timber sales; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 3606 by Senators Hayner and Gaspard

AN ACT Relating to capital construction by high school and nonhigh school districts; amending section 28A.56.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 76, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.56.050; amending section 28A.56.075, chapter 223, Laws of 1969 ex. sess. and RCW 28A.56.075; repealing section 28A.56.060, chapter 223, Laws of 1969 ex. sess., section 24, chapter 48, Laws of 1971, section 77, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.56.060; and repealing section 28A.56.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.56.070.

Referred to Committee on Education.

SB 3607 by Senator Vognild (by Public Employment Relations Commission request)

AN ACT Relating to unfair labor practice procedures; amending section 3, chapter 215, Laws of 1969 ex. sess. as amended by section 24, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.160; amending section 4, chapter 215, Laws of 1969 ex. sess. as amended by section 25, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.170; and amending section 16, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.150.

Referred to Committee on Commerce and Labor.

SB 3608 by Senators McManus, Zimmerman, Woody and Bender

AN ACT Relating to cultural arts, stadium and convention districts; and amending section 3, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.030.

Referred to Committee on State Government.

SB 3609 by Senators Talmadge and Rasmussen

AN ACT Relating to financial institutions; amending section 12, chapter 37, Laws of 1980 and RCW 82.04.4292; and creating a new section.

Referred to Committee on Financial Institutions.

SB 3610 by Senators Bottiger, Metcalf, Wojahn and McDermott

AN ACT Relating to parking privileges for certain persons; amending section 6, chapter 192, Laws of 1979 ex. sess. and RCW 46.16.380; and amending section 2, chapter 128, Laws of 1961 as last amended by section 2, chapter 27, Laws of 1979 ex. sess. and RCW 46.61.580.

Referred to Committee on State Government.

SB 3611 by Senator Moore

AN ACT Relating to revenue and taxation; amending section 82.32.010, chapter 15, Laws of 1961 as last amended by section 219, chapter ... (SB 3037), Laws of 1983 and RCW 82.32.010; amending section 42, chapter 26, Laws of 1967 ex. sess. as last amended by section 6, chapter 46, Laws of 1982 1st ex. sess. and RCW 82.03.130; amending section 43, chapter 26, Laws of 1967 ex. sess. as amended by section 8, chapter 46, Laws of 1982 1st ex. sess. and RCW 82.03.140; amending section 47, chapter 26, Laws of 1967 ex. sess. as amended by section 9, chapter 46, Laws of 1982 1st ex. sess. and RCW 82.03.180; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.08.020; amending section 82.04.230, chapter 15, Laws of 1961 as last amended by section 2, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.230; amending section 82.04.240, chapter 15, Laws of 1961 as last amended by section 1, chapter 172, Laws of 1981 and RCW 82.04.240; amending section 82.04.250, chapter 15, Laws of 1961 as last amended by section 2, chapter 172, Laws of 1981 and RCW 82.04.250; amending section 3, chapter 65, Laws of 1970 ex. sess. and RCW 82.04.255; amending section 16, chapter 10, Laws of 1982 as amended by section 1, chapter 13, Laws of 1982 2nd ex. sess. and RCW 82.04.260; amending section 10, chapter 172, Laws of 1981 and RCW 82.04.265; amending section 82.04.270, chapter 15, Laws of 1961 as last amended by section 4, chapter 172, Laws of 1981 and RCW 82.04.270; amending section 2, chapter 8, Laws of 1970 ex. sess. as last amended by section 3, chapter 90, Laws of 1975 1st ex. sess. and RCW 82.04.280; amending section 82.04.290, chapter 15, Laws of 1961 as last amended by section 212, chapter ... (SB 3037), Laws of 1983 and RCW 82.04.290; creating a new section; adding a new title to the Revised Code of Washington, to be numbered Title 82A RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Ways and Means.

SJM 106 by Senators Rinehart, Metcalf, Bauer, Bluechel, Bender, Clarke, Fleming, Fuller, Goltz, Hemstad, Granlund, Lee, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Shipoch, Talmadge, Thompson, Warnke, Williams, Wojahn and Woody.

Calling for a mutual and verifiable freeze on nuclear weapons.

Referred to Committee on State Government.

SJM 107 by Senators Metcalf, Vognild, Guess, Craswell and Rasmussen

Petitioning for an end to the treaty relationship between the United States and American Indians.

Referred to Committee on State Government.

SJR 120 by Senator Moore

Authorizing a limited income tax.

Referred to Committee on Ways and Means.

The President announced that Senate Bill No. 3598 would be held on first reading and not referred to committee at this time.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 183 by Representatives McMullen, Clayton and Sutherland (by Department of Transportation request)

Revising eminent domain laws.

Referred to Committee on Transportation.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

February 7, 1983

SSB 3100 Prime Sponsor, Senator McDermott: Adopting a supplemental budget. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3100 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Pullen, Rinehart, Shinpoch, Talmadge, Thompson, Woody.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Substitute Senate Bill No. 3100 was advanced to second reading and placed on the second reading calendar.

At 10:16 a.m., on motion of Senator Shinpoch, the Senate recessed until 10:45 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:35 a.m.

REPORTS OF STANDING COMMITTEES

February 7, 1983

SB 3225 Prime Sponsor, Senator Williams: Regulating district heating system services. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3225 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, McManus, Moore, Quigg.

Passed to Committee on Rules for second reading.

February 7, 1983

SB 3277 Prime Sponsor, Senator Rinehart: Reducing temperature settings on residential hot water heaters. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3277 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, McManus.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

On motion of Senator Shinpoch, the Senate commenced consideration of Substitute Senate Bill No. 3100.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3100, by Senators McDermott (by Governor Spellman request)

Adopting a supplemental budget.

MOTIONS

On motion of Senator McDermott, Second Substitute Senate Bill No. 3100 was substituted for Substitute Senate Bill No. 3100 and the second substitute bill was placed on second reading and read the second time.

Senator Hayner moved adoption of the following amendment by Senators Hayner and Lee:

On page 2, after line 29, insert the following:

"NEW SECTION, Sec. 2. There is added to chapter 340, Laws of 1981 a new section to read as follows:

The governor shall reduce the allotment of general fund moneys appropriated to the agencies for which the governor has allotment revision authority so that the aggregate of the allotments is at least five million dollars less than the aggregate of the general fund appropriations for those agencies. The allotment reductions shall be distributed among the agencies by a uniform percentage. Other elected state officials shall implement allotment reductions totaling not less than one percent of the allotment for the last four months of the fiscal biennium."

Remember the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Sellar: "Mr. President, does the new rule that it takes a super majority to reduce the size of spending of government apply to this vote?"

REPLY BY THE PRESIDENT

President Cherberg: "It would require a 60% majority."

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Hayner and Lee.

ROLL CALL

The Secretary called the roll and the motion by Senator Hayner failed and the amendment was not adopted by the following vote: Yeas, 20; nays, 29; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Quigg, Sellar, von Reichbauer, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 29.

MOTION

At 12:08 p.m., on motion of Senator Shinpoch, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

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

The Senate resumed consideration of Second Substitute Senate Bill No. 3100.

MOTION

Senator Craswell moved adoption of the following amendment by Senators Craswell, Metcalf and Guess:

On page 2, after line 29, insert the following:

"NEW SECTION, Sec. 2. There is added to chapter 340, Laws of 1981 a new section to read as follows:

(1) For the remainder of the biennium ending on June 30, 1983, the governor shall reduce the general fund allotments of moneys appropriated to the agencies over which the governor has allotment revision authority to implement the following leave-without-pay requirements.

Leave without pay shall be taken by employees during the final four months of the biennium on the basis of gross annual salary, according to the following schedule:

(a) Those employees whose gross annual earnings are \$16,000 or more shall take four days of leave without pay; and

(b) Those employees whose gross annual earnings are less than \$16,000 shall not be required to take any leave without pay.

(2) Elected state officials shall also implement this section within their respective agencies. This section does not apply to the public school employees under contract, faculty at state institutions of higher education, or direct service delivery staff at state institutions.

(3) The office of financial management shall place in reserve status the savings achieved by the allotment reductions under this section."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Craswell, Metcalf, and Guess.

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

MOTION

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

On page 3, line 18, strike "\$327,000" and insert "\$207,000"

On page 3, line 19, strike "\$380,455" and insert "\$260,455"

On page 3, beginning on line 22, after "(1)", strike all material through "expended" on line 23, and insert "The governor shall expend from the governor's emergency fund the sum of one hundred twenty thousand dollars, or so much thereof as may be required, for the use of the department of natural resources"

POINT OF INQUIRY

Senator Goltz: "First of all, Senator McDermott, I guess I want to be sure there is \$120,000 in the fund by the time this bill gets to the Governor's desk, so that that emergency fund can be used."

Senator McDermott: "I was just going to walk off the floor to find the exact figure, but my understanding is that the figure is around \$500,000 still left in the Governor's fund. We have, so far, left that fund alone, because you never know when an emergency like Mount St. Helens or whatever may come up, but the decision to use it for this purpose, I think, is as reasonable as any."

Senator Goltz: "The second question I have, Senator McDermott, is the Governor's emergency fund is a general fund appropriation and if the Governor's emergency fund is not expended, that money would revert to the general fund at the conclusion of the biennium. Is that correct?"

Senator McDermott: "That is correct."

The President declared the question before the Senate to be adoption of the three amendments by Senator Lee.

The motion by Senator Lee carried and the amendments were adopted.

MOTION

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

On page 4, line 4, strike "7,070,000" and insert "7,768,000".

On page 4, line 8, strike "7,856,000" and insert "8,554,000".

Debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel failed to received the necessary 60% majority, and the amendments were not adopted by the following vote:

Yeas, 25; nays, 24; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Conner, Deccio, Fuller, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Melcalf, Moore, Newhouse, Owen, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Boltiger, Craswell, Fleming, Gaspard, Granlund, Hughes, Hurley, McCaslin, McDermott, McManus, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 24.

MOTION

Senator Thompson moved adoption of the following amendment by Senators Thompson and Zimmerman.

On page 4, following line 8, add a section to read as follows:

"Sec. 13. Section 15, chapter 48, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:

"The legislature recognizes that the local economies of many communities are heavily dependent on the timber and fishing industries of the state. The legislature also recognizes that the current economic recession has created extraordinarily high rates of unemployment in these communities. Therefore, the intent of section 16 of this act is to provide the director of fisheries with the funds to undertake and implement enhancement projects, including the administrative costs, which will:

(1) Improve the streams and rivers of this state which are important to the success of the state's natural stocks of salmon;

(2) Create employment opportunities for the citizens of those communities in which unemployment rates are high as a result of unemployment in the timber and fishing industries;

(3) Provide maximum utilization of existing salmon stocks; and

(4) Develop ~~((and implement))~~ mini-modular mobile hatchery complexes on rehabilitated streams."

Renumber the remaining sections accordingly.

POINT OF INQUIRY

Senator Quigg: "Senator Thompson, on sub (4)--the mini-modular mobile hatchery complexes on rehabilitated streams--the words 'and implement' are stricken and reads 'develop mini-modular mobile hatchery complexes on rehabilitated streams.' Why has the language been stricken?"

Senator Thompson: "It is simply superfluous. The term 'implement' appears in the paragraph above and would apply in that subsection, as well. It just eliminates redundancy."

Senator Quigg: "So, it is not the intention of the amendment to eliminate the implementation of that hatchery?"

Senator Thompson: "Absolutely not."

The President declared the question before the Senate to be adoption of the amendment by Senators Thompson and Zimmerman.

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

MOTIONS

On motion of Senator Thompson, the following title amendment was adopted:

On page 1, line 5, after "(uncodified).", insert "amending section 15, chapter 48, Laws of 1982 1st ex. sess. (uncodified)."

Senator Lee moved adoption of the following amendment:

On page 4, beginning on line 27, strike all of section 16 and insert the following:

"Sec. 16. Section 108, chapter 340, Laws of 1981 as last amended by section 69, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	((275,867,000))
		278,472,000
Accident Fund Appropriation	\$	1,027,000
Medical Aid Fund Appropriation	\$	1,027,000
University of Washington Building Account Appropriation	\$	48,304,000
Total Appropriation	\$	((326,225,000))
		328,830,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,600,000 is provided solely for family medicine education.

(2) It is the intent of the legislature that instructional and student services related allotments not be transferred to administrative programs. Therefore, a maximum of \$51,831,000 of the state general fund appropriation may be expended on the primary support (04) and institutional support (08) programs.

(3) \$2,805,000 from the state general fund is provided to offset a projected shortfall in revenues to the University of Washington building account from the sale of timber on University of Washington trust lands. To the extent that the shortfall is less than was projected by the department of natural resources in its January, 1983 revised revenue forecast, moneys from this appropriation shall revert to the general fund.

(4) It is the intent of the legislature, by this 1983 amendment to this section, to reduce the funds available to the university's police department by \$200,000, effective April 1, 1983. The savings shall be achieved by a 50% reduction in staff levels.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Lee.

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

MOTION

Senator Lee moved adoption of the following amendment:

On page 5, beginning on line 6, strike all of section 18.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Mr. President, I would like somebody to answer a question of fiscal responsibility that has been bothering me. Possibly, Senator McDermott or Senator Lee could answer. Seven million from the state's general fund is provided to offset a projected shortfall in revenue. What bothers me--I remember a timber bill that we had last session which allowed the cancellation of major timber contracts and mostly it was the bigger lumber companies that had these contracts. I am wondering if this seven million dollar shortfall is related to that timber release bill, and then also if the county of Skamania wins their lawsuit which they have filed against that legislation, claiming it is unconstitutional, if we will get this seven million dollar shortfall back?"

"Senator McDermott, do you have the answer? Was that where we got our fiscal irresponsibility in the first place?"

Senator McDermott: "Well, Senator Rasmussen, a number of things have happened to our economy. The national administration believed that by putting people out of work, we could fix everything. It turns out that unemployment is not working. Now, we are not cutting any trees, so that is one source. The second source is the cancellation of all those contracts. That is a partial answer to your question. If Skamania wins its lawsuit, we may pick up some money, but I don't think we are going to pick it up before June 30, so we really need to put the money in the budget now."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Lee.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed to receive the necessary 60% majority, and the amendment was not adopted by the following vote:

Yeas, 11; nays, 37; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Fuller, Guess, Jones, Lee, Metcalf, Newhouse, Sellar, Zimmerman - 11.

Voting nay: Senators Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McCasin, McDermott, McManus, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 37.

Absent: Senator Hayner - 1.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3100 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

Senator McDermott moved that the rules be suspended and Engrossed Second Substitute Senate Bill No. 3100 be returned to second reading for the purpose of an amendment.

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

The President declared the question before the Senate to be the motion by Senator McDermott to return Engrossed Second Substitute Senate Bill No. 3100 to second reading for purpose of an amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott failed to receive the necessary two-thirds majority by the following vote:

Yeas, 27; nays, 22; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 27.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, von Reichbauer, Zimmerman - 22.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3100.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3100, and the bill passed the Senate by the following vote: Yeas, 25; nays, 24; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 24.

ENGROSSED SECOND 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.

MOTION

On motion of Senator Bottiger, the Senate recessed until 5:00 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 5:02 p.m.

MOTION

Senator Shinpoch moved that the Senate now consider Senate Bill No. 3258.

SECOND READING

SENATE BILL NO. 3258, by Senator McDermott (by Governor Spellman request)

Modifying taxes ('81-'83 Biennium).

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3258 was not substituted for Senate Bill No. 3258.

Senator McDermott moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 31, chapter 35, Laws of 1982 1st ex. sess. as amended by section 1, chapter 14, Laws of 1982 2nd ex. sess. and RCW 82.02.030 are each amended to read as follows:

~~((†) Until and including the day before the change date, the rate of the sales and use taxes under RCW 82.08.020 shall be five and four-tenths percent and the rate of the additional taxes under RCW 48.14.020(3), 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.08.150(4), 82.16.020(2), 82.20.010(2), 82.24.020(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be four percent.~~

(2) From and after the change date until and including the thirtieth day of June, 1983, the rate of tax shall be as follows:

(a) The rate of sales and use taxes under RCW 82.08.020 shall be five and four-tenths percent and) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), ~~((62.04.290(1)))~~ 82.16.020(2), 82.20.010(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be seven percent; PROVIDED, That the additional tax imposed by RCW 82.44.020(5) shall be continued at the rate of three percent for the period July 1 through September 30, 1983;

(b) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent;

(c) The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent; and

(d) The rate of the additional taxes under RCW 48.14.020(3) shall be four percent.

~~((3) "Change date" for the taxes under RCW 48.14.020(3), 54.28.020(2), 54.28.025(2), 82.04.290(1), 82.16.020(2), and 82.29A.030(2) means July 1, 1982; for the taxes under RCW 82.08.020(2), 82.08.150(4), 82.20.010(2), 82.24.020(2), 82.26.020(2), 82.45.060(2), 66.24.210(2), and 66.24.290(2) means August 1, 1982; and for the taxes under RCW 82.27.020(5) and 82.44.020(5) means October 1, 1982;))~~

Sec. 2. Section 82.08.010, chapter 15, Laws of 1961 as last amended by section 18, chapter 149, Laws of 1967 ex. sess. and RCW 82.08.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Selling price" means the consideration, whether money, credits, rights, or other property, expressed in the terms of money paid or delivered by a buyer to a seller, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expenses whatsoever paid or accrued and without any deduction on account of losses; but shall not include the amount of cash discount actually taken by a buyer; and shall be subject to modification to the extent modification is provided for in RCW 82.08.080.

When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the "selling price" shall be determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe;

(2) "Seller" means every person making sales at retail or retail sales to a buyer or consumer, whether as agent, broker, or principal;

(3) "Buyer" and "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof;

(4) "Border counties" means those counties physically bordering on a state which does not impose a retail sales or use tax.

(5) The meaning attributed in chapter 82.04 RCW to the terms "tax year," "taxable year," "person," "company," "sale," "sale at retail," "retail sale," "sale at wholesale," "wholesale," "business," "engaging in business," "cash discount," "successor," "consumer," "in this state" and "within this state" shall apply equally to the provisions of this chapter.

Sec. 3. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to ~~((four and one-half))~~ six and seven-tenths percent of the selling price; PROVIDED, That ~~((from and after the first day of December, 1981, until and including the thirtieth day of April, 1982;))~~ such tax shall be levied and collected in border counties in an amount equal to five and ~~((five))~~ four-tenths percent of the selling price~~((PROVIDED FURTHER, That from and after the first day of May, 1982, until and including the thirtieth day of June, 1983, such tax shall be levied and collected in an amount equal to the rate specified in RCW 82.02.030 multiplied by the selling price)).~~ For the purposes of determining the applicable rate under this section, where a retail sale occurs shall be determined under RCW 82.14.020.

(2) The tax imposed under this chapter shall apply to successive retail sales of the same property.

(3) The rate provided in this section applies to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 4. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 8, Laws of 1981 2nd ex. sess. and RCW 82.12.020 are each amended to read as follows:

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280, subsections (2) or (7). This tax

will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the retail sales tax under RCW 82.08.020, as now or hereafter amended, in the county in which the article is used.

Sec. 5. Section 82.04.250, chapter 15, Laws of 1961 as last amended by section 2, chapter 172, Laws of 1981 and RCW 82.04.250 are each amended to read as follows:

(1) Upon every person except persons taxable under RCW 82.04.260(8) engaging within this state in the business of making sales at retail, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of ~~((forty-four))~~ forty-seven one-hundredths of one percent; PROVIDED, That such tax shall be levied and collected from such persons making sales at retail in border counties at the rate of fifty-eight one-hundredths of one percent of gross proceeds of such sales.

(2) For the purpose of determining the applicable rate under this section, "border counties" means those counties physically bordering on a state which does not impose a retail sales or use tax. Where a retail sale occurs shall be determined under RCW 82.14.020.

Sec. 6. Section 82.04.290, chapter 15, Laws of 1961 as last amended by section 212, chapter 3, Laws of 1983 and RCW 82.04.290 are each amended to read as follows:

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((one))~~ two percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

Sec. 7. Section 3, chapter 130, Laws of 1975--'76 2nd ex. sess. as last amended by section 2, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.04.2901 are each amended to read as follows:

~~((From and after the first day of April, 1982, until and including the thirtieth day of June, 1983, there is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.220 through 82.04.290, inclusive, an additional tax equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under the provisions of RCW 82.04.220 through 82.04.290, inclusive.))~~

(1) From and after the first day of March, 1983, there is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.220 through 82.04.240, inclusive, and RCW 82.04.255 through 82.04.280, inclusive, an additional tax equal to thirty-two percent multiplied by the tax payable under the provisions of RCW 82.04.220 through 82.04.240, inclusive, and RCW 82.04.255 through 82.04.280, inclusive.

(2) To facilitate collection of this additional tax, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

Sec. 8. Section 82.48.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.030 are each amended to read as follows:

The amount of the tax imposed by this chapter for each calendar year shall be ~~((fifteen))~~ fifty dollars for each single engine aircraft, and ~~((twenty-five))~~ eighty dollars for each multi-engine aircraft, irrespective of make, type, year of manufacture or any other type of classification; PROVIDED, That the calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon an aircraft registered for the first time in this state after the last day of any month shall only be levied for the remaining months of the calendar year including the month in which the aircraft is being registered: PROVIDED FURTHER, That the minimum amount payable shall be three dollars.

An aircraft shall be deemed registered for the first time in this state when such aircraft was not previously registered by this state for the year immediately preceding the year in which application for registration is made.

NEW SECTION. Sec. 9. An excise tax is imposed for the privilege of using a vessel for which registration is required under chapter 88.____ RCW (sections 15 through 23 of this act), except vessels covered by a dealer's registration number under this chapter. The annual amount of the excise tax is one percent of fair market value, as determined under this chapter, or five dollars, whichever is greater.

The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under section 19 of this act. A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year. The excise tax on vessels required to be registered in this state on the effective date of this section shall be paid by June 30, 1983.

NEW SECTION. Sec. 10. The excise tax imposed under this chapter is due and payable to the department of licensing or its agents at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until the tax is paid in full.

The excise tax collected under this chapter, except any tax imposed under section 13 of this act, shall be deposited in the general fund.

NEW SECTION. Sec. 11. The department of revenue shall prepare at least once each year a depreciation schedule for use in the collection of the excise tax imposed by this chapter. The schedule shall be based upon information available to the department of revenue pertaining to the current fair market value of vessels. The excise tax imposed shall be based on the latest purchase price and year of purchase of the vessel. The latest purchase price is the consideration, whether money, credit, rights, or other property expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the vessel. The purchase price must be a reasonable representation of the fair market value of the vessel.

NEW SECTION. Sec. 12. Whenever a person applies for registration of a vessel acquired by lease or by gift or which is sold or acquired under conditions wherein the purchase price does not represent the true value of the vessel, the value of the vessel shall be determined as nearly as possible according to such guidebooks, listings, or other information as the department of licensing may have available.

If the vessel is homemade, a notarized declaration shall be made by the owner. The department of revenue shall appraise the vessel to establish the value of the vessel for excise tax purposes when it appears that the declared value does not represent the true value of the vessel.

The owner of a vessel may apply to the department for a refund of state taxes or fees erroneously paid under this chapter. The application must be made within one year from the date on which the taxes or fees were paid.

NEW SECTION. Sec. 13. (1) Any county and any cities within the county may, by interlocal agreement under chapter 39.34 RCW, and by ordinance or resolution, impose an excise tax upon the privilege of using a vessel taxable under section 9 of this act which is moored or stored in the county if the population of the unincorporated areas of the county together with the population of the cities which are parties to the agreement equal or exceed two-thirds of the total population of the county. The annual amount of the tax shall not exceed one-half of one percent of the fair market value of the vessel per calendar year or part thereof, as determined under section 11 of this act.

(2) The excise tax under this section for a vessel registered within one month after the date the owner acquired the vessel shall be prorated for the remaining months of the calendar year, including the month in which the vessel is registered if the vessel was not registered in this state for the immediately preceding calendar year.

(3) The excise tax imposed under this section is due and payable to the department of licensing, or its agents, at the time of registration of a vessel.

(4) The moneys collected under this section shall be distributed monthly to parties to the interlocal agreement according to the terms of the agreement. Moneys collected under this section shall be used only for administration and enforcement of this chapter, boating safety, search and rescue operations concerning boating, and boating patrols.

NEW SECTION. Sec. 14. There is added to chapter 84.36 RCW a new section to read as follows:

All ships and vessels registered in the state under chapter 88.____ RCW (sections 15 through 23 of this act) are exempt from all ad valorem taxes beginning with 1983 assessments for taxes due and payable in 1984.

NEW SECTION. Sec. 15. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(2) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(3) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling vessels at wholesale or retail in this state.

(4) "Department" means the department of licensing.

NEW SECTION, Sec. 16. Except as provided in this chapter, no person may own or operate any vessel on the waters of this state unless the vessel has been registered and displays a registration number and a valid decal in accordance with this chapter.

NEW SECTION, Sec. 17. Vessel registration is required under this chapter except for the following:

(1) Vessels owned and operated by the United States, another state, or a political subdivision thereof;

(2) Vessels owned and operated by this state, or by any municipality or political subdivision thereof;

(3) Vessels owned by a resident of a country other than the United States or Canada if the vessel is not physically located upon the waters of this state for a period of more than sixty days;

(4) Vessels owned by a resident of another state or a Canadian province if the vessel is registered in accordance with the laws of the state or province in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state or a Canadian province and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

(5) Vessels used as a ship's tender or lifeboat;

(6) Vessels that are exempt under RCW 84.36.080;

(7) Vessels under sixteen feet in length or whose primary propulsion is human power;

(8) Vessels which are not required to be registered with the United States coast guard under volume 33, part 173, of the code of federal regulations, in effect on March 1, 1983;

(9) Vessels used exclusively for commercial fishing purposes; and

(10) Vessels which have or are required to have a valid marine document as a vessel of the United States and which are primarily engaged in commerce.

NEW SECTION, Sec. 18. The department shall provide for the issuance of vessel registrations and may appoint agents for collecting fees and issuing registration numbers and decals. Fees for vessel registrations collected by the director shall be deposited in the general fund.

NEW SECTION, Sec. 19. Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of six dollars per year and the excise tax imposed under chapter 82, RCW (sections 9 through 13 of this act). Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the six-dollar annual registration fee.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be affixed to the vessel in a manner prescribed by the department. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee and excise tax. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

NEW SECTION, Sec. 20. (1) Each dealer of vessels in this state shall register with the department in the manner and upon forms prescribed by the department. Upon receipt of a dealer's application for registration and the registration fee provided in subsection (2) of this section, the dealer shall be registered and a registration number assigned.

(2) The registration fee for dealers shall be twenty-five dollars per year, and the fee shall cover all vessels owned by the dealer for sale and not rented on a regular commercial basis by the dealer. Rented vessels shall be registered separately under sections 16 through 19 of this act.

(3) Dealer registration numbers are nontransferable.

(4) Section 16 of this act does not apply to any dealer or employee or prospective customer of the dealer with respect to any vessel covered by the dealer's registration number and used for a business purpose of the dealer, such as a demonstration vessel or for purposes of testing or making repairs.

NEW SECTION. Sec. 21. The department may adopt rules under chapter 34.04 RCW to implement this chapter.

NEW SECTION. Sec. 22. Any person charged with the enforcement of this chapter may request for inspection the certificate of registration from any vessel owner or operator to ascertain the legal and registered ownership of such vessel. Failure to provide such certificate for inspection upon the request of any person charged with enforcement of this chapter constitutes a violation of this chapter and subjects the person requested to produce such document to the penalties provided by section 23 of this act.

NEW SECTION. Sec. 23. (1) A violation of this chapter is a misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:

(a) For the second violation, a fine of two hundred dollars per vessel;

(b) For the third and successive violations, a fine of four hundred dollars per vessel.

(2) Moneys collected under this section shall be used by the jurisdiction collecting the fine exclusively for law enforcement purposes.

(3) All law enforcement officers shall have the authority to enforce this chapter within their respective jurisdictions.

NEW SECTION. Sec. 24. Any personal property taxes levied on watercraft and paid in 1983 resulting from 1982 assessments shall be credited against the 1983 state excise tax paid on watercraft under sections 9 through 13 of this act. If the credit exceeds the 1983 state excise tax, the excess shall be credited against the 1984 state excise tax.

NEW SECTION. Sec. 25. Sections 9 through 13 of this act shall constitute a new chapter in Title 82 RCW. Sections 15 through 23 of this act shall constitute a new chapter in Title 88 RCW.

NEW SECTION. Sec. 26. 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. 27. This act shall not be construed as affecting any existing right acquired, or liability or obligation incurred under the sections amended in this act, nor any rule, regulation, or order adopted, nor any proceeding instituted, under those sections.

NEW SECTION. Sec. 28. (1) There is appropriated from the general fund to the department of licensing for the remainder of the biennium ending June 30, 1983, the sum of two hundred twenty-one thousand four hundred twenty-five dollars, or so much thereof as may be necessary, to carry out the purposes of sections 9 through 24 of this act.

(2) There is appropriated from the general fund to the department of revenue for the remainder of the biennium ending June 30, 1983, the sum of twelve thousand dollars, or so much thereof as may be necessary, to carry out the purposes of sections 9 through 24 of this act.

NEW SECTION. Sec. 29. (1) There is appropriated from the general fund to the department of licensing for the biennium ending June 30, 1985, the sum of four hundred fifty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of sections 9 through 24 of this act.

(2) There is appropriated from the general fund to the department of revenue for the biennium ending June 30, 1985, the sum of two hundred two thousand dollars, or so much thereof as may be necessary, to carry out the purposes of sections 9 through 24 of this act.

NEW SECTION. Sec. 30. 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. Sections 1 through 7, and 9 through 28 of this act shall take effect March 1, 1983. Section 29 of this act shall take effect July 1, 1983. Section 8 of this act shall take effect January 1, 1984. The department of revenue and the department of licensing shall immediately take necessary steps to ensure that all sections of this act are properly implemented on their effective dates. The additional taxes imposed under this act shall take effect on the dates designated in this act notwithstanding the date this act becomes law under Article III, section 12 of the state Constitution."

POINT OF INQUIRY

Senator Clarke: "Senator, naturally we were led to believe that our amendments should be prepared to the substitute bill. If you have now changed your mind, that would necessitate our amendments being prepared in a different manner. I assume you would give us adequate time in which to redraft the appropriate amendments."

Senator Bottiger: "Senator Clarke, you were given the striking amendment earlier today, or your staff was. At that time, I indicated that this would go on a title only bill or as an amendment on Senate Bill No. 3258. Now, it is obvious that the

amendment prepared to this amendment should be in order, and should be prepared. I don't understand what is the need of redrafting anything and at worst, it would be a page and line. Even if there is more than one amendment, it should not take very long to change the page and line."

Senator Clarke: "Senator Bottiger, then what you are doing is assuring us that you will give us the usual cooperation and, in effect, perfecting our various amendments, if perfection is necessary, and that we will be given adequate opportunity to have all of our amendments given due consideration?"

Senator Bottiger: "Senator, we will stay here through the dinner hour and we will work until 10:00 o'clock. We would like to get this measure out of here. I think the amendments that are worthy amendments can be offered and hopefully, we can proceed."

POINT OF INQUIRY

Senator Metcalf: "Senator McDermott, the committee labored long and hard on a bill and then the motion at the end of the committee was that there would be a substitute bill instead of the committee amendments that were prepared and passed in the committee.

"Now, we have a senate amendment here. Is this the bill now as it was amended in the committee? This bill now is what came out of the committee, is that correct?"

Senator McDermott: "Senator Metcalf, perhaps I should describe the senate amendment. I see that your side's amendments are beginning to appear. It might be helpful.

"The bill that is before us at the moment is the Governor's tax bill which was voted down in committee very resoundingly. We worked then on an amendment which would raise the sales tax 1.3 cents on a dollar and a 25% B & O. We are not going to consider that amendment now. The amendment which is before you does the following things: It increases the sales tax by 1.3 cents; it raises the B & O tax on services from 1.07% to 2%; it increases the B & O surcharge from 7% to 32% on business categories except services and retailers; it provides for an exemption for the retailers along the Oregon border, so that they do not have to face the sales tax increase, but imposes upon them a 25% increase in the B & O. Anybody who is on the Oregon border will pay a 25% B & O increase, but will not pay the sales tax. It also implements a 1% excise tax on boats which we considered in committee and it also increases the aircraft excise tax from \$15 to \$25 on single engine planes and \$50 up to \$80 on multiple engine planes. Some parts of that you have heard in committee. The differences are in relationship to trying to deal with the problem on the Oregon border."

Senator Metcalf: "Thank you, Senator McDermott. Then the only change from what passed out of committee appears then to be the change relative to the Oregon border situation?"

Senator McDermott: "The other change is increasing the B & O tax on services from 1.07% to 2%. We took the Governor's proposal to put a sales tax on services and listened to testimony one evening for three hours and decided that that was not a workable idea and so decided to impose the B & O tax on services, which most of the people in the service industries suggested was a fairer way to go and a much easier way to handle from a business standpoint. So, we chose that route to impose the sales tax on service."

MOTIONS

On motion of Senator Bluechel, Senator von Reichbauer was excused.

Senator Bluechel moved that consideration of Senate Bill No. 3258 be delayed until convening time tomorrow, February 9, 1983.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Bluechel to delay consideration of Senate Bill No. 3258.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel failed by the following vote: Yeas, 22; nays, 26; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Excused: Senator von Reichbauer - 1.

MOTION

At 5:30 p.m., on motion of Senator Bottiger the Senate recessed until 7:00 p.m.

EVENING SESSION

The President called the Senate to order at 7:00 p.m.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 8, 1983

SB 3042 Prime Sponsor, Senator Bottiger: Regulating labor relations in institutions of higher education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3042 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hughes, Kiskaddon, McDermott, Warnke.

MINORITY recommendation: Do not pass. Signed by Senators Benitz, Craswell, Guess, Hemstad.

Passed to Committee on Rules for second reading.

February 7, 1983

SB 3156 Prime Sponsor, Senator Talmadge: Establishing the Puget Sound water quality authority. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3156 be substituted therefor, and the substitute bill do pass, and that the bill be referred to the Committee on Ways and Means. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hansen, Kiskaddon, Lee, Pullen, Rasmussen.

Referred to Committee on Ways and Means.

February 7, 1983

SB 3390 Prime Sponsor, Senator Owen: Permitting up to seven letters or numbers on personalized license plates. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Patterson, Rasmussen, Vognild.

Passed to Committee on Rules for second reading.

February 7, 1983

SB 3475 Prime Sponsor, Senator Owen: Modifying requirements for licenses to take crab. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Patterson, Rasmussen.

Passed to Committee on Rules for second reading.

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

MESSAGE FROM THE HOUSE

FEBRUARY 8, 1983

Mr. President:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 105, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 105.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Commerce and Labor was relieved of further consideration of the Sunset Report on Public Broadcasting.

On motion of Senator Shinpoch, the Sunset Report on Public Broadcasting was referred to the Committee on Education.

On motion of Senator Shinpoch, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 3601.

On motion of Senator Shinpoch, Senate Bill No. 3601 was referred to the Committee on Energy and Utilities.

On motion of Senator Shinpoch, the Committee on Local Government was relieved of further consideration of Senate Bill No. 3072.

On motion of Senator Shinpoch, Senate Bill No. 3072 was referred to the Committee on Commerce and Labor.

On motion of Senator Shinpoch, Senate Bill No. 3109, which was on the second reading calendar, was referred to the Committee on Social and Health Services.

MOTION

Senator Newhouse moved adoption of the following resolution:

SENATE RESOLUTION 1983-10

By Senators Newhouse, Deccio, Hansen, Sellar, Benitz, Barr and Zimmerman
WHEREAS, The great State of Washington produces the finest apples in the world; and

WHEREAS, Unlike most of the world's treasures, the Washington State apple can be found in abundance; and

WHEREAS, In many parts of the country and the world a bright red apple has come to symbolize the bountiful agricultural land of Washington State; and

WHEREAS, The Washington apple serves our state well as a representative of our agricultural industry; and

WHEREAS, The Washington Horticulture Association and the Washington Growers Clearing House have worked hard to extend opportunities to people everywhere to enjoy the finest apples in the world;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate that the Senate extends its appreciation to the apple farmers of the State of Washington for producing a crop that is regarded highly around the world; and

BE IT FURTHER RESOLVED, That the Senate extends its thanks to the Washington Horticulture Association and the Washington Growers Clearing House for their efforts in marketing our State's apples; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit a copy of this Resolution to the Washington State Apple Commission, to the Washington Horticulture Association and the Washington Growers Clearing House.

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 adoption of Senate Resolution 1983-10.

ROLL CALL

The Secretary called the roll and the resolution passed by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Guess, Peterson - 2.

Excused: Senator von Reichbauer - 1.

MOTIONS

On motion of Senator Bottiger, the Senate returned to the sixth order of business.

On motion of Senator Bottiger, the Senate resumed consideration of Senate Bill No. 3258 and the pending amendment by Senator McDermott.

Senator Quigg moved adoption of the following amendment by Senators Quigg, Craswell, Lee, Metcalf and McCaslin to the McDermott amendment:

On page 23, after line 16, insert the following:

*NEW SECTION, Sec. 30. The purpose of section 12 of this 1983 act is to remove the retail sales and use tax on the sale and use of food, effective March 1, 1983.

Sec. 12, Section 48, chapter 35, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:

This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except that sections 28, 29, and 30 of this act shall take effect on May 1, 1982, sections 33 and 34 of this act shall take effect on ((July)) March 1, 1983, and sections 35 through 38 of this act shall take effect on January 1, 1983.

Sections 28 and 29 of this act shall expire on July 1, 1983. The additional taxes imposed under this act shall take effect on the dates designated in this act notwithstanding the date this act becomes law under Article III, section 12 of the state Constitution."

Renumber the sections consecutively.

POINT OF INQUIRY

Senator Sellar: "Senator McDermott, you said that the people said they wanted the sales tax on food until June 30. Did you agree with the people?"

Senator McDermott: "I thought it would have been a much better alternative to put a corporate profits tax on and take it off right now."

Senator Sellar: "You didn't agree with them?"

Senator McDermott: "I didn't agree with them."

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Quigg, I would like to set the record straight. Being a freshman, you know, it is hard to know who to believe here, because there are so many folks talking. Of course, they all have all kinds of degrees and a poor country boy like myself, I just don't know what to do. So I would like to know, Senator Quigg, are you trying to shoot a hole in the budget?"

Senator Quigg: "No, no, Senator McCaslin, what I am trying to do is patch a hole in the budget, because a lot of families around the State of Washington get tired of seeing legislators performing with what appears to be a lot of wax in their ears. I am glad to see you are cleaning yours and I am sure you will be with me on this amendment."

Senator McCaslin: "I sure will be."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Quigg, Craswell, Lee, Metcalf, and McCaslin to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Quigg failed and the amendment to the amendment was not adopted by the following vote: Yeas, 21; nays, 27; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 27.

Excused: Senator von Reichbauer - 1.

MOTION

Senator McDermott moved the following amendments to the McDermott amendment be considered and adopted simultaneously:

On page 4, line 19 of the amendment, after "on" insert "or included within a standard metropolitan statistical area, as determined by the United States Census Bureau, located wholly or partially in"

On page 8, line 1, after "on" insert "or included within a standard metropolitan statistical area, as determined by the United States Census Bureau, located wholly or partially in"

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator Zimmerman, I did not hear--recognizing what this amendment is trying to do and that is, it is trying to give relief to those counties that you represent close to Portland, which do not have a sales tax--this is trying to relieve those merchants of the burden of the sales tax. I did not hear whether you were supporting that effort or whether you were against that effort?"

Senator Zimmerman: "I am reaching out for dear Klickitat."

Senator Fleming: "But, do you support this amendment?"

Senator Zimmerman: "I find it flawed. I can't support a flawed amendment."

POINT OF INQUIRY

Senator Benitz: "Senator McDermott, I heard you name several counties on the coast. What about poor little Franklin County? Is it included in that, since Benton County is a border county?"

Senator McDermott: "No, I told you the counties that this amendment covers. As you know, Pasco is not adjacent to Portland and these are the counties which are adjacent to Portland."

Further debate ensued.

POINT OF INQUIRY

Senator Hemstad: "At this point, Senator McDermott, I guess I am confused. You had mentioned Skamania, Clark and Cowlitz Counties were those that would be included. So then, Benton and Franklin are also included, are they not, since they comprise an SMSA and border on Oregon? Aren't Benton and Franklin included in the reduction in the sales tax that this amendment and this bill permit?"

Senator McDermott: "They are not."

Further debate ensued.

POINT OF INQUIRY

Senator Hemstad: "As I read this amendment, in addition to Skamania, Clark and Cowlitz, Walla Walla, Klickitat, Benton and Franklin are all included in the amendment, and I guess I would have to look at a map to recall whether there are other counties that border on Oregon. I guess Asotin and Garfield would also be included. All right, any border county, plus any county that is part of an SMSA. That is quite different from that which Senator McDermott described.

"I think we had better know what the fiscal impact of this is now, in what is going to be seven or eight or nine counties, rather than just the three that he mentioned. Would Senator McDermott care to respond to that?"

Senator McDermott: "To close debate on this question, I am not sure whether I am witnessing real inability to read the amendment or whether I am witnessing an

old legislative trick of creating confusion. I learned from some old masters like Senator Rasmussen and a few others that one of the best ways to try and kill something is to confuse people.

"If you read this amendment, it says that border counties means those counties physically bordering on or included within a standard metropolitan statistic area as determined by the U.S. Census Bureau, located wholly or partially in a state which does not impose a retail sales. The reason that this applies only to Portland, is because the Portland SMSA is in a state that does not have a sales tax.

"I misspoke before. Richland, Pasco and Kennewick are SMSAs, but they are located in a state that does have a sales tax and therefore, this does not apply to them. We deliberately wrote it this way because that is where the impact is the greatest and where we felt that it was most important to protect people, because of the enormous impact of Portland on this area."

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 adoption of the amendments by Senator McDermott to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott carried, and the amendments to the amendment were adopted by the following vote: Yeas, 26; nays, 22; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, Zimmerman - 22.

Excused: Senator von Reichbauer - 1.

MOTION TO LIMIT DEBATE

Senator Bottiger moved, pursuant to Rule 29 of the Senate Rules, that the limitations thereon and the number of times and the length that the members may speak, be invoked.

POINT OF INQUIRY

Senator Guess: "Senator Bottiger, I am surprised. We are operating in the dark of night and now you want to put a gag rule on us."

Senator Bottiger: "Senator, if you read the rule, it says three minutes and everybody gets to speak once."

Further debate ensued.

POINT OF INQUIRY

Senator Quigg: "Senator Pullen, it sounds to me that from what you have just said, Rule 29 is in effect, then, isn't it?"

Senator Pullen: "Yes, Rule 29 is always in effect."

Senator Quigg: "Then really, his motion was unnecessary."

Senator Pullen: "Absolutely."

MOTION

Senator Fleming moved to amend Senator Bottiger's motion to limit each member to one three-minute speech on each subject or motion that comes before the Senate for the remainder of the evening, except that the mover of the motion or the sponsor of a bill or amendment may have the privilege of closing debate, and also that members be prohibited from yielding time to another member.

REPLY BY THE PRESIDENT

President Cherberg: "Senator Fleming, the President believes that the provisos that you suggested are included within Rule 29."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger to limit debate, pursuant to the provisos included in Senate Rule 29.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 26; nays, 22; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Loe, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, Zimmerman - 22.

Excused: Senator von Reichbauer - 1.

MOTION

Senator Zimmerman moved the following amendments by Senators Zimmerman, Patterson, McCaslin, Guess, and Quigg to the McDermott amendment be considered and adopted simultaneously:

On page 4, line 21, after "tax" insert "at a rate higher than four percent"

On page 8, line 2, after "tax" insert "at a rate higher than four percent"

Debate ensued.

Senator Quigg 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 Senators Zimmerman, Patterson, McCaslin, Guess and Quigg to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed, and the amendments to the amendment were not adopted by the following vote: Yeas, 22; nays, 26; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Excused: Senator von Reichbauer - 1.

MOTION

Senator Zimmerman moved the following amendments to the McDermott amendment be considered and adopted simultaneously:

On page 4, line 20, after "state", strike the remaining language through line 21 and insert "or province which imposes a retail sales or use tax at a rate less than that imposed by the State of Washington at the time of the effective date of this act"

On page 5, line 12, after "to", strike "five" and insert "((five)) three"

On page 8, line 1, after "state", strike all material down through "tax" on line 2 and insert "or province which imposes a retail sales or use tax at a rate less than that imposed by the State of Washington at the time of the effective date of this act"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Zimmerman to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed, and the amendments to the amendment were not adopted by the following vote: Yeas, 22; nays, 26; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Excused: Senator von Reichbauer - 1.

MOTION

Senator Pullen moved the following amendments to the McDermott amendment be considered and adopted simultaneously:

On page 5, lines 5 and 6, strike "~~((four and one-half))~~ six and seven-tenths", and insert "four and one-half"

On page 5, line 7, after "That", insert "from the effective date of this act until the thirtieth day of June, 1985."

On page 5, line 4, after "price", insert "and in all other counties in an amount equal to six and seven-tenths percent"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Pullen to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed, and the amendments to the amendment were not adopted by the following vote: Yeas, 23; nays, 25; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Excused: Senator von Reichbauer - 1.

MOTION

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

On page 9, line 25, after "1983" insert "until and including the thirtieth day of June, 1985."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Pullen to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed, and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 25; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Excused: Senator von Reichbauer - 1.

MOTION

Senator Zimmerman moved adoption of the following amendments, the first by Senators Zimmerman and Quigg, and the second by Senators Zimmerman, Bauer, Thompson, Quigg and Patterson to the McDermott amendment be considered and adopted simultaneously:

On page 20, after line 14, insert a new section as follows: "NEW SECTION. Sec. 22. Section 27, chapter 180, Laws of 1935 as last amended by section 51, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.08.120 are each repealed."

On page 5, after line 32, insert the following:

"Sec. 4. Section 82.08.050, chapter 15, Laws of 1961 as last amended by section 7, chapter 299, Laws of 1971 ex. sess. and RCW 82.08.050 are each amended to read as follows:

The tax hereby imposed shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale in

accordance with the schedule of collections adopted by the department pursuant to the provisions of RCW 82.08.060. The tax required by this chapter, to be collected by the seller, shall be deemed to be held in trust by the seller until paid to the department, and any seller who appropriates or converts the tax collected to his own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter shall be guilty of a gross misdemeanor.

In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of his own acts or the result of acts or conditions beyond his control, he shall, nevertheless, be personally liable to the state for the amount of the tax.

The amount of tax, until paid by the buyer to the seller or to the department, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. The tax required by this chapter to be collected by the seller ~~((shall)) need not be stated separately from the selling price ((and for purposes of determining the tax due from the buyer to the seller and from the seller to the department it shall be conclusively presumed that the selling price quoted in any price list, sales document, contract or other agreement between the parties does not include the tax imposed by this chapter))~~.

Where a buyer has failed to pay to the seller the tax imposed by this chapter and the seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the buyer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the buyer to pay the same to the seller, regardless of when the tax may be collected by the department; and all of the provisions of chapter 82.32 RCW, including those relative to interest and penalties, shall apply in addition; and, for the sole purpose of applying the various provisions of chapter 82.32 RCW, the fifteenth day of the month following the tax period in which the purchase was made shall be considered as the due date of the tax.

Sec. 5. Section 82.08.120, chapter 15, Laws of 1961 as amended by section 51, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.08.120 are each amended to read as follows:

Whoever, excepting as expressly authorized by this chapter, refunds, remits, or rebates to a buyer, either directly or indirectly and by whatever means, all or any part of the tax levied by this chapter, or makes in any form of advertising, verbal or otherwise, any statements which might infer that he is absorbing the tax or paying the tax for the buyer by an adjustment of prices, ~~((or at a price including the tax;))~~ or in any other manner whatsoever shall be guilty of a misdemeanor. The violation of this section by any person holding a license granted by the state or any political subdivision thereof shall be sufficient grounds for the cancellation of the license of such person upon written notification by the department of revenue to the proper officer of the department granting the license that such person has violated the provisions of this section. Before any license shall be canceled hereunder, the licensee shall be entitled to a hearing before the department granting the license under such regulations as the department may prescribe."

Renumber the sections consecutively and correct internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendments, the first by Senator Zimmerman and Quigg and the second by Senators Zimmerman, Bauer, Thompson, Quigg and Patterson, to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed, and the amendments to the amendment were not adopted by the following vote: Yeas, 22; nays, 26; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Boltiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Woody - 26.

Excused: Senator von Reichbauer - 1.

MOTION

At 10:00 p.m., on motion of Senator Vognild, the Senate adjourned until 8:30 a.m., Wednesday, February 9, 1983.

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

THIRTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 9, 1983

The Senate was called to order at 8:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Benitz, Conner, Deccio, Haley, Hayner, Hughes, Jones, Pullen, Rasmussen, Thompson, and Zimmerman. On motion of Senator Fleming, Senators Bender, Hughes and Thompson were excused. On motion of Senator Bottiger, Senator Rasmussen was excused. On motion of Senator Bluechel, Senators Benitz, Hayner, Jones, Pullen and Zimmerman were excused.

The Sergeant at Arms Color Guard, consisting of Pages David Palileo and Richard Deck, presented the Colors. Reverend Theodore Marmo, pastor of St. Michael's Catholic Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

February 8, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 37,

SUBSTITUTE HOUSE BILL NO. 64,

SUBSTITUTE HOUSE BILL NO. 118,

HOUSE BILL NO. 144, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 3612 by Senators Metcalf, McManus, Rinehart, Moore, Goltz and Haley

AN ACT Relating to local government; adding new sections to chapter 35.21 RCW; and adding new sections to chapter 36.01 RCW.

Referred to Committee on Local Government.

SB 3613 by Senators Woody, Jones and Lee (by Attorney General request)

AN ACT Relating to gender-neutral terms; adding a new section to chapter 43.01 RCW; adding a new section to chapter 44.04 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 3614 by Senators Bauer, Zimmerman, Owen and Thompson

AN ACT Relating to public lands; and amending section 1, chapter 290, Laws of 1957 as last amended by section 2, chapter 50, Laws of 1973 1st ex. sess. and RCW 79.08.180.

Referred to Committee on Natural Resources.

SB 3615 by Senators Guess, Owen, Benitz, Hayner, Hurley and Deccio

AN ACT Relating to tort actions; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SB 3616 by Senators Hughes, Hansen, Quigg, Rasmussen, Fuller, Peterson and Guess

AN ACT Relating to air pollution; amending section 3, chapter 232, Laws of 1957 as last amended by section 119, chapter 141, Laws of 1979 and RCW 70.94.030; amending section 29, chapter 238, Laws of 1967 as last amended by section 2, chapter 193, Laws of 1973 1st ex. sess. and RCW 70.94.152; amending section 3, chapter 193, Laws of 1973 1st ex.

sess. as amended by section 1, chapter 224, Laws of 1981 and RCW 70.94.155; amending section 45, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.510; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Parks and Ecology.

SB 3617 by Senators McManus, Metcalf, Rinehart, Bender, Owen and Goltz

AN ACT Relating to an alcohol awareness program; and amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 27, chapter 47, Laws of 1982 1st ex. sess. and RCW 46.61.515.

Referred to Committee on Social and Health Services.

SB 3618 by Senators Talmadge, McDermott, Lee, Woody, Shinpoch and Gaspard

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

Referred to Committee on Ways and Means.

SB 3619 by Senators Hurley, Quigg, Hansen, Fuller, Rasmussen, Peterson, Guess and Lee

AN ACT Relating to air pollution; amending section 1, chapter 238, Laws of 1967 as last amended by section 1, chapter 193, Laws of 1973 1st ex. sess. and RCW 70.94.011; amending section 3, chapter 232, Laws of 1957 as last amended by section 119, chapter 141, Laws of 1979 and RCW 70.94.030; amending section 25, chapter 238, Laws of 1967 as last amended by section 56, chapter 62, Laws of 1970 ex. sess. and RCW 70.94.141; amending section 46, chapter 238, Laws of 1967 as amended by section 34, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.331; amending section 53, chapter 238, Laws of 1967 as amended by section 39, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.395; amending section 45, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.510; and repealing section 11, chapter 193, Laws of 1973 1st ex. sess. and RCW 70.94.785.

Referred to Committee on Parks and Ecology.

SB 3620 by Senators Hurley, Lee, Hansen, Quigg, Fuller, Rasmussen, Peterson and Guess

AN ACT Limiting periodic fee revenue for air pollution control authorities; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Parks and Ecology.

SB 3621 by Senators Williams, Talmadge, Fuller, Hurley, Shinpoch and McDermott

AN ACT Relating to public utilities; amending section 80.01.080, chapter 14, Laws of 1961 and RCW 80.01.080; amending section 80.01.100, chapter 14, Laws of 1961 and RCW 80.01.100; amending section 80.04.510, chapter 14, Laws of 1961 and RCW 80.04.510; amending section 80.24.020, chapter 14, Laws of 1961 and RCW 80.24.020; adding a new chapter to Title 80 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 3622 by Senators Shinpoch, Jones, Fleming, Bottiger, Sellar, Hayner and Clarke

AN ACT Relating to legislative facilities; amending section 1, chapter 11, Laws of 1975-'76 2nd ex. sess. and RCW 19.27.120; amending section 43.19.125, chapter 8, Laws of 1965 and RCW 43.19.125; amending section 43.19.450, chapter 8, Laws of 1965 as last amended by section 3, chapter 98, Laws of 1982 and RCW 43.19.450; amending section 1, chapter 272, Laws of 1969 ex. sess. and RCW 79.24.650; adding a new chapter to Title 44 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SB 3623 by Senators Vognild and Newhouse

AN ACT Relating to contractors' registration; repealing section 42, chapter 99, Laws of 1979 and RCW 43.131.231; repealing section 84, chapter 99, Laws of 1979 and RCW 43.131.232; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3624 by Senators Hughes, Zimmerman, Hurley, Bender, Wojahn, Hansen, Bottiger, McManus, Granlund, Owen, Vognild, Moore, Thompson, Gaspard, Peterson, Fleming, Woody, Bauer, Conner, Rasmussen, Warnke, Rinehart, Shinpoch, Talmadge, Williams, Goltz, McDermott, Hemstad, Lee, Fuller, Bluechel and Quigg

AN ACT Relating to conservation; creating a new section; adding a new chapter to Title 90 RCW; adding a new chapter to Title 77 RCW; adding a new chapter to Title 79 RCW; adding a new chapter to Title 75 RCW; adding a new chapter to Title 15 RCW; adding new sections to chapter 43.51 RCW; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Parks and Ecology.

SB 3625 by Senators Williams and Hurley

AN ACT Relating to radioactive waste; and amending section 1, chapter 124, Laws of 1981 and RCW 43.145.010.

Referred to Committee on Energy and Utilities.

SB 3626 by Senators Hurley, Lee, Hansen, Quigg, Fuller, Rasmussen, Peterson and Guess

AN ACT Relating to air pollution; amending section 3, chapter 232, Laws of 1957 as last amended by section 119, chapter 141, Laws of 1979 and RCW 70.94.030; amending section 4, chapter 238, Laws of 1967 as amended by section 120, chapter 141, Laws of 1979 and RCW 70.94.053; amending section 5, chapter 238, Laws of 1967 and RCW 70.94.055; amending section 6, chapter 238, Laws of 1967 and RCW 70.94.057; amending section 11, chapter 238, Laws of 1967 as amended by section 3, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.068; amending section 12, chapter 238, Laws of 1967 as amended by section 4, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.069; amending section 7, chapter 232, Laws of 1957 as last amended by section 5, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.070; amending section 10, chapter 232, Laws of 1957 as last amended by section 13, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.100; amending section 13, chapter 232, Laws of 1957 as last amended by section 15, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.130; amending section 26, chapter 238, Laws of 1967 as amended by section 17, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.142; amending section 27, chapter 238, Laws of 1967 as amended by section 18, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.143; amending section 20, chapter 232, Laws of 1957 as last amended by section 121, chapter 141, Laws of 1979 and RCW 70.94.200; amending section 34, chapter 238, Laws of 1967 as last amended by section 4, chapter 69, Laws of 1974 ex. sess. and RCW 70.94.211; amending section 35, chapter 238, Laws of 1967 as last amended by section 58, chapter 62, Laws of 1970 ex. sess. and RCW 70.94.221; amending section 36, chapter 238, Laws of 1967 as last amended by section 2, chapter 41, Laws of 1970 ex. sess. and by section 59, chapter 62, Laws of 1970 ex. sess. and RCW 70.94.222; 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; amending section 47, chapter 238, Laws of 1967 and RCW 70.94.332; amending section 48, chapter 238, Laws of 1967 and RCW 70.94.333; amending section 49, chapter 238, Laws of 1967 as last amended by section 5, chapter 193, Laws of 1973 1st ex. sess. and RCW 70.94.334; amending section 6, chapter 188, Laws of 1961 as last amended by section 122, chapter 141, Laws of 1979 and RCW 70.94.350; amending section 8, chapter 188, Laws of 1961 as last amended by section 123, chapter 141, Laws of 1979 and RCW 70.94.370; amending section 51, chapter 238, Laws of 1967 as amended by section 37, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.385; amending section 52, chapter 238, Laws of 1967 as amended by section 38, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.390; amending section 54, chapter 238, Laws of 1967 as amended by section 40, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.400; amending section 55, chapter 238, Laws of 1967 as amended by section 41, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.405; amending section 56, chapter 238, Laws of 1967 as amended by section 42, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.410; amending section 58, chapter 238, Laws of 1967 as amended by section 44, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.420; amending section 60, chapter 238, Laws of 1967 and RCW 70.94.425; adding a new section to chapter 70.94 RCW; and repealing section 63, chapter 238, Laws of 1967 and RCW 70.94.440.

Referred to Committee on Parks and Ecology.

SB 3627 by Senators Hansen, Newhouse, Goltz, Barr, Benitz, Sellar and Bauer

AN ACT Relating to sales and use taxation of irrigation equipment; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Agriculture.

SB 3628 by Senator Owen

AN ACT Relating to shellfish; amending section 75.28.270, chapter 12, Laws of 1955 as last amended by section 2, chapter 133, Laws of 1980 and RCW 75.28.270; adding a new section to chapter 75.28 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 3629 by Senators Hughes, Lee, Hansen, Quigg, Fuller, Rasmussen, Peterson and Guess

AN ACT Relating to air pollution control; amending section 24, chapter 232, Laws of 1957 as last amended by section 30, chapter 168, Laws of 1969 ex. sess. and RCW 70.94-.240; amending section 19, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.190; adding new sections to chapter 70.94 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 3630 by Senators Sellar, Hansen, Newhouse and Barr

AN ACT Relating to irrigation districts; and amending section 11, page 677, Laws of 1889-90 as last amended by section 3, chapter 185, Laws of 1979 ex. sess. and RCW 87.03.115.

Referred to Committee on Agriculture.

SCR 108 by Senators McManus, Bender, Vognild, Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody and Zimmerman

Congratulating the United States Senior Ladies Figure Skating Champion.

Hold.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 37 by Committee on Agriculture (originally sponsored by Representatives Sommers, Hastings, Kaiser, Prince, Galloway, Zellinsky, Johnson, Isaacson, Clayton)

Modifying the regulation of the size and weight of bread loaves.

Referred to Committee on Agriculture.

SHB 64 by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Allen, Brough, Miller, Appelwick, Holland, Burns, Broback, Lux, Silver, Niemi, Charnley, R. King, Long, Brekke and Todd)

Increasing penalties for hazardous waste violations.

Referred to Committee on Parks and Ecology.

SHB 118 by Committee on Agriculture (originally sponsored by Representatives Kaiser and Smith; by Department of Agriculture request)

Adjusting certain agricultural fees.

Referred to Committee on Agriculture.

HB 144 by Representatives Martinis, Gallagher, Charnley and Wilson (by Department of Licensing request)

Changing various provisions concerning license plates.

Referred to Committee on Transportation.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 108 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator McDermott, the appointment of Donald R. Burrows as Director of the Department of Revenue was confirmed.

APPOINTMENT OF DONALD R. BURROWS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; nays, 00; absent, 04; excused, 08.

Voting yea: Senators Barr, Bauer, Bluechel, Bottiger, Clarke, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 37.

Absent: Senators Conner, Deccio, Haley, Hughes - 4.

Excused: Senators Bender, Benitz, Hayner, Jones, Pullen, Rasmussen, Thompson, Zimmerman - 8.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 108, by Senators McManus, Bender and Vognild

Congratulating the United States Senior Ladies Skating Champion.

The resolution was read the second time.

MOTION

On motion of Senator McManus, the rules were suspended, Senate Concurrent Resolution No. 108 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

MOTION

On motion of Senator Vognild, all members and the Lieutenant Governor will be added as additional sponsors of Senate Concurrent Resolution No. 108.

MOTION

At 8:52 a.m. on motion of Senator Bottiger, the Senate recessed until 9:00 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 9:00 a.m.

MOTIONS

On motion of Senator McDermott, the Senate resumed consideration of Senate Bill No. 3258 and the pending amendment by Senator McDermott, deferred February 8, 1983.

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

On page 1, line 32, before "The", insert "(a)"

Senator Bluechel moved adoption of the following amendment by Senators Zimmerman, Bauer, McCaslin, and Patterson to the McDermott amendment:

On page 7, line 11, add a new section to read as follows:

*NEW SECTION. Sec. 5. Any resident of a border county and the member of his or her immediate family, shall be entitled to a partial exemption from the tax levied by RCW 82.08.020

and RCW 82.12.020. The exemption shall be one hundred dollars for each two thousand dollars of purchases on which the person or members of his or her immediate family has paid the tax imposed by RCW 82.08.020 or RCW 82.12.020. The person shall apply within two years of making such purchases to the department for a refund of the exempt amount, and shall furnish receipts and other documentation as the department may require. For purposes of this section, the term "immediate family" means persons related by blood or marriage to the person applying for the refund, if such related persons share the same household."

POINT OF INQUIRY

Senator Guess: "Senator McDermott, did I hear you correctly? That we had taken care of the border counties? I would like to remind you that Spokane is a border county."

Senator McDermott: "Senator Guess, I suppose my tongue wasn't quite perfectly in gear and I should have said, we have dealt with the most pressing problem, which is the Portland area."

Senator Guess: "I would still remind you, Senator, that the people in Spokane County will pay something in the order of 15.6 million dollars of additional sales tax and they are not going to be excused of that. Whereas, those people in the Vancouver area that pay the equal amount of money are going to be excused, so there is no justice in this bill."

Senator McDermott: "Sometimes, Senator Guess, justice is in the eye of the beholder. Those of us in King County who border on Puget Sound are going to pay the full load, also. I think that we tried to deal with a very great inequity between the Oregon border which has no sales tax and the Portland TV and newspapers which advertise in the Vancouver area, which puts a tremendous impact on the business community. We looked to the future for doing tax reform that the people of this state feel is the right thing to do."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Zimmerman, Bauer, McCaslin and Patterson to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel failed and the amendment to the amendment was not adopted by the following vote: Yeas, 21; nays, 25; absent, 02; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shipoch, Talmadge, Thompson, Vogtild, Warnke, Williams, Wojahn, Woody - 25.

Absent: Senators Deccio, Newhouse - 2.

Excused: Senator Rasmussen - 1.

MOTION

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

On page 8, line 20, after "~~(one)~~", strike "two" and insert "one"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bluechel to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel failed and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 25; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Excused: Senator Rasmussen - 1.

MOTION

Senator Lee moved adoption of the following amendment to the McDermott amendment:

On page 8 of the amendment, on line 20 strike "~~((one)) two~~ percent" and insert "one percent on all persons whose income is exclusively from commissions and two percent on all other persons"

POINT OF INQUIRY

Senator Quigg: "Senator McDermott, what is the impact of this tax rate increase on the Avon, Amway, and Tupperware people that Senator Lee mentioned? Evidently, since she does not have a fiscal note, I am sure you do. You seemed to have studied this so thoroughly. What is the impact on these small business entrepreneurs?"

Senator McDermott: "I passed out a sheet which shows the revenue impact. It is 41.4 million dollars in this biennium on those people who are covered."

Senator Quigg: "I am talking about those people specifically, Senator, within that particular group. Evidently, you have developed this carefully. You might want to let all those folks know around the state that take time out of their lives to provide services and products to their neighbors and their friends and these kinds of small businesses just exactly what the impact is on them, so we know that this is a thoughtful process and just not legislation from the back of a galloping horse. What is the impact, Senator?"

Senator McDermott: "Senator Quigg, I don't think the impact is going to be very pleasant on anybody. It is going to be unpleasant for everybody."

Debate ensued.

POINT OF INQUIRY

Senator Moore: "Senator Lee, I notice in this amendment, the word 'commission'--'exclusively from commissions.' Now, what is your concept of commissions?"

Senator Lee: "My concept is that the State Department of Revenue would use the same definition of commissions that they have used at least for the last fifteen or sixteen years. The word 'commission' appears throughout half a dozen of the various sections on the Business and Occupation Tax. Yet, they do not have a specific definition for commission in the definition section, which means they are using a standard definition that can be found in the dictionary or is used by the IRS.

"That is the reason that a definition for a commission, up to this point, in the application of our tax system, and using that very word in Section 82.04.255, when they are talking about real estate brokers, no one ever felt there was any need for any special definition. The generally applied one understood by persons in the tax field was appropriate."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Lee to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendment to the amendment was not adopted, the President voting 'nay,' by the following vote: Yeas, 24; nays, 24; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 24.

Excused: Senator Rasmussen - 1.

MOTION

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

On page 9, line 33, strike "thirty-two" and insert "seven"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bluechel to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel failed and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 26; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 26.

MOTION

Senator Metcalf moved adoption of the following amendment:

On page 9, line 33, strike "thirty-two" and insert "twenty"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Metcalf to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 26; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 26.

MOTION

Senator Newhouse moved adoption of the following amendment by Senator Hayner to the McDermott amendment:

On page 10, line 1, following "inclusive", insert "PROVIDED, That for the purposes of this section, this additional tax shall not apply to perishable meat products processors and wholesalers as described in RCW 82.04.260: PROVIDED, FURTHER that the additional tax to be applied to perishable meat products processors and wholesalers shall be equal to seven percent multiplied by the taxes payable under the provisions of RCW 82.04.260"

Debate ensued.

POINT OF INQUIRY

Senator Hemstad: "Senator McDermott, have you written the budget that reflects the spending levels that you and others have so persuasively argued that needs to be adopted?"

Senator McDermott: "Senator Hemstad, what the issue before us is, is solving the supplemental budget problem of the state of Washington. You left us a problem. You refused to face the realities of the financial state of the state of Washington for eighteen months. You know that is a rhetorical question.

"I am sure that sometimes when an attorney asks a question, he already knows the answer, so I am not going to give you the answer. You can give the answer to that kind of question. The fact is that the people on your side of the aisle do not want to deal with the issue. We get a continuing stream of amendments, but we have a promise of not vote one. There is no resolve on that side to face the fact that

you left a problem. Luckily, the people threw you out. Otherwise, you would have to be standing here being responsible, but instead what we get are the amendments and the rhetorical questions."

POINT OF INQUIRY

Senator Fleming: "I recognize your concerns, Senator Hemstad, and I listened very attentively to Senator Hayner. Are you insinuating that Idaho does not have taxes--that they don't have a B & O--that they don't have sales tax--that they don't have a corporate income tax? Are you insinuating that and have you taken the time to see whether the over-all tax structure and property tax is better, in fact, they decide to move to Idaho?"

Senator Hemstad: "Senator Fleming, in response to your question, the tax levels in this state, on a per-capita basis, put us at twenty-first and Idaho at about forty-first in the country. So yes, over-all their tax system, at least on a per-capita basis, is substantially lower than ours. Now, presumably their service levels are lower, too, but there is a straight, clear obvious trade off that can be made for that beef packer sitting over there in Wallula."

Senator Fleming: "So what you are saying is that the corporate income tax is a lot better for these people than the B & O tax?"

Senator Hemstad: "I can't answer that with specificity, but I do know that their over-all tax level on them and their employees is lower there than it is here."

Further debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse failed and the amendment to the amendment was not adopted by the following vote: Yeas, 24; nays, 25; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vogniid, Warnke, Williams, Wojahn, Woody - 25.

MOTION

Senator Newhouse moved adoption of the following amendment by Senators Newhouse, Benitz and Hayner to the McDermott amendment:

On page 10, line 1, after "inclusive", insert "except that this additional tax shall not apply to any business engaged in the disposal of low level waste as defined in RCW 43.145.010"

POINT OF INQUIRY

Senator Shipoch: "Senator Newhouse, my question, and really a serious question, is that if we leave this tax like it is and it is so onerous on business, would that mean that we would not have to handle the disposal of any additional low level waste in our state?"

Senator Newhouse: "Senator, I think it would probably be better for the purposes of this budget if we didn't get into that argument. I am not sure. There are obviously three or four places around the country that handle low level waste. It is not a hazardous type thing. You get more radiation, perhaps, from having an X-ray taken than you would from handling this stuff. It is very low level. It is not the hazardous type.

"As a matter of fact, from my business, I think that the chemicals that are shipped down to Oregon are far more hazardous than this low level waste, which we dispose of in Washington."

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Newhouse, Benitz and Hayner to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse failed and the amendment to the amendment was not adopted by the following vote: Yeas, 22; nays, 26; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Absent: Senator Hayner - 1.

MOTION

Senator Clarke moved adoption of the following amendment by Senator Metcalf to the McDermott amendment:

On page 10, after line 12, insert a new section 8 as follows:

"NEW SECTION. Sec. 8. Any tax revenues which are received that are in excess of the appropriations made for any biennium shall be applied exclusively first, to repay the "25th month" obligation, and second, to retire the general obligation bonded indebtedness of the state."

Debate ensued.

Senators Bottiger, Fleming and Shinpoch demanded the previous question.

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

PARLIAMENTARY INQUIRY

Senator Metcalf: "Just for the record, and so that we all understand, does it take a simple majority to cut off debate, or does it take two-thirds?"

REPLY BY THE PRESIDENT

President Cherberg: "A simple majority, Senator."

The President declared the question before the Senate to be the roll call on shall the main question be now put.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 26; nays, 22; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Absent: Senator Newhouse - 1.

The President declared the question before the Senate to be adoption of the amendment by Senator Metcalf to the McDermott amendment.

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

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke failed and the amendment to the amendment was not adopted by the following vote: Yeas, 22; nays, 26; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Absent: Senator Pullen - 1.

MOTION

Senator Quigg moved adoption of the following amendment to the McDermott amendment:

On page 5, after line 32, insert a new subsection as follows:

"(4) This section shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, Section I of the state Constitution as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

Senator Bottiger, Fleming and Shinpoch demanded the previous question and the demand was sustained.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Quigg to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Quigg failed and the amendment to the amendment was not adopted by the following vote: Yeas, 22; nays, 26; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Absent: Senator von Reichbauer - 1.

MOTION

Senator Quigg moved adoption of the following amendment to the McDermott amendment:

On page 8, line 4, after the period, insert a new subsection to read as follows:

"(3) This section shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, Section I of the state Constitution as amended, and the laws adopted to facilitate the operation thereof."

Senator Quigg 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 Quigg to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Quigg failed and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 25; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody - 25.

Absent: Senator Wojahn - 1.

MOTION

Senator Quigg moved adoption of the following amendment to the McDermott amendment:

On page 9, line 3, after "section" and before the period, insert "PROVIDED, HOWEVER, That this section shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, Section I of the state Constitution as amended, and the laws adopted to facilitate the operation thereof"

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Quigg to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Quigg failed and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 26; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Woody - 26.

MOTION

Senator Quigg moved adoption of the following amendment to the McDermott amendment:

On page 10, after 12, insert the following:

"(3) This section shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, Section I of the state Constitution as amended, and the laws adopted to facilitate the operation thereof."

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President, with respect to Rule 29 of the Senate. As I recall, that rule indicates that no member may involve personalities in the course of that member's remarks or impugn the motives of another member. I suppose we could talk about certain members out here who were defeated in the last election or we could talk about the election results at the polls of last November, but that has not been done to my knowledge, and it should not be done, I suspect, out here on the floor. I certainly hope that we don't simply make it impugn Senator McDermott day or impugn Senator McDermott night. My good friend, Senator McDermott, should not have to go through that kind of process each time coming from the remarks from someone across on that side of the aisle."

MOTION

Senators Bottiger, Conner, and Peterson demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be adoption of the amendment by Senator Quigg to the McDermott amendment.

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

ROLL CALL

The Secretary called the roll and the motion by Senator Quigg failed and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 26; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Woody - 26.

MOTION

Senator Zimmerman moved the following amendment by Senators Zimmerman, Sellar, Guess, McCaslin and Quigg to the McDermott amendment:

On page 9, line 31, after "RCW 82.04.255", strike "through" and insert "RCW 82.04.260, RCW 82.04.270 and "

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Zimmerman, Sellar, Guess, McCaslin and Quigg to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed and the amendment to the amendment was not adopted by the following vote: Yeas, 24; nays, 25; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Goltz, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

MOTION

Senator Zimmerman moved adoption of the following amendment by Senators Zimmerman, Quigg, Barr and Sellar to the McDermott amendment:

On page 10, line 1, after "inclusive" insert "”; PROVIDED, That the additional tax levied pursuant to this section shall not apply to persons who manufacture and sell pulp or paper products”

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Zimmerman, Quigg, Barr and Sellar to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 26; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

MOTION

Senator Guess moved the following amendments by Senators Guess, McCaslin and Barr to the McDermott amendment to be considered and adopted simultaneously:

On page 4, line 21, after "tax" insert: "or a county which is included within a Standard Metropolitan Statistical Area which borders on a state that imposes a retail sales or use tax at a lower rate than that imposed in the State of Washington or which does not impose a retail sales or use tax”

On page 8, line 2, after "tax" insert: "or a county which is included within a Standard Metropolitan Statistical Area which borders on a state that imposes a retail sales or use tax at a lower rate than that imposed in the State of Washington or which does not impose a retail sales or use tax”

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

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Guess, McCaslin and Barr to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Guess failed and the amendments to the amendment were not adopted by the following vote: Yeas, 22; nays, 26; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Absent: Senator Rasmussen - 1.

MOTION

At 12:56 p.m., on motion of Senator Bottiger, the Senate recessed until 6:00 p.m.

EVENING SESSION

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

MOTION

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

MOTION

Senator Gaspard moved adoption of the following resolution:

SENATE RESOLUTION 1983-13

By Senator Gaspard

WHEREAS, The importance of remembering and honoring our common heritage is a vital element in appreciating what our society has come to represent; and

WHEREAS, Much of the early settlement of Washington State took place in the Puyallup Valley; and

WHEREAS, The descendants of the pioneer Rhonymous Nix family of the Puyallup Valley have contributed to the growth and beauty of not just the Puyallup Valley but also to other parts of Washington and the Pacific Northwest; and

WHEREAS, a grandson of Rhonymous Nix, Lawrence Nix, still farms and lives on the original settlement of his grandfather on the Puyallup River between Puyallup and Sumner; and

WHEREAS, The Puyallup Valley and the rest of the state benefited from the introduction of raspberries, currants and cherries into the valley region by Rhonymous Nix; and

WHEREAS, The great Puyallup Valley and Washington State pioneer, who settled here over 130 years ago, was instrumental in the organization of the first school system in the Puyallup Valley;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in session, That we declare our support for the general observation and honor of this, the 130th year of the Nix family's continuous residence on the original land claim of Rhonymous Nix; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby directed to send copies of this Resolution to members of the Nix family, to the Washington State Historical Society, the Puyallup Public Library and each of the high school libraries of the Puyallup and Sumner school districts.

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

The President declared the question before the Senate to be the roll call on passage of Senate Resolution 1983-13.

ROLL CALL

The Secretary called the roll and the resolution passed the Senate by the following vote: Yeas, 40; nays, 00; absent, 09; excused, 00.

Voting yea: Senators Barr, Bauer, Bluechel, Boltiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Taimadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 40.

Absent: Senators Bender, Benitz, Haley, Hansen, Hayner, Owen, Peterson, Quigg, Wojahn - 9.

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

MESSAGES FROM THE HOUSE

February 9, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE JOINT MEMORIAL NO. 11, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 9, 1983

Mr. President:

The House has passed:

SENATE CONCURRENT RESOLUTION NO. 105, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 9, 1983

Mr. President:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 108 with the following amendment:

On page 1, line 18, strike "Don" and insert "Ron",

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Bottiger, the Senate concurred in the House amendment to Senate Concurrent Resolution No. 108.

The President declared the question before the Senate to be adoption of Senate Concurrent Resolution No. 108, as amended by the House.

SENATE CONCURRENT RESOLUTION NO. 108, as amended by the House, was declared adopted.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 108.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 9, 1983

SB 3018 Prime Sponsor, Senator Thompson: Modifying provisions relating to the subdivision of land. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody.

Passed to Committee on Rules for second reading.

February 9, 1983

SB 3140 Prime Sponsor, Senator Thompson: Modifying the number of required council members in code cities arising from a population change. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody.

Passed to Committee on Rules for second reading.

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

MOTIONS

On motion of Senator Bottiger, the Senate resumed consideration of Senate Bill No. 3258 and the pending amendment by Senator McDermott, deferred earlier today.

Senator Deccio moved the following amendments by Senators Deccio, Fuller, Metcalfe, McCaslin, Craswell, Barr, Zimmerman, Quigg, Haley Benitz, Sellar, Pullen and Patterson to the McDermott amendment be considered and adopted simultaneously:

On page 3 of the amendment, on line 4, after "property" insert "except trade-in property of like kind"

On page 3 of the amendment, beginning on line 6, after "seller" strike ", all" and insert "(all)"

On page 5 of the amendment, after line 32, insert the following:

"Sec. 4. Section 82.12.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 1, Laws of 1975-76 2nd ex. sess. and RCW 82.12.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Value of the article used" shall mean the consideration, whether money, credit, rights, or other property except trade-in property of like kind, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this chapter. The term includes, in addition to the consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the department of revenue may prescribe.

In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules and regulations as the department of revenue may prescribe: PROVIDED, That in case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used shall be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules and regulations as the department of revenue may prescribe.

In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used shall be determined according to the value of the ingredients of such articles.

(2) "Use," "used," "using," or "put to use" shall have their ordinary meaning, and shall mean the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, or any other act preparatory to subsequent actual use or consumption within this state;

(3) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08 RCW;

(4) "Retailer" means every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter;

(5) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, shall also mean any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services."

Renumber the sections consecutively and correct internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Deccio, Metcalf, McCaslin, Craswell, Fuller, Barr, Zimmerman, Quigg, Haley, Benitz, Sellar, Pullen and Patterson to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Deccio failed and the amendments to the amendment were not adopted by the following vote: Yeas, 23; nays, 25; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Loe, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Boltiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Absent: Senator Quigg - 1.

MOTIONS

On motion of Senator Vognild, the following amendment by Senators Vognild, Rinehart and Moore to the McDermott amendment was adopted:

On page 13, beginning on line 32, strike all of section 13.

Renumber remaining sections accordingly.

Senator Hemstad moved adoption of the following amendment by Senators Hemstad, Bluechel, Clarke, Jones and Quigg to the McDermott amendment.

On page 11, beginning on line 10, strike all the material down through page 23, line 16.

POINT OF INQUIRY

Senator Talmadge: "Senator Hemstad, would you agree with me that recreational vehicles and automobiles are both personal property?"

Senator Hemstad: "Yes, and if I can pursue that a bit further. Automobiles are personal property, but of course they get taxed for a very specific use, namely its relationship to the transportation system and the highway fund and they are taxed for a direct use. I would say that I would support a proposal that taxed boats on the same basis, but that is not the case here. This is going into the general fund with general distribution just like any other tax source."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Hemstad, Bluechel, Clarke, Jones and Quigg to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Hemstad failed and the amendment to the amendment was not adopted by the following vote: Yeas, 22; nays, 26; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Pullen, Rasmussen, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Haley, Hansen, Hughes, Hurley, McDermott, McManus, Owen, Patterson, Peterson, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Absent: Senator Quigg - 1.

MOTION

At 6:52 p.m., on motion of Senator Bottiger, the Senate recessed until 7:30 p.m.

SECOND EVENING SESSION

The President called the Senate to order at 7:30 p.m.

The Senate resumed consideration of Senate Bill No. 3258 and the pending amendment by Senator McDermott.

MOTION

Senator McDermott moved adoption of the following amendment by Senators McDermott, Bottiger, Shipoch, Owen, Vognild, Woody, Thompson, Bauer, Warnke, Granlund, McManus, Wojahn, Hurley, Gaspard, Bender, Fleming, Hughes, Peterson, Goltz, Talmadge, Conner, Moore, Williams and Hansen to the McDermott amendment:

On page 23, line 17, insert a new section to read as follows:

"NEW SECTION. Sec. 30. It is the intent of the legislature that any revenues collected pursuant to this 1983 amendatory act which result in an unobligated cash surplus in the general fund, as determined by the office of financial management, shall be credited toward reducing the number of days within which taxes collected after the end of the fiscal year are credited to such fiscal year pursuant to RCW 82.32.090. The department of revenue shall report to the legislature by January 1, 1984, the amount of such surplus, if any, and the number of days reduced pursuant to this action."

Renumber remaining sections accordingly and correct any internal references.

POINT OF INQUIRY

Senator Pullen: "Senator McDermott, this seems like a pretty good amendment to me, but I was wondering what would happen if we had a sufficient surplus to

pay back the entire twenty-fifth month and then had some additional monies beyond that. What would happen to those additional monies?"

Senator McDermott: "Well, Senator, we are only raising a hundred and ninety million dollars between now and the end of the biennium. The likelihood of us raising enough to replace the three hundred million that the twenty-fifth month requires, I think, is fairly slim. This also applies to the next biennium, and at that point, there would be a surplus in the latter part of 1985, so we would then have to deal with that in the next legislative session."

Debate ensued.

POINT OF INFORMATION

Senator Jones: "Mr. President, just a point of information. It is my understanding from the information that we have been able to garner, that, at this point in time, the twenty-fifth month is approximately two hundred and fourteen million dollars, not three hundred million. It does grow, of course, the longer we put it off, but it is two hundred and fourteen million."

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators McDermott, Bottiger, Shinpoch, Owen, Vognilid, Woody, Thompson, Bauer, Warnke, Granlund, McManus, Wojahn, Hurley, Gaspard, Bender, Fleming, Hughes, Peterson, Goltz, Talmadge, Conner, Moore, Williams and Hansen to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott carried and the amendment to the amendment was adopted by the following vote: Yeas, 45; nays, 02; absent, 02; excused, 00.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Deccio, Hemstad - 2.

Absent: Senators Barr, Quigg - 2.

MOTIONS

On motion of Senator Jones, Senators Barr and Quigg were excused.

Senator Jones moved adoption of the following amendment by Senator Jones and Clarke:

On page 23, line 24, after "1983" insert ": PROVIDED, That the tax increase levied in sections 3 and 4 shall not apply to sales made pursuant to any written contractual agreement entered into prior to March 1, 1983"

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 adoption of the amendment by Senators Jones and Clarke to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Jones failed and the amendment to the amendment was not adopted by the following vote: Yeas, 22; nays, 25; absent, 00; excused, 02.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Owen, Patterson, Pullen, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Woody - 25.

Excused: Senators Barr, Quigg - 2.

The President declared the question before the Senate to be adoption of the McDermott amendment, as amended, to Senate Bill No. 3258.

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

MOTION

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 1 of the title, after "revenue and taxation;" strike the remainder of the title and insert "amending section 31, chapter 35, Laws of 1982 1st ex. sess. as amended by section 1, chapter 14, Laws of 1982 2nd ex. sess. and RCW 82.02.030; amending section 82.04.250, chapter 15, Laws of 1961 as last amended by section 2, chapter 172, Laws of 1981 and RCW 82.04.250; amending section 82.08.010, chapter 15, Laws of 1961 as last amended by section 18, chapter 149, Laws of 1967 ex. sess. and RCW 82.08.010; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 8, Laws of 1981 2nd ex. sess. and RCW 82.12.020; amending section 82.04.290, chapter 15, Laws of 1961 as last amended by section 212, chapter 3, Laws of 1983 and RCW 82.04.290; amending section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. as last amended by section 2, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.04.2901; amending section 82.48.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.030; adding a new chapter to Title 82 RCW; adding a new section to chapter 84.36 RCW; adding a new chapter to Title 88 RCW; creating new sections; prescribing penalties; making appropriations; providing effective dates; and declaring an emergency."

MOTION

Senator Bottiger moved that the rules be suspended and that Engrossed Senate Bill No. 3258 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Debate ensued.

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

POINT OF ORDER

Senator Gaspard: "Mr. President, a point of order. If you would read Rule No. 35--"Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed." I think we have already had that rebuttal."

REPLY BY THE PRESIDENT

President Cherberg: "Your point is well taken, Senator."

The President declared the question before the Senate to be the roll call on the motion that the rules be suspended and that Engrossed Senate Bill No. 3258 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott failed to receive the required two-thirds vote of the members present by the following vote: Yeas, 26; nays, 21; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogtild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Sellar, von Reichbauer, Zimmerman - 21.

Excused: Senators Barr, Quigg - 2.

Engrossed Senate Bill No. 3258 was placed on the third reading calendar.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on State Government was relieved of further consideration of Senate Bill No. 3489, Senate Bill No. 3502, Senate Bill No. 3512, and Senate Bill No. 3516.

On motion of Senator Shinpoch, Senate Bill No. 3489, Senate Bill No. 3502, Senate Bill No. 3512, and Senate Bill No. 3516 were referred to the Committee on Judiciary.

MOTION

At 8:07 p.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Thursday, February 10, 1983.

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

THIRTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 10, 1983

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 Bender, Fuller and Rasmussen.

The Sergeant at Arms Color Guard, consisting of Pages Kiersten Phillips and Alison Metcalf, presented the Colors. Reverend John E. Koehler, assistant pastor of St. Michael's Catholic Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 8, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Arthur M. Zoloth reappointed January 25, 1983, for a term ending January 19, 1987, as a member of the State Board of Pharmacy.

Sincerely,
JOHN SPELLMAN, Governor

Referred to the Committee on Social and Health Services.

February 8, 1983

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 March 2, 1983, for a term ending March 1, 1987, as a member of the Health Care Facilities Authority.

Sincerely,
JOHN SPELLMAN, Governor

Referred to the Committee on Social and Health Services.

February 9, 1983

TO THE 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 L. Tracy appointed January 6, 1983, for a term ending September 30, 1988, succeeding Linda J. Clifton as a member of the Board of Trustees for Central Washington University.

Sincerely,
JOHN SPELLMAN, Governor

Referred to the Committee on Education.

INTRODUCTION AND FIRST READING

SB 3598 by Senators Metcalf and Rasmussen

AN ACT Relating to state government; and creating new sections.

Referred to Committee on State Government.

SB 3631 by Senators Thompson, Hansen, Barr and Benitz

AN ACT Relating to reclamation by the state; and amending section 1, chapter 216, Laws of 1981 and RCW 89.16.055.

Referred to Committee on Agriculture.

SB 3632 by Senator Haley

AN ACT Relating to tuition and fee waivers; and amending section 1, chapter 262, Laws of 1979 ex. sess. as last amended by section 9, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.740.

Referred to Committee on Education.

SB 3633 by Senators Moore, Benitz and Bender

AN ACT Relating to dentistry; amending section 2, chapter 112, Laws of 1935 as last amended by section 1, chapter 38, Laws of 1979 and RCW 18.32.035; amending section 5, chapter 112, Laws of 1935 as amended by section 2, chapter 38, Laws of 1979 and RCW 18.32.040; amending section 27, chapter 16, Laws of 1923 as last amended by section 1, chapter 235, Laws of 1971 ex. sess. and RCW 18.29.050; amending section 31, chapter 16, Laws of 1923 as amended by section 32, chapter 158, Laws of 1979 and RCW 18.29.060; amending section 34, chapter 16, Laws of 1923 and RCW 18.29.080; amending section 1, chapter 99, Laws of 1981 and RCW 18.32.055; amending section 21, chapter 112, Laws of 1935 and RCW 18.32.070; amending section 14, chapter 112, Laws of 1935 and RCW 18.32.220; amending section 8, chapter 112, Laws of 1935 as amended by section 30, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.230; amending section 7, chapter 93, Laws of 1953 as last amended by section 31, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.350; amending section 23, chapter 112, Laws of 1935 as amended by section 32, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.380; amending section 5, chapter 93, Laws of 1953 as last amended by section 28, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.32.120; adding new sections to chapter 18.29 RCW; adding a new section to chapter 18.32 RCW; repealing section 29, chapter 16, Laws of 1923, section 2, chapter 47, Laws of 1969, section 31, chapter 158, Laws of 1979 and RCW 18.29.030; and declaring an emergency.

Referred to Committee on Social and Health Services.

SB 3634 by Senators McDermott, Kiskaddon, McCaslin, Lee, Zimmerman, Vognild, Metcalf, Wojahn, Hemstad, Fuller, Hughes and Gaspard

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

Referred to Committee on Ways and Means.

SB 3635 by Senators Thompson, Lee, Warnke, Moore and Vognild

AN ACT Relating to fire protection; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government.

SB 3636 by Senators Vognild, Lee, Rinehart, Hurley, Hughes, Talmadge, Hemstad, Woody, Goltz and Quigg

AN ACT Relating to fireworks; amending section 56, chapter 228, Laws of 1961 as amended by section 31, chapter 230, Laws of 1982 and RCW 70.77.395; amending section 74, chapter 228, Laws of 1961 and RCW 70.77.485; amending section 85, chapter 228, Laws of 1961 and RCW 70.77.540; adding new sections to chapter 70.77 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 3637 by Senators Thompson, Hemstad, Talmadge and Newhouse

AN ACT Relating to declaratory judgments on bond issues; amending section 1, chapter 153, Laws of 1939 and RCW 7.25.010; amending section 2, chapter 153, Laws of 1939 and RCW 7.25.020; and declaring an emergency.

Referred to Committee on Local Government.

SB 3638 by Senators Rinehart, Barr, Shinpoch, Woody, Williams and Hemstad

AN ACT Relating to emergency services plans; and amending section 8, chapter 178, Laws of 1951 as amended by section 9, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.070.

Referred to Committee on State Government.

SB 3639 by Senators Barr, Hansen and Patterson

AN ACT Relating to state highway routes in Stevens county; amending section 106, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.525; creating a new section; and repealing section 95, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.470.

Referred to Committee on Transportation.

SB 3640 by Senators Moore and Talmadge

AN ACT Relating to residential landlord-tenant relationships; amending section 2, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.020; amending section 23, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.230; amending section 26, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.260; amending section 28, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.280; amending section 31, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.310; amending section 24, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.240; amending section 34, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.340; and adding new sections to chapter 59.18 RCW.

Referred to Committee on Judiciary.

SB 3641 by Senator Granlund (by Department of Social and Health Services request)

AN ACT Relating to juvenile offenders; amending section 1, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.010; amending section 2, chapter 165, Laws of 1969 ex. sess. as amended by section 13, chapter 141, Laws of 1979 and RCW 13.06.020; amending section 3, chapter 165, Laws of 1969 ex. sess. as amended by section 14, chapter 141, Laws of 1979 and RCW 13.06.030; amending section 4, chapter 165, Laws of 1969 ex. sess. as amended by section 15, chapter 141, Laws of 1979 and RCW 13.06.040; amending section 5, chapter 165, Laws of 1969 ex. sess. as last amended by section 9, chapter 151, Laws of 1979 and RCW 13.06.050; amending section 75, chapter 291, Laws of 1977 ex. sess. as amended by section 71, chapter 155, Laws of 1979 and RCW 13.40.210; amending section 72.05.130, chapter 28, Laws of 1959 as last amended by section 8, chapter 217, Laws of 1979 ex. sess. and RCW 72.05.130; and repealing section 6, chapter 165, Laws of 1969 ex. sess., section 16, chapter 141, Laws of 1979, section 1, chapter 60, Laws of 1981 and RCW 13.06.060.

Referred to Committee on Institutions.

SB 3642 by Senators Wojahn, Patterson, Talmadge and Warnke (by Attorney General request)

AN ACT Relating to charitable solicitations; amending section 2, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 80, chapter 158, Laws of 1979 and RCW 19.09.020; amending section 3, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.030; amending section 10, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 227, Laws of 1982 and RCW 19.09.100; amending section 21, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 227, Laws of 1982 and RCW 19.09.210; amending section 14, chapter 222, Laws of 1977 ex. sess. as amended by section 12, chapter 227, Laws of 1982 and RCW 19.09.275; amending section 34, chapter 13, Laws of 1973 1st ex. sess. as amended by section 13, chapter 227, Laws of 1982 and RCW 19.09.340; amending section 5, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.050; amending section 19, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 227, Laws of 1982 and RCW 19.09.190; adding new section to chapter 19.09 RCW; and providing an effective date.

Referred to Committee on Judiciary.

SB 3643 by Senators Shinpoch and Hayner

AN ACT Relating to crimes and punishments; adding a new chapter to Title 9A RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3644 by Senators Goltz, Guess, Rinehart, Thompson and Gaspard

AN ACT Relating to higher education; and amending section 4, chapter 188, Laws of 1979 ex. sess. as last amended by section 2, chapter 283, Laws of 1981 and RCW 28B.05.040.

Referred to Committee on Education.

SB 3645 by Senators McManus, Talmadge, Rinehart, Hemstad, Lee, Kiskaddon, Fleming and Moore

AN ACT Relating to mental health insurance; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Social and Health Services.

SB 3646 by Senator Granlund

AN ACT Relating to juvenile offenders; amending section 2, chapter 132, Laws of 1945 as amended by section 7, chapter 155, Laws of 1979 and RCW 13.04.130; and adding a new section to chapter 13.04 RCW.

Referred to Committee on Institutions.

SB 3647 by Senators Thompson, Fuller, Owen, Patterson, Bauer and Moore

AN ACT Relating to surplus salmon; 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 declaring an emergency.

Referred to Committee on Natural Resources.

SJM 108 by Senators Rinehart, Woody, Shinpoch, Hemstad, Vognild, Wojahn, Peterson, Williams, Thompson, Moore, Hansen and Talmadge

Opposing funding for civil defense programs to evacuate civilians in preparation for a nuclear attack.

Referred to Committee on State Government.

INTRODUCTION AND FIRST READING OF HOUSE BILL

EJHM 11 by Representatives D. Nelson, Isaacson, Todd, Hastings, Charnley, Long, R. King, McDonald, Pruitt, Hankins, Barnes, Ristuben, Haugen, Brekke, G. Nelson, Heck, Hine, Appelwick, Tilly, Belcher, Tanner, Sayan, Sutherland, Fisher, Stratton, Lux, Halsan and Ebersole

Calling for resolution of the WPPSS financial situation.

Referred to Committee on Energy and Utilities.

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

SECOND READING

SENATE BILL NO. 3090, by Senators Talmadge and Hughes

Modifying the budget and accounting act.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 3090 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3090.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3090, and the bill passed the Senate by the following vote: Yeas, 31; nays, 15; absent, 03; excused, 00.

Voting yea: Senators Bauer, Bottiger, Conner, Craswell, Fleming, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 31.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Deccio, Guess, Hayner, Jones, Lee, McCaslin, Metcalf, Quigg, Sellar, von Reichbauer, Zimmerman - 15.

Absent: Senators Bender, Fuller, Rasmussen - 3.

SENATE BILL NO. 3090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3079, by Senators Bauer and Sellar

Authorizing insurance services for officials as well as employees of sewer districts.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3079 was substituted for Senate Bill No. 3079 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3079 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

On motion of Senator Vognild, Senator Rasmussen was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3079.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3079, and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hughes, Kiskaddon, McCaslin, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 32.

Voting nay: Senators Benitz, Clarke, Craswell, Hansen, Hayner, Hemstad, Hurley, Jones, Lee, Melcalf, Newhouse, Patterson, Pullen, Quigg, von Reichbauer, Zimmerman - 16.

Excused: Senator Rasmussen - 1.

SUBSTITUTE SENATE BILL NO. 3079, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bottiger, the Senate advanced to the seventh order of business.

On motion of Senator Bottiger, the Senate resumed consideration of Engrossed Senate Bill No. 3258.

THIRD READING

ENGROSSED SENATE BILL NO. 3258, by Senator McDermott (by Governor Spellman request)

Modifying taxes ('81-'83 Biennium).

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

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Much has been said and I will certainly not try to repeat. I think that some of us are not voting for this particular package, simply on the basis that we have not seen that two-year budget that has had so much discussion this morning and in the days previously. Secondly, we have not heard any willingness to consider any of the potential savings that will be forthcoming, at least addressed by this body. Third, the proposals to concern themselves about the jobs of aluminum workers and some of the other folks that are truly--what could have been helped, could have been touched on--were ignored.

"The inequities that you heard over and over again--the discussion of inequities and the potential for challenge. Senator Newhouse alluded to the combining of appropriations sections in a revenue bill--the potential for savings--so I do want to ask for the record and get some response on this.

"Senator McDermott, if he is here or someone could answer for him, on page 5, where it says 'for the purpose of determining the applicable rate under this section, "border counties" means those counties physically bordering on or included within

a metropolitan statistical area' and so forth. Does that mean that in the exemption that applies to Clark, Skamania and Cowlitz--and I need to get a clarification for the other border counties--that they will pay the increased Business and Occupation Tax?

"As I read it, the increase to the retailers--the Business and Occupation Tax--on the border, will be raised on the entire border, while benefiting just the three counties, and I wonder if that is the correct interpretation?"

Senator McDermott: "That is not the intent."

Further debate ensued.

Senators Bottiger, Peterson and Shinpoch 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. 3258.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3258, and the bill passed the Senate by the following vote: Yeas, 25; nays, 24; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 24.

ENGROSSED SENATE BILL NO. 3258, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator McDermott, Engrossed Senate Bill No. 3258 was ordered immediately transmitted to the House.

On motion of Senator Shinpoch, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

February 3, 1983

SB 3135 Prime Sponsor, Senator Peterson: Revising proportional vehicle registration laws. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Guess, Haley, Patterson, Vognlid.

Passed to Committee on Rules for second reading.

February 3, 1983

SB 3144 Prime Sponsor, Senator Peterson: Modifying provisions on special fuel trip permits. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Guess, Haley, Patterson, Vognlid.

Passed to Committee on Rules for second reading.

February 9, 1983

SB 3174 Prime Sponsor, Senator McDermott: Modifying provisions concerning the Washington state patrol retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3174 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Bauer, Bottiger, Craswell, Fleming, Hughes, Metcalf, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 9, 1983

SB 3178 Prime Sponsor, Senator Bauer: Authorizing the late payment of taxes. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3178 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 3, 1983

SB 3198 Prime Sponsor, Senator Peterson: Making appropriations to the department of transportation for the Hood Canal bridge and state highway projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Guess, Haley, Patterson, Vognild.

Passed to Committee on Rules for second reading.

February 9, 1983

SB 3252 Prime Sponsor, Senator Hansen: Strengthening the regulation of aircraft dealers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Granlund, Guess, Haley, Patterson.

Passed to Committee on Rules for second reading.

February 9, 1983

SB 3538 Prime Sponsor, Senator Peterson: Removing the traffic safety commission from the Sunset schedule and revising certain powers and duties. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3538 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Granlund, Guess, Haley, Patterson.

Passed to Committee on Rules for second reading.

February 9, 1983

SJR 108 Prime Sponsor, Senator Thompson: Providing for a commission to promulgate alternate county home rule charters. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 108 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators Thompson, Chairman; Bauer, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

At 11:39 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Friday, February 11, 1983.

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

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 11, 1983

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 Craswell, Hurley and Quigg. On motion of Senator Vognild, Senator Hurley was excused. On motion of Senator Bluechel, Senators Craswell and Quigg were excused.

The Sergeant at Arms Color Guard, consisting of Pages Tim Durbin and John Adams, presented the Colors. Reverend Theodore Marmo, pastor of St. Michael's Catholic Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 10, 1983

SB 3109 Prime Sponsor, Senator McManus: Making \$500 the maximum deduction for medically needy people seeking care under the limited casualty program. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass as amended. Signed by Senators McManus, Chairman; Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

February 10, 1983

SB 3433 Prime Sponsor, Senator Moore: Creating the Washington higher education facilities authority to provide financing to private nonprofit higher education institutions. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3433 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 10, 1983

GA 82 JOHN GONSALEZ, to the position of Director of the Department of Licensing, appointed by the Governor on January 14, 1981, for the term ending at the pleasure of the Governor, succeeding R. Y. Woodhouse. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, Granlund, Guess, Haley, Patterson, Sellar, Vognild.

Passed to the Committee on Rules.

February 10, 1983

GA 83 REAR ADMIRAL CHESTER A. RICHMOND, JR. (Ret.), to the position of Member of the Board of Pilotage Commissioners, appointed by the Governor on February 1, 1982, for the term ending December 26, 1985. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Patterson, Sellar, Vognild.

Passed to the Committee on Rules.

MESSAGES FROM THE HOUSE

February 10, 1983

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 81,

HOUSE BILL NO. 147,

SUBSTITUTE HOUSE BILL NO. 148, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 10, 1983

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 108, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 3648 by Senators Moore, Deccio, Rasmussen, Shipoch and Conner

AN ACT Relating to blind persons; adding a new section to chapter 74.09 RCW; creating a new chapter in Title 74 RCW; repealing section 39, chapter 99, Laws of 1979 and RCW 43.131.225; repealing section 81, chapter 99, Laws of 1979 and RCW 43.131.226; repealing section 74.04.017, chapter 26, Laws of 1959, section 297, chapter 141, Laws of 1979 and RCW 74.04.017; 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 74.16.300, 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., section 174, chapter 151, Laws of 1979 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; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government.

SB 3649 by Senators Fleming, Gaspard, McManus, McDermott, Jones, Sellar, Hughes and Quigg

AN ACT Relating to athletic trainers; adding a new chapter to Title 18 RCW; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on State Government.

SB 3650 by Senators Talmadge and McManus (by Department of Social and Health Services request)

AN ACT Relating to sexual psychopaths; amending section 71.06.010, chapter 25, Laws of 1959 as last amended by section 42, chapter 80, Laws of 1977 ex. sess. and RCW 71.06.010; amending section 71.06.030, chapter 25, Laws of 1959 as amended by section 1, chapter 104, Laws of 1967 and RCW 71.06.030; amending section 71.06.040, chapter 25,

Laws of 1959 and RCW 71.06.040; and amending section 71.06.060, chapter 25, Laws of 1959 as last amended by section 129, chapter 141, Laws of 1979 and RCW 71.06.060.

Referred to Committee on Judiciary.

SB 3651 by Senators McManus and Kiskaddon (by Department of Social and Health Services request)

AN ACT Relating to financial responsibility for services of the department of social and health services; amending section 25, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.250; amending section 43.20.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 52, Laws of 1979 ex. sess. and RCW 43.20A.630; 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 15, chapter 142, Laws of 1973 1st ex. sess. as amended by section 4, chapter 24, Laws of 1973 2nd ex. sess. and RCW 71.05.100; amending section 72.23.230, chapter 28, Laws of 1959 as last amended by section 1, chapter 82, Laws of 1971 and RCW 72.23.230; 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 2, chapter 166, Laws of 1969 ex. sess. as amended by section 245, chapter 141, Laws of 1979 and RCW 72.33.840; adding new sections to chapter 43.20A RCW; creating a new section; repealing section 71.02.310, chapter 25, Laws of 1959 and RCW 71.02.310; repealing section 71.02.320, chapter 25, Laws of 1959, section 2, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.320; repealing section 71.02.330, chapter 25, Laws of 1959 and RCW 71.02.330; repealing section 71.02.340, chapter 25, Laws of 1959 and RCW 71.02.340; repealing section 71.02.350, chapter 25, Laws of 1959 and RCW 71.02.350; repealing section 71.02.360, chapter 25, Laws of 1959 and RCW 71.02.360; repealing section 71.02.370, chapter 25, Laws of 1959 and RCW 71.02.370; repealing section 71.02.380, chapter 25, Laws of 1959 and RCW 71.02.380; repealing section 71.02.390, chapter 25, Laws of 1959, section 5, chapter 67, Laws of 1979 ex. sess. and RCW 71.02.390; repealing section 71.02.400, chapter 25, Laws of 1959 and RCW 71.02.400; repealing section 71.02.410, chapter 25, Laws of 1959, section 1, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.410; repealing section 5, chapter 127, Laws of 1967 ex. sess., section 126, chapter 141, Laws of 1979 and RCW 71.02.412; repealing section 6, chapter 127, Laws of 1967 ex. sess., section 1, chapter 268, Laws of 1969 ex. sess., section 133, chapter 81, Laws of 1971, section 33, chapter 67, Laws of 1981 and RCW 71.02.413; repealing section 7, chapter 127, Laws of 1967 ex. sess., section 127, chapter 141, Laws of 1979 and RCW 71.02.414; repealing section 8, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.415; repealing section 9, chapter 127, Laws of 1967 ex. sess., section 128, chapter 141, Laws of 1979 and RCW 71.02.416; repealing section 10, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.417; repealing section 71.06.260, chapter 25, Laws of 1959, section 132, chapter 141, Laws of 1979 and RCW 71.06.260; repealing section 72.33.210, chapter 28, Laws of 1959 and RCW 72.33.210; repealing section 1, chapter 141, Laws of 1967, section 237, chapter 141, Laws of 1979 and RCW 72.33.650; repealing section 2, chapter 141, Laws of 1967, section 2, chapter 118, Laws of 1971 ex. sess. and RCW 72.33.655; repealing section 3, chapter 141, Laws of 1967, section 238, chapter 141, Laws of 1979 and RCW 72.33.660; repealing section 4, chapter 141, Laws of 1967, section 3, chapter 118, Laws of 1971 ex. sess. and RCW 72.33.665; repealing section 5, chapter 141, Laws of 1967, section 1, chapter 75, Laws of 1970 ex. sess., section 239, chapter 141, Laws of 1979, section 7, chapter 189, Laws of 1982 and RCW 72.33.670; repealing section 7, chapter 141, Laws of 1967, section 240, chapter 141, Laws of 1979 and RCW 72.33.680; repealing section 8, chapter 141, Laws of 1967, section 241, chapter 141, Laws of 1979 and RCW 72.33.685; repealing section 9, chapter 141, Laws of 1967, section 242, chapter 141, Laws of 1979 and RCW 72.33.690; repealing section 11, chapter 141, Laws of 1967 and RCW 72.33.695; repealing section 12, chapter 141, Laws of 1967, section 243, chapter 141, Laws of 1979 and RCW 72.33.700; providing an effective date; and declaring an emergency.

Referred to Committee on Social and Health Services.

SB 3652 by Senators McManus and Kiskaddon (by Department of Social and Health Services request)

AN ACT Relating to agencies serving children, developmentally disabled persons, or expectant mothers; amending section 2, chapter 172, Laws of 1967 as last amended by section 5, chapter 118, Laws of 1982 and RCW 74.15.020; adding new sections to chapter 74.15 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SB 3653 by Senators McManus and Kiskaddon (by Department of Social and Health Services request)

AN ACT Relating to personal records; adding a new chapter to Title 40 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SB 3654 by Senators Talmadge, McCaslin and McManus (by Department of Social and Health Services request)

AN ACT Relating to criminal procedure; amending section 1, chapter 117, Laws of 1973 1st ex. sess. as amended by section 1, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.010; amending section 2, chapter 117, Laws of 1973 1st ex. sess. as amended by section 2, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.020; amending section 6, chapter 117, Laws of 1973 1st ex. sess. as amended by section 6, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.060; amending section 7, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.070; amending section 9, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 215, Laws of 1979 ex. sess. and RCW 10.77.090; amending section 11, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 215, Laws of 1979 ex. sess. and RCW 10.77.110; amending section 12, chapter 117, Laws of 1973 1st ex. sess. as amended by section 11, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.120; amending section 15, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 112, Laws of 1982 and RCW 10.77.150; and adding new sections to chapter 10.77 RCW.

Referred to Committee on Judiciary.

SB 3655 by Senators Shinpoch, Moore, Goltz, McManus, Deccio and Warnke

AN ACT Relating to podiatric services; amending section 1, chapter 268, Laws of 1947 as last amended by section 10, chapter 102, Laws of 1980 and RCW 48.44.010; amending section 4, chapter 115, Laws of 1969 as amended by section 1, chapter 127, Laws of 1979 and RCW 48.44.220; and adding new sections to chapter 48.44 RCW.

Referred to Committee on Social and Health Services.

SB 3656 by Senator Owen

AN ACT Relating to forest protection; amending section 1, chapter 102, Laws of 1977 ex. sess. as last amended by section 1, chapter 55, Laws of 1982 1st ex. sess. and RCW 76.04.360; and amending section 8, chapter 207, Laws of 1971 ex. sess. as last amended by section 2, chapter 55, Laws of 1982 1st ex. sess. and RCW 76.04.515.

Referred to Committee on Natural Resources.

SB 3657 by Senators Wojahn, McDermott and Talmadge

AN ACT Relating to state-owned armories; and amending section 93, chapter 130, Laws of 1943 as last amended by section 1, chapter 121, Laws of 1975 1st ex. sess. and RCW 38.20.010.

Referred to Committee on State Government.

SB 3658 by Senator McManus (by Department of Social and Health Services request)

AN ACT Relating to public assistance; amending section 16, chapter 204, Laws of 1982 and RCW 74.04.230; amending section 74.04.300, chapter 26, Laws of 1959 as last amended by section 16, chapter 201, Laws of 1982 and RCW 74.04.300; amending section 4, chapter 172, Laws of 1969 ex. sess. as amended by section 322, chapter 141, Laws of 1979 and RCW 74.04.500; amending section 2, chapter 10, Laws of 1981 2nd ex. sess. and RCW 74.04.760; amending section 74.08.100, chapter 26, Laws of 1959 as amended by section 137, chapter 81, Laws of 1971 and RCW 74.08.100; amending section 1, chapter 34, Laws of 1965 ex. sess. as amended by section 329, chapter 141, Laws of 1979 and RCW 74.08.331; amending section 17, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.08.541; amending section 3, chapter 51, Laws of 1973 1st ex. sess. as amended by section 2, chapter 137, Laws of 1980 and RCW 74.08.550; amending section 4, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.560; adding new sections to chapter 74.04 RCW: recodifying RCW 74.08.043, 74.08.044, 74.08.045, 74.08.100, 74.08.120, 74.08.331, 74.08.335, 74.08.338, 74.08.340, 74.08.530, 74.08.541, 74.08.545, 74.08.550, 74.08.560, 74.08.570, 74.08.046, and 74.12.010; repealing section 1, chapter 6, Laws of 1981 1st ex. sess., section 5, chapter 10, Laws of 1981 2nd ex. sess. and RCW 74.04.005; repealing section 2, chapter 49, Laws of 1973 1st ex. sess. and RCW 74.04.006; repealing section 74.04.011, chapter 26, Laws of 1959, section 4, chapter 173, Laws of 1969 ex. sess., section 295, chapter 141, Laws of 1979 and RCW 74.04.011; repealing section 74.04.015, chapter 26, Laws of 1959, section 2, chapter 228, Laws of 1963, section 296, chapter 141, Laws of 1979, section 2, chapter 8, Laws of 1981, section 2, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.04.015; repealing section 74.04.017, chapter 26, Laws of 1959, section 297, chapter 141, Laws of 1979 and RCW

74.04.017; repealing section 74.04.040, chapter 26, Laws of 1959, section 1, chapter 191, Laws of 1981 and RCW 74.04.040; repealing section 74.04.050, chapter 26, Laws of 1959, section 3, chapter 228, Laws of 1963, section 3, chapter 8, Laws of 1981, section 3, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.04.050; repealing section 74.04.055, chapter 26, Laws of 1959, section 4, chapter 228, Laws of 1963, section 298, chapter 141, Laws of 1979 and RCW 74.04.055; repealing section 3, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.057; repealing section 74.04.060, chapter 26, Laws of 1959, section 1, chapter 152, Laws of 1973 and RCW 74.04.060; repealing section 2, chapter 152, Laws of 1973 and RCW 74.04.062; repealing section 74.04.070, chapter 26, Laws of 1959, section 299, chapter 141, Laws of 1979 and RCW 74.04.070; repealing section 74.04.080, chapter 26, Laws of 1959, section 300, chapter 141, Laws of 1979 and RCW 74.04.080; repealing section 74.04.120, chapter 26, Laws of 1959, section 301, chapter 141, Laws of 1979 and RCW 74.04.120; repealing section 74.04.180, chapter 26, Laws of 1959 and RCW 74.04.180; repealing section 74.04.200, chapter 26, Laws of 1959, section 302, chapter 141, Laws of 1979, section 4, chapter 8, Laws of 1981, section 4, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.04.200; repealing section 74.04.210, chapter 26, Laws of 1959 and RCW 74.04.210; repealing section 74.04.265, chapter 26, Laws of 1959, section 1, chapter 35, Laws of 1965 ex. sess., section 303, chapter 141, Laws of 1979 and RCW 74.04.265; repealing section 1, chapter 215, Laws of 1977 ex. sess. and RCW 74.04.266; repealing section 74.04.270, chapter 26, Laws of 1959, section 304, chapter 141, Laws of 1979 and RCW 74.04.270; repealing section 74.04.290, chapter 26, Laws of 1959, section 2, chapter 173, Laws of 1969 ex. sess., section 305, chapter 141, Laws of 1979, section 2, chapter 171, Laws of 1979 ex. sess. and RCW 74.04.290; repealing section 74.04.310, chapter 26, Laws of 1959, section 309, chapter 141, Laws of 1979 and RCW 74.04.310; repealing section 74.04.330, chapter 26, Laws of 1959, section 5, chapter 228, Laws of 1963, section 310, chapter 141, Laws of 1979 and RCW 74.04.330; repealing section 74.04.340, chapter 26, Laws of 1959, section 311, chapter 141, Laws of 1979 and RCW 74.04.340; repealing section 74.04.350, chapter 26, Laws of 1959 and RCW 74.04.350; repealing section 74.04.360, chapter 26, Laws of 1959, section 312, chapter 141, Laws of 1979 and RCW 74.04.360; repealing section 1, chapter 112, Laws of 1961, section 1, chapter 219, Laws of 1963, section 313, chapter 141, Laws of 1979 and RCW 74.04.380; repealing section 2, chapter 219, Laws of 1963, section 314, chapter 141, Laws of 1979 and RCW 74.04.385; repealing section 15, chapter 228, Laws of 1963, section 321, chapter 141, Laws of 1979 and RCW 74.04.480; repealing section 5, chapter 172, Laws of 1969 ex. sess. and RCW 74.04.505; repealing section 7, chapter 172, Laws of 1969 ex. sess. and RCW 74.04.515; repealing section 8, chapter 172, Laws of 1969 ex. sess. and RCW 74.04.520; repealing section 3, chapter 102, Laws of 1973 1st ex. sess. and RCW 74.04.550; repealing section 4, chapter 10, Laws of 1981 2nd ex. sess. and RCW 74.04.770; repealing section 74.08.025, chapter 26, Laws of 1959, section 1, chapter 31, Laws of 1967 ex. sess., section 1, chapter 169, Laws of 1971 ex. sess., section 1, chapter 79, Laws of 1980, section 8, chapter 8, Laws of 1981, section 9, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.08.025; repealing section 74.08.030, chapter 26, Laws of 1959, section 1, chapter 248, Laws of 1961, section 2, chapter 169, Laws of 1971 ex. sess. and RCW 74.08.030; repealing section 74.08.050, chapter 26, Laws of 1959, section 3, chapter 169, Laws of 1971 ex. sess. and RCW 74.08.050; repealing section 74.08.055, chapter 26, Laws of 1959, section 323, chapter 141, Laws of 1979 and RCW 74.08.055; repealing section 74.08.060, chapter 26, Laws of 1959, section 6, chapter 173, Laws of 1969 ex. sess., section 13, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.08.060; repealing section 74.08.070, chapter 26, Laws of 1959, section 1, chapter 172, Laws of 1969 ex. sess., section 324, chapter 141, Laws of 1979, section 1, chapter 92, Laws of 1979 ex. sess., section 34, chapter 67, Laws of 1981, section 14, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.08.070; repealing section 74.08.080, chapter 26, Laws of 1959, section 2, chapter 172, Laws of 1969 ex. sess., section 136, chapter 81, Laws of 1971 and RCW 74.08.080; repealing section 74.08.090, chapter 26, Laws of 1959, section 5, chapter 173, Laws of 1969 ex. sess. and RCW 74.08.090; repealing section 74.08.105, chapter 26, Laws of 1959, section 325, chapter 141, Laws of 1979 and RCW 74.08.105; repealing section 74.08.210, chapter 26, Laws of 1959 and RCW 74.08.210; repealing section 74.08.260, chapter 26, Laws of 1959 and RCW 74.08.260; repealing section 74.08.278, chapter 26, Laws of 1959, section 327, chapter 141, Laws of 1979 and RCW 74.08.278; repealing section 74.08.280, chapter 26, Laws of 1959, section 328, chapter 141, Laws of 1979 and RCW 74.08.280; repealing section 74.08.283, chapter 26, Laws of 1959, section 16, chapter 228, Laws of 1963 and RCW 74.08.283; repealing section 74.08.290, chapter 26, Laws of 1959 and RCW 74.08.290; repealing section 74.08.370, chapter 26, Laws of 1959, section 33, chapter 106, Laws of 1973 and RCW 74.08.370; repealing section 74.08.380, chapter 26, Laws of 1959 and RCW 74.08.380; repealing section 17, chapter 228, Laws of 1963, section 7, chapter 173, Laws of 1969 ex. sess., section 332, chapter 141, Laws of 1979 and RCW 74.08.390; repealing section 74.12.030, chapter 26, Laws of 1959, section 19, chapter 228, Laws of 1963, section 6, chapter 169, Laws of 1971 ex. sess. and RCW 74.12.030; repealing section 74.12.240, chapter 26, Laws of 1959 and RCW 74.12.240; repealing section 1, chapter 206, Laws of 1961, section 21, chapter 228, Laws of 1963 and RCW 74.12.250; repealing section 22, chapter 228, Laws of 1963, section 351, chapter 141, Laws of 1979 and RCW 74.12.260; repealing section 23, chapter 228, Laws of 1963 and RCW 74.12.270; repealing section 24, chapter 228, Laws of

1963 and RCW 74.12.280; repealing section 25, chapter 228, Laws of 1963, section 352, chapter 141, Laws of 1979 and RCW 74.12.290; repealing section 26, chapter 228, Laws of 1963, section 353, chapter 141, Laws of 1979 and RCW 74.12.300; repealing section 27, chapter 228, Laws of 1963 and RCW 74.12.310; repealing section 28, chapter 228, Laws of 1963 and RCW 74.12.320; repealing section 29, chapter 228, Laws of 1963 and RCW 74.12.330; repealing section 30, chapter 228, Laws of 1963, section 111, chapter 154, Laws of 1973 1st ex. sess. and RCW 74.12.340; repealing section 1, chapter 226, Laws of 1963, section 354, chapter 141, Laws of 1979 and RCW 74.12.350; and prescribing penalties.

Referred to Committee on Social and Health Services.

SB 3659 by Senators McManus and Kiskaddon (by Department of Social and Health Services request)

AN ACT Relating to the support of children; amending section 6, chapter 157, Laws of 1973 1st ex. sess. as amended by section 3, chapter 32, Laws of 1975 and RCW 26.09.060; amending section 10, page 452, Laws of 1873 as last amended by section 1, chapter 121, Laws of 1969 ex. sess. and RCW 26.16.200; amending section 7, chapter 42, Laws of 1975-76 2nd ex. sess. and RCW 26.26.060; amending section 10, chapter 42, Laws of 1975-76 2nd ex. sess. and RCW 26.26.090; amending section 11, chapter 42, Laws of 1975-76 2nd ex. sess. and RCW 26.26.100; amending section 14, chapter 42, Laws of 1975-76 2nd ex. sess. and RCW 26.26.130; amending section 15, chapter 42, Laws of 1975-76 2nd ex. sess. and RCW 26.26.140; amending section 19, chapter 42, Laws of 1975-76 2nd ex. sess. and RCW 26.26.180; amending section 21, chapter 42, Laws of 1975-76 2nd ex. sess. and RCW 26.26.200; amending section 21, chapter 5, Laws of 1961 ex. sess. as amended by section 38, chapter 42, Laws of 1975-76 2nd ex. sess. and RCW 70.58.095; amending section 13, chapter 206, Laws of 1963 as amended by section 370, chapter 141, Laws of 1979 and RCW 74.20.280; adding a new section to chapter 4.16 RCW; adding new sections to chapter 26.26 RCW; and repealing section 45, chapter 42, Laws of 1975-76 2nd ex. sess. and RCW 26.26.902.

Referred to Committee on Social and Health Services.

SB 3660 by Senators McManus and Kiskaddon (by Department of Social and Health Services request)

AN ACT Relating to social and health services; amending section 28A.10.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 11, chapter 151, Laws of 1979 and RCW 28A.10.080; amending section 2, chapter 102, Laws of 1967 ex. sess. as amended by section 47, chapter 141, Laws of 1979 and RCW 43.20A.605; amending section 13, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.370; amending section 14, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.375; amending section 74.04.290, chapter 26, Laws of 1959 as last amended by section 2, chapter 171, Laws of 1979 ex. sess. and RCW 74.04.290; amending section 10, chapter 152, Laws of 1979 ex. sess. and RCW 74.09.290; amending section 5, chapter 228, Laws of 1979 ex. sess. and RCW 70.124.050; amending section 6, chapter 224, Laws of 1982 and RCW 71.20.016; amending section 72.01.060, chapter 28, Laws of 1959 as amended by section 146, chapter 141, Laws of 1979 and RCW 72.01.060; amending section 4, chapter 277, Laws of 1959 as amended by section 217, chapter 141, Laws of 1979 and RCW 72.18.040; amending section 3, chapter 165, Laws of 1963 as amended by section 224, chapter 141, Laws of 1979 and RCW 72.19.030; amending section 72.23.030, chapter 28, Laws of 1959 as amended by section 2, chapter 56, Laws of 1969 and RCW 72.23.030; amending section 3, chapter 18, Laws of 1967 ex. sess. as amended by section 55, chapter 80, Laws of 1977 ex. sess. and RCW 72.30.030; amending section 72.33.040, chapter 28, Laws of 1959 as last amended by section 12, chapter 217, Laws of 1979 ex. sess. and RCW 72.33.040; amending section 72.40.020, chapter 28, Laws of 1959 as amended by section 247, chapter 141, Laws of 1979 and RCW 72.40.020; amending section 78, chapter 155, Laws of 1979 and RCW 74.13.032; amending section 4, chapter 96, Laws of 1972 ex. sess. as amended by section 1, chapter 42, Laws of 1981 and RCW 72.42.040; adding new sections to chapter 43.20A RCW; creating a new section; repealing section 37, chapter 99, Laws of 1979 and RCW 43.131.221; repealing section 79, chapter 99, Laws of 1979 and RCW 43.131.222; and declaring an emergency.

Referred to Committee on Social and Health Services.

SB 3661 by Senator Hughes

AN ACT Relating to litter control.

Referred to Committee on Parks and Ecology.

SB 3662 by Senator Hughes

AN ACT Relating to litter control.

Referred to Committee on Parks and Ecology.

SB 3663 by Senator Hughes
AN ACT Relating to water quality.
Referred to Committee on Parks and Ecology.

SB 3664 by Senator Hughes
AN ACT Relating to water quality.
Referred to Committee on Parks and Ecology.

SB 3665 by Senator Hughes
AN ACT Relating to air quality.
Referred to Committee on Parks and Ecology.

SB 3666 by Senator Hughes
AN ACT Relating to air quality.
Referred to Committee on Parks and Ecology.

SB 3667 by Senator Hughes
AN ACT Relating to volunteers in state parks.
Referred to Committee on Parks and Ecology.

SB 3668 by Senator Hughes
AN ACT Relating to historic property taxation.
Referred to Committee on Parks and Ecology.

SB 3669 by Senator Hughes
AN ACT Relating to winter recreation.
Referred to Committee on Parks and Ecology.

SB 3670 by Senator Hughes
AN ACT Relating to parks reservations.
Referred to Committee on Parks and Ecology.

SB 3671 by Senator Hughes
AN ACT Relating to off-road vehicles.
Referred to Committee on Parks and Ecology.

SB 3672 by Senator Hughes
AN ACT Relating to emission control.
Referred to Committee on Parks and Ecology.

SB 3673 by Senator Hughes
AN ACT Relating to recycling.
Referred to Committee on Parks and Ecology.

SB 3674 by Senator Hughes
AN ACT Relating to pollution control.
Referred to Committee on Parks and Ecology.

SB 3675 by Senator Hughes
AN ACT Relating to shoreline management.
Referred to Committee on Parks and Ecology.

SB 3676 by Senator Hughes
AN ACT Relating to volunteers in state parks.
Referred to Committee on Parks and Ecology.

SB 3677 by Senator Hughes

AN ACT Relating to historic property taxation.

Referred to Committee on Parks and Ecology.

SB 3678 by Senator Hughes

AN ACT Relating to a recreation guide.

Referred to Committee on Parks and Ecology.

SB 3679 by Senator Hughes

AN ACT Relating to a recreation guide.

Referred to Committee on Parks and Ecology.

SB 3680 by Senator Hughes

AN ACT Relating to winter recreation.

Referred to Committee on Parks and Ecology.

SB 3681 by Senator Hughes

AN ACT Relating to parks reservations.

Referred to Committee on Parks and Ecology.

SB 3682 by Senator Hughes

AN ACT Relating to off-road vehicles.

Referred to Committee on Parks and Ecology.

SB 3683 by Senator Hughes

AN ACT Relating to emission control.

Referred to Committee on Parks and Ecology.

SB 3684 by Senator Hughes

AN ACT Relating to oil recycling.

Referred to Committee on Parks and Ecology.

SB 3685 by Senator Hughes

AN ACT Relating to oil recycling.

Referred to Committee on Parks and Ecology.

SB 3686 by Senator Hughes

AN ACT Relating to state parks fees.

Referred to Committee on Parks and Ecology.

SB 3687 by Senator Hughes

AN ACT Relating to pollution control.

Referred to Committee on Parks and Ecology.

SB 3688 by Senator Hughes

AN ACT Relating to shoreline management.

Referred to Committee on Parks and Ecology.

SB 3689 by Senator Moore

AN ACT Relating to securities.

Referred to Committee on Financial Institutions.

SB 3690 by Senator Moore

AN ACT Relating to securities.

Referred to Committee on Financial Institutions.

SB 3691 by Senator Moore

AN ACT Relating to public funds.

Referred to Committee on Financial Institutions.

SB 3692 by Senator Moore

AN ACT Relating to banks and trust companies.

Referred to Committee on Financial Institutions.

SB 3693 by Senator Moore

AN ACT Relating to banks and trust companies.

Referred to Committee on Financial Institutions.

SB 3694 by Senator Moore

AN ACT Relating to insurance.

Referred to Committee on Financial Institutions.

SB 3695 by Senator Moore

AN ACT Relating to insurance.

Referred to Committee on Financial Institutions.

SB 3696 by Senator Moore

AN ACT Relating to insurance.

Referred to Committee on Financial Institutions.

SB 3697 by Senator Moore

AN ACT Relating to industrial loan companies.

Referred to Committee on Financial Institutions.

SB 3698 by Senator Moore

AN ACT Relating to credit unions.

Referred to Committee on Financial Institutions.

SB 3699 by Senator Moore

AN ACT Relating to credit unions.

Referred to Committee on Financial Institutions.

SB 3700 by Senator Moore

AN ACT Relating to mutual savings banks.

Referred to Committee on Financial Institutions.

SB 3701 by Senator Moore

AN ACT Relating to savings and loan associations.

Referred to Committee on Financial Institutions.

SB 3702 by Senator Moore

AN ACT Relating to financial institutions.

Referred to Committee on Financial Institutions.

SB 3703 by Senator Moore

AN ACT Relating to financial institutions.

Referred to Committee on Financial Institutions.

SB 3704 by Senator Moore

AN ACT Relating to pawnbrokers.

Referred to Committee on Financial Institutions.

SB 3705 by Senator Owen

AN ACT Relating to aquatic land leases.

Referred to Committee on Natural Resources.

SB 3706 by Senator Owen

AN ACT Relating to aquatic lands.

Referred to Committee on Natural Resources.

SB 3707 by Senator Hughes

AN ACT Relating to historic preservation.

Referred to Committee on Parks and Ecology.

SB 3708 by Senator Hughes

AN ACT Relating to conservation corps.

Referred to Committee on Parks and Ecology.

SB 3709 by Senator Hughes

AN ACT Relating to state parks.

Referred to Committee on Parks and Ecology.

SB 3710 by Senator Hughes

AN ACT Relating to conservation.

Referred to Committee on Parks and Ecology.

SB 3711 by Senator Hughes

AN ACT Relating to outdoor recreation.

Referred to Committee on Parks and Ecology.

SB 3712 by Senator Hughes

AN ACT Relating to parks administration.

Referred to Committee on Parks and Ecology.

SB 3713 by Senator Hughes

AN ACT Relating to outdoor recreation funding.

Referred to Committee on Parks and Ecology.

SB 3714 by Senator Hughes

AN ACT Relating to state parks fees.

Referred to Committee on Parks and Ecology.

SB 3715 by Senator Hughes

AN ACT Relating to state parks.

Referred to Committee on Parks and Ecology.

SB 3716 by Senator Hughes

AN ACT Relating to recycling.

Referred to Committee on Parks and Ecology.

SB 3717 by Senator Hughes

AN ACT Relating to conservation corps.

Referred to Committee on Parks and Ecology.

SB 3718 by Senator Hughes

AN ACT Relating to historic preservation.

Referred to Committee on Parks and Ecology.

SB 3719 by Senator Hughes

AN ACT Relating to environmental policy.

Referred to Committee on Parks and Ecology.

SB 3720 by Senator Hughes

AN ACT Relating to water supply.

Referred to Committee on Parks and Ecology.

- SB 3721 by Senator Hughes
AN ACT Relating to water supply.
Referred to Committee on Parks and Ecology.
- SB 3722 by Senator Hughes
AN ACT Relating to hazardous waste.
Referred to Committee on Parks and Ecology.
- SB 3723 by Senator Hughes
AN ACT Relating to outdoor recreation funding.
Referred to Committee on Parks and Ecology.
- SB 3724 by Senator Hughes
AN ACT Relating to parks districts.
Referred to Committee on Parks and Ecology.
- SB 3725 by Senator Hughes
AN ACT Relating to parks districts.
Referred to Committee on Parks and Ecology.
- SB 3726 by Senator Hughes
AN ACT Relating to parks administration.
Referred to Committee on Parks and Ecology.
- SB 3727 by Senator Hughes
AN ACT Relating to outdoor recreation.
Referred to Committee on Parks and Ecology.
- SB 3728 by Senator Hughes
AN ACT Relating to conservation.
Referred to Committee on Parks and Ecology.
- SB 3729 by Senator Hughes
AN ACT Relating to hazardous waste.
Referred to Committee on Parks and Ecology.
- SB 3730 by Senator Hughes
AN ACT Relating to environmental policy.
Referred to Committee on Parks and Ecology.
- SB 3731 by Senator McManus
AN ACT Relating to career change.
Referred to Committee on Social and Health Services.
- SB 3732 by Senator McManus
AN ACT Relating to out-placement and dehirng.
Referred to Committee on Social and Health Services.
- SB 3733 by Senator McManus
AN ACT Relating to employment development.
Referred to Committee on Social and Health Services.
- SB 3734 by Senator McManus
AN ACT Relating to jobs.
Referred to Committee on Social and Health Services.
- SB 3735 by Senator McManus

AN ACT Relating to retraining.

Referred to Committee on Social and Health Services.

SB 3736 by Senator McManus

AN ACT Relating to job placement.

Referred to Committee on Social and Health Services.

SB 3737 by Senator McManus

AN ACT Relating to manpower development.

Referred to Committee on Social and Health Services.

SB 3738 by Senator Haley

AN ACT Relating to food fish and shellfish; amending section 75.16.010, chapter 12, Laws of 1955 as amended by section 1, chapter 35, Laws of 1971 and RCW 75.16.010; amending section 75.16.020, chapter 12, Laws of 1955 and RCW 75.16.020; amending section 4, chapter 35, Laws of 1971 as amended by section 1, chapter 23, Laws of 1974 ex. sess. and RCW 75.16.120; amending section 7, chapter 98, Laws of 1980 and RCW 82.27.070; adding a new chapter to Title 75 RCW; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Natural Resources.

SB 3739 by Senators McManus, Guess, Hansen and Deccio

AN ACT Relating to agencies serving children, developmentally disabled persons, or expectant mothers; amending section 2, chapter 172, Laws of 1967 as last amended by section 5, chapter 118, Laws of 1982 and RCW 74.15.020; adding new sections to chapter 74.15 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SB 3740 by Senators Vognild, Rasmussen and Peterson

AN ACT Relating to hazardous materials liability; adding new sections to chapter 70.136 RCW; repealing section 1, chapter 172, Laws of 1982 and RCW 70.136.010; repealing section 2, chapter 172, Laws of 1982 and RCW 70.136.020; repealing section 4, chapter 172, Laws of 1982 and RCW 70.136.030; repealing section 3, chapter 172, Laws of 1982 and RCW 70.136.040; repealing section 5, chapter 172, Laws of 1982 and RCW 70.136.050; repealing section 6, chapter 172, Laws of 1982 and RCW 70.136.060; repealing section 7, chapter 172, Laws of 1982 and RCW 70.136.070; and declaring an emergency.

Referred to Committee on Transportation.

SB 3741 by Senators Moore, Haley and McManus

AN ACT Relating to health insurance; amending section 1, chapter 117, Laws of 1975 1st ex. sess. and RCW 48.21.075; amending section 3, chapter 117, Laws of 1975 1st ex. sess. as amended by section 1, chapter 149, Laws of 1982 and RCW 48.44.250; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 81 by Committee on State Government (originally sponsored by Representatives G. Nelson, B. Williams, Sommers, O'Brien, Johnson and Stratton) (by Legislative Budget Committee request)

Establishing the Washington state heritage council.

Referred to Committee on State Government.

HB 147 by Representatives Armstrong, Holland, Lux, Patrick, Garrett, Tanner, Lewis and Isaacson

Modifying the definition of homicide.

Referred to Committee on Judiciary.

SHB 148 by Committee on Education (originally sponsored by Representatives Haugen, Galloway, Johnson, Schoon, Rust, Armstrong, Taylor, Betzoff and Holland)

Modifying procedures for school districts' budgets and funds.

Referred to Committee on Education.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of officials of the Veterans of Foreign Wars, and appointed Senators Hansen, Benitz, Williams, and Peterson as a committee of honor to escort the honored guests, the Commander-in-Chief of the Veterans of Foreign Wars of the United States, Mr. James R. Currie, and the Washington State Commander of the Veterans of Foreign Wars, Mr. Fred Kauffman, to the Senate rostrum.

The President also announced the presence in the Chamber of Mr. Gene Qualls, the past State Commander and Legislative Chairman; Mr. Eric Sandstrom, past National Commander; Mr. George Ridell, current State Senior Vice Commander, Mr. John Reynolds, assistant Director, State Department of Veterans Affairs; and Mr. Joe Johnston, a hard-working member of the Veterans of Foreign Wars.

With permission of the Senate, business was suspended to permit Commander-in-Chief Currie to address the Senate.

The committee of honor escorted the guests from the Senate Chamber and the committee was discharged.

MOTION

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

MOTION

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

SENATE RESOLUTION 1983-14

By Senators Wojahn, Bottiger, Gaspard, Granlund, Haley, Rasmussen, Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the the Senate; and Ole Scarpelli, Sergeant at Arms

WHEREAS, On Saturday, February 12, 1983, a dream of the cultural arts community of Tacoma and Pierce County will be realized with the dedication of the Pantages Centre for the Performing Arts; and

WHEREAS, The commitment of the people of Tacoma to bring this dream into fruition is a fine example and inspiration to the communities of Washington State with similar aspirations; and

WHEREAS, The dedication of the citizens of Tacoma to the restoration of a vintage vaudeville theatre to its original lustre will afford the performing artists of Tacoma and Pierce County and visiting artists the unique opportunity to perform on a stage still carrying the faint echoes of great performances by W. C. Fields, Babe Ruth, Bela Lugosi, Edgar Bergen and Charlie McCarthy among many, many others who travelled the old Pantages vaudeville circuit; and

WHEREAS, As one of Washington State's most prestigious, historical theatres which retains the opulent architecture of its era, the Pantages Centre for the Performing Arts has earned its place on the National Register of Historic Places, the Washington State and City of Tacoma registers of historic places, and in the affections of the people of Pierce County and Washington State; and

WHEREAS, The remodeling advisor for the Pantages Centre for the Performing Arts, Richard A. McCann, A.I.A., was a protege of the late B. Marcus Priteca who in 1916 designed the theatre for Alexander Pantages, thereby assuring the integrity and the character of the original Pantages Theatre would be preserved with utmost fidelity;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby commend the citizens of Tacoma for their pride in their city, their determination to choose a cultural arts center as a benchmark in the redevelopment and beautification of their city; and

BE IT FURTHER RESOLVED, That the citizens of Pierce County participating in the historic dedication ceremonies on Saturday, February 12, 1983, are assured of the pleasure and the pride taken by their state government in marking a dedicated effort and a noble achievement by one of Washington's most historic and colorful cities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the board of the Pantages Centre for the Performing Arts and to the Mayor and the City Council of the City of Tacoma.

MOTION

On motion of Senator Haley, all members and the Lieutenant Governor will be added as additional sponsors of Senate Resolution 1983-14.

MOTION

At 10:29 a.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 1:55 p.m.

MOTION

At 1:57 p.m., on motion of Senator Fleming, the Senate adjourned until 10:00 a.m., Saturday, February 12, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, February 12, 1983

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, Bluechel, Craswell, Deccio, Fleming, Haley, Hansen, Hayner, Hurley, McDermott, Pullen, Rasmussen, Sellar, Quigg, and von Reichbauer. On motion of Senator Vognild, Senator Hurley was excused. On motion of Senator Zimmerman, Senators Benitz, Bluechel, Deccio, Hayner, Pullen, Quigg and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kelly Mickelson and Eric Huggins, presented the Colors. Reverend Theodore Marmo, pastor of St. Michael's Catholic Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 11, 1983

SB 3060 Prime Sponsor, Senator Lee: Protecting vulnerable or dependent adults. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 11, 1983

SB 3119 Prime Sponsor, Senator Thompson: Including theft and fraud by a minor child within the parent's civil liability. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 10, 1983

SB 3129 Prime Sponsor, Senator Fleming: Providing for Martin Luther King, Jr.'s birthday as a state and school holiday. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Jones, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 11, 1983

SB 3188 Prime Sponsor, Senator Talmadge: Regulating timeshare offerings in this state. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 11, 1983

SB 3214 Prime Sponsor, Senator Bauer: Modifying provisions relating to the state conservation commission. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 3214 be referred to Committee on Ways and Means. Signed by Lieutenant Governor Cherberg, Chairman; Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Goltz, Guess, Hayner, Jones, Metcalf, Newhouse, Patterson, Rasmussen, Rinehart, Sellar, Shinpoch, Wojahn, Woody.

Referred to Committee on Ways and Means.

February 10, 1983

SB 3233 Prime Sponsor, Senator Fleming: Modifying provisions relating to the Asian-American Affairs Commission. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Jones, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 11, 1983

SJR 115 Prime Sponsor, Senator Fleming: Ratifying the U.S. Constitutional Amendment giving voting rights to the District of Columbia. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Thompson, Williams, Woody.

MINORITY recommendation: Do not pass. Signed by Senators Hemstad, Clarke.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 11, 1983

GA 13 RICHARD E. HELKE, appointed to the position of Member of the State Investment Board, for a term ending December 31, 1984, succeeding Gloria Champeaux. Reported by Committee on Rules

MAJORITY recommendation: That said appointment be referred to Committee on Ways and Means. Signed by Lieutenant Governor Cherberg, Chairman; Senators Bauer, Bender, Bottiger, Conner, Fleming, Goltz, Newhouse, Patterson, Rinehart, Sellar, Shinpoch, Wojahn, Woody.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING

SB 3742 by Senators Bender, Rinehart, Williams and Granlund

AN ACT Relating to absentee voting; and 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.

Referred to Committee on Judiciary.

SB 3743 by Senator Moore

AN ACT Relating to investment advisers; amending section 35, chapter 282, Laws of 1959 and RCW 21.20.350; amending section 60, chapter 282, Laws of 1959 as last amended by section 1, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.005; adding a new section to chapter 21.20 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 3744 by Senator Warnke

AN ACT Relating to school directors; and amending section 3, chapter 10, Laws of 1972 ex. sess. as last amended by section 1, chapter 16, Laws of 1981 and RCW 28A.58.100.

Referred to Committee on Education.

SB 3745 by Senator Warnke

AN ACT Relating to school district contracts; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and declaring an emergency.

Referred to Committee on Education.

SB 3746 by Senators Thompson, McCaslin and Moore

AN ACT Relating to cities; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government.

SB 3747 by Senators Bender, Warnke and Owen

AN ACT Relating to fishing licenses; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Natural Resources.

SB 3748 by Senators Vognild, Benitz, Bottiger and Conner

AN ACT Relating to fire insurance premiums taxation; adding a new section to chapter 48.14 RCW; adding a new section to chapter 43.79 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 3749 by Senators Wojahn, Warnke, Metcalf and Deccio

AN ACT Relating to retirement from public service; adding a new section to chapter 41.32 RCW; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SB 3750 by Senators Bauer, Benitz, Hayner, Fuller, Zimmerman, Barr, Warnke, Deccio, Conner, McManus, Peterson, Craswell, Hemstad, Woody, Quigg, Jones, Guess, Owen and Hansen

AN ACT Relating to timber taxation; amending section 1, chapter 347, Laws of 1977 ex. sess. as last amended by section 2, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.071; adding a new section to chapter 84.33 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3751 by Senators Bauer, Benitz, Craswell, Fuller, McManus, Peterson, Hayner, McCaslin, Barr, Zimmerman, Deccio, Warnke, Owen, Woody and Hansen

AN ACT Relating to timber taxation; amending section 1, chapter 347, Laws of 1977 ex. sess. as last amended by section 2, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.071; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3752 by Senators Bauer, Benitz, Hayner, Craswell, Fuller, McManus, Peterson, McCaslin, Zimmerman, Barr, Deccio, Woody, Warnke and Hansen

AN ACT Relating to timber taxation; amending section 1, chapter 347, Laws of 1977 ex. sess. as last amended by section 2, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.071; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3753 by Senators Wojahn, Sellar, Moore, Jones, Warnke, Bender and Haley

AN ACT Relating to health maintenance organizations; amending section 3, chapter 290, Laws of 1975 1st ex. sess. as amended by section 1, chapter 151, Laws of 1982 and RCW 48.46.020; amending section 4, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.030; amending section 5, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.040; amending section 7, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.060; amending section 8, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.070; amending section 9, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.080; amending section 18, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.170; amending section 4, chapter 235, Laws of 1967 and RCW 24.03.015; amending section 15, chapter 209, Laws of 1969 ex. sess. as last amended by section 11, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.150; amending section 20, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.21.200; adding new sections

to chapter 48.46 RCW; and repealing section 6, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.050.

Referred to Committee on Social and Health Services.

SB 3754 by Senator Craswell

AN ACT Relating to braking equipment; and amending section 1, chapter 11, Laws of 1979 and RCW 46.37.340.

Referred to Committee on Transportation.

SB 3755 by Senators Vognild, Benitz, Newhouse and Hansen (by Liquor Control Board request)

AN ACT Relating to liquor service at international trade fairs, shows, or expositions held under the auspices of federal, state, or local governmental or nonprofit entities and receptions hosted by federal, state, or local governmental entities; amending section 12, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 85, Laws of 1982 and RCW 66.20.010; amending section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 165, chapter ... (SB 3037), Laws of 1983 and RCW 66.28.040; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3756 by Senators Thompson, Guess and Peterson

AN ACT Relating to oil and gas taxation; adding a new chapter to Title 82 RCW; adding a new section to chapter 84.36 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 3757 by Senators McManus, Deccio, Lee, Thompson, Conner, Hansen, Peterson, Kiskaddon, Zimmerman, Bauer, Sellar, Vognild, Guess, Pullen, Hurley, Moore, Fleming, Haley, Hayner and Granlund

AN ACT Relating to nursing homes; amending section 2, chapter 117, Laws of 1951 as last amended by section 15, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.010; amending section 6, chapter 117, Laws of 1951 as last amended by section 2, chapter 11, Laws of 1981 2nd ex. sess. and RCW 18.51.050; amending section 63, chapter 211, Laws of 1979 ex. sess. as amended by section 3, chapter 11, Laws of 1981 2nd ex. sess. and RCW 18.51.091; amending section 20, chapter 177, Laws of 1980 and RCW 74.46.200; adding new sections to chapter 18.51 RCW; and providing an effective date.

Referred to Committee on Social and Health Services.

SB 3758 by Senators Lee, Owen, Granlund and Patterson

AN ACT Relating to excursion services; amending section 81.68.010, chapter 14, Laws of 1961 as last amended by section 16, chapter 111, Laws of 1979 and RCW 81.68.010; amending section 81.68.020, chapter 14, Laws of 1961 and RCW 81.68.020; amending section 81.68.030, chapter 14, Laws of 1961 and RCW 81.68.030; amending section 81.68.060, chapter 14, Laws of 1961 as amended by section 1, chapter 298, Laws of 1977 ex. sess. and RCW 81.68.060; and adding new sections to chapter 81.68 RCW.

Referred to Committee on Transportation.

SB 3759 by Senators Talmadge and Pullen

AN ACT Relating to elections; amending section 29.30.060, chapter 9, Laws of 1965 as amended by section 55, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.060; amending section 37, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.350; amending section 46, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.450; 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 29.36.070, chapter 9, Laws of 1965 as amended by section 2, chapter 73, Laws of 1974 ex. sess. and RCW 29.36.070; 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; repealing section 29.36.075, chapter 9, Laws of 1965 and RCW 29.36.075; repealing section 29.36.077, chapter 9, Laws of 1965 and RCW 29.36.077; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3760 by Senators Vognild, Hurley, Guess and Hughes

AN ACT Relating to local economic development; amending section 2, chapter 300, Laws of 1981 and RCW 39.84.020; and declaring an emergency.

Hold.

SB 3761 by Senators Fuller, Gaspard and Bauer

AN ACT Relating to school districts; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW.

Referred to Committee on Education.

SB 3762 by Senators Moore and Talmadge

AN ACT Relating to port districts; adding a new chapter to Title 53 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 3763 by Senators Fuller and McManus

AN ACT Relating to guardians; and amending section 11.88.100, chapter 145, Laws of 1965 as last amended by section 7, chapter 309, Laws of 1977 ex. sess. and RCW 11.88.100.

Referred to Committee on Judiciary.

SB 3764 by Senators Moore and Rasmussen

AN ACT Relating to tidelands and shorelands; and amending section 100, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.94.150.

Referred to Committee on Natural Resources.

The President announced that Senate Bill No. 3760 would be held on first reading and not referred to committee at this time.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Hughes, the appointment of Silva Bolds as a member of the Interagency Committee for Outdoor Recreation was confirmed.

APPOINTMENT OF SILVA BOLDS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 31; nays, 01; absent, 09; excused, 08.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Fuller, Gaspard, Goltz, Granlund, Guess, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Woody, Zimmerman - 31.

Voting nay: Senator Moore - 1.

Absent: Senators Clarke, Craswell, Fleming, Haley, Hansen, Jones, McDermott, Rasmussen, Sellar - 9.

Excused: Senators Benitz, Bluechel, Deccio, Hayner, Hurley, Pullen, Quigg, von Reichbauer - 8.

MOTIONS

On motion of Senator Zimmerman, Senators Haley, Craswell and Sellar were excused.

On motion of Senator Granlund, the appointment of Dan Boone as a member of the State Jail Commission was confirmed.

APPOINTMENT OF DAN BOONE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 33; nays, 00; absent, 06; excused, 10.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Fuller, Gaspard, Goltz, Granlund, Guess, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 33.

Absent: Senators Clarke, Fleming, Hansen, Jones, McDermott, Rasmussen - 6.

Excused: Senators Benitz, Bluechel, Craswell, Deccio, Haley, Hayner, Hurley, Pullen, Quigg, Sellar - 10.

MOTION

On motion of Senator Granlund, the appointment of Larry V. Erickson as a member of the 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, 36; nays, 00; absent, 03; excused, 10.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Fuller, Gaspard, Goltz, Granlund, Guess, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 36.

Absent: Senators Fleming, Hansen, McDermott - 3.

Excused: Senators Benitz, Bluechel, Craswell, Deccio, Haley, Hayner, Hurley, Pullen, Quigg, Sellar - 10.

MOTION

On motion of Senator Hughes, the appointment of Lawrence J. Faulk as member of the Pollution Control Hearings Board was confirmed.

APPOINTMENT OF LAWRENCE J. FAULK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; nays, 01; absent, 03; excused, 09.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Fuller, Gaspard, Goltz, Granlund, Guess, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 36.

Voting nay: Senator Moore - 1.

Absent: Senators Fleming, Hansen, McDermott - 3.

Excused: Senators Bluechel, Craswell, Deccio, Haley, Hayner, Hurley, Pullen, Quigg, Sellar - 9.

MOTION

On motion of Senator Granlund, the appointment of Henry Beauchamp as a member of the State Jail Commission was confirmed.

APPOINTMENT OF HENRY BEAUCHAMP

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 34; nays, 01; absent, 05; excused, 09.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Fuller, Gaspard, Goltz, Granlund, Guess, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 34.

Voting nay: Senator Moore - 1.

Absent: Senators Fleming, Hansen, Hemstad, McDermott, McManus - 5.

Excused: Senators Bluechel, Craswell, Deccio, Haley, Hayner, Hurley, Pullen, Quigg, Sellar - 9.

MOTIONS

On motion of Senator Zimmerman, Senator Hemstad was excused.

On motion of Senator Gaspard, the appointment of Samuel E. Kelly as a member of the Board of Tax Appeals was confirmed.

APPOINTMENT OF SAMUEL E. KELLY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 35; nays, 00; absent, 04; excused, 10.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Fuller, Gaspard, Goltz, Granlund, Guess, Hughes, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 35.

Absent: Senators Benitz, Fleming, Hansen, McDermott - 4.

Excused: Senators Bluechel, Craswell, Deccio, Haley, Hayner, Hemstad, Hurley, Pullen, Quigg, Sellar - 10.

MOTION

At 10:42 a.m., on motion of Senator Shinpoch, 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 President returned the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

There being no objection, the President announced that Senate Bill No. 3760, which was held on the first reading calendar at the morning session, was referred to the Committee on Commerce and Labor.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on State Government was relieved of further consideration of Senate Bill No. 3742.

On motion of Senator Shinpoch, Senate Bill No. 3742 was referred to the Committee on Judiciary.

At 1:35 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 1:56 p.m.

MOTION

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3062, by Senators Gaspard, Shinpoch, Newhouse, McDermott, Warnke, Deccio and Hayner

Modifying the determination of school district employee's service periods under the public employees retirement system.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3062 was substituted for Senate Bill No. 3062 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Zimmerman, Senators Lee, Kiskaddon, and McCaslin were excused.

On motion of Senator Vognild, Senators Hansen and McManus were excused.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 3062 was advanced to third reading, the second reading considered the third, and the bill was 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. 3062.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3062, and the bill passed the Senate by the following vote: Yeas, 38; nays, 00; absent, 00; excused, 11.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hemstad, Hughes, Jones, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 38.

Excused: Senators Bluechel, Craswell, Haley, Hansen, Hayner, Hurley, Kiskaddon, Lee, McManus, Quigg, Sellar - 11.

SUBSTITUTE SENATE BILL NO. 3062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3127, by Senators Talmadge, Bender, Hemstad, Goltz and Shinpoch

Modifying the distribution of industrial insurance awards and settlements.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3127 was substituted for Senate Bill No. 3127 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "I believe that the advocacy problem that we have seen in the past is entering a new area entirely, Senator Talmadge. As I understand it, the proposed Substitute Bill will allow the Department to bring a lawsuit against the third party, because of the injury. Now, who is the third party in the case where the Department sues?"

Senator Talmadge: "Senator, they are authorized to do that now. The present law is that if the employee does not make an election to proceed with a lawsuit himself or herself against a third party, who is not the employer or not a fellow employee of that injured worker, then the Department or the self-insured employer automatically become the beneficiaries of the lawsuit and can bring it. It is something that the Attorney General's Office does all the time right now, bringing lawsuits against third party wrongdoers."

Senator Guess: "Senator, let me give you an illustration. In the case of a dam, where the general contractor is covered by industrial insurance, the electrical subcontractor is covered by industrial insurance, and yet because the electrical subcontractor's man left the manhole cover off a manhole and the general contractor's man stepped into the manhole and received an injury, then the individual who was injured, sued the electrical contractor and under the third party, he collected a million some odd thousand dollars.

"I thought the trend of this bill was to say that that worker who had collected already from the general contractor, or his account, had to repay to the state the amount of money he got from the electrical subcontractor. What you are doing now, you are saying that the state can sue the electrical contractor even though the electrical contractor was covered?"

Senator Talmadge: "Senator, in that kind of situation, under present law, without regard to this bill, if the employee decided not to proceed and there is a sequence laid out in the law as it now stands—if the employee chose not to proceed, then the Department of Labor and Industries, or if it is a self-insured employer, the self-insured employer would have the right to bring action on behalf of the employee and recover against the third party. That's the law now, and this bill does not affect that at all.

"It is not intended to. It is intended to affect the kind of situation, in your example, where the employee was partially at fault. The Department simply says, 'we don't compromise the lien, you have to pay us the whole amount of what the employee has received from the state.' The problem is that if the employee is partially at fault, there is the comparative negligence statute. It makes it practically impossible for the parties to arrive at a settlement, because of that refusal to compromise the lien. This basically allows that."

Senator Guess: "Is this not, though, when you allow the Department to sue the electrical subcontractor? In this case, is it not swapping dollars from one pocket to another, because both of the parties were covered by the Department of Labor and Industries? Now, the Department is going to sue one account to put into another account. Is this what is going to happen?"

Senator Talmadge: "No, because there would not be a situation where a third party is covered by industrial insurance. They are a separate wrongdoer under the circumstance. The more traditional kind of situation would be where you are

on the job site and the employee is injured because of--say, product liability on the part of a manufacturer, who is separate from the whole situation. Under those circumstances, if it were not a work-place injury, that manufacturer would be responsible for the injury to the employee, notwithstanding. It is simply a recognition of the possibility that there is a third party out there who has the responsibility under tort principles to pay somebody who is injured, while at the same time allowing us to recover under the lien that we established since the first day of the Industrial Insurance Act of 1912."

POINT OF INQUIRY

Senator Deccio: "A couple of questions, Senator Talmadge. Doesn't a worker now have the right, under Worker's Compensation, to waive any benefits if he sues his employer?"

Senator Talmadge: "A worker can not waive the benefits of the Industrial Insurance Act, but under the Act, the worker cannot sue the employer. The employer is absolutely immune from suits by the employee. There is a recent case in which I was involved, which reaffirmed that principle. It says that an employee cannot sue his or her employer."

Senator Deccio: "The other question that I have--the background synopsis says 'a worker is prohibited from suing his or her employer or co-worker for causing injuries.' If an employee can sue a co-worker, doesn't that negate the whole basis of Worker's Comp? If Worker's Comp does replace the necessity of having to sue in the event of an injury, that injury whether payment is made, is not dependent on being victorious in a lawsuit?"

Senator Talmadge: "I agree, Senator, and this is exactly what is in the act. You cannot sue a fellow employee. That is not allowed. A third party is someone who is not the employer or not a fellow employee. They have to be someone independent of the employment relationship, between the employee and the employer or the fellow worker."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3127.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3127, and the bill passed the Senate by the following vote: Yeas, 31; nays, 07; absent, 00; excused, 11.

Voting yea: Senators Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hemstad, Hughes, McDermott, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 31.

Voting nay: Senators Barr, Clarke, Deccio, Jones, McCaslin, Metcalf, Pullen - 7.

Excused: Senators Bluechel, Craswell, Haley, Hansen, Hayner, Hurley, Kiskaddon, Lee, McManus, Quigg, Sellar - 11.

SUBSTITUTE SENATE BILL NO. 3127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

February 12, 1983

MEMORANDUM:

TO: Secretary of the Senate
FROM: Senator Alex Deccio
RE: Vote on SSB 3127

I wish to have my vote on SSB 3127 changed from 'no' to 'yes' recorded in the Senate Journal.

I had the opportunity to peruse the bill in more detail after the vote had been taken and decided to support the measure in view of the detail I learned about the measure.

I would appreciate this being done for the record.
Thank you.

SECOND READING

SENATE BILL NO. 3282, by Senators Guess, Peterson and Hansen

Enacting the Multistate Highway Transportation Agreement.

The bill was read the second time.

MOTIONS

On motion of Senator Guess, the following Committee on Transportation amendment was adopted:

On page 7, line 32, after "committee" insert:

"NEW SECTION. Sec. 2. The chairman of the legislative transportation committee shall appoint a delegate and such alternates as may be appropriate to represent the state on the cooperating committee established by the Multistate Highway Transportation Agreement."

On motion of Senator Guess, the rules were suspended, Engrossed Senate Bill No. 3282 was advanced to third reading, the second reading considered the third, and the bill was 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. 3282.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3282, and the bill passed the Senate by the following vote: Yeas, 36; nays, 02; absent, 00; excused, 11.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Hemstad, Hughes, Jones, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Fleming, Woody - 2.

Excused: Senators Bluechel, Craswell, Haley, Hansen, Hayner, Hurley, Kiskaddon, Lee, McManus, Quigg, Sellar - 11.

ENGROSSED SENATE BILL NO. 3282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3181, by Senators Talmadge, Hemstad, Hughes and Pullen

Modifying provisions relating to involuntary treatment.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3181 was substituted for Senate Bill No. 3181 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3181 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, Senator Hughes was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3181.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3181, and the bill passed the Senate by the following vote: Yeas, 38; nays, 00; absent, 00; excused, 11.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hemstad, Jones, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 38.

Excused: Senators Bluechel, Craswell, Haley, Hansen, Hayner, Hughes, Hurley, Kiskaddon, Lee, Quigg, Sellar - 11.

SUBSTITUTE SENATE BILL NO. 3181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:30 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Monday, February 14, 1983.

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

THIRTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 14, 1983

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Metcalf. On motion of Senator Bluechel, Senator Metcalf was excused.

The Sergeant at Arms Color Guard, consisting of Pages Christine Basmajian and Mark Besola, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

February 12, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3258 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 3, chapter 65, Laws of 1970 ex. sess. and RCW 82.04.255 are each amended to read as follows:

Upon every person engaging within the state as a real estate broker: as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ~~((one)) two and twenty-five one-hundredths~~ percent.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

Sec. 2. Section 82.04.290, chapter 15, Laws of 1961 as last amended by section 212, chapter 3, Laws of 1983 and RCW 82.04.290 are each amended to read as follows:

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((one)) two and twenty-five one-hundredths~~ percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

NEW SECTION, Sec. 3. There is added to chapter 82.04 RCW a new section to read as follows:

(1) There is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed under RCW 82.04.220 through 82.04.240, inclusive, and RCW 82.04.260 through 82.04.280, inclusive, an additional tax equal to twenty-five percent multiplied by the tax payable under RCW 82.04.220 through 82.04.240, inclusive, and RCW 82.04.260 through 82.04.280, inclusive, except that this additional tax shall not apply to any business engaged in the disposal of low level waste as defined in RCW 43.145.010.

(2) There is also levied and shall be collected from every person for the act or privilege of engaging in the business activity of making sales at retail which are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261 or 82.08.0262, as a part of the tax imposed under RCW 82.04.250, an additional tax equal to twenty-five percent multiplied by the tax payable on those activities under RCW 82.04.250.

(3) To facilitate collection of these additional taxes, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

Sec. 4. Section 3, chapter 130, Laws of 1975-76 2nd ex. sess. as last amended by section 2, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.04.2901 are each amended to read as follows:

From and after the first day of April, 1982, until and including the thirtieth day of June, 1983, there is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.220 through ~~((82-04-290))~~ 82.04.250, inclusive, and RCW 82.04.260 through 82.04.280, inclusive, an additional tax equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under the provisions of RCW 82.04.220 through ~~((82-04-290))~~ 82.04.250, inclusive, and RCW 82.04.260 through 82.04.280, inclusive.

To facilitate collection of this additional tax, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

Sec. 5. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to ~~((four))~~ five and one-half percent of the selling price: PROVIDED, That from and after the first day of ~~((December, 1981))~~ March, 1983, until and including the thirtieth day of ~~((April, 1982))~~ June, 1983, such tax shall be levied and collected in an amount equal to ~~((five and five))~~ six and four-tenths percent of the selling price ~~((: PROVIDED FURTHER, That from and after the first day of May, 1982, until and including the thirtieth day of June, 1983, such tax shall be levied and collected in an amount equal to the rate specified in RCW 82.02.030 multiplied by the selling price))~~.

(2) The tax imposed under this chapter shall apply to successive retail sales of the same property.

(3) The rate provided in this section applies to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 6. Section 31, chapter 35, Laws of 1982 1st ex. sess. as amended by section 1, chapter 14, Laws of 1982 2nd ex. sess. and RCW 82.02.030 are each amended to read as follows:

(1) ~~((Until and including the day before the change date, the rate of the sales and use taxes under RCW 82.08.020 shall be five and four-tenths percent and the rate of the additional taxes under RCW 48.14.020(3), 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.08.150(4), 82.16.020(2), 82.20.010(2), 82.24.020(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be four percent.~~

~~((2) From and after the change date until and including the thirtieth day of June, 1983, the rate of tax shall be as follows:~~

~~((a) The rate of sales and use taxes under RCW 82.08.020 shall be five and four-tenths percent and))~~ The rate of the additional taxes under RCW 48.14.020(3), 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.16.020(2), 82.20.010(2), 82.24.020(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be seven percent: PROVIDED, That the additional tax imposed by RCW 82.44.020(5) shall be continued at the rate of three percent for the period July 1 through September 30, 1983;

~~((b))~~ (2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent;

~~((c))~~ (3) The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent; and

~~((d))~~ (4) The rate of the additional taxes under RCW 48.14.020(3) shall be four percent.

~~((3) "Change date" for the taxes under RCW 48.14.020(3), 54.28.020(2), 54.28.025(2), 82.04.2901, 82.16.020(2), and 82.29A.030(2) means July 1, 1982; for the taxes under RCW 82.08.020, 82.08.150(4), 82.20.010(2), 82.24.020(2), 82.26.020(2), 82.45.060(2), 66.24.210(2), and 66.24.290(2) means August 1, 1982; and for the taxes under RCW 82.27.020(5) and 82.44.020(5) means October 1, 1982.))~~

NEW SECTION. Sec. 7. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water other than a seaplane and includes propulsion machinery and other equipment regularly used with the vessel.

(2) "Owned" means a lawful right of possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(3) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling vessels at wholesale or retail in this state.

(4) "Department" means the department of licensing.

NEW SECTION. Sec. 8. Except as provided in this chapter, no person may use any vessel on the waters of this state unless the vessel has been registered and displays a vessel number in accordance with this chapter.

NEW SECTION. Sec. 9. The following are exempt from vessel registration under this chapter:

(1) Vessels from a foreign country or another state temporarily using waters subject to Washington jurisdiction;

(2) Military or public vessels of the United States, except recreational-type public vessels;

(3) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(4) Ships' lifeboats;

(5) Vessels equipped with propulsion machinery of less than ten horse power that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(6) Vessels which have or are required to have a valid marine document as a vessel of the United States and which are engaged in commerce as determined by the rules and regulations of the Internal Revenue Service;

(7) Vessels under fourteen feet in overall length which have no propulsion machinery of any type; and

(8) Vessels under four feet in beam which have no propulsion machinery of any type.

NEW SECTION. Sec. 10. The department shall provide for the issuance of vessel registrations and may appoint agents to collect fees and issue vessel numbers. Each agent of the department shall retain one dollar of the registration fee for each vessel registration application processed by the agent. If the agent is a county auditor, the retained dollar shall be paid to the county treasurer and credited to the county current expense fund. The department shall not issue or renew a registration for a vessel unless the tax due under chapter 82, RCW (sections 16 through 20 of this act) has been paid. Vessel registration fees and taxes collected by the department shall be deposited in the state general fund.

NEW SECTION. Sec. 11. (1) Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of six dollars and the tax imposed under chapter 82, RCW (sections 16 through 20 of this act).

(2) Upon receipt of the application and the registration fee, the vessel shall be assigned a vessel number, which shall be affixed to the vessel in a manner prescribed by the department. The vessel number is not required to be affixed to a vessel which has or is required to have a valid marine document as a vessel of the United States.

(3) Vessel registrations are valid for one calendar year. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee and tax.

NEW SECTION. Sec. 12. (1) Each dealer of vessels in this state shall register with the department in the manner and upon forms prescribed by the department. Upon receipt of a dealer's application for registration and a registration fee of twenty-five dollars, the dealer shall be registered and a vessel number assigned.

(2) The registration fee and vessel number cover all vessels owned and held for sale by the dealer and not rented on a regular commercial basis. Rented vessels shall be registered separately under this chapter.

(3) Dealer vessel numbers are not transferable.

NEW SECTION. Sec. 13. The department shall adopt rules under chapter 34.04 RCW to implement this chapter. The department shall adopt by rule a vessel numbering system which conforms to the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations.

NEW SECTION. Sec. 14. Any person charged with the enforcement of this chapter may request for inspection the certificate of registration from any vessel owner or operator to ascertain the legal and registered ownership of such vessel. Failure to provide such certificate for inspection upon the request of any person charged with enforcement of this chapter constitutes a violation of this chapter and subjects the person requested to produce such document to the penalties provided by section 15 of this act.

NEW SECTION. Sec. 15. (1) A violation of this chapter is a misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:

(A) For the second violation, a fine of two hundred dollars per vessel;

(b) For the third and successive violations a fine of four hundred dollars per vessel.

(2) Moneys collected under this section shall be used by the jurisdiction collecting the fine exclusively for law enforcement purposes.

(3) All law enforcement officers shall have the authority to enforce this chapter within their respective jurisdictions.

NEW SECTION, Sec. 16. (1) An excise tax is imposed for the privilege of using a vessel as defined in section 7 of this act upon the waters of this state. The annual amount of the excise tax is one percent of fair market value of the vessel per calendar year or part thereof, as determined under this chapter.

(2) The excise tax for a vessel registered within one month after the date the owner acquired the vessel shall be prorated for the remaining months of the calendar year, including the month in which the vessel is registered if the vessel was not registered in this state for the immediately preceding calendar year.

(3) The excise tax imposed under this chapter is due and payable to the department of licensing or its agents at the time of registration of a vessel.

NEW SECTION, Sec. 17. The department of revenue shall prepare at least once each year a depreciation schedule for use in the determination of fair market value for the excise tax imposed by this chapter. The schedule shall be based upon information available to the department of revenue pertaining to the current fair market value of vessels. The fair market value of a vessel for the purposes of the excise tax imposed by this chapter shall be based on the original purchase price depreciated according to the year of purchase of the vessel. The original purchase price is the consideration, whether money, credit, rights, or other property expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the vessel. The purchase price must be a reasonable representation of the fair market value of the vessel.

NEW SECTION, Sec. 18. (1) If the original purchase price is not known, the owner may have the county assessor appraise the vessel, which value shall be used if less than the value established by the department of revenue.

(2) If the vessel is homemade, a notarized declaration of fair market value shall be made by the owner. The department of revenue shall appraise the vessel to establish the value of the vessel for excise tax purposes when it appears that the declared value does not represent the true fair market value of the vessel.

NEW SECTION, Sec. 19. Any vessel owner may appeal the fair market value of the owner's vessel established by the department of revenue to the board of equalization of the county in which the owner resides or in which the vessel is berthed.

NEW SECTION, Sec. 20. The following are exempt from the tax imposed under this chapter:

(1) Vessels exempt from the registration requirements of chapter 88, RCW (sections 7 through 15 of this act);

(2) Vessels engaged in commerce as determined by the rules and regulations of the Internal Revenue Service;

(3) Vessels with a fair market value of five thousand dollars or less; and

(4) Vessels owned and held for sale by a dealer, but not rented on a regular commercial basis.

Sec. 21. Section 84.36.080, chapter 15, Laws of 1961 and RCW 84.36.080 are each amended to read as follows:

All ships and vessels (~~taxable in the state of Washington;~~) which are primarily engaged in (~~interstate~~) commerce(~~foreign commerce or commerce between ports of the state of Washington and the high seas;~~) shall be and are hereby made exempt from all ad valorem taxes, except taxes levied for any state purpose.

Sec. 22. Section 84.36.090, chapter 15, Laws of 1961 and RCW 84.36.090 are each amended to read as follows:

All ships and vessels (~~taxable in the state~~), other than those (~~taxable~~) partially exempt under RCW 84.36.080 and those described in RCW 84.36.079, are exempt from all ad valorem taxes(~~except taxes levied for any state purpose and twenty percent of taxes levied for all other purposes~~).

NEW SECTION, Sec. 23. Property taxes paid for a vessel for 1983 shall be allowed as a credit against tax due under section 16 of this act for the same vessel.

NEW SECTION, Sec. 24. Sections 7 through 15 of this act shall constitute a new chapter in Title 88 RCW. Sections 16 through 20 of this act shall constitute a new chapter in Title 82 RCW.

Sec. 25. Section 82.48.020, chapter 15, Laws of 1961 as last amended by section 240, chapter 158, Laws of 1979 and RCW 82.48.020 are each amended to read as follows:

An annual excise tax is hereby imposed for the privilege of using any aircraft in the state. A current certificate of air worthiness with a current inspection date from the appropriate federal agency and/or the purchase of aviation fuel shall constitute the necessary evidence of aircraft use or intended use. The tax shall be collected for each calendar year by the director of licensing, and must be paid during the month of January, except that the tax for 1983 is due on the effective date of this 1983 section. No additional tax shall be imposed under this chapter

upon any aircraft upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such aircraft has already been paid for the year in which transfer of ownership occurs. ~~((A penalty of five dollars shall be levied against all aircraft not timely registered))~~ A violation of this chapter is a misdemeanor punishable as provided in chapter 9A.20 RCW.

Sec. 26. Section 82.48.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.030 are each amended to read as follows:

The amount of the tax imposed by this chapter for each calendar year or part thereof shall be ~~((fifteen dollars for each single engine aircraft, and twenty-five dollars for each multi-engine aircraft, irrespective of make, type, year of manufacture or any other type of classification))~~ one percent of the fair market value of the aircraft as determined under this chapter. PROVIDED, That the calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon an aircraft registered for the first time in this state after the last day of any month shall only be levied for the remaining months of the calendar year including the month in which the aircraft is being registered: PROVIDED FURTHER, That the minimum amount payable shall be three dollars.

An aircraft shall be deemed registered for the first time in this state when such aircraft was not previously registered by this state for the year immediately preceding the year in which application for registration is made.

NEW SECTION. Sec. 27. There is added to chapter 82.48 RCW a new section to read as follows:

After consultation with the department of licensing, the department of revenue shall prepare at least once each year a schedule for use in the collection of the excise tax imposed under this chapter. The schedule shall be based upon available information pertaining to the fair market value of aircraft. Aircraft shall be classified into a convenient number of classes on the basis of price, make, type, year of manufacture, or any other reasonable basis, and the rate of tax prescribed in RCW 82.48.030 shall be applied to the value of aircraft within the classes as thus determined. In determining fair market value, the department of revenue may use any guidebook, report, or compendium of recognized standing in the aircraft industry. The schedule shall show, so far as possible, the amount of excise tax for aircraft within each class and shall sufficiently describe the aircraft included within each class to enable the department of licensing and its agents to ascertain readily the amount of tax applicable to any particular aircraft.

NEW SECTION. Sec. 28. There is added to chapter 82.48 RCW a new section to read as follows:

Whenever a person applies for a registration for an aircraft which does not appear on the schedule, the applicant shall apply to the county assessor of the applicant's county for computation of the amount of excise tax due. Upon application, the assessor shall appraise the aircraft at its fair market value based on any guidebook, report, or compendium of recognized standing in the aircraft industry, ascertain the amount of excise tax by applying to the appraisal the rate of the tax under this chapter, and give the applicant a certificate showing the excise tax due under this chapter.

NEW SECTION. Sec. 29. Taxes paid under chapter 82.48 RCW before April 1, 1983, for calendar year 1983 shall be allowed as a credit against tax due under RCW 82.48.030 for the same aircraft.

NEW SECTION. Sec. 30. There is added to chapter 82.32 RCW a new section to read as follows:

The revenue accrual account is hereby created in the state general fund. At the close of each fiscal biennium, the state treasurer shall transfer the balance in the state general fund to this account. Moneys in this account may only be spent after appropriation by statute for the purpose of reducing the period after the close of a biennium during which accrued revenue may be credited back to that biennium. If the balance of the account exceeds the amount necessary for the previously stated purpose, moneys in the account may be spent after appropriation by statute for the purpose of decreasing the unfunded liability of a state retirement system.

NEW SECTION. Sec. 31. This act shall not be construed as affecting any existing right acquired, or liability or obligation incurred under the sections amended in this act, nor any rule, regulation, or order adopted, nor any proceeding instituted, under those sections.

NEW SECTION. Sec. 32. 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. 33. (1) The sum of seventy-five thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund to the department of revenue for the biennium ending June 30, 1983, to carry out the purposes of sections 7 through 23 of this act.

(2) The sum of seventy-five thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund to the department of revenue for the biennium ending June 30, 1983, to carry out the purposes of sections 25 through 29 of this act.

(3) The sum of one hundred thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1983, to the department of licensing for the purposes of sections 7 through 23 of this act.

Sec. 34. Section 82.08.050, chapter 15, Laws of 1961 as last amended by section 7, chapter 299, Laws of 1971 ex. sess. and RCW 82.08.050 are each amended to read as follows:

The tax hereby imposed shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale in accordance with the schedule of collections adopted by the department pursuant to the provisions of RCW 82.08.060. The tax required by this chapter, to be collected by the seller, shall be deemed to be held in trust by the seller until paid to the department, and any seller who appropriates or converts the tax collected to his own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter shall be guilty of a gross misdemeanor.

In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of his own acts or the result of acts or conditions beyond his control, he shall, nevertheless, be personally liable to the state for the amount of the tax.

The amount of tax, until paid by the buyer to the seller or to the department, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. The tax required by this chapter to be collected by the seller shall be stated separately from the selling price ~~((and for purposes of determining the tax due from the buyer to the seller and from the seller to the department)), unless the seller elects to include the tax in the selling price and clearly informs the purchaser that the tax is included, and the price list, advertisements, sales document, contract, or other agreement between the parties sets forth the current tax rate. If the seller does not so elect, it shall be conclusively presumed that the selling price quoted in any price list, advertisements, sales document, contract or other agreement between the parties does not include the tax imposed by this chapter.~~

Where a buyer has failed to pay to the seller the tax imposed by this chapter and the seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the buyer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the buyer to pay the same to the seller, regardless of when the tax may be collected by the department; and all of the provisions of chapter 82.32 RCW, including those relative to interest and penalties, shall apply in addition; and, for the sole purpose of applying the various provisions of chapter 82.32 RCW, the fifteenth day of the month following the tax period in which the purchase was made shall be considered as the due date of the tax.

Sec. 35. Section 82.08.120, chapter 15, Laws of 1961 as amended by section 51, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.08.120 are each amended to read as follows:

Whoever, excepting as expressly authorized by this chapter, refunds, remits, or rebates to a buyer, either directly or indirectly and by whatever means, all or any part of the tax levied by this chapter, or makes in any form of advertising, verbal or otherwise, any statements which might infer that he is absorbing the tax or paying the tax for the buyer ~~((by an adjustment of prices, or at a price including the tax, or))~~ in any ~~((other))~~ manner whatsoever shall be guilty of a misdemeanor: PROVIDED, That this section shall not be construed to require the seller to state the tax imposed under this chapter separately from the selling price if the buyer is informed as required under RCW 82.08.050. The violation of this section by any person holding a license granted by the state or any political subdivision thereof shall be sufficient grounds for the cancellation of the license of such person upon written notification by the department of revenue to the proper officer of the department granting the license that such person has violated the provisions of this section. Before any license shall be canceled hereunder, the licensee shall be entitled to a hearing before the department granting the license under such regulations as the department may prescribe.

NEW SECTION. Sec. 36. 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. Sections 1 through 6, and 30 through 36 of this act shall take effect March 1, 1983. Sections 7 through 14, 17 through 21, and 24 through 30 of this act shall take effect April 1, 1983. Sections 15 and 16 of this act shall take effect May 1, 1983. Sections 21 and 22 of this act shall take effect January 1, 1984, for taxes due in 1984 and thereafter. The department of revenue and the department of licensing shall immediately take necessary steps to ensure that all sections of this act are properly implemented on their effective dates. The additional taxes imposed under this act shall take effect on the dates designated in this act notwithstanding the date this act becomes law under Article III, section 12 of the state Constitution."

On page 1, line 1 of the title, after "taxation," strike the remainder of the title and insert "amending section 3, chapter 65, Laws of 1970 ex. sess. and RCW 82.04.255; amending section 82.04.290, chapter 15, Laws of 1961 as last amended by section 212, chapter 3, Laws of 1983

and RCW 82.04.290; amending section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. as last amended by section 2, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.04.2901; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.08.020; amending section 31, chapter 35, Laws of 1982 1st ex. sess. as amended by section 1, chapter 14, Laws of 1982 2nd ex. sess. and RCW 82.02.030; amending section 84.36.080, chapter 15, Laws of 1961 and RCW 84.36.080; amending section 84.36.090, chapter 15, Laws of 1961 and RCW 84.36.090; amending section 82.48.020, chapter 15, Laws of 1961 as last amended by section 240, chapter 158, Laws of 1979 and RCW 82.48.020; amending section 82.48.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.030; amending section 82.08.050, chapter 15, Laws of 1961 as last amended by section 7, chapter 299, Laws of 1971 ex. sess. and RCW 82.08.050; amending section 82.08.120, chapter 15, Laws of 1961 as amended by section 51, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.08.120; adding a new chapter to Title 82 RCW; adding a new chapter to Title 88 RCW; adding new sections to chapter 82.48 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; creating new sections; prescribing penalties; making appropriations; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Bottiger, the Senate did not concur in the House amendments to Senate Bill No. 3258, and requested that the House recede therefrom.

INTRODUCTION AND FIRST READING

SB 3765 by Senators Vognil, Rasmussen and Haley

AN ACT Relating to labor and industries; amending section 1, chapter 27, Laws of 1974 ex. sess. and RCW 43.22.010; amending section 27, chapter 80, Laws of 1973 and RCW 49.17.270; adding new sections to chapter 43.22 RCW; creating new sections; repealing section 1, chapter 207, Laws of 1961, section 12, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 70.98.010; repealing section 2, chapter 207, Laws of 1961, section 1, chapter 88, Laws of 1965, section 13, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 70.98.020; repealing section 3, chapter 207, Laws of 1961, section 2, chapter 88, Laws of 1965, section 125, chapter 141, Laws of 1979 and RCW 70.98.030; repealing section 5, chapter 207, Laws of 1961, section 3, chapter 88, Laws of 1965, section 16, chapter 18, Laws of 1970 ex. sess., section 10, chapter 189, Laws of 1971 ex. sess. and RCW 70.98.050; repealing section 8, chapter 207, Laws of 1961, section 5, chapter 88, Laws of 1965 and RCW 70.98.080; repealing section 9, chapter 207, Laws of 1961 and RCW 70.98.090; repealing section 10, chapter 207, Laws of 1961 and RCW 70.98.100; repealing section 11, chapter 207, Laws of 1961, section 6, chapter 88, Laws of 1965 and RCW 70.98.110; repealing section 12, chapter 207, Laws of 1961 and RCW 70.98.120; repealing section 13, chapter 207, Laws of 1961 and RCW 70.98.130; repealing section 14, chapter 207, Laws of 1961 and RCW 70.98.140; repealing section 15, chapter 207, Laws of 1961, section 7, chapter 88, Laws of 1965 and RCW 70.98.150; repealing section 16, chapter 207, Laws of 1961 and RCW 70.98.160; repealing section 17, chapter 207, Laws of 1961, section 27, chapter 77, Laws of 1973 and RCW 70.98.170; repealing section 18, chapter 207, Laws of 1961, section 8, chapter 88, Laws of 1965 and RCW 70.98.180; repealing section 19, chapter 207, Laws of 1961 and RCW 70.98.190; repealing section 20, chapter 207, Laws of 1961 and RCW 70.98.200; repealing section 24, chapter 207, Laws of 1961, section 14, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 70.98.210; repealing section 21, chapter 207, Laws of 1961 and RCW 70.98.900; repealing section 23, chapter 207, Laws of 1961 and RCW 70.98.910; repealing section 25, chapter 207, Laws of 1961 and RCW 70.98.920; repealing section 1, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.010; repealing section 2, chapter 110, Laws of 1979 ex. sess., section 1, chapter 78, Laws of 1982 and RCW 70.121.020; repealing section 3, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.030; repealing section 4, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.040; repealing section 5, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.050; repealing section 6, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.060; repealing section 7, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.070; repealing section 8, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.080; repealing section 9, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.090; repealing section 10, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.100; repealing section 11, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.110; repealing section 12, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.120; repealing section 13, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.130; repealing section 14, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.900; repealing section 15, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.905; repealing section 16, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.910; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3766 by Senators Fleming, Talmadge and McDermott

AN ACT Relating to choke or neck holds by employees of the state and political subdivisions; and adding a new section to chapter 4.92 RCW.

Referred to Committee on Judiciary.

SB 3767 by Senators Talmadge and Pullen

AN ACT Relating to elections; and amending section 67, chapter 361, Laws of 1977 ex. sess. and RCW 29.34.125.

Referred to Committee on Judiciary.

SB 3768 by Senators Warnke, Zimmerman, Thompson, Haley, Newhouse, Bauer, Hughes, McDermott, Patterson and Hemstad

AN ACT Relating to public broadcasting; amending section 2, chapter 123, Laws of 1980 and RCW 28A.91.100; amending section 3, chapter 123, Laws of 1980 and RCW 28A.91.110; amending section 4, chapter 123, Laws of 1980 and RCW 28A.91.120; creating a new section; repealing section 14, chapter 123, Laws of 1980 and RCW 43.131.240; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government.

SB 3769 by Senators Owen, Jones and McManus

AN ACT Relating to state purchasing; amending section 3, chapter 32, Laws of 1969 as last amended by section 1, chapter 103, Laws of 1980 and RCW 43.19.190; amending section 43.19.1902, chapter 8, Laws of 1965 as last amended by section 97, chapter 151, Laws of 1979 and RCW 43.19.1902; amending section 5, chapter 21, Laws of 1975-'76 2nd ex. sess. as amended by section 7, chapter 172, Laws of 1980 and RCW 43.19.1905; amending section 6, chapter 21, Laws of 1975-'76 2nd ex. sess. as amended by section 98, chapter 151, Laws of 1979 and RCW 43.19.19052; and amending section 43.19.1911, chapter 8, Laws of 1965 as amended by section 8, chapter 172, Laws of 1980 and RCW 43.19.1911.

Referred to Committee on State Government.

SB 3770 by Senators Owen, Jones, McManus and Vognild

AN ACT Relating to the public printer; amending section 43.78.030, chapter 8, Laws of 1965 as last amended by section 2, chapter 164, Laws of 1982 and RCW 43.78.030; amending section 43.78.070, chapter 8, Laws of 1965 as amended by section 134, chapter 151, Laws of 1979 and RCW 43.78.070; amending section 43.78.110, chapter 8, Laws of 1965 as last amended by section 3, chapter 164, Laws of 1982 and RCW 43.78.110; amending section 1, chapter 185, Laws of 1943 as amended by section 1, chapter 42, Laws of 1971 and RCW 2.32.160; amending section 2, chapter 185, Laws of 1943 and RCW 2.32.170; and creating new sections.

Referred to Committee on State Government.

SB 3771 by Senator Haley

AN ACT Relating to the department of fisheries; amending section 4, chapter 35, Laws of 1971 as amended by section 1, chapter 23, Laws of 1974 ex. sess. and RCW 75.16.120; amending section 75.12.130, chapter 12, Laws of 1955 as last amended by section 382, chapter 141, Laws of 1979 and RCW 75.12.130; and adding a new section to chapter 75.16 RCW.

Referred to Committee on Natural Resources.

SB 3772 by Senators Wojahn, McDermott, Zimmerman, Pullen, Bauer, Metcalf and Bender

AN ACT Relating to apprenticeship; and repealing section .1, chapter 39, Laws of 1982 1st ex. sess. and RCW 49.04.075.

Referred to Committee on Commerce and Labor.

SB 3773 by Senators Gaspard, Kiskaddon, Bauer and Warnke

AN ACT Relating to the Washington state school directors' association; amending section 28A.61.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 13, chapter 151, Laws of 1979 and RCW 28A.61.030; amending section 28A.61.050, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 125, Laws of 1969 and RCW 28A.61.050; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.61

RCW; adding a new section to chapter 41.06 RCW; repealing section 28A.61.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.060; repealing section 30, chapter 99, Laws of 1979 and RCW 43.131.207; repealing section 72, chapter 99, Laws of 1979 and RCW 43.131.208; declaring an emergency; and providing an effective date.

Referred to Committee on Education.

SB 3774 by Senators Owen, Jones and McManus

AN ACT Relating to public purchasing; amending section 1, chapter 46, Laws of 1979 ex. sess. and RCW 28B.16.240; amending section 2, chapter 46, Laws of 1979 ex. sess. and RCW 41.06.380; and providing an effective date.

Referred to Committee on State Government.

SB 3775 by Senators Gaspard and Bauer

AN ACT Relating to truant school children; amending section 2, chapter 10, Laws of 1972 ex. sess. as last amended by section 1, chapter 59, Laws of 1980 and RCW 28A.27.010; amending section 1, chapter 201, Laws of 1979 ex. sess. and RCW 28A.27.020; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.27 RCW; repealing section 28A.27.100, chapter 223, Laws of 1969 ex. sess., section 6, chapter 201, Laws of 1979 ex. sess. and RCW 28A.27.100; and prescribing penalties.

Referred to Committee on Education.

SB 3776 by Senator McDermott

AN ACT Relating to state government.

Referred to Committee on State Government.

SB 3777 by Senators Thompson, Zimmerman and Woody

AN ACT Relating to local government; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.56 RCW.

Referred to Committee on Local Government.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on State Government was relieved of further consideration of Senate Bill No. 3520.

On motion of Senator Shinpoch, Senate Bill No. 3520 was referred to the Committee on Local Government.

On motion of Senator Shinpoch, the Committee on Social and Health Services was relieved of further consideration of the Sunset Report on the Commission of the Blind.

On motion of Senator Shinpoch, the Sunset Report on the Commission of the Blind was referred to the Committee on State Government.

At 10:14 a.m., on motion of Senator Bottiger, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

MOTION

At 1:30 p.m., on motion of Senator Wojahn, the Senate recessed until 3:30 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 3:30 p.m.

MOTION

At 3:32 p.m., on motion of Senator Shinpoch, the Senate recessed until 8:00 p.m.

EVENING SESSION

The President called the Senate to order at 8:00 p.m.

MOTION

At 8:00 p.m., on motion of Senator Fleming, the Senate was declared to be at ease.

The President called the Senate to order at 8:45 p.m.

MOTION

At 8:45 p.m., on motion of Senator Shimpoch, the Senate adjourned until 10:00 a.m., Tuesday, February 15, 1983.

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

THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 15, 1983

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 Deccio, Quigg and Rasmussen. On motion of Senator Bluechel, Senators Deccio and Quigg were excused. On motion of Senator Vognild, Senator Rasmussen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Lori Binder and Troy Longwith, presented the Colors.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Sister Anne Hayes, a native of County Down, Ireland, and presently administrator of St. John's Hospital, Longview, Washington. Accompanying Sister Anne were Sister Eileen Rahal and Mr. Ed Mahn of the St. John's Hospital staff. The President appointed Senators Hurley, Jones, Clarke, Fuller, Moore, McManus, and Shinpoch to escort the honored guests to the rostrum.

Sister Anne Hayes, a guest of Senator Alan Thompson, offered the morning prayer.

PERSONAL PRIVILEGE

Senator Zimmerman: "Mr. President, I want just a point of personal privilege about the Irish and others. The Lieutenant Governor, by my name, was not certain that I had any Irish background and I wanted to point out that my mother was Scotch-Irish. Because my father had a German name, but was Swiss, there are some confusions. Having been born in a hospital operated by the Sisters of Mercy in Valley City, North Dakota, and having one parent Presbyterian and one an Evangelical, there was some mixture. My middle name being Samuel is always looked upon as being a bit Jewish.

"So, consequently, I just wanted you to know that we were in Dublin this past year and had a wonderful time visiting David Rice, a former Father from the State of Washington. Please do not hold it against us Zimmerman Irishmen, despite it only being a quarter Irish. Certainly, having been on the hospital board in Longview, at the time several years back before Senator Alan Thompson was a member of the legislature, and serving on the other hospital board in Longview, I am pleased to be able to greet these folks. I won't hold it against you, Mr. Speaker, for this inadvertent oversight."

The committee of honor escorted the guests from the Senate Chamber and the committee was discharged.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 11, 1983

SB 3074 Prime Sponsor, Senator Moore: Requiring licensure of occupational therapists. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 3074 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

February 11, 1983

SB 3104 Prime Sponsor, Senator Vognild: Authorizing public assistance payments to landlords for purpose of rent. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 3104 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

February 11, 1983

SB 3124 Prime Sponsor, Senator McManus: Modifying provisions relating to the Washington health care facilities authority. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 3124 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

February 10, 1983

SB 3251 Prime Sponsor, Senator Vognild: Regulating portable oil fueled heaters. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3251 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Moore, Newhouse, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

February 10, 1983

SB 3310 Prime Sponsor, Senator Talmadge: Providing for conservation easements. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Fleming, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 14, 1983

Mr. President:

The House has adopted:

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 6, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 14, 1983

Mr. President:

The House has passed:

HOUSE BILL NO. 256.

HOUSE JOINT MEMORIAL NO. 4, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 3778 by Senators Bauer, Hemstad, Hughes, Rinehart and Talmadge

AN ACT Relating to 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; 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; and amending section 2, chapter 217, Laws of 1979 ex. sess. and RCW 28A.58.772.

Referred to Committee on Education.

SB 3779 by Senators Fleming and McDermott

AN ACT Relating to the unemployed and the underemployed; creating a new section; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 3780 by Senators Fleming, Jones, McManus, McDermott and Deccio (by Department of Social and Health Services request)

AN ACT Relating to nursing homes; amending section 2, chapter 177, Laws of 1980 as amended by section 1, chapter 117, Laws of 1982 and RCW 74.46.020; amending section 4, chapter 177, Laws of 1980 and RCW 74.46.040; amending section 6, chapter 177, Laws of 1980 and RCW 74.46.060; amending section 8, chapter 177, Laws of 1980 and RCW 74.46.080; amending section 10, chapter 177, Laws of 1980 and RCW 74.46.100; amending section 13, chapter 177, Laws of 1980 and RCW 74.46.130; amending section 15, chapter 177, Laws of 1980 and RCW 74.46.150; amending section 16, chapter 177, Laws of 1980 and RCW 74.46.160; amending section 17, chapter 177, Laws of 1980 and RCW 74.46.170; amending section 18, chapter 177, Laws of 1980 and RCW 74.46.180; amending section 19, chapter 177, Laws of 1980 and RCW 74.46.190; amending section 25, chapter 177, Laws of 1980 and RCW 74.46.250; amending section 26, chapter 177, Laws of 1980 and RCW 74.46.260; amending section 27, chapter 177, Laws of 1980 and RCW 74.46.270; amending section 28, chapter 177, Laws of 1980 and RCW 74.46.280; amending section 31, chapter 177, Laws of 1980 and RCW 74.46.310; amending section 36, chapter 177, Laws of 1980 and RCW 74.46.360; amending section 41, chapter 177, Laws of 1980 and RCW 74.46.410; amending section 42, chapter 177, Laws of 1980 and RCW 74.46.420; amending section 43, chapter 177, Laws of 1980 and RCW 74.46.430; amending section 45, chapter 177, Laws of 1980 and RCW 74.46.450; amending section 46, chapter 177, Laws of 1980 as amended by section 5, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.460; amending section 47, chapter 177, Laws of 1980 and RCW 74.46.470; amending section 49, chapter 177, Laws of 1980 as amended by section 6, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.490; amending section 50, chapter 177, Laws of 1980 and RCW 74.46.500; amending section 53, chapter 177, Laws of 1980 as amended by section 7, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.530; amending section 55, chapter 177, Laws of 1980 and RCW 74.46.550; amending section 56, chapter 177, Laws of 1980 and RCW 74.46.560; amending section 57, chapter 177, Laws of 1980 and RCW 74.46.570; amending section 58, chapter 177, Laws of 1980 and RCW 74.46.580; amending section 61, chapter 177, Laws of 1980 and RCW 74.46.610; amending section 64, chapter 177, Laws of 1980 and RCW 74.46.640; amending section 67, chapter 177, Laws of 1980 and RCW 74.46.670; amending section 69, chapter 177, Laws of 1980 and RCW 74.46.690; amending section 71, chapter 177, Laws of 1980 and RCW 74.46.710; amending section 72, chapter 177, Laws of 1980 and RCW 74.46.720; amending section 77, chapter 177, Laws of 1980 and RCW 74.46.770; amending section 78, chapter 177, Laws of 1980 and RCW 74.46.780; amending section 82, chapter 177, Laws of 1980 and RCW 74.46.820; amending section 92, chapter 177, Laws of 1980 and RCW 74.46.840; amending section 74.09.120, chapter 26, Laws of 1959 as last amended by section 6, chapter 11, Laws of 1981 2nd ex. sess. and RCW 74.09.120; amending section 16, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.145; amending section 94, chapter 177, Laws of 1980 as amended by section 10, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.901; creating new sections: adding new sections to chapter 74.46 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., section 2, chapter 2, Laws of 1981 1st ex. sess., section 7, chapter 11, Laws of 1981 2nd ex. sess. and RCW 74.09.580; repealing section 1, chapter 2, Laws of 1981 1st ex. sess., section 8, chapter 11, Laws of 1981 2nd ex. sess., section 2, chapter 19, Laws of 1982 1st ex. sess., section 1, chapter 1, Laws of 1982 2nd ex. sess. and RCW 74.09.610; repealing section 5, chapter 19, Laws of 1982 1st ex. sess. and RCW 74.09.620; repealing section 11, chapter 177, Laws of 1980 and RCW 74.46.110; repealing section 12, chapter 177, Laws of 1980, section 4, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.120; repealing section 14, chapter 177, Laws of 1980 and RCW 74.46.140; repealing section 81, chapter 177, Laws of 1980, section 8, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.810; repealing section 13, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.850; repealing section 84, chapter 177, Laws of 1980; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Social and Health Services.

SB 3781 by Senators Hansen, Benitz and Barr

AN ACT Relating to public waters; amending section 2, chapter 104, Laws of 1959 as last amended by section 1, chapter 40, Laws of 1973 1st ex. sess. and RCW 89.16.020; amending section 4, chapter 104, Laws of 1959 as last amended by section 2, chapter 216,

Laws of 1981 and RCW 89.16.040; adding new sections to chapter 90.40 RCW; and creating new sections.

Referred to Committee on Agriculture.

SB 3782 by Senators Talmadge, McCaslin, Zimmerman, Rasmussen and Deccio

AN ACT Relating to firearms; 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 4, chapter 172, Laws of 1935 as amended by section 3, chapter 124, Laws of 1961 and RCW 9.41.040; amending section 7, chapter 172, Laws of 1935 as last amended by section 1, chapter 158, Laws of 1979 and RCW 9.41.070; amending section 9, chapter 172, Laws of 1935 as last amended by section 1, chapter 227, Laws of 1969 ex. sess. and RCW 9.41.090; amending section 4, chapter 105, Laws of 1979 ex. sess. as amended by section 6, chapter 145, Laws of 1981 and RCW 10.99.040; amending section 7, chapter 145, Laws of 1981 and RCW 10.99.045; amending section 8, chapter 145, Laws of 1981 and RCW 10.99.055; amending section 6, chapter 157, Laws of 1973 1st ex. sess. as amended by section 3, chapter 32, Laws of 1975 and RCW 26.09.060; amending section 16, chapter 172, Laws of 1935 as amended by section 12, chapter 124, Laws of 1961 and RCW 9.41.160; adding new sections to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3783 by Senators Benitz, Newhouse, Hansen and Moore

AN ACT Relating to alcoholic beverages; amending section 24-A, added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 158, Laws of 1935 as last amended by section 23, chapter 35, Laws of 1982 1st ex. sess. and RCW 66.24.210; amending section 10, chapter 21, Laws of 1969 ex. sess. as last amended by section 34, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.206; amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 7, chapter 85, Laws of 1982 and RCW 66.28.010; amending section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 165, chapter ... (SB 3037), Laws of 1983 and RCW 66.28.040; adding new sections to chapter 66.08 RCW; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Agriculture.

SB 3784 by Senators Vognild, Quigg and Shinpoch (by Department of Employment Security request)

AN ACT Relating to the federal unemployment trust fund; amending section 62, chapter 35, Laws of 1945 as last amended by section 1, chapter 6, Laws of 1973 and RCW 50.16.030; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3785 by Senator Owen

AN ACT Relating to certain forest practices exemptions.

Referred to Committee on Natural Resources.

SB 3786 by Senator Owen

AN ACT Relating to forestry.

Referred to Committee on Natural Resources.

SB 3787 by Senator Owen

AN ACT Relating to public lands.

Referred to Committee on Natural Resources.

SB 3788 by Senator Owen

AN ACT Relating to oil and gas.

Referred to Committee on Natural Resources.

SB 3789 by Senator Owen

AN ACT Relating to timber.

Referred to Committee on Natural Resources.

SB 3790 by Senator Owen

AN ACT Relating to the department of natural resources.

Referred to Committee on Natural Resources.

- SB 3791 by Senator Owen
AN ACT Relating to department of natural resources funding.
Referred to Committee on Natural Resources.
- SB 3792 by Senator Owen
AN ACT Relating to fishing.
Referred to Committee on Natural Resources.
- SB 3793 by Senator Owen
AN ACT Relating to fishing.
Referred to Committee on Natural Resources.
- SB 3794 by Senator Owen
AN ACT Relating to natural resources.
Referred to Committee on Natural Resources.
- SB 3795 by Senator Owen
AN ACT Relating to natural resources.
Referred to Committee on Natural Resources.
- SB 3796 by Senator Owen
AN ACT Relating to the department of fisheries.
Referred to Committee on Natural Resources.
- SB 3797 by Senator Owen
AN ACT Relating to hydraulic works.
Referred to Committee on Natural Resources.
- SB 3798 by Senator Owen
AN ACT Relating to food fish and shellfish.
Referred to Committee on Natural Resources.
- SB 3799 by Senator Owen
AN ACT Relating to food fish and shellfish.
Referred to Committee on Natural Resources.
- SB 3800 by Senator Owen
AN ACT Relating to fishing licenses.
Referred to Committee on Natural Resources.
- SB 3801 by Senator Owen
AN ACT Relating to game animals.
Referred to Committee on Natural Resources.
- SB 3802 by Senator Owen
AN ACT Relating to the department of game.
Referred to Committee on Natural Resources.
- SB 3803 by Senator Owen
AN ACT Relating to game fish.
Referred to Committee on Natural Resources.
- SB 3804 by Senator Owen
AN ACT Relating to hunting.
Referred to Committee on Natural Resources.
- SB 3805 by Senator Owen

AN ACT Relating to hunting licenses.

Referred to Committee on Natural Resources.

SB 3806 by Senator McDermott

AN ACT Relating to state government.

Referred to Committee on Ways and Means.

SB 3807 by Senator McDermott

AN ACT Relating to the state lottery.

Referred to Committee on Ways and Means.

SB 3808 by Senator McManus

AN ACT Relating to state residential schools.

Referred to Committee on Social and Health Services.

SB 3809 by Senator McManus

AN ACT Relating to employment programs.

Referred to Committee on Social and Health Services.

SJR 121 by Senators McManus, Patterson, Hemstad, Zimmerman and Vognild

Permitting the state and municipal corporations to lend credit.

Referred to Committee on State Government.

MOTIONS

On motion of Senator McDermott, the Committee on Social and Health Services was relieved of further consideration of Senate Bill No. 3780.

On motion of Senator McDermott, Senate Bill No. 3780 was referred to the Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 256 by Representatives Charnley, Tilly, Brough, Martinis, Todd, D. Nelson, Addison, Jacobsen, Miller, Moon, G. Nelson, Sanders, Taylor, Silver, Isaacson and Barrett

Deleting the penalty tax when changing land classified under chapter 84.34 RCW to tax exempt status for conservation purposes.

Referred to Committee on Local Government.

HJM 4 by Representatives Moon, Fuhrman, Egger, Todd, Miller, D. Nelson, Sutherland, Isaacson and B. Williams

Petitioning that the federal government delegate all permitting authority for small scale hydroelectric facilities to the states.

Referred to Committee on Energy and Utilities.

SHCR 6 by Committee on Commerce and Economic Development (originally sponsored by Representatives Tanner, B. Williams, J. King, Ebersole, Monohon, Van Dyken, West, Stratton, Haugen, Egger, Galloway, Fisch, Sayan, Belcher, Powers, Pruitt, Vekich, Charnley, Broback, Hine, Halsan, Tilly, Brekke, Garrett, Lewis, Todd and Ristuben)

Establishing the emergency commission on economic development and job creation.

Referred to Committee on Ways and Means.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Granlund, the appointment of David S. McEachran as a member of the State Jail Commission was confirmed.

APPOINTMENT OF DAVID S. McEACHRAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Deccio, Quigg, Rasmussen - 3.

MOTION

On motion of Senator Bluechel, Senator Guess was excused.

MOTION

On motion of Senator Peterson, the appointment of Chester A. Richmond as a member of the Board of Pilotage Commissioners was confirmed.

APPOINTMENT OF CHESTER A. RICHMOND

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Benitz - 1.

Excused: Senators Deccio, Guess, Quigg, Rasmussen - 4.

SECOND READING

SENATE BILL NO. 3165, by Senators Barr, Hansen, Patterson and Hayner

Extending state route 21 to Kahlotus.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3165 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3165.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3165, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Newhouse - 1.

Excused: Senators Deccio, Guess, Quigg, Rasmussen - 4.

SENATE BILL NO. 3165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3167, by Senator Peterson

Extending state route number 530.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3167 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3167.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3167, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Deccio, Guess, Quigg, Rasmussen - 4.

SENATE BILL NO. 3167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3137, by Senators Bauer, Hemstad and Moore

Changing certain requirements for acquiring a marriage license.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, line 26, after "~~is an~~", strike ")), that they are not habitual criminals" and insert "habitual criminals)")"

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

On page 1, after line 6, insert the following:

"Sec. 1. Section 4, chapter 204, Laws of 1939 as amended by section 7, chapter 26, Laws of 1967 and RCW 26.04.160 are each amended to read as follows:

Application for such marriage license must be made and filed with the appropriate county auditor upon blanks to be provided by the county auditor for that purpose (~~at least three full days before the license shall be issued~~), which application shall be under the oath of each of the applicants, and each application shall state the name, address at the time of execution of application, age, color, occupation, birthplace, whether single, widowed or divorced, and whether under control of a guardian, residence during the past six months, together with the name and address of at least one competent witness who can testify that the residence given by the applicant is bona fide: PROVIDED, That each county may require such other and further information on said application as it shall deem necessary.

Sec. 2. Section 5, chapter 204, Laws of 1939 and RCW 26.04.170 are each amended to read as follows:

Any such application shall be open to public inspection as a part of the records of the office of such county auditor(~~and all applications which have been filed within three days shall be kept separately, and readily accessible to public examination~~))."

Renumber the sections consecutively.

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "marriages;" insert "amending section 4, chapter 204, Laws of 1939 as amended by section 7, chapter 26, Laws of 1967 and RCW 26.04.160; amending section 5, chapter 204, Laws of 1939 and RCW 26.04.170:"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3137 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3137.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3137, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 25; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bluechel, Conner, Fuller, Gaspard, Haley, Hansen, Hemstad, Jones, Kiskaddon, Lee, Moore, Owen, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Williams, Wojahn, Zimmerman - 22.

Voting nay: Senators Barr, Bender, Benitz, Bottiger, Clarke, Craswell, Fleming, Goltz, Granlund, Guess, Hayner, Hughes, Hurley, McCaslin, McDermott, McManus, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Vognild, von Reichbauer, Warnke, Woody - 25.

Excused: Senators Deccio, Quigg - 2.

ENGROSSED SENATE BILL NO. 3137, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Vognild served notice that he would move to reconsider the vote by which Engrossed Senate Bill No. 3137 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 3083, by Senators Warnke, Rasmussen and Hayner (by Department of Licensing request)

Modifying certain license fees and procedures.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 3083 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3083.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3083, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Bottiger, McDermott - 2.

Excused: Senators Deccio, Quigg - 2.

SENATE BILL NO. 3083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3197, by Senators Wojahn, Sellar, Moore and Woody

Providing insurance coverage for reconstructive breast surgery resulting from a mastectomy.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 3197 was substituted for Senate Bill No. 3197 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 3197 was advanced to third reading, the second reading considered the third, and the bill was 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. 3197.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3197, and the bill passed the Senate by the following vote: Yeas, 40; nays, 06; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Conner, Fleming, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Voting nay: Senators Barr, Clarke, Craswell, Fuller, Haley, McDermott - 6.

Absent: Senators Bottiger, Hayner - 2.

Excused: Senator Deccio - 1.

SUBSTITUTE SENATE BILL NO. 3197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, Senate Bill No. 3116, which was on the second reading calendar, was returned to the Committee on Transportation.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Commerce and Labor was relieved of further consideration of Senate Bill No. 3772.

On motion of Senator Shinpoch, Senate Bill No. 3772 was referred to the Committee on Ways and Means.

APPOINTMENTS TO THE REDISTRICTING COMMISSION

Senator Bottiger announced that Pete Francis had been appointed by the Senate Democratic Caucus to the Redistricting Commission.

Senator Hayner announced that Ron Dunlap had been appointed by the Senate Republican Caucus to the Redistricting Commission.

MOTION

At 11:19 a.m., on motion of Senator Shinpoch, the Senate was recessed until 3:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 3:00 p.m.

MOTION

At 3:00 p.m., on motion of Senator Shinpoch, the Senate recessed until 6:00 p.m.

EVENING SESSION

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

MOTION

At 6:00 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 6:45 p.m.

MOTION

At 6:48 p.m., on motion of Senator Shipoch, the Senate adjourned until 10:00 a.m., Wednesday, February 16, 1983.

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

THIRTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 16, 1983

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Kelly Spangler and Vonnie Stone, presented the Colors. Reverend Sheryl E. L. Peterson, associate minister of the United Churches of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 15, 1983

SB 3089 Prime Sponsor, Senator Goltz: Permitting private schools to obtain a surety bond when making joint purchases with public schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Goltz, Hemstad, Hughes, Kiskaddon, Lee, Patterson, Warnke.

Passed to Committee on Rules for second reading.

February 15, 1983

SB 3306 Prime Sponsor, Senator Goltz: Modifying the definition of resident student. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Goltz, Hemstad, Hughes, Kiskaddon, Lee, Patterson, Warnke.

Passed to Committee on Rules for second reading.

February 14, 1983

EHB 32 Prime Sponsor, Representative Lux: Modifying provisions regarding credit union regulation. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 3810 by Senators Owen and Haley

AN ACT Relating to final offer interest arbitration; amending section 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.450; amending section 5, chapter 131, Laws of 1973 as amended by section 3, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.460; amending section 19, chapter 87, Laws of 1980 and RCW 41.56.452; amending section 6, chapter 131, Laws of 1973 and RCW 41.56.470; creating a new section; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3811 by Senators Fleming, McDermott, McManus and Woody

AN ACT Relating to local government housing authorities; amending section 35.82-.020, chapter 7, Laws of 1965 as last amended by section 1, chapter 187, Laws of 1979 ex. sess. and RCW 35.82.020; amending section 35.82.070, chapter 7, Laws of 1965 as amended by section 2, chapter 274, Laws of 1977 ex. sess. and RCW 35.82.070; amending section

35.82.080, chapter 7, Laws of 1965 as amended by section 3, chapter 274, Laws of 1977 ex. sess. and RCW 35.82.080; and adding a new section to chapter 35.82 RCW.

Referred to Committee on Local Government.

SB 3812 by Senator Thompson

AN ACT Relating to local government; and amending section 7, chapter 165, Laws of 1982 and RCW 58.24.070.

Referred to Committee on Local Government.

SB 3813 by Senators Moore and Sellar

AN ACT Relating to banking; amending section 30.04.110, chapter 33, Laws of 1955 as amended by section 1, chapter 136, Laws of 1969 and RCW 30.04.110; amending section 2, chapter 194, Laws of 1963 and RCW 30.04.128; amending section 30.04.140, chapter 33, Laws of 1955 as amended by section 2, chapter 133, Laws of 1967 and RCW 30.04.140; amending section 7, chapter 136, Laws of 1969 and RCW 30.04.215; amending section 30.04.230, chapter 33, Laws of 1955 as last amended by section 7, chapter 196, Laws of 1982 and RCW 30.04.230; adding new sections to chapter 30.04 RCW; 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 30.04.200, chapter 33, Laws of 1955 and RCW 30.04.200; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 3814 by Senators McDermott, Warnke, Rasmussen, Bauer, Gaspard, Woody, McManus, Bottiger, Moore and Wojahn

AN ACT Relating to state government; amending section 4, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.040; amending section 26, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.260; adding a new section to chapter 67.70 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3815 by Senators Granlund, Deccio, McManus, Owen and McDermott

AN ACT Relating to jails; amending section 20, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.240; and adding new sections to chapter 70.48 RCW.

Referred to Committee on Institutions.

SB 3816 by Senators Fleming and Talmadge

AN ACT Relating to discrimination; amending section 17, chapter 270, Laws of 1955 as last amended by section 2, chapter 259, Laws of 1981 and RCW 49.60.250; and creating a new section.

Referred to Committee on Judiciary.

SB 3817 by Senators Fleming, Hemstad, McDermott and Talmadge

AN ACT Relating to search and seizure; adding a new section to chapter 10.79 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3818 by Senators Fleming, McDermott and Talmadge

AN ACT Relating to the use of deadly force by employees of the state and political subdivisions; and adding a new section to chapter 4.92 RCW.

Referred to Committee on Judiciary.

SB 3819 by Senator Hansen

AN ACT Relating to agricultural commodities; amending section 2, chapter 124, Laws of 1963 and RCW 22.09.020; amending section 3, chapter 124, Laws of 1963 as amended by section 20, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.030; amending section 4, chapter 124, Laws of 1963 as last amended by section 13, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.040; amending section 5, chapter 124, Laws of 1963 as amended by section 14, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.050; amending section 6, chapter 124, Laws of 1963 as amended by section 22, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.060; amending section 7, chapter 124, Laws of 1963 and RCW 22.09.070; amending section 9, chapter 124, Laws of 1963 as last amended by section 23, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.090; amending section 10, chapter 124, Laws of

1963 and RCW 22.09.100; amending section 11, chapter 124, Laws of 1963 and RCW 22.09.110; amending section 13, chapter 124, Laws of 1963 as last amended by section 38, chapter 296, Laws of 1981 and RCW 22.09.130; amending section 15, chapter 124, Laws of 1963 as amended by section 17, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.150; amending section 17, chapter 124, Laws of 1963 and RCW 22.09.170; amending section 18, chapter 124, Laws of 1963 as amended by section 24, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.180; amending section 19, chapter 124, Laws of 1963 and RCW 22.09.190; amending section 24, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.195; amending section 20, chapter 124, Laws of 1963 and RCW 22.09.200; amending section 23, chapter 124, Laws of 1963 and RCW 22.09.230; amending section 24, chapter 124, Laws of 1963 and RCW 22.09.240; amending section 25, chapter 124, Laws of 1963 and RCW 22.09.250; amending section 26, chapter 124, Laws of 1963 and RCW 22.09.260; amending section 29, chapter 124, Laws of 1963 as amended by section 19, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.290; amending section 31, chapter 124, Laws of 1963 and RCW 22.09.310; amending section 33, chapter 124, Laws of 1963 and RCW 22.09.330; amending section 34, chapter 124, Laws of 1963 and RCW 22.09.340; amending section 35, chapter 124, Laws of 1963 and RCW 22.09.350; amending section 37, chapter 124, Laws of 1963 and RCW 22.09.370; amending section 42, chapter 124, Laws of 1963 and RCW 22.09.420; amending section 55, chapter 124, Laws of 1963 as amended by section 22, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.550; amending section 29, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.570; amending section 30, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.580; amending section 31, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.590; amending section 32, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.600; amending section 33, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.610; amending section 34, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.620; amending section 26, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.650; amending section 59, chapter 124, Laws of 1963 as amended by section 23, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.920; adding new sections to chapter 22.09 RCW; recodifying RCW 22.09.210; recodifying RCW 22.09.270; recodifying RCW 22.09.280; recodifying RCW 22.09.370; recodifying RCW 22.09.380; recodifying RCW 22.09.390; recodifying RCW 22.09.400; recodifying RCW 22.09.410; recodifying RCW 22.09.420; recodifying RCW 22.09.430; recodifying RCW 22.09.440; recodifying RCW 22.09.450; recodifying RCW 22.09.460; recodifying RCW 22.09.470; recodifying RCW 22.09.480; recodifying RCW 22.09.490; recodifying RCW 22.09.500; recodifying RCW 22.09.530; recodifying RCW 22.09.540; recodifying RCW 22.09.550; recodifying RCW 22.09.560; recodifying RCW 22.09.950; recodifying RCW 22.09.951; repealing section 1, chapter 124, Laws of 1963, section 51, chapter 240, Laws of 1967, section 1, chapter 65, Laws of 1971, section 19, chapter 7, Laws of 1975 1st ex. sess., section 12, chapter 238, Laws of 1979 ex. sess., section 37, chapter 296, Laws of 1981 and RCW 22.09.010; repealing section 36, chapter 124, Laws of 1963 and RCW 22.09.360; repealing section 52, chapter 124, Laws of 1963 and RCW 22.09.520; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Agriculture.

SB 3820 by Senator Hansen

AN ACT Relating to agricultural marketing; adding a new chapter to Title 15 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Agriculture.

SB 3821 by Senators Bottiger, Jones, Moore and Quigg

AN ACT Relating to proceedings supplemental to execution; and amending section 1, chapter 133, Laws of 1893 as last amended by section 5, chapter 105, Laws of 1980 and RCW 6.32.010.

Referred to Committee on Judiciary.

SB 3822 by Senator Hansen

AN ACT Relating to motor freight carriers; and adding a new section to chapter 81.80 RCW.

Referred to Committee on Transportation.

SB 3823 by Senators Moore and Sellar

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 6, chapter 230, Laws of 1969 ex. sess. and RCW 35.38.120; amending section 7, chapter 230, Laws of 1969 ex. sess. and RCW 35.38.130; amending section 8, chapter 230, Laws of 1969 ex. sess. and RCW 35.38.140; amending section 35A.40.050, chapter 119, Laws of 1967 ex. sess. as amended by section 64, chapter 3, Laws of 1983 and RCW 35A.40.050; amending section 3, chapter 230, Laws of 1969 ex. sess. and RCW 36.48.160; amending section 4, chapter 230, Laws of 1969 ex. sess.

and RCW 36.48.170; amending section 5, chapter 230, Laws of 1969 ex. sess. and RCW 36.48.180; 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 8, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.080; 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 13, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.130; 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 43.85.210, 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 last amended by section 3, chapter 24, Laws of 1981 and RCW 56.16.160; amending section 16, chapter 108, Laws of 1959 as last amended by section 4, chapter 24, Laws of 1981 and RCW 57.20.160; adding a new section to chapter 39.58 RCW; repealing section 11, chapter 176, Laws of 1963, section 3, chapter 111, Laws of 1965 and RCW 32.12.100; repealing section 1, chapter 6, Laws of 1951 and RCW 33.52.010; and repealing section 11, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.110.

Referred to Committee on Financial Institutions.

SB 3824 by Senators Vognild and Quigg (by Department of Employment Security request)

AN ACT Relating to unemployment insurance; amending section 80, chapter 35, Laws of 1945 as last amended by section 5, chapter 35, Laws of 1981 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; amending section 13, chapter 2, Laws of 1970 ex. sess. as amended by section 12, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.040; amending section 14, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.050; amending section 15, chapter 2, Laws of 1970 ex. sess. as amended by section 13, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.060; and repealing section 18, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.140.

Referred to Committee on Commerce and Labor.

SB 3825 by Senators Conner, Craswell, Granlund, Haley, Deccio and McCaslin

AN ACT Relating to medical assistants; amending section 1, chapter 2, Laws of 1983 and RCW 18.71.030; and adding a new section to chapter 18.71 RCW.

Referred to Committee on Social and Health Services.

SB 3826 by Senators Benitz, Newhouse, Shinpoch, Guess, Hansen and Hayner

AN ACT Relating to joint grant and contract administration by state agencies; adding a new chapter to Title 39 RCW; and prescribing penalties.

Referred to Committee on State Government.

SB 3827 by Senators Hansen, Barr, Benitz, Goltz and Deccio

AN ACT Relating to conservation planning; and amending section 4, chapter 14, Laws of 1981 and RCW 43.52A.040.

Referred to Committee on Agriculture.

SB 3828 by Senator Haley

AN ACT Relating to attorneys' fees; and amending sections 368, 369, page 201, Laws of 1854 as last amended by section 1, page 337, Laws of 1890 and RCW 4.84.030.

Referred to Committee on Judiciary.

SB 3829 by Senators Haley, Conner and McManus

AN ACT Relating to child abuse; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Judiciary.

SB 3830 by Senators Hughes, McCaslin, Talmadge, McDermott, Shinpoch, Wojahn, Owen, Rinehart, Granlund, Bauer and Fleming

AN ACT Relating to privileged communications; and adding a new chapter to Title 5 RCW.

Referred to Committee on Judiciary.

SB 3831 by Senators Sellar and Gaspard

AN ACT Relating to a state industrial training program in the community colleges; adding new sections to chapter 223, Laws of 1969 ex. sess. as a new chapter in Title 28B RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3832 by Senators Gaspard and Wojahn

AN ACT Relating to industrial insurance; and amending section 51.32.080, chapter 23, Laws of 1961 as last amended by section 2, chapter 20, Laws of 1982 1st ex. sess. and RCW 51.32.080.

Referred to Committee on Commerce and Labor.

SJM 109 by Senator Hansen

Requesting Congress to enact laws to coordinate the activities of the Northwest Regional Power Council with activities of state and federal agencies.

Referred to Committee on Agriculture.

SJM 110 by Senators Zimmerman, Bauer, Benitz, Fuller, Conner, Owen, Sellar, Hansen, Hayner and Pullen

Requesting Congress to refrain from imposing further federal control over land in the Columbia River Gorge.

Referred to Committee on Natural Resources.

SJR 122 by Senators Pullen and Woody

Removing certain obsolete provisions from the Constitution.

Referred to Committee on Judiciary.

MOTION

At 10:16 a.m., on motion of Senator Shinpoch, the Senate recessed until 3:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 3:00 p.m.

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

REPORTS OF STANDING COMMITTEES

February 15, 1983

SB 3051 Prime Sponsor, Senator Hansen: Modifying the laws governing transportation or confining animals. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 3051 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

February 15, 1983

SB 3081 Prime Sponsor, Senator Vognild: Continuing state regulations of barbering. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3081 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Newhouse, Quigg, Sellar, Shinpoch.

Passed to Committee on Rules for second reading.

February 16, 1983

SB 3082 Prime Sponsor, Senator Vognild: Revising the law relating to merchandise coupons. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Haley, McManus, Moore, Newhouse, Sellar, Williams.

Passed to Committee on Rules for second reading.

February 15, 1983

SB 3088 Prime Sponsor, Senator Vognild: Continuing state regulations of cosmetology. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3088 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Newhouse, Quigg, Sellar, Shipoch.

Passed to Committee on Rules for second reading.

February 14, 1983

SB 3097 Prime Sponsor, Senator Sellar: Increasing certain collection fees pertaining to motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Barr, Bender, Granlund, Guess, Owen, Patterson, Sellar.

Passed to Committee on Rules for second reading.

February 16, 1983

SB 3104 Prime Sponsor, Senator Vognild: Authorizing public assistance payments to landlords for purpose of rent. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 3104 be referred to Committee on Ways and Means. Signed by Lieutenant Governor Cherberg, Chairman; Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Goltz, Hurley, Jones, Metcalf, Newhouse, Patterson, Rasmussen, Rinehart, Sellar, Shipoch, Wojahn, Woody.

Passed to Committee on Ways and Means.

February 15, 1983

SB 3221 Prime Sponsor, Senator Rasmussen: Adding members to the veterans affairs advisory committee. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 14, 1983

SB 3259 Prime Sponsor, Senator Williams: Requiring executive boards of operating agencies to file reports with the public disclosure commission. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3259 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Hemstad.

Passed to Committee on Rules for second reading.

February 15, 1983

SB 3297 Prime Sponsor, Senator Hansen: Modifying various provisions concerning the department of agriculture. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz.

Passed to Committee on Rules for second reading.

February 10, 1983

SB 3627 Prime Sponsor, Senator Hansen: Exempting from sales and use tax the leasing of certain irrigation equipment. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Gaspard.

Passed to Committee on Rules for second reading.

February 15, 1983

HB 147 Prime Sponsor, Representatives Armstrong: Modifying the definition of homicide. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hemstad, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 15, 1983

GA 72 WALTER E. WHITE, to the position of Member of the Personnel Appeals Board, appointed by the Governor on December 27, 1982, for the term ending July 26, 1983, succeeding Al Hunter. Reported by Committee on State Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules.

MOTIONS

On motion of Senator Shinpoch, Senate Bill No. 3627 was referred to the Committee on Ways and Means.

At 3:09 p.m., on motion of Senator Shinpoch, the Senate recessed until 6:00 p.m.

EVENING SESSION

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

MOTION

At 6:00 p.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m., Thursday, February 17, 1983.

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

THIRTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 17, 1983

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, McDermott, Quigg and Woody.

The Sergeant at Arms Color Guard, consisting of Pages Stacy Curtwright and Monte Page, presented the Colors. Reverend Sheryl E. L. Peterson, associate minister of the United Churches of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 15, 1983

SB 3190 Prime Sponsor, Senator Peterson: Revising regulation of signs near railroad grade crossings. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3190 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Haley, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

February 15, 1983

SB 3194 Prime Sponsor, Senator Peterson: Revising laws of vehicle certificates of ownership. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3194 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Haley, Owen, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

February 16, 1983

SB 3364 Prime Sponsor, Senator Gaspard: Permitting school employees to request a postponement of a hearing of lay-offs due to a reduction in force. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Benitz, Craswell, Goltz, Guess, Hemstad, Kiskaddon, Lee, Patterson, Warnke.

Passed to Committee on Rules for second reading.

February 14, 1983

SB 3372 Prime Sponsor, Senator Vognild: Implementing civil penalty system for recovery of wildlife values. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3372 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Patterson, Quigg, Shinpoch, Vognild.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 16, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 470, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 16, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 25,

HOUSE BILL NO. 83,

HOUSE BILL NO. 87,

HOUSE BILL NO. 112,

HOUSE BILL NO. 122,

ENGROSSED HOUSE BILL NO. 125,

ENGROSSED HOUSE BILL NO. 198,

SUBSTITUTE HOUSE BILL NO. 207, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 3833 by Senators Granlund, Bottiger, Metcalf, Bender and Haley

AN ACT Relating to public transportation benefit areas; and amending section 23, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.130.

Referred to Committee on Transportation.

SB 3834 by Senators Bottiger, Haley, Moore, Bender and Wojahn

AN ACT Relating to sales and use taxes for public transportation systems; and amending section 2, chapter 296, Laws of 1971 ex. sess. as last amended by section 1, chapter 163, Laws of 1980 and RCW 82.14.045.

Referred to Committee on Ways and Means.

SB 3835 by Senators Peterson, Guess, Metcalf, Bender, Moore, Warnke and Haley

AN ACT Relating to motor vehicle fuel taxation; amending section 23, chapter 37, Laws of 1980 as amended by section 1, chapter 147, Laws of 1980 and RCW 82.08.0255; and adding a new section to chapter 82.36 RCW.

Referred to Committee on Transportation.

SB 3836 by Senators Bottiger, Metcalf, Peterson, Warnke and Haley

AN ACT Relating to funding public transportation systems; and amending section 2, chapter 296, Laws of 1971 ex. sess. as last amended by section 1, chapter 163, Laws of 1980 and RCW 82.14.045.

Referred to Committee on Transportation.

SB 3837 by Senators Bottiger and Fleming

AN ACT Relating to health planning; and amending section 2, chapter 161, Laws of 1979 ex. sess. as last amended by section 1, chapter 119, Laws of 1982 and RCW 70.38.025.

Referred to Committee on Social and Health Services.

SB 3838 by Senators McManus, Talmadge, Rinehart, Moore, Woody, Fleming, Metcalf, Quigg and Deccio

AN ACT Relating to social workers; adding a new chapter to Title 18 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Social and Health Services.

SB 3839 by Senators Peterson, Rasmussen, Vognild, Quigg and Guess

AN ACT Relating to oil and gas; amending section 3, chapter 146, Laws of 1951 and RCW 78.52.010; amending section 5, chapter 146, Laws of 1951 and RCW 78.52.025; amending section 7, chapter 146, Laws of 1951 and RCW 78.52.031; amending section 10, chapter 146, Laws of 1951 and RCW 78.52.040; amending section 11, chapter 146, Laws of

1951 and RCW 78.52.050; amending section 13, chapter 146, Laws of 1951 and RCW 78.52.100; amending section 14, chapter 146, Laws of 1951 and RCW 78.52.120; amending section 22, chapter 146, Laws of 1951 and RCW 78.52.200; amending section 23, chapter 146, Laws of 1951 and RCW 78.52.210; amending section 24, chapter 146, Laws of 1951 and RCW 78.52.220; amending section 25, chapter 146, Laws of 1951 and RCW 78.52.230; amending section 26, chapter 146, Laws of 1951 and RCW 78.52.240; amending section 27, chapter 146, Laws of 1951 and RCW 78.52.250; amending section 50, chapter 146, Laws of 1951 and RCW 78.52.470; amending section 51, chapter 146, Laws of 1951 and RCW 78.52.480; adding new sections to chapter 78.52 RCW; repealing section 18, chapter 146, Laws of 1951 and RCW 78.52.160; repealing section 19, chapter 146, Laws of 1951 and RCW 78.52.170; repealing section 20, chapter 146, Laws of 1951 and RCW 78.52.180; repealing section 21, chapter 146, Laws of 1951 and RCW 78.52.190; repealing section 36, chapter 146, Laws of 1951 and RCW 78.52.340; repealing section 38, chapter 146, Laws of 1951 and RCW 78.52.350; repealing section 39, chapter 146, Laws of 1951 and RCW 78.52.360; repealing section 40, chapter 146, Laws of 1951 and RCW 78.52.370; repealing section 41, chapter 146, Laws of 1951 and RCW 78.52.380; repealing section 42, chapter 146, Laws of 1951 and RCW 78.52.390; repealing section 43, chapter 146, Laws of 1951 and RCW 78.52.400; repealing section 44, chapter 146, Laws of 1951 and RCW 78.52.410; repealing section 45, chapter 146, Laws of 1951 and RCW 78.52.420; repealing section 46, chapter 146, Laws of 1951 and RCW 78.52.430; repealing section 47, chapter 146, Laws of 1951 and RCW 78.52.440; repealing section 52, chapter 146, Laws of 1951 and RCW 78.52.490; repealing section 53, chapter 146, Laws of 1951, section 138, chapter 81, Laws of 1971 and RCW 78.52.500; repealing section 54, chapter 146, Laws of 1951 and RCW 78.52.510; repealing section 55, chapter 146, Laws of 1951 and RCW 78.52.520; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 3840 by Senators Shinpoch, Hemstad and Wojahn

AN ACT Relating to state employees' deferred compensation; and amending section 1, chapter 274, Laws of 1975 1st ex. sess. as last amended by section 3, chapter 256, Laws of 1981 and RCW 41.04.260.

Referred to Committee on State Government.

SB 3841 by Senators Wojahn, Hemstad and Moore (by State Employees Insurance Board request)

AN ACT Relating to state employees' insurance; and amending section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 1, chapter 34, Laws of 1982 1st ex. sess. and RCW 41.05.025.

Referred to Committee on State Government.

SB 3842 by Senators Hansen, Patterson, Barr and Bottiger

AN ACT Relating to rural arterials; amending section 7, chapter 120, Laws of 1965 ex. sess. as amended by section 4, chapter 235, Laws of 1977 ex. sess. and RCW 36.78.070; reenacting and amending section 36.81.121, chapter 4, Laws of 1963 as last amended by section 3, chapter 21, Laws of 1975 1st ex. sess. and by section 2, chapter 215, Laws of 1975 1st ex. sess. and RCW 36.81.121; amending section 6, chapter 317, Laws of 1977 ex. sess. as last amended by section 2, chapter 342, Laws of 1981 and RCW 82.36.025; creating a new chapter in Title 36 RCW; and making an appropriation.

Referred to Committee on Transportation.

SB 3843 by Senators Bluechel, Thompson and Jones

AN ACT Relating to geographic names; adding new sections to chapter 43.126 RCW; and repealing section 3, chapter 178, Laws of 1973 1st ex. sess., section 130, chapter 78, Laws of 1980 and RCW 43.126.030.

Referred to Committee on State Government.

SB 3844 by Senators Zimmerman, Granlund and Fuller

AN ACT Relating to the recall of public officials; amending section 29.82.010, chapter 9, Laws of 1965 as amended by section 1, chapter 47, Laws of 1975-76 2nd ex. sess. and RCW 29.82.010; and amending section 29.82.020, chapter 9, Laws of 1965 as last amended by section 3, chapter 42, Laws of 1980 and RCW 29.82.020.

Referred to Committee on Judiciary.

SB 3845 by Senators McDermott and Hemstad

AN ACT Relating to state indebtedness; amending section 6, chapter 184, Laws of 1971 ex. sess. as amended by section 1, chapter 204, Laws of 1979 ex. sess. and RCW 39.42.060; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3846 by Senators Talmadge, Warnke and Vognild

AN ACT Relating to impoundment of motor vehicles; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Transportation.

SB 3847 by Senators Bender and Bluechel

AN ACT Relating to public transportation benefit authorities; amending section 11, chapter 270, Laws of 1975 1st ex. sess. as amended by section 40, chapter 151, Laws of 1979 and RCW 36.57A.010; amending section 14, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.040; amending section 15, chapter 270, Laws of 1975 1st ex. sess. as amended by section 2, chapter 44, Laws of 1977 ex. sess. and RCW 36.57A.050; amending section 24, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.140; and adding a new section to chapter 36.57A RCW.

Referred to Committee on Transportation.

SB 3848 by Senators Bottiger, Haley, Moore, Bender and Wojahn

AN ACT Relating to motor vehicle excise taxes and public transportation; amending section 7, chapter 270, Laws of 1975 1st ex. sess. as amended by section 1, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.2721; amending section 14, chapter 255, Laws of 1969 ex. sess. as last amended by section 3, chapter 319, Laws of 1981 and RCW 35.58.279; adding a new section to chapter 35.58 RCW to be codified within the range of RCW 35.58-272 through 35.58.279; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation.

SB 3849 by Senators Warnke, Guess, Peterson, Bender and Metcalf

AN ACT Relating to conduct on buses; adding a new section to chapter 9.91 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Transportation.

SB 3850 by Senators Vognild, Quigg and Woody

AN ACT Relating to the jobs for unemployed adults program; creating new sections; making an appropriation; providing an expiration date; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3851 by Senators Goltz and Zimmerman

AN ACT Relating to removal of vegetation or debris by cities and towns; amending section 35.21.310, chapter 7, Laws of 1965 as amended by section 1, chapter 20, Laws of 1969 and RCW 35.21.310.

Referred to Committee on Local Government.

SB 3852 by Senators Gaspard, Zimmerman, Hemstad, Kiskaddon, Conner, Bauer, Vognild, Fuller, Peterson, Bottiger, Rinehart, Rasmussen, Bender, Lee, Talmadge, Thompson, Granlund, Hughes, Williams, Warnke, Goltz and Woody

AN ACT Relating to retirement from public service; adding a new section to chapter 2.12 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 43.43 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3853 by Senators Haley and Conner

AN ACT Relating to motor vehicle seat belts; adding a new section to chapter 46.37 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 3854 by Senators Deccio, Goltz, Sellar, Clarke, Hansen, Hayner, McManus, Hurley, Rasmussen, Owen, Patterson, Zimmerman, Kiskaddon, McCaslin, Moore, Craswell, Bauer, Guess, Fuller, Metcalf, Barr and Newhouse

AN ACT Relating to sales and use taxation; amending section 82.08.010, chapter 15, Laws of 1961 as last amended by section 18, chapter 149, Laws of 1967 ex. sess. and RCW 82.08.010; and amending section 82.12.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 1, Laws of 1975-'76 2nd ex. sess. and RCW 82.12.010.

Referred to Committee on Ways and Means.

SB 3855 by Senators Rinehart, Kiskaddon, Bender and Goltz

AN ACT Relating to fireworks; amending section 2, chapter 230, Laws of 1982 and RCW 70.77.131; amending section 3, chapter 230, Laws of 1982 and RCW 70.77.136; repealing section 13, chapter 230, Laws of 1982 and RCW 70.77.570; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3856 by Senator Talmadge

AN ACT Relating to crimes; amending section 9A.16.060, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.16.060; amending section 9A.16.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.16.070; amending section 9A.28.020, chapter 260, Laws of 1975 1st ex. sess. as amended by section 3, chapter 203, Laws of 1981 and RCW 9A.28.020; amending section 9A.28.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.28.040; amending section 3, chapter 10, Laws of 1982 as amended by section 11, chapter 192, Laws of 1982 and RCW 9A.44.040; amending section 9A.56.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.070; amending section 9A.76.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.020; amending section 9A.76.050, chapter 260, Laws of 1975 1st ex. sess. as amended by section 20, chapter 47, Laws of 1982 1st ex. sess. and RCW 9A.76.050; amending section 9A.76.170, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.170; amending section 2, chapter 70, Laws of 1955 and RCW 66.44.270; amending section 7, chapter 186, Laws of 1973 1st ex. sess. and RCW 69.41.070; amending section 4, chapter 171, Laws of 1982 and RCW 69.52.030; amending section 7, chapter 17, Laws of 1967 and RCW 72.65.070; amending section 7, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.060; adding new sections to chapter 9A.76 RCW; adding a new section to chapter 70.48 RCW; repealing section 9A.76.080, chapter 260, Laws of 1975 1st ex. sess., section 22, chapter 47, Laws of 1982 1st ex. sess. and RCW 9A.76.080; repealing section 9A.76.090, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.090; repealing section 4, chapter 172, Laws of 1935, section 3, chapter 124, Laws of 1961 and RCW 9.41.040; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3857 by Senator Talmadge

AN ACT Relating to emission control inspections for used cars; amending section 11, chapter 163, Laws of 1979 ex. sess. as amended by section 1, chapter 176, Laws of 1980 and RCW 46.16.015; repealing section 9, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.090; and declaring an emergency.

Referred to Committee on Transportation.

SB 3858 by Senators Barr, Thompson, Zimmerman, Bauer and Deccio

AN ACT Relating to the annexation of unincorporated areas by cities and towns; and amending section 35.13.180, chapter 7, Laws of 1965 as amended by section 4, chapter 332, Laws of 1981 and RCW 35.13.180.

Referred to Committee on Local Government.

SB 3859 by Senators Granlund, Owen, McManus, Vognild, Woody and Moore

AN ACT Relating to taxation of vessels; adding a new chapter to Title 84 RCW; adding a new section to chapter 84.55 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3860 by Senator Hansen

AN ACT Relating to water.

Referred to Committee on Agriculture.

- SB 3861 by Senator Hansen
AN ACT Relating to agriculture.
Referred to Committee on Agriculture.
- SB 3862 by Senator Hansen
AN ACT Relating to adjudication of water.
Referred to Committee on Agriculture.
- SB 3863 by Senator Hansen
AN ACT Relating to domestic animals.
Referred to Committee on Agriculture.
- SB 3864 by Senator Hansen
AN ACT Relating to commodity commissions.
Referred to Committee on Agriculture.
- SB 3865 by Senator Hansen
AN ACT Relating to agriculture representation.
Referred to Committee on Agriculture.
- SB 3866 by Senator Hansen
AN ACT Relating to agriculture.
Referred to Committee on Agriculture.
- SB 3867 by Senator Hansen
AN ACT Relating to agricultural products.
Referred to Committee on Agriculture.
- SB 3868 by Senator Hansen
AN ACT Relating to irrigation districts.
Referred to Committee on Agriculture.
- SB 3869 by Senator Hansen
AN ACT Relating to weed control.
Referred to Committee on Agriculture.
- SB 3870 by Senator Hansen
AN ACT Relating to agricultural studies.
Referred to Committee on Agriculture.
- SB 3871 by Senator Hansen
AN ACT Relating to agricultural market development.
Referred to Committee on Agriculture.
- SB 3872 by Senator Hansen
AN ACT Relating to livestock.
Referred to Committee on Agriculture.
- SB 3873 by Senator Hansen
AN ACT Relating to water rights.
Referred to Committee on Agriculture.
- SB 3874 by Senator Moore
AN ACT Relating to the commissioner of public lands.
Referred to Committee on Natural Resources.
- SB 3875 by Senator Hughes

AN ACT Relating to pesticides.

Referred to Committee on Parks and Ecology.

SB 3876 by Senator Hughes

AN ACT Relating to toxic materials.

Referred to Committee on Parks and Ecology.

SB 3877 by Senator Gaspard

AN ACT Relating to student discipline.

Referred to Committee on Education.

SB 3878 by Senator Gaspard

AN ACT Relating to school transportation.

Referred to Committee on Education.

SB 3879 by Senator Gaspard

AN ACT Relating to special school programs.

Referred to Committee on Education.

SB 3880 by Senator Gaspard

AN ACT Relating to education.

Referred to Committee on Education.

SB 3881 by Senator Gaspard

AN ACT Relating to basic education.

Referred to Committee on Education.

SB 3882 by Senator Gaspard

AN ACT Relating to higher education.

Referred to Committee on Education.

SB 3883 by Senator Gaspard

AN ACT Relating to higher education.

Referred to Committee on Education.

SB 3884 by Senator Gaspard

AN ACT Relating to education.

Referred to Committee on Education.

SB 3885 by Senator Gaspard

AN ACT Relating to vocational education.

Referred to Committee on Education.

SB 3886 by Senator Gaspard

AN ACT Relating to high technology education.

Referred to Committee on Education.

SB 3887 by Senator Gaspard

AN ACT Relating to basic education.

Referred to Committee on Education.

SB 3888 by Senator Hughes

AN ACT Relating to early retirement from public employment.

Referred to Committee on Ways and Means.

SB 3889 by Senator Williams

AN ACT Relating to appliance standards.

Referred to Committee on Energy and Utilities.

SB 3890 by Senator Williams

AN ACT Relating to conversion standards.

Referred to Committee on Energy and Utilities.

SB 3891 by Senator Benitz

AN ACT Relating to bankruptcy of joint operating agencies constructing, operating, terminating, or decommissioning a nuclear power plant under a site certification agreement under chapter 80.50 RCW.

Referred to Committee on Energy and Utilities.

SB 3892 by Senator Vognild

AN ACT Relating to electricians.

Referred to Committee on Commerce and Labor.

SB 3893 by Senator Vognild

AN ACT Relating to contractors.

Referred to Committee on Commerce and Labor.

SB 3894 by Senator Vognild

AN ACT Relating to plumbers.

Referred to Committee on Commerce and Labor.

SB 3895 by Senators McManus and Vognild

AN ACT Relating to jobs career change and skill transference.

Referred to Committee on Commerce and Labor.

SB 3896 by Senators McManus and Vognild

AN ACT Relating to economic recovery.

Referred to Committee on Commerce and Labor.

SB 3897 by Senators McManus and Vognild

AN ACT Relating to small business incentives.

Referred to Committee on Commerce and Labor.

SB 3898 by Senators McManus and Vognild

AN ACT Relating to small business.

Referred to Committee on Commerce and Labor.

SB 3899 by Senators McManus and Vognild

AN ACT Relating to economic retraining and reentry.

Referred to Committee on Commerce and Labor.

SB 3900 by Senators McManus and Vognild

AN ACT Relating to economic employment and training.

Referred to Committee on Commerce and Labor.

SB 3901 by Senators McManus and Vognild

AN ACT Relating to unfair business practices.

Referred to Committee on Commerce and Labor.

SB 3902 by Senators Thompson, Zimmerman, Woody, Granlund, Barr, Bauer, Wojahn and Bottiger

AN ACT Relating to fire protection districts under Title 52 RCW; amending section 1, chapter 34, Laws of 1939 as last amended by section 5, chapter 179, Laws of 1979 ex. sess. and RCW 52.04.020; amending section 2, chapter 34, Laws of 1939 as last amended by section 1, chapter 13, Laws of 1963 ex. sess. and RCW 52.04.030; amending section 3, chapter 34, Laws of 1939 and RCW 52.04.040; amending section 4, chapter 34, Laws of 1939 and RCW 52.04.050; amending section 5, chapter 34, Laws of 1939 as amended by section 3, chapter 254, Laws of 1947 and RCW 52.04.060; amending section 6, chapter 34, Laws of

1939 and RCW 52.04.070; amending section 7, chapter 34, Laws of 1939 and RCW 52.04.080; amending section 8, chapter 34, Laws of 1939 and RCW 52.04.090; amending section 9, chapter 34, Laws of 1939 and RCW 52.04.100; amending section 10, chapter 34, Laws of 1939 as amended by section 2, chapter 70, Laws of 1941 and RCW 52.04.110; amending section 11, chapter 34, Laws of 1939 and RCW 52.04.120; amending section 12, chapter 34, Laws of 1939 as amended by section 4, chapter 254, Laws of 1947 and RCW 52.04.130; amending section 13, chapter 34, Laws of 1939 and RCW 52.04.140; amending section 14, chapter 34, Laws of 1939 and RCW 52.04.150; amending section 46, chapter 34, Laws of 1939 and RCW 52.04.155; amending section 1, chapter 179, Laws of 1979 ex. sess. and RCW 52.04.170; amending section 2, chapter 179, Laws of 1979 ex. sess. and RCW 52.04.180; amending section 4, chapter 179, Laws of 1979 ex. sess. and RCW 52.04.190; amending section 3, chapter 179, Laws of 1979 ex. sess. and RCW 52.04.200; amending section 15, chapter 34, Laws of 1939 as amended by section 5, chapter 164, Laws of 1967 and RCW 52.08.010; amending section 16, chapter 34, Laws of 1939 and RCW 52.08.020; amending section 20, chapter 34, Laws of 1939 as last amended by section 48, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.08.030; amending section 18, chapter 34, Laws of 1939 and RCW 52.08.040; amending section 19, chapter 34, Laws of 1939 and RCW 52.08.050; amending section 3, chapter 70, Laws of 1941 as last amended by section 49, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.08.060; amending section 1, chapter 59, Laws of 1965 and RCW 52.08.065; amending section 2, chapter 59, Laws of 1965 and RCW 52.08.066; amending section 3, chapter 59, Laws of 1965 and RCW 52.08.067; amending section 4, chapter 59, Laws of 1965 and RCW 52.08.068; amending section 1, chapter 21, Laws of 1965 as amended by section 29, chapter 42, Laws of 1970 ex. sess. and RCW 52.08.080; amending section 3, chapter 125, Laws of 1973 and RCW 52.08.090; amending section 22, chapter 34, Laws of 1939 as last amended by section 1, chapter 27, Laws of 1980 and RCW 52.12.010; amending section 3, chapter 242, Laws of 1971 ex. sess. and RCW 52.12.015; amending section 23, chapter 34, Laws of 1939 as amended by section 32, chapter 126, Laws of 1979 ex. sess. and RCW 52.12.020; amending section 24, chapter 34, Laws of 1939 and RCW 52.12.030; amending section 25, chapter 34, Laws of 1939 as last amended by section 1, chapter 101, Laws of 1972 ex. sess. and RCW 52.12.040; amending section 26, chapter 34, Laws of 1939 as last amended by section 1, chapter 64, Laws of 1977 and RCW 52.12.050; amending section 27, chapter 34, Laws of 1939 as amended by section 33, chapter 126, Laws of 1979 ex. sess. and RCW 52.12.060; amending section 29, chapter 34, Laws of 1939 and RCW 52.12.070; amending section 30, chapter 34, Laws of 1939 as amended by section 2, chapter 112, Laws of 1965 and RCW 52.12.080; amending section 31, chapter 34, Laws of 1939 as amended by section 8, chapter 254, Laws of 1947 and RCW 52.12.090; amending section 32, chapter 34, Laws of 1939 and RCW 52.12.100; amending section 33, chapter 34, Laws of 1939 and RCW 52.16.010; amending section 34, chapter 34, Laws of 1939 as last amended by section 1, chapter 221, Laws of 1959 and RCW 52.16.020; amending section 35, chapter 34, Laws of 1939 and RCW 52.16.030; amending section 36, chapter 34, Laws of 1939 and RCW 52.16.040; amending section 37, chapter 34, Laws of 1939 and RCW 52.16.050; amending section 3, chapter 176, Laws of 1953 as last amended by section 66, chapter 56, Laws of 1970 ex. sess. and RCW 52.16.061; amending section 39, chapter 34, Laws of 1939 as last amended by section 1, chapter 130, Laws of 1975 1st ex. sess. and RCW 52.16.070; amending section 3, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 50, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.080; amending section 4, chapter 24, Laws of 1951 2nd ex. sess. and RCW 52.16.090; amending section 5, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 67, chapter 56, Laws of 1970 ex. sess. and RCW 52.16.100; amending section 6, chapter 24, Laws of 1951 2nd ex. sess. and RCW 52.16.110; amending section 7, chapter 24, Laws of 1951 2nd ex. sess. as amended by section 51, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.120; amending section 8, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 52, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.130; amending section 9, chapter 24, Laws of 1951 2nd ex. sess. as amended by section 53, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.140; amending section 11, chapter 24, Laws of 1951 2nd ex. sess. and RCW 52.16.150; amending section 9, chapter 53, Laws of 1961 as last amended by section 54, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.160; amending section 3, chapter 13, Laws of 1963 ex. sess. and RCW 52.16.170; amending section 1, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.010; amending section 2, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.020; amending section 3, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.030; amending section 4, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.040; amending section 5, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.050; amending section 6, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.060; amending section 7, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.070; amending section 8, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.080; amending section 40, chapter 34, Laws of 1939 as last amended by section 2, chapter 130, Laws of 1975 1st ex. sess. and RCW 52.20.010; amending section 41, chapter 34, Laws of 1939 as amended by section 3, chapter 130, Laws of 1975 1st ex. sess. and RCW 52.20.020; amending section 3, chapter 161, Laws of 1961 as amended by section 4, chapter 130, Laws of 1975 1st ex. sess. and RCW 52.20.025; amending section 5, chapter 161, Laws of 1961 and RCW 52.20.027; amending section 45, chapter 34, Laws of 1939 as last

amended by section 68, chapter 56, Laws of 1970 ex. sess. and RCW 52.20.060; amending section 21, chapter 34, Laws of 1939 and RCW 52.20.070; amending section 1, chapter 111, Laws of 1955 and RCW 52.22.010; amending section 8, chapter 237, Laws of 1959 and RCW 52.22.040; amending section 9, chapter 237, Laws of 1959 and RCW 52.22.060; amending section 12, chapter 254, Laws of 1947 and RCW 52.24.010; amending section 13, chapter 254, Laws of 1947 and RCW 52.24.020; amending section 14, chapter 254, Laws of 1947 and RCW 52.24.030; amending section 15, chapter 254, Laws of 1947 and RCW 52.24.040; amending section 16, chapter 254, Laws of 1947 and RCW 52.24.050; amending section 17, chapter 254, Laws of 1947 and RCW 52.24.060; amending section 18, chapter 254, Laws of 1947 and RCW 52.24.070; amending section 19, chapter 254, Laws of 1947 and RCW 52.24.080; amending section 1, chapter 55, Laws of 1971 as amended by section 1, chapter 121, Laws of 1977 ex. sess. and RCW 52.24.085; amending section 5, chapter 176, Laws of 1953 as last amended by section 2, chapter 18, Laws of 1965 ex. sess. and RCW 52.24.090; amending section 6, chapter 176, Laws of 1953 and RCW 52.24.100; amending section 20, chapter 254, Laws of 1947 and RCW 52.28.010; amending section 21, chapter 254, Laws of 1947 and RCW 52.28.020; amending section 22, chapter 254, Laws of 1947 and RCW 52.28.030; amending section 23, chapter 254, Laws of 1947 and RCW 52.28.040; amending section 1, chapter 34, Laws of 1939 as last amended by section 1, chapter 230, Laws of 1947 and RCW 52.32.010; amending section 1, chapter 255, Laws of 1947 and RCW 52.34.010; amending section 2, chapter 255, Laws of 1947 and RCW 52.34.020; amending section 3, chapter 255, Laws of 1947 and RCW 52.34.030; amending section 4, chapter 255, Laws of 1947 and RCW 52.34.040; amending section 5, chapter 255, Laws of 1947 and RCW 52.34.050; amending section 6, chapter 255, Laws of 1947 and RCW 52.34.060; amending section 7, chapter 255, Laws of 1947 and RCW 52.34.070; amending section 8, chapter 255, Laws of 1947 and RCW 52.34.080; amending section 9, chapter 255, Laws of 1947 and RCW 52.34.090; amending section 28, chapter 34, Laws of 1939 and RCW 52.36.010; amending section 1, chapter 139, Laws of 1941 as last amended by section 164, chapter 151, Laws of 1979 and RCW 52.36.020; amending section 2, chapter 88, Laws of 1969 as amended by section 1, chapter 43, Laws of 1980 and RCW 52.36.025; amending section 3, chapter 88, Laws of 1969 and RCW 52.36.027; amending section 1, chapter 72, Laws of 1949 as amended by section 2, chapter 256, Laws of 1971 ex. sess. and RCW 52.36.060; amending section 1, chapter 256, Laws of 1971 ex. sess. and RCW 52.36.065; amending section 1, chapter 64, Laws of 1975 and RCW 52.36.090; amending section 1, chapter 102, Laws of 1979 ex. sess. and RCW 35.21.775; amending section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 256, Laws of 1981 and RCW 41.26.030; amending section 18, chapter 114, Laws of 1929 as last amended by section 163, chapter 3, Laws of 1983 and RCW 57.20.100; amending section 1, chapter 102, Laws of 1977 ex. sess. as last amended by section 1, chapter 55, Laws of 1982 1st ex. sess. and RCW 76.04.360; adding new sections to chapter 52.14 RCW; adding a new section to chapter 52.22 RCW; adding new chapters to Title 52 RCW; decodifying RCW 52.36.040; recodifying RCW 52.04.020; recodifying RCW 52.04.030; recodifying RCW 52.04.040; recodifying RCW 52.04.050; recodifying RCW 52.04.060; recodifying RCW 52.04.070; recodifying RCW 52.04.080; recodifying RCW 52.04.090; recodifying RCW 52.04.100; recodifying RCW 52.04.110; recodifying RCW 52.04.120; recodifying RCW 52.04.130; recodifying RCW 52.04.140; recodifying RCW 52.04.150; recodifying RCW 52.04.155; recodifying RCW 52.04.170; recodifying RCW 52.04.180; recodifying RCW 52.04.190; recodifying RCW 52.04.200; recodifying RCW 52.08.010; recodifying RCW 52.08.020; recodifying RCW 52.08.030; recodifying RCW 52.08.040; recodifying RCW 52.08.050; recodifying RCW 52.08.060; recodifying RCW 52.08.065; recodifying RCW 52.08.066; recodifying RCW 52.08.067; recodifying RCW 52.08.068; recodifying RCW 52.08.080; recodifying RCW 52.08.090; recodifying RCW 52.12.010; recodifying RCW 52.12.015; recodifying RCW 52.12.020; recodifying RCW 52.12.030; recodifying RCW 52.12.040; recodifying RCW 52.12.050; recodifying RCW 52.12.060; recodifying RCW 52.12.070; recodifying RCW 52.12.080; recodifying RCW 52.12.090; recodifying RCW 52.12.100; recodifying RCW 52.22.010; recodifying RCW 52.22.020; recodifying RCW 52.22.040; recodifying RCW 52.22.050; recodifying RCW 52.22.060; recodifying RCW 52.24.010; recodifying RCW 52.24.020; recodifying RCW 52.24.030; recodifying RCW 52.24.040; recodifying RCW 52.24.050; recodifying RCW 52.24.060; recodifying RCW 52.24.070; recodifying RCW 52.24.080; recodifying RCW 52.24.085; recodifying RCW 52.24.090; recodifying RCW 52.24.100; recodifying RCW 52.28.010; recodifying RCW 52.28.020; recodifying RCW 52.28.030; recodifying RCW 52.28.040; recodifying RCW 52.28.050; recodifying RCW 52.32.010; recodifying RCW 52.34.010; recodifying RCW 52.34.020; recodifying RCW 52.34.030; recodifying RCW 52.34.040; recodifying RCW 52.34.050; recodifying RCW 52.34.060; recodifying RCW 52.34.070; recodifying RCW 52.34.080; recodifying RCW 52.34.090; recodifying RCW 52.36.010; recodifying RCW 52.36.020; recodifying RCW 52.36.025; recodifying RCW 52.36.027; recodifying RCW 52.36.060; recodifying RCW 52.36.065; recodifying RCW 52.36.090; repealing section 1, chapter 176, Laws of 1953, section 2, chapter 101, Laws of 1972 ex. sess., section 161, chapter 3, Laws of 1983 and RCW 52.12.110; repealing section 6, chapter 237, Laws of 1959, section 6, chapter 179, Laws

of 1979 ex. sess. and RCW 52.22.030; repealing section 2, chapter 147, Laws of 1975 1st ex. sess. and RCW 52.36.095; and prescribing penalties.

Referred to Committee on Local Government.

SJM 111 by Senators Quigg, Rinehart, Bluechel, Owen, Metcalf, Zimmerman and Hemstad

Requesting the federal fish and wildlife service to allow the sea otter to retain its endangered species status.

Referred to Committee on Natural Resources.

SJM 112 by Senators Quigg, McManus, Bluechel, Barr, Sellar, Fuller, Metcalf, Hemstad, Bottiger and Moore

Requesting the mutual bilateral elimination of trade barriers with China.

Referred to Committee on Commerce and Labor.

SJR 123 by Senators Rinehart, Shinpoch, Fleming, Bottiger, Vognild, Wojahn, Peterson, Bauer, Williams and Goltz

Enacting an income tax.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 25 by Representatives R. King and Clayton (by Department of Labor and Industries request)

Clarifying the requirements for vocational rehabilitation.

Referred to Committee on Commerce and Labor.

HB 83 by Representatives Sayan, Walk, Hankins and Johnson

Permitting certain HEP board meetings and hearings to be held at locations other than colleges.

Referred to Committee on Education.

HB 87 by Representatives Charnley and Brough

Modifying metropolitan municipal corporation council membership.

Referred to Committee on Local Government.

HB 112 by Representatives Rust, Patrick and Powers

Modifying procedures for complaints against water well contractors.

Referred to Committee on Agriculture.

HB 122 by Representatives P. King, Allen, Moon, McClure, J. King, Miller, G. Nelson, Galloway, Braddock, Zellinsky, Armstrong, Betrozoff and Isaacson

Modifying provisions relating to cultural arts, stadium and convention districts.

Referred to Committee on Local Government.

EHB 125 by Representatives Moon, Walk, Kreidler and Sayan

Eliminating the exemption from civil service for certain department of corrections personnel.

Referred to Committee on Institutions.

EHB 198 by Representatives Pruitt, Vander Stoep, Kreidler, Charnley, Sayan, Mitchell, Garrett, Tilly, Ristuben, Van Dyken, Powers, Johnson, Burns, Schmidt, Jacobsen, Broback, Zellinsky, Nealey, Smitherman, Clayton, Fuhrman, Taylor, Barnes, Vekich, Halsan, Sutherland, Isaacson, Fisch, Betrozoff, Fisher, Holland, Braddock, Schoon, McClure, Ballard, Niemi, Brough, Stratton, J. Williams, Haugen, Egger, Crane, Silver, Rust, Cantu, Tanner, Wilson, Belcher, Locke,

Lux, Wang, O'Brien, Hine, Heck, Dellwo, Padden, Ellis, Ebersole, Addison, D. Nelson, Patrick, Long, Todd, McMullen and Hankins

Modifying laws regulating fitting and dispensing hearing aids.

Referred to Committee on Social and Health Services.

SHB 207 by Committee on Transportation (originally sponsored by Representatives Stratton, Egger, Dellwo, Barrett, Lewis, Garrett, J. Williams, Martinis, Gallagher, Sanders, Clayton, Wilson, Betzoff and Patrick)

Revising regulation of signs near railroad grade crossings.

Referred to Committee on Transportation.

SHB 470 by Committee on Ways and Means (originally sponsored by Representative Grimm)

Altering provisions relating to state funds.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Peterson, the appointment of John Gonzalez as Director of the Department of Licensing, was confirmed.

APPOINTMENT OF JOHN GONSALEZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; nays, 00; absent, 04; excused, 00.

Voting ye: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCasin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Bauer, McDermott, Quigg, von Reichbauer - 4.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 107, by Senators Williams, Benitz, Goltz, Quigg, McManus, Hemstad, Moore, Hurley, Fleming, Hayner, Jones, Bottiger, Fuller and Deccio

Calling for resolution of the WPPSS financial situation.

The resolution was read the second time.

MOTIONS

On motion of Senator Williams, the following Committee on Energy and Utilities amendment was adopted:

On page 2, line 26, strike "public utilities which are"

On motion of Senator Williams, the rules were suspended, Engrossed Senate Concurrent Resolution No. 107 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Williams, you know in the last session of the legislature, many of us had a concern about the bill that purported to expand the executive board of WPPSS to include designees of the Governor of the state of Washington--concerns on the grounds that this could, in fact, be an involvement of the state of Washington and an extension of the full faith and credit and taxing power of the state to the debt of WPPSS. Is not this kind of resolution an indication on an official level--a policy indication--that we are implicitly extending the full

faith and credit of the state of Washington and the taxing power of the state of Washington to the WPPSS debt in general, and to the proposed resolution of the debt in particular?"

Senator Williams: "Senator Talmadge, I personally do not believe so. However, the decision we made last year when we passed the board bill that allowed the Governor to make three appointments on that board, we did debate quite a bit--the implications of whether that put the state more into the responsibility and liability for WPPSS--as opposed to what it had been. Many of us voted against that bill, using that as one of the reasons.

"However, ultimately I presume that you, as an attorney, would understand that it will be the courts that make that final judgment as to whether we have acquired additional liability and responsibility or not. This particular resolution does not take any position as Senator Rasmussen indicated earlier--does not take position at all in regard to what the solutions should be. It may very well be that the fault does take place. However, this offers or suggests another path--or another path during this process in which the Governor of this state, as the logical representative of all the citizens of the state, because ultimately we probably all will be affected. It suggests that the Governor is the most likely person to sit at the head of the table in terms of bringing negotiators together. But it is my opinion that this resolution does not, in any way, affect the state's responsibility or bring it more into a liability position than it has in the past."

Further debated ensued.

MOTIONS

Senator Vognild moved that the rules be suspended and that Engrossed Senate Concurrent Resolution No. 107 be returned to second reading for purpose of an amendment.

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

On motion of Senator Bottiger, further consideration of Engrossed Senate Concurrent Resolution No. 107 was deferred.

On motion of Senator Bottiger, the Senate commenced consideration of House Bill No. 61.

SECOND READING

HOUSE BILL NO. 61, by Representatives Grimm, Tilly and Isaacson (by Department of Revenue request)

Extending transfers to the timber tax reserve account.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 61 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 61.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 61, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Deccio - 1.

HOUSE BILL NO. 61, having received the 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 Pro Tempore announced the presence in the Senate Chamber of the Honorable John H. Gray, General Manager and Town Clerk of Christchurch, New Zealand, and appointed Senators Zimmerman, Rasmussen, Granlund and Lee to escort the honored guest, as well as the acting Governor, the Honorable Lieutenant Governor John A. Cherberg, to the rostrum.

Mr. Gray was introduced to the Senate and with permission of the Senate, business was suspended to permit Mr. Gray to address the Senate.

The honored guest and the acting Governor were escorted from the Senate Chamber to a reception in the Office of the Lieutenant Governor, and the committee was discharged.

MOTION

At 11:28 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President Pro Tempore called the Senate to order at 1:30 p.m.

MOTION

At 1:30 p.m., on motion of Senator Shinpoch, the Senate recessed until 4:30 p.m.

SECOND AFTERNOON SESSION

The President Pro Tempore called the Senate to order at 4:30 p.m.

MOTION

At 4:30 p.m., on motion of Senator Shinpoch, the Senate recessed until 5:00 p.m.

THIRD AFTERNOON SESSION

The President Pro Tempore called the Senate to order at 5:00 p.m.

MOTION

At 5:00 p.m., on motion of Senator Shinpoch, the Senate recessed until 7:00 p.m.

EVENING SESSION

The President Pro Tempore called the Senate to order at 7:00 p.m.

MOTION

At 7:00 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President Pro Tempore called the Senate to order at 9:18 p.m.

MOTION

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

MESSAGE FROM THE HOUSE

February 17, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 61, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 61.

MOTION

On motion of Senator Vognild, Senator Rasmussen was excused.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 16, 1983

SB 3019 Prime Sponsor, Senator Thompson: Modifying provisions relating to hearings by local government planning agencies. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3019 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 16, 1983

SB 3094 Prime Sponsor, Senator Goltz: Providing for latecomer fees for street improvements which were undertaken as a prerequisite to property development. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3094 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 16, 1983

SB 3151 Prime Sponsor, Senator Thompson: Allowing counties to employ special attorneys. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3151 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 16, 1983

SB 3206 Prime Sponsor, Senator Thompson: Modifying provisions on open public meetings. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3206 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 17, 1983

SB 3455 Prime Sponsor, Senator Gaspard: Authorizing the state board of education member representing private schools to vote. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3455 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Benitz, Craswell, Fleming, Guess, Hemstad, Hughes, Kiskaddon, McDermott, Warnke.

MINORITY recommendation: Do not pass. Signed by Senators Rinehart, Vice Chairman; Bender, Goltz, Lee, Patterson.

Passed to Committee on Rules for second reading.

February 15, 1983

SB 3497 Prime Sponsor, Senator Vognild: Requiring certain propane fueled vehicles to bear a placard to that effect. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3497 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Haley, Owen, Patterson, Vognild.

Passed to Committee on Rules for second reading.

February 16, 1983

SHB 64 Prime Sponsor, Representative Rust: Increasing penalties for hazardous waste violations. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Hughes, Chairman; Talmadge, Hurley, Kiskaddon, McDermott, Rasmussen, Williams

Passed to Committee on Rules for second reading.

Senators Bottiger, Shinpoch and Peterson demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senators Craswell, Pullen and von Reichbauer, with Senator Rasmussen being excused earlier.

MOTIONS

On motion of Senator Bottiger, Senators Craswell, Pullen and von Reichbauer were excused.

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

On motion of Senator Bottiger, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 15, 1983

Mr. President:

The House has refused to recede from its amendments to ENGROSSED SENATE BILL NO. 3258 and asks the Senate for a conference thereon, and the Speaker has appointed as members of the Conference Committee: Representatives Grimm, Sommers and a member of the minority party yet to be named.

DEAN R. FOSTER, Chief Clerk

POINT OF ORDER

Senator Newhouse: "Mr. President, under the rules of this body for all these many years and practice and precedent, we have never had a conference committee request between the two bodies without joint rules. I suggest that the request of the House is out of order, entirely improper, and we cannot respond to such a request without a concurrent resolution between the two bodies providing for joint rules and a procedure for conference reports."

Senator Bottiger: "Mr. President, notwithstanding Senator Newhouse's remarks, there have, in fact, been many occasions on which the House has proceeded under Reed's Rule No. 243 to grant the powers of conference. In fact, the last time that we did it, the most recent time was in 1977, involved the school apportionment formula.

"We will be passing out on your desk copies of some rather note-worthy remarks that I am sure Senator Clarke will remember, when Senator Grant raised a point of order very similar to Senator Newhouse's, and Lieutenant Governor Cherberg, at that time, ruled on the matter. In fact, there is ample precedence for the House to proceed under Reed's Rule 243, which, in fact and at that time, according to Senator Clarke's remarks, are that none of the rules of the Senate apply when we operate under Reed's Rule 243. In fact, all of the rules which are inconsistent with Reed's 243 are inapplicable.

"We will pass out Senator Clarke's remarks in support of that position, so that we can all remember with clarity. I think the point of order is not well taken."

Senator Newhouse: "I will quote from Rule 40 for Senator Bottiger--'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.' Then cite back to Rule 22, particularly for instance, (7)--'No floor vote may be taken on any free conference committee

report.' I think that by practice and by rule, our Senate Rules prevail and only when Senate Rules are silent, do we go to Reed's Rules."

The President Pro Tempore asked the Secretary to read the following from the Senate Journal of June 20, 1977:

POINT OF ORDER

Senator Grant: "I raise the point of order that the consideration of the free conference report is in violation of Rule 12 of the Joint Rules. I understand that the Joint Rules have not been adopted but I also understand, Mr. President, that you have been ruling in accordance with the Joint Rules of the past session which provide in Rule 12 that a report of a free conference committee shall be read in full in each house and that the House and Senate shall have thirty-six hours from the time of receipt in the house originating the conference request to consider reports from a free conference committee.

"Mr. President, we received this report about an hour ago. That is far short of thirty-six hours and I should suggest to the members of the Senate that although this may be a very worthwhile report, that this is a rather ridiculous hour to consider such a far-reaching measure. We have been here for--how many days? Too many days. One hundred and sixty days now, and the question of a definition of basic education has been one that we have had before us for a considerable period of time. However, the question is a serious one and one that I think members should have an opportunity to consider fully, all members, not six conferees. I have objected to this process in the past with regard to the budget and the manner in which it has been presented and certainly that question has not as yet been resolved, but I should think that the members of the Senate, which is considered to be the deliberative body, would take the time to give this their full consideration. I would not object tomorrow. I would not hold to a thirty-six hour rule, but I should think that we should have had these copies in caucus. We should have had the opportunity to discuss the formulas, the staffing, the course offerings in our common school system, before we take action on a measure as important as this. I know, Mr. President, that rules have not been adopted.

"I should like to call to mind your past rulings wherein you have ruled that the rules that have been in effect in the past have been the rules by which you have operated. If we do not go by this one, then there is no procedure for conference or free conference or any other rule with regard to differences between the houses, and I would ask that you rule that this particular measure not be considered at this time because of Rule 12."

MOTION

Senator Clarke: "I move that there be a suspension of any rule that may be deemed to exist without conceding that there is such a rule, and that the matter be now considered and I would like to speak upon that motion, in answer to the remarks of Senator Grant.

"He is quite correct in stating that this is one of the important matters for consideration by this legislature. However, I think he knows as well as every Senator on the floor that substantially everyone has been rather closely following the developments of the negotiation with respect to the attempt to define basic education. He also knows, or should have known, that the matter was presented in detail this evening before a joint caucus. Joint caucuses are rather unusual things, because normally each party holds its own caucus, but here the matter is a nonpartisan matter. It is a matter of importance to the public and was thoroughly discussed in joint caucus. I submit that no good end whatsoever would be achieved by delaying this for another day. It would simply contribute to a further unnecessary delay of a session which we very definitely hope is drawing to a close. Now the body has the right to make its determination and I have, as Senator Grant knows, joined in urging that there be some sort of rules that would be applicable until such time as we have formalized our Joint Rules. So certainly this body, if it so desires, and I urge that it do so, can by a two-thirds vote elect to consider the matter because if we did have rules, those could be suspended by a two-thirds vote. I would suggest that the President put a motion with the idea of getting a two-thirds concurrence for consideration."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I would simply challenge the requirement for a two-thirds vote. There are no rules in order, and a motion to suspend is not necessary. A mere motion to consider is the proper motion and with Senator Clarke's concurrence, I would hope that motion be put."
Debate ensued.

REMARKS BY SENATOR CLARKE

Senator Clarke: "I would withdraw the motion and I think that the vote will show that we will have a two-thirds majority in any event, but I have concurred with Senator Mardesich that we do not at this time actually have any rules that need suspending."

RULING BY THE PRESIDENT

The President: "Members of the Senate, in this Forty-Fifth Session the President has been guided by the Senate Rules that were in existence in the Forty-Fourth prior to the adoption of rules for this session. The President has no precedent to guide him as to the situation involving Joint Rules. Therefore, in the absence of Joint Rules and in the interest of expediting the business of the Senate, the President rules that Substitute House Bill 960 is properly before the Senate. Therefore, the point of order is not well taken."

The Point of Order raised by Senator Grant was ruled out of order."

Following the reading from the Senate Journal of June 20, 1977, the President Pro Tempore announced that the Senate would resume consideration of the Message from the House and the consideration of appointment of a conference committee on Engrossed Senate Bill No. 3258.

REMARKS BY SENATOR CLARKE

Senator Clarke: "Yes, Mr. President, I do recall the situation which has just been read and would respectfully call your attention to a very substantial difference between that situation and the situation we presently have. That is that while we do not have Joint Rules, we do have Rules of the Senate. I will wait your ruling on the Point of Order and then I would like to make a Parliamentary Inquiry."

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "The President believes that in the absence of Joint Rules, there is sufficient parallel circumstances to say that the Ruling by the President previously cited, is applicable in this particular instance. Therefore, in the absence of Joint Rules and in the interest of expediting the business of the Senate, the President rules that the Message from the House is properly before the Senate and the Point of Order is not well taken."

The Point of Order raised by Senator Newhouse was ruled out of order.

PARLIAMENTARY INQUIRY

Senator Clarke: "Since we have no Joint Rules, what rules then will apply with respect to the Conference Committee and the Conference Committee Reports? That is, if they are not covered by the Senate Rules?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Under Rule 40 of the Senate Rules, it says that-- '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 the rule that would apply would be the rule on page 159 of Reed's Rules, Rule No. 240, relative to conferences."

POINT OF INQUIRY

Senator Clarke: "Mr. President, I would take it then that Rule 22, No. 7, page 12, of the Senate Rules which do relate to the procedure with respect to free conference reports would still apply in that the rule that you just read states that Reed's Rules apply except as to situations which are covered by existing Senate Rules."

POINT OF ORDER

Senator Bottiger: "A point of order. Senator Clarke is asking the President to rule on things that are not before the body. The only issue before the body now is whether the Senate has the authority to respond to the House request for a conference. The motion has been made, I believe, and if not, I make it that the Senate grant the powers of conference on Senate Bill No. 3258. That is the only issue before the body and not the report or anything else."

PARLIAMENTARY INQUIRY

Senator Clarke: "With respect to the conference committee--"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Senator Clarke, if I may interrupt you just for a moment. With respect to your first inquiry, I believe that Senator Bottiger's remarks are well taken."

PARLIAMENTARY INQUIRY

Senator Clarke: "Very well. My second parliamentary inquiry is this--how do we determine the number of conferees that should be appointed?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Under Rule 240, the number of conferees are not specifically specified for each occasion, so it is up to the body. Inasmuch as the House has established a Conference Committee of three, presumably it would be consistent if this body were to select three conferees."

Senator Clarke: "There is, however, no rule and what in substance you are stating, it is up to this body to determine the number?"

President Pro Tempore Goltz: "That is correct."

MOTION

Senator Bottiger moved that the request of the House for a conference on Engrossed Senate Bill No. 3258 be granted and that the Senate appoint three members to the Conference Committee.

Debate ensued.

Senators Bottiger, Shinpoch and Peterson demanded the previous question.

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

The President Pro Tempore declared the question before the Senate to be the roll call on shall the main question be now put.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 25; nays, 20; absent, 00; excused, 04.

Voting yea: Senators Barr, Benitz, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Bauer, Bender, Bluechel, Clarke, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 20.

Excused: Senators Craswell, Pullen, Rasmussen, von Reichbauer - 4.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Bottiger to grant the request of the House for a Conference Committee on Engrossed Senate Bill No. 3258 and that the Senate appoint three members to the Conference Committee.

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

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 24; nays, 21; absent, 00; excused, 04.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, Woody, Zimmerman - 21.

Excused: Senators Craswell, Pullen, Rasmussen, von Reichbauer - 4.

MOTION

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

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee to Engrossed Senate Bill No. 3258, Senators McDermott, Gaspard and Hayner.

MOTION

On motion of Senator Bottiger, the Conference Committee appointments were confirmed.

MOTION

At 10:12 p.m., on motion of Senator Boltiger, the Senate adjourned until 10:00 a.m., Friday, February 18, 1983.

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

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 18, 1983

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 Hansen.

The Sergeant at Arms Color Guard, consisting of Pages Penny McDermott and Angela Davis, presented the Colors. Reverend Sheryl E. L. Peterson, associate minister of the United Churches of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 17, 1983

Mr. President:

The Speaker has appointed Representative Gary Nelson as the third member of the Conference Committee for ENGROSSED SENATE BILL NO. 3258.

DEAN R. FOSTER, Chief Clerk

February 17, 1983

Mr. President:

The House has passed:

HOUSE BILL NO. 471.

SUBSTITUTE HOUSE BILL NO. 43,

ENGROSSED HOUSE BILL NO. 107,

SUBSTITUTE HOUSE BILL NO. 129,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 297, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 3903 by Senator McDermott

AN ACT Relating to salaries and wages of public servants.

Referred to Committee on Ways and Means.

SB 3904 by Senator McDermott

AN ACT Relating to emergency shelter.

Referred to Committee on Ways and Means.

SB 3905 by Senator McDermott

AN ACT Relating to the department of corrections.

Referred to Committee on Ways and Means.

SB 3906 by Senator McDermott

AN ACT Relating to the supplemental budget.

Referred to Committee on Ways and Means.

SB 3907 by Senator McDermott

AN ACT Relating to appropriations.

Referred to Committee on Ways and Means.

SB 3908 by Senator McDermott

AN ACT Relating to appropriations.

Referred to Committee on Ways and Means.

SB 3909 by Senator McDermott

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 3910 by Senator McDermott

AN ACT Relating to retirement from public service.

Referred to Committee on Ways and Means.

SB 3911 by Senator McDermott

AN ACT Relating to law enforcement officers and fire fighters system.

Referred to Committee on Ways and Means.

SB 3912 by Senator McDermott

AN ACT Relating to the public employees retirement system.

Referred to Committee on Ways and Means.

SB 3913 by Senator McDermott

AN ACT Relating to retirement from public service.

Referred to Committee on Ways and Means.

SB 3914 by Senator McDermott

AN ACT Relating to the teachers' retirement system.

Referred to Committee on Ways and Means.

SB 3915 by Senator McDermott

AN ACT Relating to public works.

Referred to Committee on Ways and Means.

SB 3916 by Senator McDermott

AN ACT Relating to the capital budget.

Referred to Committee on Ways and Means.

SB 3917 by Senator McDermott

AN ACT Relating to appropriations.

Referred to Committee on Ways and Means.

SB 3918 by Senator McDermott

AN ACT Relating to hospital rates.

Referred to Committee on Ways and Means.

SB 3919 by Senator McDermott

AN ACT Relating to tuition and user fees.

Referred to Committee on Ways and Means.

SB 3920 by Senator McDermott

AN ACT Relating to nursing homes.

Referred to Committee on Ways and Means.

SB 3921 by Senator McDermott

AN ACT Relating to the investment of state funds.

Referred to Committee on Ways and Means.

SB 3922 by Senator McDermott

AN ACT Relating to the gambling commission.

Referred to Committee on Ways and Means.

- SB 3923 by Senator McDermott
AN ACT Relating to revenue bonds.
Referred to Committee on Ways and Means.
- SB 3924 by Senator McDermott
AN ACT Relating to state employees insurance benefits.
Referred to Committee on Ways and Means.
- SB 3925 by Senator McDermott
AN ACT Relating to fees charged by public agencies.
Referred to Committee on Ways and Means.
- SB 3926 by Senator McDermott
AN ACT Relating to state government.
Referred to Committee on Ways and Means.
- SB 3927 by Senator McDermott
AN ACT Relating to state government.
Referred to Committee on Ways and Means.
- SB 3928 by Senator McDermott
AN ACT Relating to state filing fees.
Referred to Committee on Ways and Means.
- SB 3929 by Senator McDermott
AN ACT Relating to revenue and taxation.
Referred to Committee on Ways and Means.
- SB 3930 by Senator McDermott
AN ACT Relating to community colleges.
Referred to Committee on Ways and Means.
- SB 3931 by Senator McDermott
AN ACT Relating to the budget and accounting act.
Referred to Committee on Ways and Means.
- SB 3932 by Senator McDermott
AN ACT Relating to higher education salaries.
Referred to Committee on Ways and Means.
- SB 3933 by Senator McDermott
AN ACT Relating to public assistance.
Referred to Committee on Ways and Means.
- SB 3934 by Senator McDermott
AN ACT Relating to public assistance.
Referred to Committee on Ways and Means.
- SB 3935 by Senator McDermott
AN ACT Relating to social and health services.
Referred to Committee on Ways and Means.
- SB 3936 by Senator McDermott
AN ACT Relating to insurance.
Referred to Committee on Ways and Means.
- SB 3937 by Senator McDermott

AN ACT Relating to the state lottery.

Referred to Committee on Ways and Means.

SB 3938 by Senator McDermott

AN ACT Relating to salaries and wages of public servants.

Referred to Committee on Ways and Means.

SB 3939 by Senator McDermott

AN ACT Relating to the state lottery.

Referred to Committee on Ways and Means.

SB 3940 by Senator McDermott

AN ACT Relating to state government.

Referred to Committee on Ways and Means.

SB 3941 by Senator McDermott

AN ACT Relating to public funds.

Referred to Committee on Ways and Means.

SB 3942 by Senator McDermott

AN ACT Relating to higher education.

Referred to Committee on Ways and Means.

SB 3943 by Senator McDermott

AN ACT Relating to basic education.

Referred to Committee on Ways and Means.

SB 3944 by Senator McDermott

AN ACT Relating to education.

Referred to Committee on Ways and Means.

SB 3945 by Senator Thompson

AN ACT Relating to counties.

Referred to Committee on Local Government.

SB 3946 by Senator Thompson

AN ACT Relating to agricultural extension programs.

Referred to Committee on Local Government.

SB 3947 by Senator Thompson

AN ACT Relating to sewer districts.

Referred to Committee on Local Government.

SB 3948 by Senator Thompson

AN ACT Relating to recall of elected officials.

Referred to Committee on Local Government.

SB 3949 by Senator Thompson

AN ACT Relating to fire districts.

Referred to Committee on Local Government.

SB 3950 by Senator Thompson

AN ACT Relating to library districts.

Referred to Committee on Local Government.

SB 3951 by Senator Thompson

AN ACT Relating to platting and subdivisions.

Referred to Committee on Local Government.

- SB 3952 by Senator Thompson
AN ACT Relating to local government finance.
Referred to Committee on Local Government.
- SB 3953 by Senator Thompson
AN ACT Relating to water districts.
Referred to Committee on Local Government.
- SB 3954 by Senator Thompson
AN ACT Relating to local government.
Referred to Committee on Local Government.
- SB 3955 by Senator Thompson
AN ACT Relating to local government.
Referred to Committee on Local Government.
- SB 3956 by Senator Thompson
AN ACT Relating to port districts.
Referred to Committee on Local Government.
- SB 3957 by Senator Thompson
AN ACT Relating to development fees.
Referred to Committee on Local Government.
- SB 3958 by Senator Thompson
AN ACT Relating to cities and towns.
Referred to Committee on Local Government.
- SB 3959 by Senator Thompson
AN ACT Relating to special purpose districts.
Referred to Committee on Local Government.
- SB 3960 by Senator Thompson
AN ACT Relating to Mt. St. Helens.
Referred to Committee on Local Government.
- SB 3961 by Senator Thompson
AN ACT Relating to municipal corporations.
Referred to Committee on Local Government.
- SB 3962 by Senator Warnke
AN ACT Relating to elections.
Referred to Committee on State Government.
- SB 3963 by Senator Warnke
AN ACT Relating to elections.
Referred to Committee on State Government.
- SB 3964 by Senator Warnke
AN ACT Relating to elections.
Referred to Committee on State Government.
- SB 3965 by Senator Warnke
AN ACT Relating to elections.
Referred to Committee on State Government.
- SB 3966 by Senator Lee

AN ACT Relating to providing for state participation in the trail users inventory system.

Referred to Committee on Transportation.

SB 3967 by Senator Lee

AN ACT Relating to procedures for allocating federal block grants.

Referred to Committee on Ways and Means.

SB 3968 by Senator Lee

AN ACT Relating to probation and parole violations.

Referred to Committee on Institutions.

SB 3969 by Senator Lee

AN ACT Relating to authorizing school districts to participate in shared employment programs.

Referred to Committee on Education.

SB 3970 by Senator Lee

AN ACT Relating to information to be supplied by banks on clients receiving state assistance.

Referred to Committee on Financial Institutions.

SB 3971 by Senator Vognild

AN ACT Relating to the law enforcement officers and fire fighters retirement system.

Referred to Committee on Commerce and Labor.

SB 3972 by Senator Vognild

AN ACT Relating to architect registration.

Referred to Committee on Commerce and Labor.

SB 3973 by Senators McManus, Quigg, Moore, Fleming, Conner, Bender, Woody, Gaspard, Vognild, McDermott, Williams, Hurley, Hansen and Warnke

AN ACT Relating to training and employment; adding a new chapter to Title 50 RCW; making appropriations; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 3974 by Senators Rasmussen and Haley

AN ACT Relating to statutory wills; and adding a new chapter to Title 11 RCW.

Referred to Committee on Judiciary.

SB 3975 by Senators Owen, Zimmerman, McManus, Conner, Bauer, Hansen, Talmadge and Bender

AN ACT Relating to exports; adding a new chapter to Title 43 RCW; creating a new section; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 3976 by Senators McManus and Conner

AN ACT Relating to community development; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Ways and Means.

SB 3977 by Senators Vognild and Quigg (by Gambling Commission request)

AN ACT Relating to promotional drawings; and amending section 1, chapter 139, Laws of 1981 and RCW 9.46.020.

Referred to Committee on Commerce and Labor.

SB 3978 by Senators Shinpoch, McCaslin, McManus, Rinehart, Conner, Hansen, Gaspard, Barr, Hurley, Talmadge, Bender, Hayner, Hughes and Granlund

AN ACT Relating to state government; adding a new chapter to Title 44 RCW; and providing an expiration date.

Referred to Committee on State Government.

SB 3979 by Senators McManus, Vognild, Conner and Talmadge

AN ACT Relating to the flexible work arrangements program; creating new sections; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 3980 by Senators McManus, Jones, Bender, Vognild, Conner, Owen, Metcalf and Warnke

AN ACT Relating to nontraditional apprenticeship training programs; adding a new section to chapter 49.04 RCW; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 3981 by Senators McManus, Vognild, Conner, Hansen and Warnke

AN ACT Relating to the jobs again council; creating a new section; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3982 by Senators McManus, Vognild, Owen, Conner, Bender, Sellar, Gaspard, Williams, Hurley, Hansen, Fleming, Metcalf, Bauer and Warnke

AN ACT Relating to the small business improvement council; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 3983 by Senators McManus, Kiskaddon, Vognild, Owen, Conner and Williams

AN ACT Relating to the council for balanced growth; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 3984 by Senators Talmadge and Pullen (by Secretary of State request)

AN ACT Relating to the recall; amending section 29.82.010, chapter 9, Laws of 1965 as amended by section 1, chapter 47, Laws of 1975-76 2nd ex. sess. and RCW 29.82.010; amending section 29.82.015, chapter 9, Laws of 1965 as amended by section 2, chapter 47, Laws of 1975-76 2nd ex. sess. and RCW 29.82.015; amending section 2, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.025; amending section 29.82.030, chapter 9, Laws of 1965 as last amended by section 4, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.030; amending section 29.82.090, chapter 9, Laws of 1965 as amended by section 107, chapter 361, Laws of 1977 ex. sess. and RCW 29.82.090; 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; amending section 1, chapter 42, Laws of 1980 and RCW 29.82.105; amending section 29.82.160, chapter 9, Laws of 1965 and RCW 29.82.160; amending section 29.82.170, chapter 9, Laws of 1965 and RCW 29.82.170; amending section 29.82.220, chapter 9, Laws of 1965 and RCW 29.82.220; adding new sections to chapter 29.82 RCW; repealing section 29.82.020, chapter 9, Laws of 1965, section 1, chapter 205, Laws of 1971 ex. sess., section 3, chapter 42, Laws of 1980 and RCW 29.82.020; repealing section 3, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.026; repealing section 29.82.070, chapter 9, Laws of 1965 and RCW 29.82.070; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3985 by Senators Vognild and Quigg (by Gambling Commission request)

AN ACT Relating to gambling devices; repealing section 1, chapter 87, Laws of 1975-76 2nd ex. sess., section 6, chapter 326, Laws of 1977 ex. sess., section 9, chapter 139, Laws of 1981 and RCW 9.46.115; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3986 by Senator Conner (by Secretary of State request)

AN ACT Relating to the regulation of campaign financing; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government.

SB 3987 by Senators Vognild, Quigg and Moore

AN ACT Relating to the state lottery; amending section 1, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.010; amending section 4, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.040; amending section 5, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.050; amending section 6, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.060; amending section 18, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.180; amending section 22, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.220; amending section 25, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.250; amending section 26, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.260; amending section 31, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.310; amending section 33, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.330; amending section 9, chapter 10, Laws of 1982 and RCW 42.17.420; adding a new section to chapter 41.06 RCW; adding a new section to chapter 67.70 RCW; repealing section 2, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.020; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3988 by Senator McManus

AN ACT Relating to economic development; adding a new chapter to Title 50 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 48.14 RCW; and prescribing penalties.

Referred to Committee on Ways and Means.

SB 3989 by Senators McManus and Conner

AN ACT Relating to technology development; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Ways and Means.

SB 3990 by Senators Goltz, Sellar, Granlund, Hayner, Hansen, Wojahn, Moore, Bluechel, Deccio and Clarke

AN ACT Relating to revenue and taxation; amending section 16, chapter 10, Laws of 1982 as amended by section 1, chapter 13, Laws of 1982 2nd ex. sess. and RCW 82.04.260; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3991 by Senators Conner, Peterson and Bottiger

AN ACT Relating to tolls on the Hood Canal bridge; and amending section 5, chapter 344, Laws of 1981 and RCW 47.60.326.

Referred to Committee on Transportation.

SB 3992 by Senators Talmadge and Moore

AN ACT Relating to payment of psychologists' fees under the law enforcement officers' and fire fighters' retirement system; and amending section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 256, Laws of 1981 and RCW 41.26.030.

Referred to Committee on Ways and Means.

SB 3993 by Senators Lee, Shinpoch, Gaspard and Deccio (by Joint Administrative Rules Review Committee request)

AN ACT Relating to the joint administrative rules review committee; and amending section 5, chapter 324, Laws of 1981 and RCW 34.04.210.

Referred to Committee on State Government.

SB 3994 by Senators Woody, Barr, McManus and Warnke

AN ACT Relating to personnel boards; amending section 6, chapter 36, Laws of 1969 ex. sess. as last amended by section 19, chapter 338, Laws of 1981 and RCW 28B.16.060; and amending section 8, chapter 10, Laws of 1982 and RCW 41.06.110.

Referred to Committee on State Government.

SB 3995 by Senators Owen and Sellar

AN ACT Relating to industrial insurance; amending section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 2, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.070; amending section 43.22.030, chapter 8, Laws 1965 and RCW 43.22.030; 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 43.32.020; amending section 51.04.020, chapter 23, Laws of 1961 as last amended by section 77, chapter 75, Laws of 1977 and RCW 51.04.020; amending section 1, chapter 14, Laws of 1980 and RCW 51.04.030; amending section 51.04.040, chapter 23, Laws of 1961 as amended by section 1, chapter 323, Laws of 1977 ex. sess. and RCW 51.04.040; amending section 2, chapter 14, Laws of 1980 and RCW 51.04.070; amending section 26, chapter 323, Laws of 1977 ex. sess. and RCW 51.04.085; amending section 3, chapter 107, Laws of 1961 as last amended by section 15, chapter 111, Laws of 1979 and RCW 51.08.013; amending section 51.08.015, chapter 23, Laws of 1961 as last amended by section 9, chapter 350, Laws of 1977 ex. sess. and RCW 51.08.015; amending section 51.12.050, chapter 23, Laws of 1961 as last amended by section 18, chapter 350, Laws of 1977 ex. sess. and RCW 51.12.050; amending section 51.12.070, chapter 23, Laws of 1961 as last amended by section 4, chapter 128, Laws of 1981 and RCW 51.12.070; amending section 6, chapter 14, Laws of 1980 as amended by section 17, chapter 63, Laws of 1982 and RCW 51.12.110; amending section 82, chapter 289, Laws of 1971 ex. sess. as last amended by section 23, chapter 350, Laws of 1977 ex. sess. and RCW 51.12.120; amending section 1, chapter 113, Laws of 1977 ex. sess. and RCW 51.12.140; amending section 26, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.010; amending section 30, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.050; amending section 34, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.100; amending section 35, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.110; amending section 16, chapter 289, Laws of 1971 ex. sess. as last amended by section 4, chapter 129, Laws of 1980 and RCW 51.16.035; amending section 2, chapter 151, Laws of 1963 as last amended by section 25, chapter 350, Laws of 1977 ex. sess. and RCW 51.16.042; amending section 7, chapter 14, Laws of 1980 and RCW 51.16.120; 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 51.16.150, chapter 23, Laws of 1961 as amended by section 15, chapter 43, Laws of 1972 ex. sess. and RCW 51.16.150; amending section 1, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.030; amending section 3, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.050; amending section 4, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.060; amending section 5, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.070; amending section 6, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.080; amending section 7, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.090; amending section 51.28.010, chapter 23, Laws of 1961 as last amended by section 32, chapter 350, Laws of 1977 ex. sess. and RCW 51.28.010; 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 51.28.070, chapter 23, Laws of 1961 as last amended by section 36, chapter 350, Laws of 1977 ex. sess. and RCW 51.28.070; amending section 51.32.010, chapter 23, Laws of 1961 as last amended by section 37, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.010; amending section 1, chapter 107, Laws of 1961 as last amended by section 38, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.015; amending section 8, chapter 14, Laws of 1980 and RCW 51.32.030; amending section 13, chapter 2, Laws of 1983 and RCW 51.32.040; amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 18, chapter 63, Laws of 1982 and RCW 51.32.050; amending section 46, chapter 289, Laws of 1971 ex. sess. as last amended by section 1, chapter 326, Laws of 1981 and RCW 51.32.055; amending section 51.32.060, chapter 23, Laws of 1961 as last amended by section 159, chapter ... (SB 3037), Laws of 1983 and RCW 51.32.060; amending section 9, chapter 14, Laws of 1980 and RCW 51.32.073; amending section 10, chapter 14, Laws of 1980 as amended by section 11, chapter 63, Laws of 1982 and RCW 51.32.095; amending section 11, chapter 14, Laws of 1980 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 3, chapter 20, Laws of 1982 1st ex. sess. and RCW 51.32.190; amending section 48, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.200; amending section 3, chapter 286, Laws of 1975 1st ex. sess. as last amended by section 19, chapter 63, Laws of 1982 and RCW 51.32.220; amending section 2, chapter 151, Laws of 1979 ex. sess. and RCW 51.32.230; amending section 13, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.32.240; amending section 51.36.010, chapter 23, Laws of 1961 as last amended by section 56, chapter 350, Laws of 1977 ex. sess. and RCW 51.36.010; amending section 51.36.020, chapter 23, Laws of 1961 as last amended by section 12, chapter 63, Laws of 1982 and RCW 51.36.020; amending section 52, chapter 289, Laws of 1971 ex. sess. as amended by section 1, chapter 42, Laws of 1979 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 55, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.080; amending section 51.44.010, chapter 23, Laws of 1961 and RCW 51.44.010; amending section 51.44.040, chapter 23, Laws of 1961 as last amended by section 14, chapter 63, Laws of 1982 and RCW 51.44.040; amending section 51.44.070, chapter 23, Laws of 1961 as last amended

by section 1, chapter 325, Laws of 1981 and RCW 51.44.070; amending section 51.48.010, chapter 23, Laws of 1961 as last amended by section 20, chapter 63, Laws of 1982 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 section 13, chapter 14, Laws of 1980 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; amending section 51.52.030, chapter 23, Laws of 1961 and RCW 51.52.030; amending section 51.52.050, chapter 23, Laws of 1961 as last amended by section 4, chapter 109, Laws of 1982 and RCW 51.52.050; amending section 51.52.060, chapter 23, Laws of 1961 as last amended by section 76, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.060; amending section 51.52.070, chapter 23, Laws of 1961 as last amended by section 77, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.070; amending section 51.52.095, chapter 23, Laws of 1961 as last amended by section 7, chapter 109, Laws of 1982 and RCW 51.52.095; amending section 1, chapter 40, Laws of 1973 as last amended by section 6, chapter 109, Laws of 1982 and RCW 51.52.110; amending section 51.52.130, chapter 23, Laws of 1961 as last amended by section 23, chapter 63, Laws of 1982 and RCW 51.52.130; amending section 51.52.150, chapter 23, Laws of 1961 and RCW 51.52.150; adding a new section to chapter 48.02 RCW; adding new sections to chapter 48.19 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 chapter to Title 51 RCW; creating new sections; providing effective dates; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3996 by Senator McDermott

AN ACT Relating to government.

Referred to Committee on Ways and Means.

SB 3997 by Senator McDermott

AN ACT Relating to public funds.

Referred to Committee on Ways and Means.

SB 3998 by Senator McDermott

AN ACT Relating to government.

Referred to Committee on Ways and Means.

SB 3999 by Senator McDermott

AN ACT Relating to government.

Referred to Committee on Ways and Means.

SB 4000 by Senator McDermott

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 4001 by Senator McDermott

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 4002 by Senator McDermott

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 4003 by Senator McDermott

AN ACT Relating to public funds.

Referred to Committee on Ways and Means.

SB 4004 by Senator McDermott

AN ACT Relating to public funds.

Referred to Committee on Ways and Means.

SB 4005 by Senator McDermott

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 4006 by Senator McDermott

AN ACT Relating to public works.

Referred to Committee on Ways and Means.

SB 4007 by Senator McDermott

AN ACT Relating to public funds.

Referred to Committee on Ways and Means.

SB 4008 by Senator McDermott

AN ACT Relating to government.

Referred to Committee on Ways and Means.

SB 4009 by Senator Rinehart

AN ACT Relating to procedures for the termination of academic programs at the institutions of higher education.

Referred to Committee on Education.

SJR 124 by Senators Owen, Jones, Conner and Hayner

Providing for community redevelopment financing.

Referred to Committee on Local Government.

SCR 109 by Senator Haley

Requesting the commissioner of public lands to make better economic use of state-owned urban lands.

Referred to Committee on Natural Resources.

SCR 110 by Senators McCaslin and Metcalf

Directing the legislative and administrative agencies to establish procedures to ensure clear language is used in statutes and administrative rules.

Referred to Committee on State Government.

SCR 111 by Senators Metcalf, Vognild, Craswell, Moore, Hurley, McCaslin, Fuller, Rasmussen, Conner, Bauer, Guess and Pullen

Challenging the delegation of power to the Federal Reserve System.

Referred to Committee on Judiciary.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Washington State Wheat Queen, Miss Theresa Marie Cochran, of Colfax, Washington, and appointed Senators Barr, Patterson, Wojahn, Bauer, Hurley, and Newhouse to escort the honored guest to the rostrum.

The President introduced Miss Cochran and with permission of the Senate, business was suspended to permit Queen Theresa to address the Senate.

Senators Patterson and Hurley extended additional greetings to the Wheat Queen.

The committee of honor escorted the guest from the Senate Chamber and the committee was discharged.

MOTION

At 10:20 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:19 a.m.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the seventh order of business.

There being no objection, the Senate resumed consideration of Senate Concurrent Resolution No. 107 and the pending motion by Senator Vognild on February 17, 1983, to return Senate Concurrent Resolution No. 107 to second reading.

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 107, by Senators Williams, Benitz, Goltz, Quigg, McManus, Hemstad, Moore, Hurley, Fleming, Hayner, Jones, Bottiger, Fuller and Deccio

Calling for resolution of the WPPSS financial situation.

The resolution was read the third time.

The President declared the question before the Senate to be the motion by Senator Vognild to suspend the rules and return Senate Concurrent Resolution No. 107 to second reading.

The motion by Senator Vognild carried and Senate Concurrent Resolution No. 107 was returned to second reading and read the second time.

MOTIONS

On motion of Senator Vognild, the following amendment by Senators Vognild, Williams and Benitz was adopted:

On page 2, line 20, after "in", strike "forging a resolution of the problem which will" and insert "organizing negotiations which may"

Senator McDermott moved adoption of the following amendment by Senators McDermott and Hughes:

On page 1, line 26, after "community:", strike everything down through "problem:" on line 29.

The President declared the question before the Senate to be adoption of the amendment by Senators McDermott and Hughes.

Senator Williams demanded a division.

MOTIONS

On motion of Senator Shinpoch, further consideration of Senate Concurrent Resolution No. 107 was deferred.

On motion of Senator Shinpoch, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 3087, by Senators Vognild, Moore, Shinpoch, Bottiger, Talmadge, Hughes and McManus.

Authorizing payment of shared work unemployment insurance.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3087 was substituted for Senate Bill No. 3087 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 3087 was advanced to third reading, the second reading considered the third, and the bill was 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. 3087.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3087, and the bill passed the Senate by the following vote: Yeas, 30; nays, 12; absent, 07; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen,

Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 30.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Haley, Lee, McCaslin, Metcalf, Newhouse, Patterson, Sellar, von Reichbauer - 12.

Absent: Senators Bluechel, Deccio, Hansen, Hayner, Jones, Quigg, Zimmerman - 7.

SUBSTITUTE SENATE BILL NO. 3087, having received the 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, Senators Quigg and Barr were excused.

On motion of Senator Vognild, Senator Hansen was excused.

SECOND READING

SENATE BILL NO. 3256, by Senators Williams, Fuller, Bender, Hansen, Conner, Moore, Warnke, Benitz, Bauer, Talmadge, and Fleming

Permitting public entities involved in the generation, sale, or distribution of energy to provide energy conservation analyses and financing assistance for their customers.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3256 was substituted for Senate Bill No. 3256 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 3256 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "I was wondering why we don't take up the Constitutional Amendment first, Senator Williams. It would seem to me that what would go in the implementing bill would be defined by what the Constitutional Amendment says, and since we have not yet perfected the language of the Constitutional Amendment, I was curious why we were taking up the implementing bill first?"

Senator Williams: "Senator Pullen, I had no particular preference on that. This is simply the way the bills came up on the calendar. We are not aware of any particular amendments to perfect the Constitutional Amendment at this time. If there are, we would be happy to do so."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3256.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3256, and the bill passed the Senate by the following vote: Yeas, 32; nays, 11; absent, 03; excused, 03.

Voting yea: Senators Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hemstad, Hughes, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 32.

Voting nay: Senators Clarke, Craswell, Deccio, Guess, Hurley, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Rasmussen - 11.

Absent: Senators Bluechel, Hayner, Jones - 3.

Excused: Senators Barr, Hansen, Quigg - 3.

SUBSTITUTE SENATE BILL NO. 3256, having received the 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 Shinpoch, the Committee on Rules was relieved of further consideration of House Bill No. 147.

On motion of Senator Shinpoch, the rules were suspended, House Bill No. 147 was placed on the second reading calendar for immediate consideration.

SECOND READING

HOUSE BILL NO. 147, by Representatives Armstrong, Holland, Lux, Patrick, Garrett, Tanner, Lewis and Isaacson

Modifying the definition of homicide.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 147 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 147.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 147, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Barr, Hansen, Quigg - 3.

HOUSE BILL NO. 147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3203, by Senators Peterson, Bender, Haley, Hemstad, Talmadge and Deccio (by Legislative Transportation Committee request)

Requiring child restraints in motor vehicles.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following Committee on Transportation amendment was adopted:

On page 2, line 6, strike all material through "guardian," on line 7 and insert: "(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action."

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 3203 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator Peterson, would the terms of this particular bill also apply to pregnant women?"

Senator Peterson: "Pregnant women are not listed in the bill, Senator Pullen."

Senator Pullen: "Well, would you object to having this bill returned to second reading, so that I could offer an amendment to that effect?"

Senator Peterson: "No, I would object to that. I think that is a separate matter. This is a child restraint measure that we have worked on for several years and if you want to make pregnant women wear seat belts, I think that should be addressed separately rather than with child restraints."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Peterson, the bill reads that after a receipt of a traffic violation notice, that if you present proof of acquisition--this does not require that you then present proof of purchase? You may go over to your neighbor and

borrow an approved child restraint seat and take it in. Where do you take it--to the police judge--and then they will relieve you of that fine?"

Senator Peterson: "Well, I suspect that is essentially correct, Senator, but it does require proof of obtaining the child restraint. Whether it is borrowed or whether it is purchased is a little bit difficult to ascertain. I don't know if you bought your necktie or whether somebody loaned it to you for today's session, but it would be the same thing.

Senator Rasmussen: "Well, ordinarily people give me neckties, but my concern was to make it clear that acquisition did not require purchase. I think the bill has improved much in that respect, but if I can borrow the seat when I want to go down and get that thirty dollar ticket taken off, that is very important."

Senator Peterson: "Well, the fact remains, Senator, that the burden of responsibility lies upon the guardian or parent. I think that is sufficient. I don't think you can tighten this up much further without jeopardizing its passage. So, I would suggest that we proceed."

POINT OF INQUIRY

Senator Deccio: "Senator Peterson, maybe this has been answered before. If it has, I missed it. On page 1, lines 17 and 18, it says--'shall have the child properly secured in a manner approved by the State Commission on Equipment' and then it goes on to say--'even though a separate child passenger restraint device is considered the ideal method of protection, a properly adjusted and fastened federally approved seal belt is deemed sufficient to meet the requirements' and it goes on. Which is going to be required--the mechanism approved by the State Commission on Equipment or the federally approved seat belt?"

Senator Peterson: "The Commission would approve the device for those one and under. After the age of one--from one to five--any federally approved seat belt mechanism would be considered legal. From up to one year of age, it would be an approved child restraint system approved by the Commission."

Further debate ensued.

MOTION

On motion of Senator Vognild, Senator Woody was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3203.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3203, and the bill passed the Senate by the following vote: Yeas, 42; nays, 03; absent, 00; excused, 04.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalif, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Craswell, McCaslin, Pullen - 3.

Excused: Senators Barr, Hansen, Quigg, Woody - 4.

ENGROSSED SENATE BILL NO. 3203, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3314, by Senators Vognild, Quigg and Wojahn (by Department of Employment Security request)

Establishing the OASI revolving fund.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended Senate Bill No. 3314 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3314.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3314, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Barr, Hansen, Quigg, Woody - 4.

SENATE BILL NO. 3314, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3225, by Senators Williams, Quigg and Moore (by State Energy Office request)

Regulating district heating system services.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3225 was substituted for Senate Bill No. 3225 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 3225 was advanced to third reading, the second reading considered the third, and the bill was 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. 3225.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3225, and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; absent, 01; excused, 03.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 32.

Voting nay: Senators Clarke, Craswell, Deccio, Guess, Hayner, Jones, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Sellar - 13.

Absent: Senator Lee - 1.

Excused: Senators Barr, Hansen, Woody - 3.

SUBSTITUTE SENATE BILL NO. 3225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

February 18, 1983

Mr. President:

The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 3258 and has granted said committee the powers of Free Conference, and the report of the Conference Committee and said attachments are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

February 18, 1983

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL No. 3258, modifying taxes ('81-'83 Biennium), have had the same under consideration, and we are unable to agree and respectfully request the powers of Free Conference.

Signed by Senators McDermott and Gaspard; Representatives Grimm and Sommers.

MOTION

Senator Bottiger moved that the request by the Conference Committee for the powers of Free Conference on Engrossed Senate Bill No. 3258 be granted.

PARLIAMENTARY INQUIRY

Senator Newhouse: "I would like to ask the President under what rules a power of Free Conference can now be granted. We were told last night that we were reverting to Reed's Rules, and I don't see in Reeds any differentiation as to whether or not powers of Free Conference must be granted separately."

REPLY BY THE PRESIDENT

President Cherberg: "Honored members of the Senate. Referring to the point presented by Senator Newhouse, the President states that Reed's Rules provides for the granting of a conference or a free conference committee. The Senate and House created a Conference Committee that has not come to an agreement and has requested the powers of Free Conference. This is provided for in Reed's Rule No. 242, and the President believes that this process may expedite the business of both of the two houses. Therefore, the President rules that the motion is in order."

The President declared the question before the Senate to be the motion by Senator Bottiger that the Senate grant the powers of Free Conference on Engrossed Senate Bill No. 3258.

The motion by Senator Bottiger carried and the powers of Free Conference were granted on Engrossed Senate Bill No. 3258.

MOTION

At 12:30 p.m., on motion of Senator Bottiger, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

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

SECOND READING

SENATE BILL NO. 3393, by Senators Talmadge, Clarke and Hemstad

Permitting judges to belong to the National Guard.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3393 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senator Quigg was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3393.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3393, and the bill passed the Senate by the following vote: Yeas, 38; nays, 00; absent, 08; excused, 03.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Guess, Haley, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 38.

Absent: Senators Deccio, Fleming, Granlund, Hayner, Hurley, McCaslin, McManus, Williams - 8.

Excused: Senators Barr, Hansen, Quigg - 3.

SENATE BILL NO. 3393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3118, by Senators Talmadge, Newhouse and Vognild

Modifying provisions relating to workers' compensation.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 3118 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Senator Talmadge, will you restate your remarks? You say that the employer does not have to know of the first injury in order to receive second injury benefits. In other words, he is not charged for the second injury?"

Senator Talmadge: "That's correct, Senator. Let me give you an example. The employee has an injury with another employer some years ago and is thirty percent disabled and is adjudged to be that by the Department of Labor and Industries. That employee applies for a new position with a second employer--doesn't tell the second employer of the existence of that previous disability--and becomes injured on the job with the second employer. Now, the second employer would like to have his industrial experience adjusted by the fact that they hired this previously handicapped employee, but the Department says 'no, because you didn't specifically know of the existence of this disability.' If the employee were to say 'I had a disability' and the employer knew it, they would get coverage. It doesn't make any sense, really."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3118.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3118, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 45.

Absent: Senators McCaslin, Williams - 2.

Excused: Senators Barr, Quigg - 2.

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.

SECOND READING

SENATE BILL NO. 3379, by Senators Owen, Fuller, Vognild, Bender and Quigg

Providing group fishing permits for the handicapped and senior citizens.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the rules were suspended, Senate Bill No. 3379 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Metcalf, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3379.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3379, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Williams - 1.

Excused: Senators Barr, McCaslin, Quigg - 3.

SENATE BILL NO. 3379, having received the 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 President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

February 10, 1983

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3100 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. A supplemental budget as set forth in this 1983 act is hereby adopted and, subject to the provisions set forth in this 1983 act, the several amounts specified in this 1983 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 and projects for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, except as otherwise provided, out of the several funds of the state hereinafter named, and making other appropriations.

<u>NEW SECTION</u> , Sec. 2. FOR THE HOUSE OF REPRESENTATIVES	
General Fund Appropriation	\$ 4,878,000
<u>NEW SECTION</u> , Sec. 3. FOR THE SENATE	
General Fund Appropriation	\$ 3,016,000
<u>NEW SECTION</u> , Sec. 4. FOR THE SUPREME COURT	
General Fund—Judiciary Education Account Appropriation	\$ 479,000
<u>NEW SECTION</u> , Sec. 5. FOR THE COURT OF APPEALS	
General Fund—Judiciary Education Account Appropriation	\$ 98,000
<u>NEW SECTION</u> , Sec. 6. FOR THE ADMINISTRATOR FOR THE COURTS	
General Fund—Judiciary Education Account Appropriation	\$ 123,000
<u>NEW SECTION</u> , Sec. 7. FOR THE LIEUTENANT GOVERNOR	
General Fund Appropriation	\$ 30,000
<u>NEW SECTION</u> , Sec. 8. FOR THE SECRETARY OF STATE	
General Fund Appropriation	\$ 617,000
<u>NEW SECTION</u> , Sec. 9. FOR THE DEPARTMENT OF PERSONNEL	
Department of Personnel Service Fund Appropriation	\$ 80,000
<u>NEW SECTION</u> , Sec. 10. FOR THE BOARD OF ACCOUNTANCY	
General Fund Appropriation	\$ 33,000
<u>NEW SECTION</u> , Sec. 11. FOR THE DEPARTMENT OF NATURAL RESOURCES	
General Fund—Forest Development Account Appropriation	\$ 53,000
General Fund Appropriation	\$ 433,000
Total Appropriation	\$ 486,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$120,000 of the general fund appropriation is provided solely for costs related to flood clean-up activities on or around Lake Whatcom.

(2) \$313,000 of the general fund appropriation is provided solely for costs associated with department of corrections honor camp residents in work-related activities.

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LICENSING

General Fund—Architects' License Account Appropriation \$ 110,000

NEW SECTION. Sec. 13. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund Appropriation \$ 40,000

Sec. 14. Section 4, chapter 33, Laws of 1982 1st ex. sess. as amended by section 67, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated for the biennium ending June 30, 1983, the sum of (~~twenty-four~~) one hundred twenty-two thousand dollars, or so much thereof as may be necessary, from the state general fund (~~PROVIDED, That up to an additional ninety-eight thousand dollars from the state general fund may be expended if each dollar is matched by funds from private sources.~~) to be used by the committee for the purpose of carrying out the provisions of sections 1 through 3 of this act. Upon completion of the study, any residual general fund state funds shall revert to the general fund.

NEW SECTION. Sec. 15. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for distribution under federal Public Law 97-99. Fifty percent of these moneys shall be allocated to local school districts according to a formula developed by the superintendent of public instruction and fifty percent of the moneys shall be allocated to counties for the benefit of public roads according to a formula developed by the state department of transportation \$ 197,000

Sec. 16. Section 30, chapter 340, Laws of 1981 as amended by section 29, chapter 50, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution \$ ~~((4,360,000))~~
4,184,000

General Fund Appropriation for refund of deferred property tax \$ ~~((123,000))~~
223,000

General Fund Appropriation for public utility district excise tax distribution \$ ~~((13,205,000))~~
16,063,000

General Fund Appropriation for prosecuting attorneys' salaries \$ 1,449,000

General Fund Appropriation for motor vehicle excise tax distribution \$ ~~((55,332,000))~~
46,209,000

General Fund Appropriation for local mass transit assistance \$ 98,779,000

General Fund Appropriation for camper and travel trailer excise tax distribution \$ ~~((1,940,000))~~
1,482,000

General Fund Appropriation for local fire protection costs \$ 720,000

General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution \$ 728,000

Liquor Excise Tax Fund Appropriation for liquor excise tax distribution \$ ~~((20,357,000))~~
20,505,000

Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$ ~~((172,480,000))~~
160,314,000

Liquor Revolving Fund Appropriation for liquor profits distribution \$ ~~((53,600,000))~~
56,000,000

State Timber Tax Account 'A' Appropriation for distribution to "Timber" counties \$ ~~((17,570,000))~~
17,985,000

State Timber Tax Reserve Account Appropriation for distribution to "Timber" counties \$ ~~((46,870,000))~~
44,445,000

General Fund—Municipal Sales and Use Tax Account for equalization distribution \$ 4,333,000

General Fund—County Sales and Use Tax Account for equalization distribution \$ 2,621,000

Total Appropriation \$ ~~((487,513,000))~~
476,040,000

Sec. 17. Section 125, chapter 340, Laws of 1981 as last amended by section 101, chapter 50, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	8,000
General Fund—Criminal Justice Training Account Appropriation: For transfer to the general fund on or before June 30, 1983, an amount up to \$1,100,000	\$	1,100,000
General Fund—Investment Reserve Account Appropriation: For transfer to the general fund on or before June 29, 1983, pursuant to chapter 50, Laws of 1969	\$	40,000,000
Motor Vehicle Fund Appropriation: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the Washington state patrol during the period July 1, 1981, through June 30, 1983	\$	3,000,000
Motor Vehicle Fund Appropriation: For transfer to the Grade Crossing Protective Fund for appropriation to the utilities and transportation commission for the 1981-1983 biennium to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, and 81.53.291	\$	697,000
Motor Vehicle Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	40,000
State Treasurer's Service Fund Appropriation: For transfer to the general fund on or before July 20, 1983, an amount up to \$((\$17,794,000)) 18,292,000 in excess of the cash requirements in the State Treasurer's Service Fund for fiscal year 1984, for credit to the fiscal year in which earned	\$	((17,794,000)) 18,292,000
Teachers' Retirement Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	2,572,000
General Fund—Trust Land Purchase Account Appropriation: For transfer to the general fund on or before June 30, 1983, an amount up to \$1,028,000 in excess of the cash requirements in the Trust Land Purchase Account, as determined by the office of financial management	\$	1,028,000
General Fund Appropriation: For transfer to the law enforcement officers' and fire fighters' retirement system: PROVIDED, That the amount transferred shall not exceed the additional interest which would have been earned by the system if the amounts appropriated in section 34, chapter 340, Laws of 1981 had been transferred to the system quarterly	\$	((22,000,000)) 17,181,000

General Fund Appropriation: For transfer to the teachers' retirement system: PROVIDED, That the amount transferred shall not exceed the additional interest which would have been earned by the system if the amounts appropriated in section 93, chapter 340, Laws of 1981 had been transferred to the system quarterly \$ 4,819,000

Sec. 18. Section 47, chapter 340, Laws of 1981 as amended by section 41, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

The appropriations made by this act to the department of social and health services are subject to the following conditions and limitations:

(1) The department of social and health services shall not initiate any new services which will incur general fund state expenditures beyond those authorized by appropriation.

(2) Funds appropriated by this act to the department of social and health services shall be allotted and expended reflecting the legislative intent of this act. Within the specific limitations in this act, the department of social and health services may modify allotments after the initial three months of the biennium with the approval of the office of financial management in consultation with the committees on ways and means of the senate and house of representatives ((: PROVIDED, That because substantial uncertainty continues to exist as to actual federal revenues available to the department of social and health services and because major changes in federal entitlement programs affecting income maintenance, community social services, and medical assistance programs may have significant effects on caseloads and expenditures in those programs, allotment modifications may include transfers between programs in sections 49, 50, 51, 53, 54, and 55 of chapter 340, Laws of 1981)). Transfers between or within programs may occur notwithstanding any limitation, condition, or proviso in sections 49 through 59, chapter 340, Laws of 1981 as amended by chapter 14, Laws of 1981 2nd ex. sess.; chapter 50, Laws of 1982 1st ex. sess.; and chapter 11, Laws of 1982 2nd ex. sess. Each transfer must maximize services provided under all programs, taking into account actual program workloads.

(3) The department of social and health services may seek and receive additional federal funds not included in this act, subject to approval of the office of financial management, provided that such funding does not require additional expenditure of state funds.

(4) In anticipation of significant reductions in federal support for social service, public health, and Title XIX programs, the legislature has reduced the state's dependency on federal entitlement programs within the income maintenance, medical assistance, and social service programs. However, additional federal reductions may require further reductions to all human service programs. To ensure that the loss of federal funds does not result in an accelerated expenditure of state funds, the following requirements are placed on the department of social and health services:

((†)) The department shall prepare a contingency expenditure plan to reflect anticipated loss of federal funds. This contingency plan shall include necessary program changes and a redefinition of services or eligibility criteria which will not require expenditures in excess of any appropriation provided in this act. The contingency plan shall be transmitted to the legislature upon completion and at least ten days before implementation.

Sec. 19. Section 48, chapter 340, Laws of 1981 as last amended by section 31, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation \$ 42,299,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$13,918,000 is provided solely to contract with nonprofit corporations to provide diversionary programs and operate and/or contract for work/training release for convicted felons: PROVIDED, That \$999,000 of this appropriation is provided solely for pre-trial diversion and the continuation of the alternatives to street crime programs in Snohomish, Pierce and Clark counties. Such funds shall be distributed to the counties in a timely manner: PROVIDED FURTHER, That \$375,000 of this appropriation is provided solely for the continuation of 50 work/training release beds at the Progress House Association of Tacoma.

(b) \$2,419,000 is provided solely for intensive parole.

(c) \$21,519,000 is provided solely for probation and parole.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation \$ ~~((149,339,000))~~
149,339,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The department of corrections shall present to the legislature by October 12, 1981, a comprehensive institutional educational policy. This report shall explain the basis for selection of educational programs and participation and shall outline program and payment policies for contracting for educational services. The report shall include, but is not limited to, a detailing by month for each institution of the programs, program goals, staffing, costs per offering, and actual and estimated inmate participation.

(b) It is the intent of the legislature that custody staff at adult correctional institutions not be reduced below the levels existing on June 1, 1982.

(c) It is the assumption of the legislature that the appropriation in this subsection initially provides:

(i) \$24,731,000 for the Washington Corrections Center, excluding funds related to court orders under *Hoptowit v. Ray*, No. 79-359 (E. D. Wash.);

(ii) \$38,312,000 for the Washington State Penitentiary, excluding funds relating to court orders under *Hoptowit v. Ray*, No. 79-359 (E. D. Wash.);

(iii) \$1,010,000 for the Monroe mental health unit;

(iv) \$24,990,000 for the Washington State Reformatory;

(v) \$8,269,000 for the Purdy Treatment Center for Women;

(vi) \$20,816,000 for the McNeil Island Penitentiary;

(vii) \$9,090,000 for the Special Offenders Center;

(viii) Funds for other costs associated with honor camps and the Pine Lodge Corrections Center.

(d) The department shall not provide cigarettes or other tobacco products to inmates after the effective date of this section.

(3) PROGRAM SUPPORT

General Fund Appropriation \$ ~~((13,646,000))~~
13,156,000
General Fund—Institutional Impact Account Appropriation \$ 525,000
Total Appropriation \$ ~~((14,171,000))~~
13,681,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$500,000 is provided solely for individual legal services. There shall be no solicitation of legal action and all informal means of resolving disputes shall be utilized. These funds shall not be used to support class action litigation.

(b) \$2,902,000 is provided solely for costs directly resulting from the decision in *Hoptowit v. Ray*, No. 79-359 (E. D. Wash.); PROVIDED, That no expenditure of funds may be made without the signature of the agency's assistant attorney general on the authorizing document.

(c) \$1,557,000 for fiscal year 1982 and \$4,902,000 for fiscal year 1983 are provided solely to address population overrun in excess of current bed capacity. Such funds shall be released only with the approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

(d) ~~\$(+077,000)~~ 589,000 is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(4) Funds may be transferred from program support to institutional services for costs associated with Hoptowit v. Ray, No. 79-359 (E. D. Wash.), and population overruns to the extent provided for in this section.

(5) The department of corrections shall in conjunction with the office of financial management and the committees on ways and means of the senate and house of representatives develop staff-to-inmate ratios or a system of post assignment for each correctional unit by August 1, 1981. By September 1, 1981, a written report on proposed staffing levels shall be presented to the legislature comparing this staffing to prior biennial levels and discussing its programmatic and fiscal implications.

Sec. 20. Section 80, chapter 340, Laws of 1981 as last amended by section 56, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation—State	\$	((7,893,000))
		7,408,000
General Fund Appropriation—Federal	\$	391,000
Motor Vehicle Fund Appropriation	\$	395,000
Total Appropriation	\$	((8,679,000))
		8,194,000

The appropriations in this section are subject to the following condition or limitation: This 1983 act does not reduce state matching funds for the department's eight tourism regions.

Sec. 21. Section 87, chapter 340, Laws of 1981 as last amended by section 72, chapter 50, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION FORMULA FOR FISCAL YEARS 1982 AND 1983

General Fund Appropriation	\$	((2,586,868,000))
		2,586,301,000
General Fund—State Timber Tax Reserve Account	\$	4,000,000
Total Appropriation	\$	((2,588,868,000))
		2,590,301,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of this act and compliance with chapter 16, Laws of 1981, the superintendent of public instruction shall ensure that no district provides salary and compensation increases from any fund source whatsoever in excess of those amounts for insurance benefit increases and/or for those percentages for salary increases as specified in this act and LEAP Document 4: PROVIDED, That for the 1981-82 school year, if a school district is in violation of chapter 16, Laws of 1981, or chapter 340, Laws of 1981, as now or hereafter amended, the superintendent shall withhold the lesser of five percent or an amount equal to the level of violation when applied to the district's respective basic education allocation, until such time as the school district comes into compliance: PROVIDED FURTHER, That for the 1982-83 school year, the superintendent shall withhold five percent of a district's respective basic education allocation if the school district violates any provision of this act or chapter 16, Laws of 1981 until such time as a school district comes into compliance: PROVIDED FURTHER, That provisions of any contract in force as of the effective date of chapter 16, Laws of 1981, for school years 1981-82 and 1982-83 that conflict with the provisions of this act may continue in effect and no funds shall be withheld as a result of such contracts: PROVIDED FURTHER, That provisions of a contract in compliance with chapter 16, Laws of 1981, and chapter 340, Laws of 1981, entered into prior to the effective date of this 1982 act, for the 1982-83 school year that conflicts with provisions of this 1982 amendatory act may continue in effect and no funds shall be withheld as a result of such contracts.

(2)(a) The appropriations in this section and allocation authorized by sections 87 through 91 of this act per annual average full time equivalent student shall constitute 100% of formula as provided in RCW 28A.41.130 as now or hereafter amended.

(b) If the system-wide staff mix factor exceeds 1.6182, the superintendent of public instruction shall make such adjustments as are required to remain within the amounts generated by the staff mix assumption for the total appropriation.

(3) Formula allocation of certificated staff units shall be determined as follows:

(a) One certificated staff unit for each average annual twenty full time equivalent kindergarten, elementary, and secondary students, excluding secondary vocational full time equivalent students enrolled in a vocational program approved by the superintendent of public instruction.

(b) One certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction.

(c) For districts enrolling not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollment above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a K-8 program or 1-8 program, an additional one-half of a certificated staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW;

(vi) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a K-6 or 1-6 program, an additional one-half of a certificated staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(d) For districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students, certificated staff units shall be determined as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(4)(a) For nonemployee related costs with each certificated staff unit determined under subsection (3) (a), (c), and (d) of this section, there shall be provided a maximum of \$4,572 per staff unit in the 1981-82 school year and a maximum of \$4,966 per staff unit in the 1982-83 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (3)(b) of this section, there shall be provided a maximum of \$8,000 per staff unit in the 1981-82 school year and a maximum of \$8,641 per staff unit in the 1982-83 school year.

(5) Formula allocation of classified staff units shall be determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (3) (a), (c), and (d) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(6) The superintendent of public instruction shall distribute a maximum of \$565,000 outside of the basic education allocation to school districts for fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by RCW 52.36.020; a maximum of \$280,000 for the 1981-82 school year, and a maximum of \$285,000 for the 1982-83 school year.

(7) The general fund—state appropriation contained in this section includes all funds received by the state pursuant to Title 16, section 500, United States Code (federal forest funds) which are distributed to the general fund for the benefit of public schools in accordance with RCW 36.33.110. Within thirty days of receipt within the state treasury, the superintendent of public instruction shall distribute such federal forest funds to each eligible school district in an amount not to exceed that which the district would have received in accordance with the basic education apportionment for the previous year. Funds determined to be in excess of that amount shall be distributed to the county for distribution to the school districts within the county in accordance with RCW 36.33.110: PROVIDED, That if the amount received by any district pursuant to this appropriation is less than the basic education allocation which the district would otherwise receive, the superintendent of public instruction shall allocate from basic education funds to the district an amount equal to the difference between the amount received under this

appropriation and the amount the district would otherwise receive under the basic education act.

(8) The superintendent of public instruction may distribute a maximum of \$250,000 for school district emergencies outside of the basic education allocation.

(9) Not more than ~~\$(4,514,000)~~ \$5,951,000 of the appropriation contained in this section shall be expended for districts which experience an enrollment decline in the 1981-82 school year from the 1980-81 base enrollment level and in the 1982-83 school year from the 1981-82 base enrollment level. The superintendent of public instruction shall distribute funds based on certificated staff units in the 1981-82 and 1982-83 school years to such districts on the basis of current school year enrollment plus one quarter of the amount of the enrollment decline from the prior school year level. The superintendent of public instruction, in ascertaining the full time equivalent enrollment under this section for any school district declining in enrollment at a rate of at least four percent, or three hundred full time equivalent students, whichever is less, from the immediately preceding school year, shall increase the enrollment as otherwise herein computed by twenty-five percent of the full time equivalent pupil enrollment loss from the previous school year.

(10) No cash balances or cash reserves of any school district may be confiscated by the state nor used as a local revenue deduction when apportionment funds from this section are distributed to school districts.

(11) The disbursements to local school districts from the appropriations in this section are subject to reductions under section 83 of this 1982 act.

Sec. 22. Section 92, chapter 340, Laws of 1981 as last amended by section 74, chapter 50, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:

SALARY AND COMPENSATION INCREASES

General Fund Appropriation \$ 112,299,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds shall be allocated by the superintendent of public instruction as specified in this section and may be expended by school districts for any state funded activity.

(3) A maximum of \$ 54,666,000 for the 1981-83 biennium may be expended for provision of basic education state-supported certificated staff salary increases as provided in LEAP Document 2 and concomitant incremental fringe benefits. Local school district percentage salary increases under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection (7) (b) and (c) of this section, shall not exceed the percentages specified in LEAP Document 4.

(4) A maximum of \$ 12,113,000 for the 1981-83 biennium may be expended for provision of basic education state-supported classified staff salary increases as provided in LEAP Document 2 and concomitant incremental fringe benefits. Local school district percentage increases provided under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection (7)(b) of this section, shall not exceed the percentages specified in LEAP Document 4.

(5) A maximum of \$ 34,147,000 for the 1981-83 biennium may be expended for insurance benefit increases for state-supported basic education certificated and classified staff at a rate of \$26 per month per full time equivalent staff unit in 1981-82 and an additional \$16 per month in 1982-83.

(6) A maximum of \$ 10,922,000 for the 1981-83 biennium for state-supported staff salary, insurance benefit increases, and concomitant incremental fringe benefits for educational service district staff, institutional education staff (program 46), vocational-technical institutes/adult basic education (programs 47 and 48), handicapped program staff (program 21) and transportation staff (program 99), to be distributed at rates and/or percentages not exceeding those specified for the basic education certificated or classified staff, as the case may be, of a district using the pertinent program derived base salary and staff mix factor for certificated staff and average salary for classified staff. Educational service district staff shall receive salary increases funded from this appropriation at the support level provided in section 99 of this act at a rate of 6.87% in 1981-82 and 7.35% in 1982-83, effective June 30, 1983, and insurance benefit increases at the same rate as provided in subsection (5) of this section. Educational service districts, institutional education (program 46) and vocational-technical institutes/adult basic education (programs 47 and 48) shall receive first draw from this appropriation.

(7) For purposes of chapter 16, Laws of 1981, the following conditions and limitations shall apply:

(a) Districts may provide salary and insurance benefit increases for nonstate-supported activities at rates not exceeding those specified by LEAP Document 4 for state-supported basic education certificated staff in each school year of the biennium for each district.

(b) That part of insurance benefits granted employees that are in excess of:

(i) \$121 per full time equivalent staff unit in 1981-82 shall constitute a portion of the salary increase specified in LEAP Document 4: PROVIDED, That if insurance benefits granted employees in 1980-81 were in excess of \$121 per full time equivalent staff unit then only that part granted to employees for 1981-82 in excess of the 1980-81 level shall constitute a portion of the salary increase specified in LEAP Document 4.

(ii) \$137 per full time equivalent staff unit in 1982-83 shall constitute a portion of the salary increase specified in LEAP Document 4: PROVIDED, That if insurance benefits granted employees in 1981-82 were in excess of \$137 per full time equivalent staff unit then only that part granted to employees for 1982-83 in excess of the 81-82 level shall constitute a portion of the salary increase specified in LEAP Document 4.

(c) Increments granted by school districts to certificated staff shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments which are provided pursuant to LEAP Document 1.

(8) A district shall not be in violation of this section or chapter 16, Laws of 1981, as a result of corrections to the reported staff mix data in the 1980-81, 1981-82, or 1982-83 school years as long as the average salary for the 1981-82 and 1982-83 school year, respectively, does not exceed the average salary that would have been generated through consistent application of the incorrect base salary and staff mix in the 1981-82 and 1982-83 school year, respectively.

(9) The 1982-83 salary increase shall be effective on June 30, 1983, and shall be allocated by the superintendent of public instruction as specified in LEAP Document 2.

(10) A maximum of \$451,000 shall be distributed to those school districts which after May 19, 1981, and prior to December 1, 1981, incurred a contractual obligation to pay any employee or employee group a salary increase (~~during the 1982-83 school year~~) after August 31, 1982, and prior to June 30, 1983, and such obligation cannot be revoked or otherwise avoided by unilateral action of such districts: PROVIDED, That the total salary increase obligation is within the limits prescribed by LEAP Document 2: PROVIDED FURTHER, That the portion of salary increase funds provided to each qualifying district shall be distributed in the same proportion to the total provided herein as its irrevocable salary increase obligation is in proportion to the total irrevocable salary increase obligation of all qualifying districts: PROVIDED FURTHER, That the determination of revocability or avoidability of the obligation for purposes of receipt of the funds provided under this subsection shall be the sole and final determination of the state attorney general after reviewing the contract regardless of what may be determined by an arbitrator or court as to the school district's obligation to its employees.

(11) The disbursements to local school districts from the appropriations in this section are subject to reductions under section 83 of this 1982 act.

Sec. 23, Section 16, chapter 143, Laws of 1981 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GAME

(1) Reappropriation of various 1979-81 projects which have not been completed.

	Reappropriation	Appropriation
GF, ORA—State	825,000	
GF, ORA—Federal	346,000	
Game Fund—State	837,000	
Game Fund—Federal	1,055,000	
Game Fund—Game Sp		
Wildlife Acct	95,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		1,799,626

(2) Relocate shop facilities from the Auburn Game Farm to the Olympia area from proceeds of the sale of the Auburn Game Farm. This appropriation is contingent on the enactment of House Bill No. 66 during the 1981 regular session of the legislature.

	Reappropriation	Appropriation
Game Fund—State		819,700
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
200,000		1,019,700

(3) Replace raceways and roads, South Tacoma Hatchery.

	Reappropriation	Appropriation
Game Fund—State		133,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs

	6/30/81	Thereafter	
	67,000	200,000	400,000
(4) Emergency repair and replacement.			
		Reappropriation	Appropriation
Game Fund—State			150,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/83 and	Costs
6/30/81		Thereafter	
		300,000	450,000
(5) Replace thirty-nine sets of outdoor toilets on department access areas state-wide.			
		Reappropriation	Appropriation
Game Fund—State			195,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/83 and	Costs
6/30/81		Thereafter	
		400,000	595,000
(6) Repair three dikes, Skagit Wildlife Recreation Area.			
		Reappropriation	Appropriation
Game Fund—State			88,000
Game Fund—Federal			264,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/83 and	Costs
6/30/81		Thereafter	
			352,000
(7) Construct dike and water control structures, McNary Wildlife Recreation Area.			
		Reappropriation	Appropriation
Game Fund—State			17,000
Game Fund—Federal			250,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/83 and	Costs
6/30/81		Thereafter	
			267,000
(8) Replace hatchery building, South Tacoma Hatchery.			
		Reappropriation	Appropriation
Game Fund—State			227,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/83 and	Costs
6/30/81		Thereafter	
			227,000
(9) Construct new residence and upgrade domestic water supply, Ringold Rearing Pond.			
		Reappropriation	Appropriation
Game Fund—Federal			119,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/83 and	Costs
6/30/81		Thereafter	
			119,000
(10) Replace roofs on several buildings, state-wide.			
		Reappropriation	Appropriation
Game Fund—State			126,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/83 and	Costs
6/30/81		Thereafter	
			126,000
(11) ((Purchase land and construct new regional office and storage building using proceeds from sale of present regional office in downtown Seattle.)) <u>Sell existing Seattle office and purchase replacement facilities.</u>			
		Reappropriation	Appropriation
Game Fund—State			1,081,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/83 and	Costs

6/30/81	Thereafter		1,081,000
(12) Replace fishing sites condemned by the Corps of Engineers near Bonneville Dam, Columbia River.			
Game Fund—Federal		Reappropriation	Appropriation
Project	Estimated		120,000
Costs	Costs		Estimated
Through	7/1/83 and		Total
6/30/81	Thereafter		Costs
			120,000
(13) Replace wildlife habitat lost to inundation of Snake River Canyon.			
Game Fund—Federal		Reappropriation	Appropriation
Project	Estimated		2,480,000
Costs	Costs		Estimated
Through	7/1/83 and		Total
6/30/81	Thereafter		Costs
	4,960,000		7,440,000
(14) Complete acquisition of thirty-five acres in three parcels of cooperative project with Whatcom county, Tennant Lake Wildlife Recreation Area.			
GF. ORA—State		Reappropriation	Appropriation
GF. ORA—Federal			76,500
Project	Estimated		76,500
Costs	Costs		Estimated
Through	7/1/83 and		Total
6/30/81	Thereafter		Costs
			153,000
(15) Complete cooperative development project with Whatcom County, Tennant Lake Wildlife Recreation Area.			
GF. ORA—State		Reappropriation	Appropriation
GF. ORA—Federal			93,500
Project	Estimated		93,500
Costs	Costs		Estimated
Through	7/1/83 and		Total
6/30/81	Thereafter		Costs
			187,000
(16) Construct fishing dock with parking and sanitary facilities, Mercer Island.			
GF. ORA—State		Reappropriation	Appropriation
GF. ORA—Federal			29,500
Project	Estimated		29,500
Costs	Costs		Estimated
Through	7/1/83 and		Total
6/30/81	Thereafter		Costs
			59,000
(17) Redevelop fishing and boating access with parking and sanitary facilities, Heller Basin—Snake River.			
GF. ORA—State		Reappropriation	Appropriation
GF. ORA—Federal			63,500
Project	Estimated		63,500
Costs	Costs		Estimated
Through	7/1/83 and		Total
6/30/81	Thereafter		Costs
			142,000
(18) Redevelop fishing and boating access with parking and sanitary facilities, Kenmore access—Lake Washington.			
GF. ORA—State		Reappropriation	Appropriation
GF. ORA—Federal			17,000
Project	Estimated		17,000
Costs	Costs		Estimated
Through	7/1/83 and		Total
6/30/81	Thereafter		Costs
			34,000

(19) Develop fishing and boating access with parking and sanitary facilities, city of Snohomish—Snohomish River.

	Reappropriation	Appropriation
GF, ORA—State		62,500
GF, ORA—Federal		62,500
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		125,000

(20) Provide fishing and launch float, Clear Lake.

	Reappropriation	Appropriation
GF, ORA—State		11,000
GF, ORA—Federal		11,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
41,000		63,000

(21) Develop public fishing access with launch, parking, and sanitary facilities, Wenas Lake.

	Reappropriation	Appropriation
GF, ORA—State		35,000
GF, ORA—Federal		35,000
Game Fund—Private/Local		27,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		97,000

(22) Redevelop fishing and boating access with launch, parking, and sanitary facilities, Deep Lake.

	Reappropriation	Appropriation
GF, ORA—State		37,500
GF, ORA—Federal		37,500
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		75,000

(23) Redevelop fishing and boating access with launch, parking, and sanitary facilities, Jamison Lake.

	Reappropriation	Appropriation
GF, ORA—State		133,000
GF, ORA—Federal		133,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		266,000

(24) Develop fishing and boating access with launch, parking and sanitary facilities, Mitchell Access—Klickitat River.

	Reappropriation	Appropriation
GF, ORA—State		32,500
GF, ORA—Federal		32,500
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		65,000

(25) Acquire fishing area for public access, Cottage Lake.

	Reappropriation	Appropriation
GF, ORA—State		32,500
GF, ORA—Federal		32,500
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs

	6/30/81	Thereafter	
			65,000
(26) Acquire three public fishing easements and two parking areas between Auburn and Flaming Geyser, Green River.			
		Reappropriation	Appropriation
GF. ORA—State			42,500
GF. ORA—Federal			42,500
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/83 and		Costs
6/30/81	Thereafter		

			85,000
(27) Acquire remainder parcels between Union Gap and Zillah on I-82 for wildlife habitat and public use.			
		Reappropriation	Appropriation
GF. ORA—State			69,000
GF. ORA—Federal			69,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/83 and		Costs
6/30/81	Thereafter		

Sec. 24. Section 42, chapter 137, Laws of 1981 as last amended by section 85, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

There is appropriated from the state general fund to the sentencing guidelines commission for the biennium ending June 30, 1983, the sum of ~~((five))~~ four hundred ~~((eighty-six))~~ fifty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

Sec. 25. Section 123, chapter 136, Laws of 1981 as last amended by section 84, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated from the general fund \$~~((356,000))~~ 286,000 to the corrections standards board and \$4,630,000 to the department of corrections as established in this 1981 act. This appropriation shall be subject to the following conditions and limitations:

(1) For the 1981-83 biennium the department of corrections shall be authorized an additional 93 FTE staff years.

(2) These additional FTE staff years shall be in addition to the staffing level authorized in ESSB 3636. There shall be transferred to the department of corrections an amount of general fund appropriation, state and FTE staff years, the exact amount to be determined by the secretary of social and health services and the secretary of corrections subject to the approval of the director of the office of financial management.

NEW SECTION. Sec. 26. The governor shall direct each agency subject to the governor's power to revise allotments under RCW 43.88.110 to implement immediately a freeze on hiring and to further control expenditures from the state general fund by restricting out-of-state travel, restraining purchasing, and limiting the use of outside consulting services. Requests for exceptions to the hiring freeze are to be made in writing by agency directors to the director of financial management. The hiring freeze and expenditure controls shall remain in effect until July 1, 1983.

NEW SECTION. Sec. 27. (1) "Provided solely," as used in this act, means that the specified amount may be spent only for the specified purpose. Unless otherwise stated in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

(2) "Lapse," as used in this act, means the termination of authority to spend an appropriation or portion of an appropriation.

NEW SECTION. Sec. 28. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 29. 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 3 of the title, after "expenditures;" strike the remainder of the title and insert "amending section 4, chapter 33, Laws of 1982 1st ex. sess. as amended by section 67, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 30, chapter 340, Laws of 1981 as amended by section 29, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 125, chapter 340, Laws of 1981 as last amended by section 101, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 47, chapter 340, Laws of 1981 as amended by section 41, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 48, chapter 340, Laws of 1981 as last amended by section 31, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 80, chapter 340, Laws of 1981 as last amended by section 56, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 87, chapter 340, Laws of 1981 as last

amended by section 72, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 92, chapter 340, Laws of 1981 as last amended by section 74, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 16, chapter 143, Laws of 1981 (uncodified); amending section 123, chapter 136, Laws of 1981 as last amended by section 84, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 42, chapter 137, Laws of 1981 as last amended by section 85, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); creating new sections; and declaring an emergency."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate refused to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 3100 and asked the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 3100 and the House amendments thereto: Senators McDermott, Gaspard and Hayner.

MOTION

On motion of Senator Bottiger, the Conference Committee appointments were confirmed.

REPORT OF FREE CONFERENCE COMMITTEE

MAJORITY REPORT

February 18, 1983

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 3258, modifying taxes ('81-'83 biennium), have had the same under consideration, and we recommend that the bill be amended to read as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 65, Laws of 1970 ex. sess. and RCW 82.04.255 are each amended to read as follows:

Upon every person engaging within the state as a real estate broker; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ~~((one))~~ two percent.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

Sec. 2. Section 82.04.290, chapter 15, Laws of 1961 as last amended by section 212, chapter 3, Laws of 1983 and RCW 82.04.290 are each amended to read as follows:

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((one))~~ two percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

NEW SECTION. Sec. 3. There is added to chapter 82.04 RCW a new section to read as follows:

As used in RCW 82.04.2901 and 82.08.020, "border counties" means:

(1) Those counties physically bordering on or included within a standard metropolitan statistical area, as determined by the United States census bureau, located wholly or partially in a state which does not impose a retail sales tax; and

(2) Those counties physically bordering both on a state which does not impose a retail sales tax and a county specified in subsection (1) of this section but lying to the east of the counties specified in subsection (1) of this section.

NEW SECTION. Sec. 4. There is added to chapter 82.04 RCW a new section to read as follows:

(1) There is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed under RCW 82.04.220 through 82.04.240, inclusive, and RCW 82.04.260 through 82.04.280, inclusive, an additional tax equal to thirty-two percent multiplied by the tax payable under RCW 82.04.220 through 82.04.240, inclusive, and RCW 82.04.260 through 82.04.280, inclusive.

(2) There is also levied and shall be collected from every person for the act or privilege of engaging in the business activity of making sales at retail which are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261 or 82.08.0262, as a part of the tax imposed under RCW 82.04.250, an additional tax equal to thirty-two percent multiplied by the tax payable on those activities under RCW 82.04.250.

(3) To facilitate collection of these additional taxes, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

Sec. 5. Section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. as last amended by section 2, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.04.2901 are each amended to read as follows:

From and after the first day of April, 1982, ~~((until and including the thirtieth day of June, 1983))~~ there is levied and shall be collected from every person, ~~other than persons taxed under section 4 of this 1983 act,~~ for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW ~~((82.04.220 through 82.04.290, inclusive;))~~ 82.04.250, an additional tax equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under the provisions of RCW ~~((82.04.220 through 82.04.290, inclusive;))~~ 82.04.250. PROVIDED, That such tax shall be levied and collected from such persons making sales at retail in border counties in an amount equal to thirty-two percent multiplied by the tax payable under the provisions of RCW 82.04.250.

To facilitate collection of this additional tax, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

Sec. 6. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to ~~six and five-tenths ((four and one-half))~~ percent of the selling price~~((- PROVIDED, That from and after the first day of December, 1981, until and including the thirtieth day of April, 1982, such tax shall be levied and collected in an amount equal to five and five tenths percent of the selling price; PROVIDED FURTHER, That from and after the first day of May, 1982, until and including the thirtieth day of June, 1983, such tax shall be levied and collected in an amount equal to the rate specified in RCW 82.02.030 multiplied by the selling price))~~; PROVIDED, That such tax shall be levied and collected in border counties in an amount equal to five and four-tenths percent of the selling price.

(2) The tax imposed under this chapter shall apply to successive retail sales of the same property.

(3) The rate provided in this section applies to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 7. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 8, Laws of 1981 2nd ex. sess. and RCW 82.12.020 are each amended to read as follows:

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280, subsections (2) or (7). This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or

similar articles are manufactured or are available for purchase within this state. Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the retail sales tax under RCW 82.08.020, as now or hereafter amended, in the county in which the article is used.

Sec. 8. Section 31, chapter 35, Laws of 1982 1st ex. sess. as amended by section 1, chapter 14, Laws of 1982 2nd ex. sess. and RCW 82.02.030 are each amended to read as follows:

(1) ~~((Until and including the day before the change date, the rate of the sales and use taxes under RCW 82.08.020 shall be five and four-tenths percent and the rate of the additional taxes under RCW 48.14.020(3), 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.290(2), 82.08.150(4), 82.16.020(2), 82.20.010(2), 82.24.020(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be four percent.~~

(2) ~~From and after the change date until and including the thirtieth day of June, 1983, the rate of tax shall be as follows:~~

~~(a) The rate of sales and use taxes under RCW 82.08.020 shall be five and four-tenths percent and) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.290(2), 82.16.020(2), 82.20.010(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be seven percent; PROVIDED, That the additional tax imposed by RCW 82.44.020(5) shall be continued at the rate of three percent for the period July 1 through September 30, 1983;~~

~~((b)) (2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent;~~

~~((c)) (3) The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent;~~

and

~~((d)) (4) The rate of the additional taxes under RCW 48.14.020(3) shall be four percent.~~

~~((3) "Change date" for the taxes under RCW 48.14.020(3), 54.28.020(2), 54.28.025(2), 82.04.290(2), 82.16.020(2), and 82.29A.030(2) means July 1, 1982; for the taxes under RCW 82.08.020(2), 82.08.150(4), 82.20.010(2), 82.24.020(2), 82.26.020(2), 82.45.060(2), 66.24.210(2), and 66.24.290(2) means August 1, 1982; and for the taxes under RCW 82.27.020(5) and 82.44.020(5) means October 1, 1982;))~~

NEW SECTION. Sec. 9. An excise tax is imposed for the privilege of using a vessel for which registration is required under chapter 88. RCW (sections 14 through 22 of this act), except vessels covered by a dealer's registration number under this chapter. The annual amount of the excise tax is one percent of fair market value, as determined under this chapter, or five dollars, whichever is greater.

The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under section 18 of this act. A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year. The excise tax on vessels required to be registered in this state on the effective date of this section shall be paid by June 30, 1983.

NEW SECTION. Sec. 10. The excise tax imposed under this chapter is due and payable to the department of licensing or its agents at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until the tax is paid in full.

The excise tax collected under this chapter shall be deposited in the general fund.

NEW SECTION. Sec. 11. The department of revenue shall prepare at least once each year a depreciation schedule for use in the determination of fair market value for the purposes of this chapter. The schedule shall be based upon information available to the department of revenue pertaining to the current fair market value of vessels. The fair market value of a vessel for the purposes of this chapter shall be based on the most recent purchase price depreciated according to the year of the most recent purchase of the vessel. The most recent purchase price is the consideration, whether money, credit, rights, or other property expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the vessel.

NEW SECTION. Sec. 12. (1) If a vessel has been acquired by lease or gift, or the most recent purchase price of a vessel is not known to the owner, the department of revenue shall appraise the vessel before registration.

(2) If after registration the department of revenue determines that the purchase price stated by the owner is not a reasonable representation of the true fair market value of a vessel at the time of purchase, the department of revenue shall appraise the vessel.

(3) If a vessel is homemade, the owner shall make a notarized declaration of fair market value. The fair market value of the vessel for the purposes of this chapter shall be the declared value, unless after registration the department of revenue determines that the declared value is not a reasonable representation of the true fair market value of the vessel in which case the department of revenue shall appraise the vessel.

(4) If the department of revenue appraises a vessel, the fair market value of the vessel for the purposes of this chapter shall be the appraised value. If the vessel has been registered before appraisal, the department of revenue shall refund any overpayment of tax to the owner or notify the owner of any additional tax due. The owner shall pay any additional tax due within thirty days after notification by the department.

NEW SECTION, Sec. 13. (1) Any vessel owner disputing an appraised value under section 12 of this act may petition for a conference with the department as provided under RCW 82.32.160, or for reduction of the tax due as provided under RCW 82.32.170.

(2) Any vessel owner having received a notice of denial of a petition or a notice of determination made for the owner's vessel under RCW 82.32.160 or 82.32.170 may appeal to the board of tax appeals as provided under RCW 82.03.190. In deciding a case appealed under this section, the board of tax appeals may require an independent appraisal of the vessel. The cost of the independent appraisal shall be apportioned between the department and the vessel owner as provided by the board.

NEW SECTION, Sec. 14. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(2) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(3) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling vessels at wholesale or retail in this state.

(4) "Department" means the department of licensing.

NEW SECTION, Sec. 15. Except as provided in this chapter, no person may own or operate any vessel on the waters of this state unless the vessel has been registered and displays a registration number and a valid decal in accordance with this chapter.

NEW SECTION, Sec. 16. Vessel registration is required under this chapter except for the following:

(1) Vessels owned and operated by the United States, another state, or a political subdivision thereof;

(2) Vessels owned and operated by this state, or by any municipality or political subdivision thereof;

(3) Vessels owned by a resident of a country other than the United States or Canada if the vessel is not physically located upon the waters of this state for a period of more than sixty days;

(4) Vessels owned by a resident of another state or a Canadian province if the vessel is registered in accordance with the laws of the state or province in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state or a Canadian province and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

(5) Vessels used as a ship's tender or lifeboat;

(6) Vessels under sixteen feet in length or whose primary propulsion is human power;

(7) Vessels which are temporarily in this state undergoing repair or alteration and vessels which are designed and used exclusively for racing;

(8) Vessels used exclusively for commercial fishing purposes; and

(9) Vessels which have or are required to have a valid marine document as a vessel of the United States and which are primarily engaged in commerce.

NEW SECTION, Sec. 17. The department shall provide for the issuance of vessel registrations and may appoint agents for collecting fees and issuing registration numbers and decals. Fees for vessel registrations collected by the director shall be deposited in the general fund.

NEW SECTION, Sec. 18. Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of six dollars per year and the excise tax imposed under chapter 82.____ RCW (sections 9 through 13 of this act). Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the six-dollar annual registration fee.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be affixed to the vessel in a manner prescribed by the department. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes

based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee and excise tax. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

NEW SECTION, Sec. 19. (1) Each dealer of vessels in this state shall register with the department in the manner and upon forms prescribed by the department. Upon receipt of a dealer's application for registration and the registration fee provided in subsection (2) of this section, the dealer shall be registered and a registration number assigned.

(2) The registration fee for dealers shall be twenty-five dollars per year, and the fee shall cover all vessels owned by the dealer for sale and not rented on a regular commercial basis by the dealer. Rented vessels shall be registered separately under sections 15 through 18 of this act.

(3) Dealer registration numbers are nontransferable.

(4) Section 15 of this act does not apply to any dealer or employee or prospective customer of the dealer with respect to any vessel covered by the dealer's registration number and used for a business purpose of the dealer, such as a demonstration vessel or for purposes of testing or making repairs.

NEW SECTION, Sec. 20. The department may adopt rules under chapter 34.04 RCW to implement this chapter.

NEW SECTION, Sec. 21. Any person charged with the enforcement of this chapter may request for inspection the certificate of registration from any vessel owner or operator to ascertain the legal and registered ownership of such vessel. Failure to provide such certificate for inspection upon the request of any person charged with enforcement of this chapter constitutes a violation of this chapter and subjects the person requested to produce such document to the penalties provided by section 22 of this act.

NEW SECTION, Sec. 22. (1) A violation of this chapter is a misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:

(a) For the second violation, a fine of two hundred dollars per vessel;

(b) For the third and successive violations, a fine of four hundred dollars per vessel.

(2) Moneys collected under this section shall be used by the jurisdiction collecting the fine exclusively for law enforcement purposes.

(3) All law enforcement officers shall have the authority to enforce this chapter within their respective jurisdictions.

Sec. 23. Section 84.36.080, chapter 15, Laws of 1961 and RCW 84.36.080 are each amended to read as follows:

All ships and vessels (~~taxable in the state of Washington, engaged in interstate commerce, foreign commerce or commerce between ports of the state of Washington and the high seas;~~) which are exempt from excise tax under subsections (8) and (9) of section 16 of this 1983 act shall be and are hereby made exempt from all ad valorem taxes, except taxes levied for any state purpose.

Sec. 24. Section 84.36.090, chapter 15, Laws of 1961 and RCW 84.36.090 are each amended to read as follows:

All ships and vessels (~~taxable in the state~~), other than those (~~taxable~~) partially exempt under RCW 84.36.080 and those described in RCW 84.36.079, are exempt from all ad valorem taxes (~~except taxes levied for any state purpose and twenty percent of taxes levied for all other purposes~~).

NEW SECTION, Sec. 25. Property taxes paid for a vessel for 1983 shall be allowed as a credit against tax due under section 9 of this act for the same vessel.

NEW SECTION, Sec. 26. Sections 14 through 22 of this act shall constitute a new chapter in Title 88 RCW. Sections 9 through 13 of this act shall constitute a new chapter in Title 82 RCW.

Sec. 27. Section 82.48.020, chapter 15, Laws of 1961 as last amended by section 240, chapter 158, Laws of 1979 and RCW 82.48.020 are each amended to read as follows:

An annual excise tax is hereby imposed for the privilege of using any aircraft in the state. A current certificate of air worthiness with a current inspection date from the appropriate federal agency and/or the purchase of aviation fuel shall constitute the necessary evidence of aircraft use or intended use. The tax shall be collected for each calendar year by the director of licensing, and must be paid during the month of January, except that the tax for 1983 is due on the effective date of this 1983 section. No additional tax shall be imposed under this chapter upon any aircraft upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such aircraft has already been paid for the year in which transfer of ownership occurs. (~~A penalty of five dollars shall be levied against all aircraft not timely registered~~) A violation of this chapter is a misdemeanor punishable as provided in chapter 9A.20 RCW.

Sec. 28. Section 82.48.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.030 are each amended to read as follows:

The amount of the tax imposed by this chapter for each calendar year or part thereof shall be ~~((fifteen dollars for each single engine aircraft, and twenty-five dollars for each multi-engine aircraft, irrespective of make, type, year of manufacture or any other type of classification))~~ one percent of the fair market value of the aircraft as determined under this chapter: PROVIDED, That the calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon an aircraft registered for the first time in this state after the last day of any month shall only be levied for the remaining months of the calendar year including the month in which the aircraft is being registered: PROVIDED FURTHER, That the minimum amount payable shall be three dollars.

An aircraft shall be deemed registered for the first time in this state when such aircraft was not previously registered by this state for the year immediately preceding the year in which application for registration is made.

NEW SECTION. Sec. 29. There is added to chapter 82.48 RCW a new section to read as follows:

After consultation with the department of licensing, the department of revenue shall prepare at least once each year a schedule for use in the collection of the excise tax imposed under this chapter. The schedule shall be based upon available information pertaining to the fair market value of aircraft. Aircraft shall be classified into a convenient number of classes on the basis of price, make, type, year of manufacture, or any other reasonable basis, and the rate of tax prescribed in RCW 82.48.030 shall be applied to the value of aircraft within the classes as thus determined. In determining fair market value, the department of revenue may use any guidebook, report, or compendium of recognized standing in the aircraft industry. The schedule shall show, so far as possible, the amount of excise tax for aircraft within each class and shall sufficiently describe the aircraft included within each class to enable the department of licensing and its agents to ascertain readily the amount of tax applicable to any particular aircraft.

NEW SECTION. Sec. 30. There is added to chapter 82.48 RCW a new section to read as follows:

Whenever a person applies for a registration for an aircraft which does not appear on the schedule, the applicant shall apply to the county assessor of the applicant's county for computation of the amount of excise tax due. Upon application, the assessor shall appraise the aircraft at its fair market value based on any guidebook, report, or compendium of recognized standing in the aircraft industry, ascertain the amount of excise tax by applying to the appraisal the rate of the tax under this chapter, and give the applicant a certificate showing the excise tax due under this chapter.

NEW SECTION. Sec. 31. Taxes paid under chapter 82.48 RCW before June 30, 1983, for calendar year 1983 shall be allowed as a credit against tax due under RCW 82.48.030 for the same aircraft.

Sec. 32. Section 82.32.090, chapter 15, Laws of 1961 as last amended by section 8, chapter 172, Laws of 1981 and RCW 82.32.090 are each amended to read as follows:

If payment of any tax due is not received by the department of revenue by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received within thirty days after the due date, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.

If payment of any tax is received within the first ten days of the month next succeeding the month in which the tax is payable, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the fiscal year which includes the month preceding the month in which such due date falls. Effective June 30, 1985, and thereafter if the payment of any tax is received during the first ~~((twenty-five))~~ ten days in the month in which the tax is payable, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the fiscal year which includes the month preceding the month in which such due date falls.

If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than five dollars.

Notwithstanding the foregoing, the aggregate of penalties imposed under this chapter for failure to file a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

NEW SECTION. Sec. 33. There is added to chapter 82.32 RCW a new section to read as follows:

The revenue accrual account is hereby created in the state general fund. At the close of each fiscal biennium, the state treasurer shall transfer the balance in the state general fund to this account. Moneys in this account may only be spent after appropriation by statute for the purpose of decreasing the unfunded liability of a state retirement system.

NEW SECTION, Sec. 34. This act shall not be construed as affecting any existing right acquired, or liability or obligation incurred under the sections amended in this act, nor any rule, regulation, or order adopted, nor any proceeding instituted, under those sections.

NEW SECTION, Sec. 35. 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. 36. (1) The sum of twelve thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund to the department of revenue for the biennium ending June 30, 1983, to carry out the purposes of sections 9 through 25, and 27 through 31 of this act.

(2) The sum of two hundred thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1983, to the department of licensing for the purposes of sections 9 through 25 of this act.

NEW SECTION, Sec. 37. 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 March 1, 1983, except as follows:

(1) Sections 9 through 22, and 25 through 31 of this act shall take effect June 30, 1983.

(2) Sections 23 and 24 of this act shall take effect January 1, 1984, for taxes first due in 1984 and thereafter.

The department of revenue and the department of licensing shall immediately take necessary steps to ensure that all sections of this act are properly implemented on their effective dates. The additional taxes and tax rate changes imposed under this act shall take effect on the dates designated in this act notwithstanding the date this act becomes law under Article III, section 12 of the state Constitution."

On page 1, line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending section 3, chapter 65, Laws of 1970 ex. sess. and RCW 82.04.255; amending section 82.04.290, chapter 15, Laws of 1961 as last amended by section 212, chapter 3, Laws of 1983 and RCW 82.04.290; amending section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. as last amended by section 2, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.04.2901; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 8, Laws of 1981 2nd ex. sess. and RCW 82.12.020; amending section 31, chapter 35, Laws of 1982 1st ex. sess. as amended by section 1, chapter 14, Laws of 1982 2nd ex. sess. and RCW 82.02.030; amending section 84.36.080, chapter 15, Laws of 1961 and RCW 84.36.080; amending section 84.36.090, chapter 15, Laws of 1961 and RCW 84.36.090; amending section 82.48.020, chapter 15, Laws of 1961 as last amended by section 240, chapter 158, Laws of 1979 and RCW 82.48.020; amending section 82.48.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.030; amending section 82.32.090, chapter 15, Laws of 1961 as last amended by section 8, chapter 172, Laws of 1981 and RCW 82.32.090; adding a new chapter to Title 82 RCW; adding a new chapter to Title 88 RCW; adding new sections to chapter 82.48 RCW; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; creating new sections; prescribing penalties; making appropriations; providing effective dates; and declaring an emergency."

Signed by Senators McDermott and Gaspard; Representatives Grimm and Sommers.

REPORT OF FREE CONFERENCE COMMITTEE

MINORITY REPORT

February 18, 1983

Mr. President:

Mr. Speaker:

We, a Minority, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 3258, modifying taxes ('81-'83 biennium), have had the same under consideration, and we recommend that the Free Conference Committee Report be not adopted.

Signed by Senator Hayner and Representative Gary Nelson.

MOTION

Senator McDermott moved that the Senate adopt the Free Conference Majority Committee Report on Engrossed Senate Bill No. 3258.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator McDermott, in examining section 27, having to do with the excise tax on the privilege of using an aircraft in the state, I am bothered that

we might perhaps require a license for a transient aircraft in the state of Washington. It states--'the privilege of using an aircraft in the state shall bear the excise tax--A current certificate of air worthiness with a current inspection date from the appropriate federal agency or'--and this is what bothers me--'the purchase of aviation fuel shall constitute the necessary evidence of the aircraft use or intended use.' Does that subject those people who come into the state as transients to pay a 1% excise tax on the value of that aircraft or is it an ambiguous clause in the bill?"

Senator McDermott: "I think Senator Bottiger might be better able to answer that question."

Senator Bottiger: "Senator, perhaps because I was one of the drafters of the original act in 1967, the answer is clearly 'no,' if that aircraft is registered in another state."

POINT OF INQUIRY

Senator Newhouse: "Senator McDermott, in the sections referring to a differential per border counties in the Portland area, during the four month period when the sales tax on food is still in effect, will that assessment of a B & O tax on retailers in those counties replace the revenue that would have been levied if a sales tax were on those sales? Would Clark County, for instance, pay as much total revenue to the state in the combination of sales tax and B & O tax as they would be if they were applied the tax rates of the other counties?"

Senator McDermott: "The answer to that is 'no.'"

Senator Newhouse: "So they will get the advantage of lower taxes being paid by citizens of the counties across the border from Portland?"

Senator McDermott: "I am not sure if your question is a serious one, or if you are confused. The way it operates is that the increase which is contemplated in this bill, in section 6, raises the sales tax 1.1%. That would not apply in the four counties. The retailers there would pay an increased B & O in lieu of that increase in sales tax."

Senator Newhouse: "That is my question--the 'in lieu of' will compensate so that the state will not lose money by the differential?"

Senator McDermott: "No, it is not an exact one for one exchange."

POINT OF INQUIRY

Senator Deccio: "Senator McDermott, the sales tax is taken off of food in two ways by the voters and also the cut-off date on June 30. Have you not, in fact, because you raised the B & O tax--which the suppliers to all the grocery stores will have to pay--and in order to recoup the increased cost because of the B & O tax to suppliers, the prices will have to go up, so that they can retain their margin. Have you not, in fact, raised the price of groceries to the poor and the elderly and the needy, that all of you said was such a cruel tax? Won't the price of those groceries go up in order for the retailer to recoup his increase from his supplier?"

Senator McDermott: "Senator Deccio, I don't remember ever saying that this was a fair tax structure that we had in this state. The inequities, the unfairness are so patent to everybody on this floor. I think the question is more rhetorical than real. Clearly, what we are doing here today is not something that anybody likes, but we are trying to fairly spread the problem so that everybody pays their fair share in the state."

POINT OF INQUIRY

Senator Fleming: "Senator Talmadge, I heard the remarks of Senator Newhouse and he was alluding to the border tax and how unfair it was and probably something about the constitutionality of it and I know you have had some contact with the Attorney General's Office on that matter."

Senator Talmadge: "In response to your question, Senator Fleming, I think Representative Bob Williams, in the House, had requested an opinion of Attorney General Ken Eikenberry. In a letter dated February 14, 1983, from Attorney General Eikenberry to Representative Williams, it was the opinion of the Office of the Attorney General that the border county provision contained in Substitute Senate Bill No.

3258 was, in fact, constitutional--not violative of the uniformity clause in the constitution which applies only to ad valorem property taxes, and not violative of equal protection.

"I think Senator Newhouse's question, perhaps, was fishing around for a notion that there was not a rational connection between the policy enunciated in the bill and the mechanism for doing it, which is the standard for equal protection. Unfortunately, I think, the letter from Phillip Austin, the Assistance Attorney General in Ken Eikenberry's Office, seems to indicate that there is, in fact, a rational connection between the proposal for the border counties and the policy of attempting to give those retailers some assistance, given the problem that they have with the huge metropolitan area of Portland and the absence of a sales tax in the state of Oregon."

Further debate ensued.

Senators Bottiger, Fleming and Conner demanded the previous question.

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

The President declared the question before the Senate to be the roll call on shall the main question be now put.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 26; nays, 20; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Patterson, Pullen, Sellar, von Reichbauer, Zimmerman - 20.

Excused: Senators Barr, McCaslin, Quigg - 3.

The President declared the question before the Senate to be the motion by Senator McDermott that the Free Conference Committee Majority Report be adopted.

The motion by Senator McDermott carried and the Free Conference Committee Majority Report was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3258, as amended by the Free Conference Committee.

Debate ensued.

Senators Bottiger, Hughes and Vognild demanded the previous question and the demand was sustained.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3258, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 25; nays, 21; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Sellar, von Reichbauer, Zimmerman - 21.

Excused: Senators Barr, McCaslin, Quigg - 3.

ENGROSSED SENATE BILL NO. 3258, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Friday, February 18, 1983

I voted "no" on the tax package (SB 3258) for the following reasons:

1. The proposed tax increases are permanent and carry through the 1983-85 biennium.

2. The budget for the two-year period has not yet been determined - so it becomes a "blank check."

3. State sales taxes originally were scheduled to be reduced from 5.4% to 4.5% on July 1, 1983. Now the rate would remain 5.4% permanently.

4. The \$1.8 billion increase could have a very adverse effect on the state's economic recovery, because taking \$500 million out of the economy equals 60,000 minimum wage jobs.

5. With 28% unemployed in Skamania, 22.6% unemployed in Klickitat, and 10.6% unemployed in Clark County, we need jobs, not taxes.

6. Border county retailers are the only retailers who will pay a 357% increase in the B & O surtax. The rate goes from 7% to 32%. Grocers and other retailers would pay \$488,000 for the B & O tax increase between March 1 and June 1 of 1983. This could close some businesses.

7. Some industries, such as aluminum, are in deep financial trouble and any additional taxes could close them, causing more unemployment.

In summary, we must deal with the immediate financial crisis, not the two-year problem; we must do this with the least impact on job producers; we must build confidence in the economic system; and we must avoid driving up revenues ahead of deciding budgets.

Hal Zimmerman
State Senator
17th District

MOTIONS

On motion of Senator Bottiger, Engrossed Senate Bill No. 3258, as amended by the Free Conference Committee, was ordered immediately transmitted to the House.

At 2:30 p.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 5:00 p.m.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 17, 1983

SB 3027 Prime Sponsor, Senator Hurley: Requiring an environmental impact statement on the Hanford radioactive waste site. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3027 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Goltz, McManus, Moore.

Passed to Committee on Rules for second reading.

February 16, 1983

SB 3110 Prime Sponsor, Senator Wojahn: Modifying provisions relating to the Washington credit union share guaranty association. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3110 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 17, 1983

SB 3265 Prime Sponsor, Senator Williams: Adopting electrical rate structures which encourage efficient use of electricity. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3265 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Goltz, Hemstad, McManus, Moore.

Passed to Committee on Rules for second reading.

February 17, 1983

SB 3630 Prime Sponsor, Senator Sellar: Modifying provisions relating to irrigation district board meetings. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 3630 be substituted therefor, and the substitute bill do pass. Signed by Senators Goltz, Vice Chairman; Barr, Benitz, Newhouse.

Passed to Committee on Rules for second reading.

February 16, 1983

SB 3161 Prime Sponsor, Senator Granlund: Authorizing service districts for authorized county and road district facilities and improvements. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3161 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice-Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 18, 1983

SB 3527 Prime Sponsor, Senator Granlund: Modifying provisions on the sale of perishable goods by institutional industries. Reported by Committee on Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

February 18, 1983

SB 3529 Prime Sponsor, Senator Granlund: Authorizing transfers of prisoners to foreign countries. Reported by Committee on Institutions

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

February 18, 1983

SB 3530 Prime Sponsor, Senator Granlund: Requiring that prisoners sentenced to death be confined in single cells of the segregation unit. Reported by Committee on Institutions

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 18, 1983

GA 70 R. E. 'TED' HORNIBROOK, to the position of member of the State Jail Commission appointed by the Governor on January 3, 1983, for the term ending June 30, 1983, succeeding Les Conrad. Reported by Committee on Institutions

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, Metcalf, Peterson.

Passed to Committee on Rules.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

February 18, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 147, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 18, 1983

Mr. President:

The House has adopted the report of the Free Conference Committee regarding ENGROSSED SENATE BILL NO. 3258, and has passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 147,
SENATE BILL NO. 3258

MOTION

At 5:05 p.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Monday, February 21, 1983.

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

FORTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 21, 1983

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, Bluechel, Deccio and McManus. On motion of Senator Vognild, Senator McManus was excused.

The Sergeant at Arms Color Guard, consisting of Pages Carol Parfitt and Sarah Tierney, presented the Colors. Reverend Paul J. Beeman, senior pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

February 17, 1983

SB 3026 Prime Sponsor, Senator Hurley: Authorizing the state patrol to prohibit transportation of hazardous and radioactive wastes during adverse weather conditions. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3026 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Fuller, Goltz, Hemstad, McManus, Moore, Quigg.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 4010 by Senators Goltz, Hansen, Newhouse and Benitz

AN ACT Relating to dairy products; and amending section 36, chapter 7, Laws of 1975 1st ex. sess. and RCW 69.04.398.

Referred to Committee on Agriculture.

SB 4011 by Senator Bottiger

AN ACT Relating to the legislative budget committee; and amending section 1, chapter 43, Laws of 1951 as last amended by section 30, chapter 87, Laws of 1980 and RCW 44.28.010.

Referred to Committee on State Government.

SB 4012 by Senators Gaspard, Talmadge, Goltz, Bottiger, Shinpoch, Wojahn, Vognild, Woody, Granlund, Thompson, Warnke, Hurley, Williams, Rinehart, McManus, Peterson, McDermott, Rasmussen, Fleming, Conner, Hughes, Moore, Bender, Owen, Hansen and Bauer

AN ACT Relating to a fair elections code; adding new sections to chapter 42.17 RCW; prescribing penalties; declaring an emergency; and providing an effective date.

Referred to Committee on Judiciary.

SB 4013 by Senators Hansen, Peterson, Bluechel, Conner, Fuller, Goltz, Granlund, Haley, Hemstad, McDermott, Metcalf, Moore, Rasmussen, Williams and Zimmerman

AN ACT Relating to bridges; adding a new section to chapter 47.58 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 4014 by Senator Haley

AN ACT Relating to state government; amending section 75.28.030, chapter 12, Laws of 1955 as amended by section 7, chapter 309, Laws of 1959 and RCW 75.28.030; amending section 5, chapter 309, Laws of 1959 as last amended by section 5, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.085; amending section 75.28.100, chapter 12, Laws of 1955 as amended by section 9, chapter 309, Laws of 1959 and RCW 75.28.100; amending section 7, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.288; amending section 75.28.380, chapter 12, Laws of 1955 as last amended by section 2, chapter 99, Laws of 1979 ex. sess. and RCW 75.28.380; amending section 3, chapter 99, Laws of 1979 ex. sess. and RCW 75.28.384; amending section 3, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.410; amending section 4, chapter 173, Laws of 1973 1st ex. sess. as amended by section 1, chapter 104, Laws of 1974 ex. sess. and RCW 75.28.420; amending section 4, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.465; amending section 12, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.620; amending section 2, chapter 106, Laws of 1977 ex. sess. as last amended by section 1, chapter 202, Laws of 1981 and RCW 75.30.020; amending section 3, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.030; amending section 2, chapter 101, Laws of 1979 and RCW 75.30.070; amending section 3, chapter 101, Laws of 1979 and RCW 75.30.080; amending section 5, chapter 101, Laws of 1979 and RCW 75.30.100; amending section 1, chapter 6, Laws of 1975 1st ex. sess. as amended by section 124, chapter 78, Laws of 1980 and RCW 77.21.020; amending section 77.32.010, chapter 36, Laws of 1955 as last amended by section 7, chapter 310, Laws of 1981 and RCW 77.32.010; amending section 77.32.050, chapter 36, Laws of 1955 as last amended by section 16, chapter 310, Laws of 1981 and RCW 77.32.050; amending section 32, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 30, chapter 310, Laws of 1981 and RCW 77.32.256; adding new sections to chapter 43.24 RCW; creating new sections; and providing an effective date.

Referred to Committee on Natural Resources.

SB 4015 by Senators Thompson, Conner, Kiskaddon and Zimmerman

AN ACT Relating to recreation; amending section 9, chapter 218, Laws of 1963 as last amended by section 7, chapter 210, Laws of 1981 and RCW 36.68.480; amending section 13, chapter 218, Laws of 1963 as last amended by section 10, chapter 210, Laws of 1981 and RCW 36.68.520; and adding a new section to chapter 36.68 RCW.

Referred to Committee on Local Government.

SB 4016 by Senators McManus, Conner and Goltz

AN ACT Relating to employees of the state liquor control board; 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; and amending section 2, chapter 108, Laws of 1967 ex. sess. as amended by section 98, chapter 3, Laws of 1983 and RCW 41.56.020.

Referred to Committee on Commerce and Labor.

SB 4017 by Senators Bottiger, Jones, Sellar and Wojahn

AN ACT Relating to public accounting; amending section 7, chapter 226, Laws of 1949 as amended by section 25, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.04.080; amending section 31, chapter 226, Laws of 1949 and RCW 18.04.320; amending section 34, chapter 226, Laws of 1949 as amended by section 7, chapter 114, Laws of 1969 and RCW 18.04.350; amending section 35, chapter 226, Laws of 1949 and RCW 18.04.360; amending section 36, chapter 226, Laws of 1949 and RCW 18.04.370; amending section 37, chapter 226, Laws of 1949 and RCW 18.04.380; amending section 38, chapter 226, Laws of 1949 and RCW 18.04.390; adding new sections to chapter 18.04 RCW; creating a new section; repealing section 1, chapter 226, Laws of 1949 and RCW 18.04.020; repealing section 2, chapter 226, Laws of 1949 and RCW 18.04.030; repealing section 3, chapter 226, Laws of 1949 and RCW 18.04.040; repealing section 4, chapter 226, Laws of 1949 and RCW 18.04.050; repealing section 5, chapter 226, Laws of 1949 and RCW 18.04.060; repealing section 6, chapter 226, Laws of 1949, section 1, chapter 294, Laws of 1961 and RCW 18.04.070; repealing section 8, chapter 226, Laws of 1949 and RCW 18.04.090; repealing section 9, chapter 226, Laws of 1949, section 8, chapter 75, Laws of 1977 and RCW 18.04.100; repealing section 11, chapter 226, Laws of 1949, section 1, chapter 114, Laws of 1969, section 17, chapter 292, Laws of 1971 ex. sess., section 7, chapter 158, Laws of 1979 and RCW 18.04.120; repealing section 12, chapter 226, Laws of 1949 and RCW 18.04.130; repealing section 15, chapter 226, Laws of 1949, section 2, chapter 114, Laws of 1969, section 1, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.160; repealing section 16, chapter 226, Laws of 1949 and RCW 18.04.170; repealing section 17, chapter 226, Laws of 1949 and RCW 18.04.180; repealing section 18, chapter 226, Laws of 1949 and RCW 18.04.190; repealing section 19, chapter 226, Laws of 1949, section 3, chapter 114, Laws of 1969, section 2, chapter 229, Laws of 1975 1st ex. sess., section 8, chapter 158, Laws of 1979 and RCW 18.04.200; repealing section 21, chapter 226, Laws of 1949, section 4, chapter 114, Laws of 1969, section 3, chapter 229, Laws of 1975 1st ex. sess., section 9, chapter 158, Laws of 1979 and RCW

18.04.220; repealing section 23, chapter 226, Laws of 1949 and RCW 18.04.240; repealing section 24, chapter 226, Laws of 1949 and RCW 18.04.250; repealing section 25, chapter 226, Laws of 1949 and RCW 18.04.260; repealing section 26, chapter 226, Laws of 1949 and RCW 18.04.270; repealing section 27, chapter 226, Laws of 1949, section 5, chapter 114, Laws of 1969, section 4, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.280; repealing section 28, chapter 226, Laws of 1949, section 6, chapter 114, Laws of 1969, section 1, chapter 23, Laws of 1973 1st ex. sess., section 5, chapter 229, Laws of 1975 1st ex. sess., section 10, chapter 158, Laws of 1979 and RCW 18.04.290; repealing section 29, chapter 226, Laws of 1949, section 2, chapter 294, Laws of 1961, section 2, chapter 23, Laws of 1973 1st ex. sess. and RCW 18.04.300; repealing section 30, chapter 226, Laws of 1949 and RCW 18.04.310; repealing section 32, chapter 226, Laws of 1949 and RCW 18.04.330; repealing section 33, chapter 226, Laws of 1949 and RCW 18.04.340; repealing section 39, chapter 226, Laws of 1949 and RCW 18.04.400; repealing section 40, chapter 226, Laws of 1949 and RCW 18.04.900; repealing section 2, chapter 223, Laws of 1982 and RCW 43.131.247; repealing section 6, chapter 223, Laws of 1982 and RCW 43.131.248; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SB 4018 by Senator Moore

AN ACT Relating to credit life insurance; and amending section 6, chapter 219, Laws of 1961 as last amended by section 2, chapter 61, Laws of 1977 and RCW 48.34.060.

Referred to Committee on Financial Institutions.

SB 4019 by Senators Bottiger, Shinpoch and Gaspard

AN ACT Relating to mineral interests; and adding a new chapter to Title 78 RCW.

Referred to Committee on Natural Resources.

SB 4020 by Senator Bottiger

AN ACT Relating to mobile home tenancies; amending section 9, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.140; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4021 by Senator Moore (by Insurance Commissioner request)

AN ACT Relating to insurance; and amending section .05.25, chapter 79, Laws of 1947 and RCW 48.05.250.

Referred to Committee on Financial Institutions.

SB 4022 by Senator Moore (by Insurance Commissioner request)

AN ACT Relating to insurance; and adding a new chapter to Title 48 RCW.

Referred to Committee on Financial Institutions.

SB 4023 by Senator Moore (by Insurance Commissioner request)

AN ACT Relating to insurance; and amending section 1, chapter 140, Laws of 1969 ex. sess. as amended by section 9, chapter 32, Laws of 1980 and RCW 48.58.010.

Referred to Committee on Financial Institutions.

SB 4024 by Senators Vognild, Goltz and McManus

AN ACT Relating to public employment; and amending section 5, chapter 59, Laws of 1969 as last amended by section 1, chapter 120, Laws of 1980 and RCW 41.04.230.

Referred to Committee on State Government.

SB 4025 by Senator Sellar

AN ACT Relating to the residence of school children; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.27 RCW.

Referred to Committee on Education.

SB 4026 by Senators Fuller and Owen

AN ACT Relating to library districts; and amending section 1, chapter 353, Laws of 1977 ex. sess. as last amended by section 13, chapter 123, Laws of 1982 and RCW 27.12.360.

Referred to Committee on Local Government.

SB 4027 by Senators Owen, Haley, Goltz, Bender, Kiskaddon, Bauer, Warnke, Williams, Woody and Thompson

AN ACT Relating to child custody; amending section 22, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.220; amending section 25, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.250; amending section 26, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.260; adding new sections to chapter 26.09 RCW; creating a new section; repealing section 19, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.190; and repealing section 21, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.210.

Referred to Committee on Judiciary.

SB 4028 by Senators Woody and Hemstad

AN ACT Relating to retirement from public service; and adding a new section to chapter 41.50 RCW.

Referred to Committee on State Government.

SB 4029 by Senator Sellar

AN ACT Relating to school districts; amending section 9, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.415; creating new sections; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW.

Referred to Committee on Education.

SB 4030 by Senators Warnke, Jones, Gaspard, Kiskaddon, McManus and Zimmerman

AN ACT Relating to participation in state government and organizations by citizens; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on State Government.

SB 4031 by Senator Talmadge

AN ACT Relating to corrections; adding a new chapter to Title 72 RCW; and creating new sections.

Referred to Committee on Judiciary.

SB 4032 by Senator Peterson

AN ACT Relating to pilotage.

Referred to Committee on Transportation.

SB 4033 by Senator Peterson

AN ACT Relating to railroads.

Referred to Committee on Transportation.

SB 4034 by Senator Peterson

AN ACT Relating to motor vehicle and special fuels.

Referred to Committee on Transportation.

SB 4035 by Senator Peterson

AN ACT Relating to driver licensing.

Referred to Committee on Transportation.

SB 4036 by Senator Peterson

AN ACT Relating to motor vehicles.

Referred to Committee on Transportation.

SB 4037 by Senator Peterson

AN ACT Relating to motor vehicles.

Referred to Committee on Transportation.

SB 4038 by Senator Peterson

AN ACT Relating to transportation of hazardous materials.

Referred to Committee on Transportation.

- SB 4039 by Senator Peterson
AN ACT Relating to transportation.
Referred to Committee on Transportation.
- SB 4040 by Senator Peterson
AN ACT Relating to transportation.
Referred to Committee on Transportation.
- SB 4041 by Senator Peterson
AN ACT Relating to transportation.
Referred to Committee on Transportation.
- SB 4042 by Senator Peterson
AN ACT Relating to water transportation.
Referred to Committee on Transportation.
- SB 4043 by Senator Peterson
AN ACT Relating to transportation funding.
Referred to Committee on Transportation.
- SB 4044 by Senator Peterson
AN ACT Relating to transportation safety.
Referred to Committee on Transportation.
- SB 4045 by Senator Peterson
AN ACT Relating to the state patrol.
Referred to Committee on Transportation.
- SB 4046 by Senator Peterson
AN ACT Relating to fisheries.
Referred to Committee on Natural Resources.
- SB 4047 by Senator Peterson
AN ACT Relating to game.
Referred to Committee on Natural Resources.
- SB 4048 by Senator Peterson
AN ACT Relating to game.
Referred to Committee on Natural Resources.
- SB 4049 by Senator Peterson
AN ACT Relating to natural resources.
Referred to Committee on Natural Resources.
- SB 4050 by Senator Peterson
AN ACT Relating to transportation regulation.
Referred to Committee on Transportation.
- SB 4051 by Senator Peterson
AN ACT Relating to marine transportation.
Referred to Committee on Transportation.
- SB 4052 by Senator Peterson
AN ACT Relating to driver licensing.
Referred to Committee on Transportation.
- SB 4053 by Senator Peterson

AN ACT Relating to motor vehicle and special fuels.

Referred to Committee on Transportation.

SB 4054 by Senator Peterson

AN ACT Relating to size, weight, and load limits.

Referred to Committee on Transportation.

SB 4055 by Senator Peterson

AN ACT Relating to transportation funding.

Referred to Committee on Transportation.

SB 4056 by Senator Peterson

AN ACT Relating to public transportation.

Referred to Committee on Transportation.

SB 4057 by Senator Peterson

AN ACT Relating to fisheries.

Referred to Committee on Natural Resources.

SB 4058 by Senator Peterson

AN ACT Relating to natural resources.

Referred to Committee on Natural Resources.

SB 4059 by Senator McDermott

AN ACT Relating to the central stores revolving fund.

Referred to Committee on Ways and Means.

SB 4060 by Senator McDermott

AN ACT Relating to state contracting.

Referred to Committee on Ways and Means.

SB 4061 by Senator McDermott

AN ACT Relating to state's telecommunications system.

Referred to Committee on Ways and Means.

SB 4062 by Senator McDermott

AN ACT Relating to state's telecommunications system.

Referred to Committee on Ways and Means.

SB 4063 by Senator McDermott

AN ACT Relating to the use of revolving funds.

Referred to Committee on Ways and Means.

SB 4064 by Senator McDermott

AN ACT Relating to the capital budget.

Referred to Committee on Ways and Means.

SB 4065 by Senator McDermott

AN ACT Relating to corrections.

Referred to Committee on Ways and Means.

SB 4066 by Senator Moore

AN ACT Relating to consumer finance companies.

Referred to Committee on Financial Institutions.

SB 4067 by Senator Moore

AN ACT Relating to the department of social and health services.

Referred to Committee on Social and Health Services.

- SB 4068 by Senator Moore
AN ACT Relating to gambling.
Referred to Committee on Commerce and Labor.
- SB 4069 by Senator Moore
AN ACT Relating to registered securities broker dealers.
Referred to Committee on Financial Institutions.
- SB 4070 by Senator Moore
AN ACT Relating to the sale of securities.
Referred to Committee on Financial Institutions.
- SB 4071 by Senator Moore
AN ACT Relating to savings and loan associations.
Referred to Committee on Financial Institutions.
- SB 4072 by Senator Moore
AN ACT Relating to teachers' retirement.
Referred to Committee on Education.
- SB 4073 by Senator Warnke
AN ACT Relating to treatment alternatives to street crime programs.
Referred to Committee on Judiciary.
- SB 4074 by Senator Craswell
AN ACT Relating to special education.
Referred to Committee on Education.
- SB 4075 by Senator Talmadge
AN ACT Relating to real property.
Referred to Committee on Judiciary.
- SB 4076 by Senator Metcalf
AN ACT Relating to congressional redistricting.
Referred to Committee on Judiciary.
- SB 4077 by Senator Sellar
AN ACT Relating to hydraulic work.
Referred to Committee on Agriculture.
- SB 4078 by Senator Metcalf
AN ACT Relating to the sale or exchange by the department of natural resources of lands for beach access purposes.
Referred to Committee on Parks and Ecology.
- SJM 113 by Senators Peterson, Owen and Metcalf
Petitioning Congress that the proposed United States-Canada salmon interception treaty be rejected.
Referred to Committee on Natural Resources.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

- SHB 43 by Committee on Social and Health Services (originally sponsored by Representatives Ellis, Lewis, Kreidler, Hastings, Chandler, Miller, Sayan, Crane, Stratton, Nealey, Appelwick, Locke, Holland, Burns, Isaacson, Rust, Silver, Haugen, Wang, Niemi, Ballard, Sutherland,

Walk, Tilly, Dellwo, Struthers, Charnley, Mitchell, Garrett, Belcher, McClure, Galloway, Long, Smith, Dickie, Todd and Clayton)

Modifying provisions concerning medical care services.

Referred to Committee on Social and Health Services.

EHB 107 by Representatives R. King, Betrozoff, Clayton, Heck, O'Brien, Patrick, Galloway, Hine, Sanders and Mitchell

Allowing specified hospitals and school districts to form self-insurance groups.

Referred to Committee on Commerce and Labor.

SHB 129 by Committee on State Government (originally sponsored by Representatives Halsan, Walk, Vekich, Kreidler, Belcher, Vander Stoep, P. King, Zellinsky, Powers, Ebersole, Appelwick, Johnson, Garrett and D. Nelson)

Modifying the provisions governing accumulated vacation leave for state employees.

Referred to Committee on State Government.

ESHB 297 by Committee on Judiciary (originally sponsored by Representatives Padden, Armstrong, Kreidler, Wang, Holland, Ristuben, Ballard, Hastings and Dellwo)

Approving the sentencing guidelines and prosecuting standards of the sentencing guidelines commission.

Referred to Committee on Judiciary.

HB 471 by Representative Grimm

Modifying provisions relating to the judiciary education account.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3363, by Senators Moore, Newhouse, Hansen and Thompson

Amending procedures for the selection of port district treasurers.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 3363 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3363.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3363, and the bill passed the Senate by the following vote: Yeas, 38; nays, 08; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Fleming, Fuller, Gaspard, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Owen, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 38.

Voting nay: Senators Conner, Craswell, Goltz, Granlund, McDermott, Patterson, Pullen, Rasmussen - 8.

Absent: Senators Benitz, Deccio - 2.

Excused: Senator McManus - 1.

SENATE BILL NO. 3363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jones, Senators Bluechel, Benitz and Deccio were excused.

SECOND READING

SENATE BILL NO. 3211, by Senators Peterson, Patterson and Hansen (by Department of Transportation request)

Modifying provisions on aircraft fuel taxes.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3211 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3211.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3211, and the bill failed to pass the Senate by the following vote: Yeas, 21; nays, 24; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Fleming, Gaspard, Granlund, Hansen, McDermott, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Taimadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 21.

Voting nay: Senators Clarke, Conner, Craswell, Fuller, Goltz, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 24.

Excused: Senators Benitz, Bluechel, Deccio, McManus - 4.

SENATE BILL NO. 3211, having failed to receive the constitutional majority was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Patterson served notice that he would move to reconsider the vote by which Senate Bill No. 3211 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 3134, by Senators Peterson, Guess and Hansen (by Department of Licensing request)

Extending the license fee on the use of certain special fuels in motor vehicles.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following Committee on Transportation amendments were considered and adopted simultaneously:

On page 1, line 12, after "RCW 46.04.320", strike "in accordance with" and insert "(~~in accordance with~~) which shall be based upon" and on line 13, after "schedule" insert "as adjusted by the formula set out below".

On page 1, after line 20, insert: "To determine the actual annual license fee imposed by this section for a registration year, the appropriate dollar amount set out in the above schedule shall be multiplied by the motor vehicle fuel tax rate in cents per gallon as established by RCW 82.36.025 effective on July 1st of the preceding calendar year and the product thereof shall be divided by 12 cents."

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 3134 was advanced to third reading, the second reading considered the third, and the bill was 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. 3134.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3134, and the bill passed the Senate by the following vote: Yeas, 41; nays, 04; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Decchio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogndild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Craswell, McCaslin, Metcalf, Pullen - 4.

Absent: Senators Quigg, Warnke - 2.

Excused: Senators Benitz, Bluechel - 2.

ENGROSSED SENATE BILL NO. 3134, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3277, by Senators Rinehart, Hemstad, Williams, Bender, Fuller, Moore, McDermott, Benitz, Haley, Talmadge, Kiskaddon, Guess and Hayner

Reducing temperature settings on residential hot water heaters.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3277 was substituted for Senate Bill No. 3277 and the substitute bill was placed on second reading and read the second time.

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

On page 1, line 16, after "or", strike "sixty-seven" and insert "forty-nine"

On page 1, line 27, after "or", strike "sixty-seven" and insert "forty-nine"

On page 2, line 8, after "Fahrenheit", strike "(sixty-seven" and insert "(or forty-nine"

On motion of Senator Williams, the rules were suspended. Engrossed Substitute Senate Bill No. 3277 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Just for the record, I wanted to clarify one point. Is there anything in this bill which prohibits a home owner from raising the thermostat on the hot water heater, if that home owner should so desire?"

Senator Rinehart: "There is not."

POINT OF INQUIRY

Senator Rasmussen: "Senator Rinehart, on page 2, line 6, it indicates that the water heater shall be set by the owner or agent at a temperature not higher than 120 degrees. Well, when a new tenant moves into an apartment, he must go into the water heater and reset it to a temperature no higher than 120 degrees, as I read that section. Then further down on line 14--"nothing in this section shall prohibit an owner of an owner-occupied residential unit or a resident of a leased or rented residential unit from readjusting the temperature setting after occupancy." This would indicate, Senator Rinehart, that any tenant that moves in may set that temperature control to any setting he wants after he has moved in. Then the owner of a 200-unit or 300-unit apartment complex would have to go in and examine and adjust, probably, every temperature setting in that apartment complex, to make sure that it was back down to 120 degrees. This would seem to me to be a lot of work. Is this what you intend in this bill?"

Senator Rinehart: "Senator Rasmussen, I believe you have the sequence reversed. The first thing that occurs is when the tenant moves in--that is the point at which the heater is set at 120 degrees. After that time, if the occupant chooses to change it, then it is up to him and it can stay that way. The landlord has no further liability nor responsibility to either monitor or change."

Senator Rasmussen: "But, it would indicate that when that tenant moves out-- and the average length of a stay of a tenant usually is about a year at the most-- then the landlord has to go back in and check that water heating setting."

Senator Rinehart: "Senator Rasmussen, I believe that is comparable to the landlord also being responsible to check the smoke alarm and I assume he could do both functions and perhaps some other things at the same time."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3277.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3277, and the bill passed the Senate by the following vote: Yeas, 43; nays, 05; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Barr, Craswell, Hansen, McCaslin, Rasmussen - 5.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3131, by Senators Talmadge, Hemstad and Woody

Defining costs which may be awarded to a prevailing party in civil actions.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendments were considered and adopted simultaneously:

On page 1, line 12, after "including", strike "but not limited to" and insert "In addition to costs otherwise authorized by law"

On page 1, line 23, after "statutory", insert "attorney and"

On page 1, line 24, after "(7)", strike "The" and insert "To the extent that the court finds that it was necessary to achieve the successful result, the"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3131 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3131.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3131, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Benitz - 1.

ENGROSSED SENATE BILL NO. 3131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Judiciary was relieved of further consideration of Senate Bill No. 4031.

On motion of Senator Shinpoch, Senate Bill No. 4031 was referred to the Committee on Institutions.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Vognild moved the Senate reconsider the vote by which Engrossed Senate Bill No. 3137 failed to pass the Senate February 15, 1983.

MOTIONS

On motion of Senator Shinpoch, further consideration of the motion by Senator Vognild to reconsider the vote on Engrossed Senate Bill No. 3137 was deferred.

On motion of Senator Clarke, the motion by Senator Vognild to reconsider the vote on Engrossed Senate Bill No. 3137 was deferred to the next working day.

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

REPORTS OF STANDING COMMITTEES

February 18, 1983

SB 3043 Prime Sponsor, Senator McCaslin: Providing for notification to law enforcement agencies of institutional furloughs. Reported by Committee on Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3043 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

February 17, 1983

SB 3245 Prime Sponsor, Senator Fleming: Establishing the housing finance commission. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 3245 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Warnke, Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Referred to Committee on Ways and Means.

February 21, 1983

SB 3523 Prime Sponsor, Senator Granlund: Modifying time limits for furloughs for residents of state correctional institutions. Reported by Committee on Institutions

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

February 18, 1983

SB 3524 Prime Sponsor, Senator Granlund: Providing additional conditions for prisoners' leaves of absence. Reported by Committee on Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3524 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

February 18, 1983

SB 3525 Prime Sponsor, Senator Granlund: Defining correctional institutions which may house prisoners from other jurisdictions. Reported by Committee on Institutions

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

February 18, 1983

SB 3526 Prime Sponsor, Senator Granlund: Adopting the Interstate Corrections Compact. Reported by Committee on Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

MOTION

At 11:10 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

REPORT OF STANDING COMMITTEE

February 17, 1983

SB 3230 Prime Sponsor, Senator Fleming: Establishing the office of minority and women's business enterprises. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 3230 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Jones, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

At 1:20 p.m., the Senate retired to the House Chamber to meet in Joint Session for the purpose of a Memorial Service for deceased members.

JOINT SESSION

MEMORIAL PROGRAM

Presiding: President of the Senate John A. Cherberg
Chairperson: Speaker Pro Tempore John L. O'Brien

INVOCATION

by
Father Theodore I. Marmo
Pastor
St. Michael's Parish, Olympia

"Almighty God, we acknowledge You as the author and giver of life. To You all preachers look hopefully as You give them reward in good season. We thank You for Your presence in the lives of those who have been our colleagues who served our fellow citizens in the promotion of the common good. Be with us now as we bring to mind the gifts they have given. Inspire us by their courage; teach us by their example. Bring us to be with them in Your love and mercy to rejoice in the fullness of life which You give, Who now lives and reigns forever and ever. Amen."

ST. MARTIN'S ABBEY SCHOLA

Brother Aelred, Brother Elias, Father George, Brother Ronald (flutists)
Fiducia Isaac Watts (words) 1674-1748 Robinson c1810 (music)
Shall We Gather at the River Robert Lowery

MEMORIAL TRIBUTE

by
Speaker Pro Tempore John L. O'Brien

"We are assembled here today to pay tribute to lives and services of distinguished former members of the Senate and House of Representatives of the State of Washington who have passed from among us during the past two years. On behalf of the people of our state, the Forty-Eighth Legislative Session conveys its respect to

these deceased legislators who once sat in the Chambers of the House and Senate as we are doing today, answering roll calls on sometimes critical measures, attending committee meetings and, above all else, serving to the best of their abilities to make our state a better and more enjoyable place to live for their constituencies. While they have passed to the Great Beyond, their achievements, records and valued services have been recorded in the Journals of the Senate and House and are acknowledged forever more, a permanent part of the history of the State of Washington. We express our sympathies to the bereaved families and their friends and also share with them on this memorable occasion, the fond and happy memories of these former legislators who served beyond the call of duty and responsibilities, and who truly loved their state. They have left a legacy of dedicated service that will remain always in our hearts. I will now call the roll of former members."

CANDLE SERVICE

IN MEMORIAM

In tribute to the memories of our distinguished former members of the Senate and House of Representatives who have passed from among us during the preceding biennium, the Forty-Eighth 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:

J. Bruce Burns
 Joe Chytil
 Frank Connor
 John L. Cooney
 Mary U. Farquharson
 Dwight S. Hawley
 John L. Hendricks
 L. B. Judd
 Lloyd Lindgren
 Delbert Pence
 Emma Abbott Ridgway
 Jess V. Sapp
 Harry A. Siler
 Kenneth H. Simmons
 Don L. Talley
 Paul G. Thomas
 John K. Yearout

Tribute by

Representative P. J. Gallagher
 Senator William H. Fuller
 Representative Gary F. Locke
 Senator Margaret Hurley
 Senator Nita Rinehart
 Representative Louise Miller
 Senator Richard W. Hemstad
 Representative Lyle J. Dickie
 Representative Avery Garrett
 Representative Eugene A. Prince
 Representative Mary Margaret Haugen
 Senator Lowell Peterson
 Senator Sam C. Guess
 Representative George W. Walk
 Senator Alan Thompson
 Senator Phil Talmadge
 Representative Bob Williams

Flower Tribute by Members of the Senate and House of Representatives

The Lord's Prayer by Mallotte and

Battle Hymn of the Republic by Julia Ward Howe Nancy Olson
 Accompanist, Representative Barney McClure

Amazing Grace by John Newton Ralph Munro, Secretary of State

BENEDICTION

by

The Reverend Sheryl Peterson,
 Assistant Pastor
 United Churches of Olympia

"Now may the God of love and peace fill us so that we might abound with hope. May God bless you and keep you. May God's face shine upon and be gracious unto you. May God look upon you with kindness and grant you peace. Amen."

Taps Bugler SSC John S. Collins, Jr. - 133rd Army Band
 Color Guard NCOIC - Sgt. David Gaubatz
 Cpl. Lawrence Kessel

Cpl. Matthew Smith
Pvt. Gary Beagles
Pvt. Charles Hamilton
Co. A-3d Bn. 161st Inf. (M)

The President of the Senate, John A. Cherberg, announced the closure of the Memorial Service.

The President called the Senate to order at 2:20 p.m.

MOTION

At 2:23 p.m., on motion of Senator Rasmussen, the Senate adjourned until 10:00 a.m., Tuesday, February 22, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 22, 1983

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 Bender, Benitz and Conner. On motion of Senator Bluechel, Senator Benitz was excused.

The Sergeant at Arms Color Guard, consisting of Pages Brenda Sullivan and Art Clarke, presented the Colors. Reverend Paul J. Beeman, senior pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTIONS

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

At 10:12 a.m., on motion of Senator Shipoch, the Senate recessed until 10:45 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 10:55 a.m.

REPORT OF STANDING COMMITTEE

February 21, 1983

SB 3535 Prime Sponsor, Senator Hughes: Modifying provisions relating to containers for milk-based and soy-based beverages. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Bluechel, Haley, Hansen, Hurley, Kiskaddon, Lee, McDermott, Williams.

Passed to Committee on Rules for second reading.

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

SECOND READING

SENATE BILL NO. 3198, by Senators Peterson, Sellar, Hansen and Deccio (by Department of Transportation request)

Making appropriations to the department of transportation for the Hood Canal bridge and state highway projects.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3198 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3198.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3198, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen,

Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Bender, Conner - 2.

Excused: Senator Benitz - 1.

SENATE BILL NO. 3198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3042, by Senators Bottiger, McDermott, Goltz, Bauer, Vognild, Gaspard, Talmadge, Rinehart, Wojahn, Lee and Warnke

Regulating labor relations in institutions of higher education.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3042 was substituted for Senate Bill No. 3042 and the substitute bill was placed on second reading and read the second time.

Senator Hurley moved adoption of the following amendment by Senators Hurley, Owen, Rasmussen, McCaslin and Craswell:

On page 9, after line 18, insert: NEW SECTION, Sec. 10. The right of employees to engage in any strike, work slowdown or stoppage is prohibited. Where an employee organization or exclusive bargaining representative wilfully disobeys a lawful order of enforcement by a superior court or wilfully offers resistance to such order, whether by strike or otherwise, the punishment for each day that such contempt persists, may be a fine fixed in the discretion of the court in an amount not to exceed two hundred fifty dollars per day."

Renumber remaining sections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Hurley, is it your intent that the two hundred fifty dollar maximum fine apply solely to the bargaining unit or would it apply to each employee in the bargaining unit or could it apply to each employee in the bargaining unit?"

Senator Hurley: "I would hope that it would. Not being a lawyer, or not having drawn it up myself, I would not be able to say, but I would hope that it would do that. Maybe it isn't clear. It isn't."

Senator Pullen: "Is there a reason why two hundred fifty dollars was selected? Senator Guess has indicated that he thinks that it might be too small. I think I have seen some public employee bargaining units strikes in the past where judges have ordered a work stoppage and have levied fines of a thousand or ten thousand dollars per day. This amendment, as I read it, would limit it to two hundred fifty dollars. Is that correct? Is there some logic why two hundred fifty dollars was selected?"

Senator Hurley: "Well, the main logic, I think, was that it was drawn up in a great hurry and the second logic is that two hundred fifty dollars is quite a penalty if it is going to be imposed for every day and I would think that it would deter a person from striking."

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Bottiger, under this bill, would not the faculty be under tenure and be under the continuing contract law and those other items that are now granted to K-12?"

Senator Bottiger: "Well, Senator Deccio, unless I am mistaken, there is a world of difference between the tenure laws that apply to higher education and the continuing contract law that applies to K-12. You have different probationary periods. K-12 is kind of automatic if you have been there a year, whereas, in colleges you have to be voted tenure. They are not alike at all that I know of."

Senator Deccio: "This bill would not change that?"

Senator Bottiger: "It has nothing to do with K-12 nor with the tenure act."

Further debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Hemstad, under the common law of our state, are strikes by public employees now prohibited?"

Senator Hemstad: "Senator Pullen, it is my understanding that under common law of the state of Washington, strikes by public employees are illegal."

POINT OF INQUIRY

Senator Clarke: "Senator Hurley, would you be receptive to an oral amendment which would put a period after 'court' and strike the remainder of the amendment down through 'day,' which would leave the amount of the penalty to be entirely to the discretion of the court?"

Senator Hurley: "Yes, I would accept that."

MOTION

On motion of Senator Clarke, the following amendment to the amendment by Senators Hurley, Owen, Rasmussen, McCaslin and Craswell was adopted:

On line 12 of the amendment, after "court", strike the remainder of the amendment down through "day"

Further debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Goltz, as the bill is drafted and if the faculties are to enter into collective bargaining, do you believe that the question of tenure would be on the bargaining table?"

Senator Goltz: "I believe that the answer to that is, that it is entirely possible that the question of tenure would be on the bargaining table."

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

The President declared the question before the Senate to be the roll call on adoption of the amendment, as amended, by Senators Hurley, Owen, Rasmussen, McCaslin and Craswell.

ROLL CALL

The Secretary called the roll and the amendment, as amended, was not adopted by the following vote: Yeas, 23; nays, 24; absent, 02; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, McCaslin, Metcalf, Newhouse, Owen, Patterson, Quigg, Rasmussen, Sellar, von Reichbauer - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, McDermott, McManus, Moore, Peterson, Pullen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wozahn, Woody - 24.

Absent: Senators Lee, Zimmerman - 2.

MOTION

Senator Craswell moved adoption of the following amendment by Senators Craswell, Hurley, Patterson, Guess and Rasmussen:

On page 5, line 31, after "Sec. 6.", insert "In order to foster meaningful collective bargaining, units must be structured so as to avoid fragmentation whenever possible. A bargaining unit shall include all employees, as defined in this chapter, who are employed by each community college district or state college or university."

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Senator Gaspard, I am wondering, without this amendment, could we have the kind of situation where one bargaining unit within a college or university could strike and create a situation that might shut down the whole college or university? How many bargaining units would we potentially have within a college or university?"

Senator Gaspard: "Senator Woody, the intent of the legislation is to have as much community interest as possible. I don't think we are going to get into a situation where we have the faculty for the college of liberal arts forming one unit and the faculty for engineering forming another unit. Under the direction that is given by the legislation to the PERC board, I don't think they could find in such a manner.

"If you look at the criteria that is set down in the PERC board to consider in their hearings in a dispute, I don't see that possibility happening. I don't see that we are going to have the fragmentation that some people are worried about. In collective bargaining statutes across the country, this has not become a particular problem at all and I don't think it will be here because of the situation of the PERC board being involved."

Further debate ensued.

POINT OF INQUIRY

Senator Goltz: "As I read your amendment, the first sentence in the amendment is contradicted by the second sentence. The first sentence says that we will have to avoid as much fragmentation whenever possible. The second sentence says that the bargaining unit shall include all employees.

"In other words, there is no room for fragmentation whatsoever. If you were to leave off the second sentence and have an amendment which would read only 'that in order to foster meaningful collective bargaining, units must be structured as to avoid fragmentation whenever possible.' That is a guideline that I could support, because it seems to me that PERC would be guided by that. But your second sentence doesn't make any separation of units at all, so I cannot support your amendment in its present form. I don't know whether I have asked you a question or not."

Senator Craswell: "I didn't hear the question, but I think that if anything should be changed, it probably should be the words 'whenever possible' because I see what you are getting at. The intent was to eliminate fragmentation and so I would say that if there was any change, it should be to eliminate 'whenever possible.'"

Senator Bluechel demanded a roll call and it was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Craswell, Hurley, Patterson, Guess and Rasmussen.

ROLL CALL

The Secretary called the roll and the amendment was not adopted, the President voting nay, by the following vote: Yeas, 24; nays, 24; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Owen, Patterson, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, McDermott, McManus, Moore, Peterson, Pullen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 24.

Absent: Senator Hayner - 1.

MOTION

On motion of Senator Hemstad, the following amendment by Senators Hemstad, Lee and Goltz was adopted:

On page 7, line 30, after "(g)", strike the remainder of the section through page 8, line 1, and insert the following:

"Where only one employee organization has qualified under (c) or (e) of this subsection, the representation election ballot shall contain a choice for that employee organization and a choice for no representation. The representation election shall be determined by the majority of the valid ballots cast.

(h) Where two or more employee organizations have qualified under (c) or (e) of this subsection, the representation election shall consist of two questions. The first ballot shall contain choices for and against organization of the bargaining unit under this chapter. The second ballot, to be counted only if the results of the first ballot indicate that organization of the bargaining unit has been chosen on a majority of the valid ballots cast, shall contain choices for each of the employee organizations qualifying under (c) or (e) of this subsection. The second ballot shall be determined by the majority of the valid ballots cast: That where there are three or more choices on the ballot and none of the choices receives the vote of a majority of the valid ballots cast, a run-off election shall be conducted between the two choices receiving the highest and second highest numbers of votes."

MOTION

On motion of Senator Hemstad, the following amendment by Senators Hemstad and Clarke was adopted:

On page 9, after line 18, insert:

"NEW SECTION. Sec. 10. Nothing in this act shall authorize the right to strike."
Renumber remaining sections.

POINT OF INQUIRY

Senator Patterson: "I would appreciate it if I could have some help from Senator Gaspard or someone else. What I am having trouble with is the definition section as to what an employee is that is covered under the act. I was trying to draft an amendment that would speak to the teaching faculties--that they would be the bargaining unit--and I am having trouble with the definition. For example, what is a supervisor--whether they would be included as faculty? These are the exempted categories under the definition of the institution. I am not trying to belabor or delay. I would like to have an opportunity to draft a proper amendment for this bill that deals with the collective bargaining rights of teaching faculty and people engaged in the teaching process."

POINT OF INQUIRY

Senator Pullen: "Senator Gaspard, on page 2, Section 3, sub-section 1 of the bill, employee is defined as 'any employee of the employer, but shall not include the chief executive or administrative officers of the institution of higher education, confidential employees, casual employees, supervisors or employees subject to chapter 28B.16 RCW.' Could you tell me what employees are subject to chapter 28B.16 RCW, as well as what is meant by a casual employee and a confidential employee?"

Senator Gaspard: "Senator Pullen, in this section, we tried to point out who would be obvious employees that would be excluded from this and you mentioned the supervisors and confidential employees and so on. When there is a question that arises on the appropriateness of an employee, we do give the discretion for PERC to make that determination--whether or not that employee should be in or out of the bargaining unit--so they will be able to do that in their hearing process."

Senator Pullen: "Well, they will only be able to do that within the framework that the law allows. I am trying to decide what framework is established here. I guess I still would like to know which employees are subject to chapter 28B.16 RCW; what is intended by the prime sponsor of the bill; what is intended to be a casual employee and what is intended to be a confidential employee?"

"For purposes of determining legislative intent, I would be very interested in that definition. Otherwise, I think Senator Patterson's comments are very valid and maybe we need a few minutes to determine that."

Senator Gaspard: "Senator Pullen, staff has just informed me that the RCW reference that you mentioned is the classified employees under higher education."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I am not going to turn down Senator Patterson's request for a delay for drafting an amendment. His reputation is well known for being constructive and helping to solve the problems of the state."

MOTION

At 12:15 p.m., on motion of Senator Shinpoch, 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 resumed consideration of Substitute Senate Bill No. 3042.

MOTION

Senator Patterson moved adoption of the following amendment by Senators Patterson, Hurley, Craswell, Owen and Guess:

On page 6, line 4, after "avoided," insert "All employees who are tenured or eligible to seek or be awarded tenure shall be considered a single bargaining unit at each institution of higher education."

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "As I read your proposed amendment, you are including all of those persons who are tenured or eligible to seek tenure to be awarded tenure as members of a single bargaining unit. Are you proposing then, in this amendment, that all employees who are not tenured and who are not eligible to seek or be awarded tenure, that they shall be considered in a single bargaining unit?"

Senator Patterson: "Not at all, Senator. This is to establish the faculty that are tenured as a bargaining unit. Now, this does not preclude those that are not encompassed in this amendment from seeking to be a unit unto themselves. Now, I don't understand bargaining like maybe some of you do, but that is the way that I would interpret this."

Senator Goltz: "Well, you have made my point, I think. What you were proposing to be an attempt to avoid fragmentation has now created a fragment of non-tenured--non-eligible for tenure faculty--who must or who can become a unit unto themselves, and I think you have made my point."

Senator Patterson: "Well, I believe, Senator Goltz, that I have also made my point and that is the lion share of an institution of higher learning is composed of tenured faculty. That is what they all seek. It is an international system in higher education. Tenure has been accepted and it has been adopted by every institution that I have any knowledge of and that's what makes up a university--the tenured faculty of that university. If they choose to go the route of collective bargaining, then they should be the ones that make the decision."

Further debate ensued.

MOTION

On motion of Senator Hemstad the following amendment to the amendment by Senators Patterson, Hurley, Craswell, Owen and Guess was adopted:

On line 3 of the amendment, strike "considered a single" and insert "included in the same"

The President declared the question before the Senate to be adoption of the amendment, as amended, by Senators Patterson, Hurley, Craswell, Owen and Guess.

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

ROLL CALL

The Secretary called the roll and the motion by Senator Patterson carried and the amendment, as amended, was adopted by the following vote: Yeas, 25; nays, 24; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 24.

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 3042 was advanced to third reading, the second reading considered the third, and the bill was 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. 3042.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3042, and the bill passed the Senate by the following vote: Yeas, 28; nays, 21; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Kiskaddon, Lee, McDermott, McManus, Moore, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Hurley, Jones, McCaslin, Metcalf, Newhouse, Owen, Patterson, Quigg, Sellar, Zimmerman - 21.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Shinpoch, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 4079 by Senators Williams, Lee and Fuller

AN ACT Relating to law enforcement; adding a new chapter to Title 10 RCW; adding a new section to chapter 43.10 RCW; and providing an effective date.

Referred to Committee on Judiciary.

SB 4080 by Senators Goltz and Zimmerman

AN ACT Relating to law enforcement; adding a new chapter to Title 10 RCW; adding a new section to chapter 43.10 RCW; and providing an effective date.

Referred to Committee on Judiciary.

SB 4081 by Senators Granlund, McDermott, Deccio and Lee

AN ACT Relating to financial responsibility for prisoners; and adding new sections to chapter 70.48 RCW.

Referred to Committee on Institutions.

SB 4082 by Senators Granlund, Deccio, Barr and Lee

AN ACT Relating to prisoner fines and costs and sentences; amending section 1, chapter 99, Laws of 1937 and RCW 9.92.150; and amending section 147, page 124, Laws of 1854 as last amended by section 4, chapter 200, Laws of 1967 and RCW 10.82.030.

Referred to Committee on Institutions.

SB 4083 by Senator Goltz

AN ACT Relating to municipal electric utilities; adding a new chapter to Title 35 RCW; repealing section 35.21.420, chapter 7, Laws of 1965 and RCW 35.21.420; repealing section 1, chapter 52, Laws of 1967 ex. sess. and RCW 35.21.422; repealing section 35.21.425, chapter 7, Laws of 1965 and RCW 35.21.425; repealing section 35.21.426, chapter 7, Laws of 1965 and RCW 35.21.426; repealing section 35.21.427, chapter 7, Laws of 1965 and RCW 35.21.427; repealing section 35.21.430, chapter 7, Laws of 1965, section 15, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.21.430; repealing section 35.21.440, chapter 7, Laws of 1965 and RCW 35.21.440; and repealing section 35.21.450, chapter 7, Laws of 1965 and RCW 35.21.450.

Referred to Committee on Energy and Utilities.

SB 4084 by Senators Owen, Lee and Hayner

AN ACT Relating to game management; amending section 77.12.040, chapter 36, Laws of 1955 as last amended by section 15, chapter 78, Laws of 1980 and RCW 77.12.040; amending section 77.12.150, chapter 36, Laws of 1955 as last amended by section 29, chapter 78, Laws of 1980 and RCW 77.12.150; amending section 11, chapter 310, Laws of 1981 and RCW 77.32.340; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources.

SB 4085 by Senators McDermott, Pullen, Bauer, Kiskaddon and Hughes

AN ACT Relating to retirement from public service; amending section 48, chapter 80, Laws of 1947 as last amended by section 2, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.480; amending section 19, chapter 274, Laws of 1947 as last amended by section 21, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.180; and creating a new section.

Referred to Committee on Ways and Means.

SB 4086 by Senators Craswell, Talmadge, Hayner, McCaslin, Thompson and Deccio

AN ACT Relating to primaries; and adding a new section to chapter 29.18 RCW.

Referred to Committee on Judiciary.

SB 4087 by Senators Williams and Hemstad (by Attorney General request)

AN ACT Relating to the utilities and transportation commission; amending section 80.01.100, chapter 14, Laws of 1961 and RCW 80.01.100; adding a new section to chapter 80.04 RCW; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 4088 by Senator Williams

AN ACT Relating to the archaeological research center; repealing section 27, chapter 99, Laws of 1979 and RCW 43.131.201; repealing section 69, chapter 99, Laws of 1979 and RCW 43.131.202; and declaring an emergency.

Referred to Committee on State Government.

SB 4089 by Senators Rinehart, Goltz, Fleming, Patterson, Talmadge and Metcalf

AN ACT Relating to the higher education institutional long-term loan fund; and amending section 9, chapter 257, Laws of 1981 as amended by section 13, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.820.

Referred to Committee on Education.

SB 4090 by Senators Rasmussen and Metcalf

AN ACT Relating to pawn brokers; amending section 235, chapter 249, Laws of 1909 as amended by section 3, chapter 279, Laws of 1981 and RCW 19.60.010; amending section 229, chapter 249, Laws of 1909 and RCW 19.60.020; amending section 231, chapter 249, Laws of 1909 and RCW 19.60.040; amending section 232, chapter 249, Laws of 1909 and RCW 19.60.050; amending section 233, chapter 249, Laws of 1909 as amended by section 29, chapter 292, Laws of 1971 ex. sess. and RCW 19.60.063; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 4091 by Senator Rasmussen

AN ACT Relating to excise taxation; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Ways and Means.

SB 4092 by Senators Bender, Williams, Wojahn and Thompson

AN ACT Relating to insurance reporting; and adding new sections to chapter 48.05 RCW.

Referred to Committee on Financial Institutions.

SB 4093 by Senators Bauer, Warnke, Fleming, Hughes, Thompson, Moore, Gaspard, Bender and Talmadge

AN ACT Relating to education; and amending section 7, chapter 359, Laws of 1977 ex. sess. as amended by section 1, chapter 24, Laws of 1982 1st ex. sess. and RCW 28A.41.162.

Referred to Committee on Education.

SB 4094 by Senators McManus, Wojahn, Sellar, Deccio and Moore

AN ACT Relating to physical therapists; amending section 1, chapter 239, Laws of 1949 as amended by section 1, chapter 64, Laws of 1961 and RCW 18.74.010; amending section 2, chapter 239, Laws of 1949 as last amended by section 62, chapter 158, Laws of 1979 and RCW 18.74.020; amending section 3, chapter 239, Laws of 1949 as amended by section 2, chapter 64, Laws of 1961 and RCW 18.74.030; amending section 3, chapter 64, Laws of 1961 and RCW 18.74.035; amending section 4, chapter 239, Laws of 1949 and RCW 18.74.040; amending section 5, chapter 239, Laws of 1949 as last amended by section 65, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.050; amending section 6, chapter 239, Laws of 1949 as last amended by section 66, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.060; amending section 7, chapter 239, Laws of 1949 as last amended by section 67, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.070; amending section 8, chapter 239, Laws of 1949 as amended by section 7, chapter 64, Laws of 1961 and RCW 18.74.080; amending section 9, chapter 239, Laws of 1949 as amended by section 8, chapter 64, Laws of 1961 and RCW 18.74.090; amending section 9, chapter 64, Laws of 1961 and RCW 18.74.095; amending section 10, chapter 239, Laws of 1949 and RCW 18.74.100; amending section 12, chapter 239, Laws of 1949 as last amended by section 63, chapter 158, Laws of 1979 and RCW 18.74.120; adding new sections to chapter 18.74 RCW; repealing section 11, chapter 239, Laws of 1949 and RCW 18.74.110; and prescribing penalties.

Referred to Committee on Social and Health Services.

SB 4095 by Senators Hemstad, Guess, Metcalf and Hayner

AN ACT Relating to the compulsory attendance law; amending section 2, chapter 10, Laws of 1972 ex. sess. as last amended by section 1, chapter 59, Laws of 1980 and RCW 28A.27.010; creating a new section; and providing penalties.

Referred to Committee on Education.

SB 4096 by Senators Rinehart, Woody, Metcalf and Kiskaddon (by Joint Committee on Sunset Review request)

AN ACT Relating to sunset review; amending section 1, chapter 153, Laws of 1965 as last amended by section 42, chapter 158, Laws of 1979 and RCW 18.44.010; amending section 11, chapter 245, Laws of 1971 ex. sess. as amended by section 14, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.240; amending section 30, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.360; amending section 2, chapter 212, Laws of 1971 ex. sess. and RCW 18.104.020; amending section 3, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.030; amending section 4, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.040; amending section 8, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.080; amending section 9, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.090; amending section 12, chapter 289, Laws of 1977 ex. sess. as amended by section 2, chapter 22, Laws of 1979 and RCW 43.131.120; amending section 1, chapter 99, Laws of 1979 and RCW 43.131.150; adding new sections to chapter 43.131 RCW; decodifying RCW 43.131.140, 43.131.151, 43.131.152, 43.131.155, 43.131.156, 43.131.157, 43.131.158, 43.131.161, 43.131.163, 43.131.164, 43.131.165, 43.131.166, 43.131.167, 43.131.168, 43.131.171, 43.131.172, 43.131.175, 43.131.176, 43.131.183, 43.131.184, 43.131.191, 43.131.192, 43.131.193, 43.131.194, 43.131.233, and 43.131.234; repealing section 8, chapter 245, Laws of 1971 ex. sess., section 12, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.210; repealing section 29, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.215; 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; and repealing section 86, chapter 99, Laws of 1979 and RCW 43.131.145.

Referred to Committee on State Government.

SB 4097 by Senators Williams, Hughes and Wojahn

AN ACT Relating to bonds for financing zoo and aquarium development; adding new sections to chapter 43.99B RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4098 by Senators Rinehart, Woody and Warnke (by Joint Committee on Sunset Review request)

AN ACT Relating to state government; adding new sections to chapter 43.131 RCW; repealing section 43.31.010, chapter 8, Laws of 1965 and RCW 43.31.010; repealing section 43.31.020, chapter 8, Laws of 1965 and RCW 43.31.020; repealing section 43.31.030, chapter 8, Laws of 1965 and RCW 43.31.030; repealing section 43.31.040, chapter 8, Laws of 1965, section 2, chapter 10, Laws of 1965, section 2, chapter 221, Laws of 1967, section 6, chapter 70, Laws of 1977 ex. sess., section 13, chapter 295, Laws of 1981 and RCW 43.31.040; repealing section 43.31.050, chapter 8, Laws of 1965, section 53, chapter 75, Laws of 1977 and RCW 43.31.050; repealing section 43.31.060, chapter 8, Laws of 1965 and RCW 43.31.060; repealing section 43.31.070, chapter 8, Laws of 1965 and RCW 43.31.070; repealing section 43.31.080, chapter 8, Laws of 1965 and RCW 43.31.080; repealing section 43.31.110, chapter 8, Laws of 1965, section 109, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.110; repealing section 43.31.120, chapter 8, Laws of 1965 and RCW 43.31.120; repealing section 43.31.130, chapter 8, Laws of 1965, section 110, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.130; repealing section 43.31.140, chapter 8, Laws of 1965 and RCW 43.31.140; repealing section 43.31.150, chapter 8, Laws of 1965 and RCW 43.31.150; repealing section 43.31.160, chapter 8, Laws of 1965, section 54, chapter 75, Laws of 1977 and RCW 43.31.160; repealing section 43.31.170, chapter 8, Laws of 1965 and RCW 43.31.170; repealing section 43.31.180, chapter 8, Laws of 1965 and RCW 43.31.180; repealing section 43.31.200, chapter 8, Laws of 1965, section 42, chapter 171, Laws of 1974 ex. sess. and RCW 43.31.200; repealing section 43.31.210, chapter 8, Laws of 1965 and RCW 43.31.210; repealing section 43.31.220, chapter 8, Laws of 1965 and RCW 43.31.220; repealing section 43.31.230, chapter 8, Laws of 1965 and RCW 43.31.230; repealing section 1, chapter 221, Laws of 1967 and RCW 43.31.350; repealing section 3, chapter 221, Laws of 1967 and RCW 43.31.360; repealing section 4, chapter 221, Laws of 1967 and RCW 43.31.370; repealing section 1, chapter 9, Laws of 1969 and RCW 43.31.400; repealing section 2, chapter 9, Laws of 1969 and RCW 43.31.405; repealing section 3, chapter 9, Laws of 1969 and RCW 43.31.410; repealing section 4, chapter 9, Laws of 1969 and RCW 43.31.415; repealing section 5, chapter 9, Laws of 1969 and RCW 43.31.420; repealing section 1, chapter 148, Laws of 1965, section 2, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.790; repealing section 2, chapter 148, Laws of 1965 and RCW 43.31.800; repealing section 3, chapter 148,

Laws of 1965, section 3, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.810; repealing section 4, chapter 148, Laws of 1965, section 4, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.820; repealing section 5, chapter 148, Laws of 1965, section 5, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.830; repealing section 1, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.831; repealing section 2, chapter 93, Laws of 1972 ex. sess., section 8, chapter 292, Laws of 1975 1st ex. sess., section 1, chapter 2, Laws of 1981 2nd ex. sess. and RCW 43.31.832; repealing section 3, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.833; repealing section 4, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.834; repealing section 6, chapter 148, Laws of 1965, section 6, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.840; repealing section 8, chapter 148, Laws of 1965, section 7, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.850; repealing section 10, chapter 148, Laws of 1965 and RCW 43.31.860; repealing section 1, chapter 68, Laws of 1975-76 2nd ex. sess. and RCW 43.31.870; repealing section 2, chapter 68, Laws of 1975-76 2nd ex. sess. and RCW 43.31.875; repealing section 3, chapter 68, Laws of 1975-76 2nd ex. sess. and RCW 43.31.880; repealing section 4, chapter 68, Laws of 1975-76 2nd ex. sess. and RCW 43.31.885; repealing section 5, chapter 68, Laws of 1975-76 2nd ex. sess. and RCW 43.31.890; repealing section 6, chapter 68, Laws of 1975-76 2nd ex. sess. and RCW 43.31.895; repealing section 7, chapter 68, Laws of 1975-76 2nd ex. sess. and RCW 43.31.900; repealing section 8, chapter 68, Laws of 1975-76 2nd ex. sess. and RCW 43.31.910; repealing section 1, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.915; repealing section 2, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.920; repealing section 3, chapter 70, Laws of 1977 ex. sess., section 9, chapter 6, Laws of 1982 and RCW 43.31.925; repealing section 4, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.930; repealing section 5, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.935; repealing section 2, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.940; repealing section 3, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.942; repealing section 4, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.944; repealing section 5, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.946; repealing section 6, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.948; repealing section 1, chapter 260, Laws of 1979 ex. sess., section 1, chapter 244, Laws of 1981 and RCW 43.31.956; repealing section 2, chapter 260, Laws of 1979 ex. sess. and RCW 43.31.958; repealing section 3, chapter 260, Laws of 1979 ex. sess. and RCW 43.31.960; repealing section 4, chapter 260, Laws of 1979 ex. sess. and RCW 43.31.962; repealing section 5, chapter 260, Laws of 1979 ex. sess. and RCW 43.31.964; repealing section 1, chapter 277, Laws of 1969 ex. sess., section 1, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.010; repealing section 2, chapter 277, Laws of 1969 ex. sess. section 2, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.020; repealing section 3, chapter 277, Laws of 1969 ex. sess., section 3, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.030; repealing section 2, chapter 201, Laws of 1977 ex. sess. and RCW 28B.80.035; repealing section 4, chapter 277, Laws of 1969 ex. sess., section 4, chapter 132, Laws of 1975 1st ex. sess., section 43, chapter 169, Laws of 1977 ex. sess. and RCW 28B.80.040; repealing section 5, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.050; repealing section 6, chapter 277, Laws of 1969 ex. sess., section 5, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.060; repealing section 7, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.070; repealing section 9, chapter 277, Laws of 1969 ex. sess., section 6, chapter 132, Laws of 1975 1st ex. sess., section 22, chapter 151, Laws of 1979 and RCW 28B.80.080; repealing section 10, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.090; repealing section 12, chapter 277, Laws of 1969 ex. sess., section 77, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 28B.80.110; repealing section 13, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.120; repealing section 1, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.130; repealing section 2, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.140; repealing section 3, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.150; repealing section 4, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.160; repealing section 5, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.170; repealing section 9, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.200; repealing section 12, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.210; repealing section 13, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.220; repealing section 14, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.230; repealing section 15, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.240; repealing section 27, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.250; repealing section 28, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.260; repealing section 29, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.270; repealing section 14, chapter 277, Laws of 1969 ex. sess., section 10, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.900; repealing section 15, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.910; repealing section 43.46.010, chapter 8, Laws of 1965 and RCW 43.46.010; repealing section 43.46.020, chapter 8, Laws of 1965, section 3, chapter 125, Laws of 1967 ex. sess. and RCW 43.46.020; repealing section 43.46.030, chapter 8, Laws of 1965, section 4, chapter 125, Laws of 1967 ex. sess. and RCW 43.46.030; repealing section 43.46.040, chapter 8, Laws of 1965 and RCW 43.46.040; repealing section 2, chapter 125, Laws of 1967 ex. sess. and RCW 43.46.045; repealing section 43.46.050, chapter 8, Laws of 1965 and RCW 43.46.050; repealing section 1, chapter 125, Laws of 1967 ex. sess. and RCW 43.46.055; repealing section 43.46.060, chapter 8, Laws of 1965 and RCW 43.46.060; repealing section 43.46.070, chapter 8, Laws of 1965 and RCW 43.46.070; repealing section 43.46.080, chapter 8, Laws of

1965 and RCW 43.46.080; repealing section 1, chapter 176, Laws of 1974 ex. sess. and RCW 43.46.090; repealing section 1, chapter 30, Laws of 1899 and RCW 27.40.010; repealing section 2, chapter 30, Laws of 1899 and RCW 27.40.020; repealing section 3, chapter 30, Laws of 1899 and RCW 27.40.030; repealing section 1, chapter 159, Laws of 1975 1st ex. sess. and RCW 27.40.034; repealing section 2, chapter 159, Laws of 1975 1st ex. sess. and RCW 27.40.036; repealing section 4, chapter 30, Laws of 1899 and RCW 27.40.040; repealing section 1, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.010; repealing section 2, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.020; repealing section 3, chapter 158, Laws of 1969 ex. sess., section 73, chapter 158, Laws of 1979 and RCW 18.96.030; repealing section 4, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.040; repealing section 5, chapter 158, Laws of 1969 ex. sess., section 54, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.96.050; repealing section 6, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.060; repealing section 7, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.070; repealing section 8, chapter 158, Laws of 1969 ex. sess., section 85, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.96.080; repealing section 9, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.090; repealing section 10, chapter 158, Laws of 1969 ex. sess., section 86, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.96.100; repealing section 11, chapter 158, Laws of 1969 ex. sess., section 87, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.96.110; repealing section 12, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.120; repealing section 13, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.130; repealing section 14, chapter 158, Laws of 1969 ex. sess., section 88, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.96.140; repealing section 15, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.150; repealing section 16, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.160; repealing section 17, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.170; repealing section 18, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.180; repealing section 19, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.900; repealing section 1, chapter 90, Laws of 1979 ex. sess. and RCW 38.40.170; repealing section 2, chapter 90, Laws of 1979 ex. sess. and RCW 38.40.180; repealing section 3, chapter 90, Laws of 1979 ex. sess. and RCW 38.40.190; repealing section 35, chapter 1, Laws of 1973, section 23, chapter 294, Laws of 1975 1st ex. sess., section 93, chapter 34, Laws of 1975-'76 2nd ex. sess., section 8, chapter 112, Laws of 1975-'76 2nd ex. sess., section 15, chapter 147, Laws of 1982 and RCW 42.17.350; repealing section 36, chapter 1, Laws of 1973 and RCW 42.17.360; repealing section 37, chapter 1, Laws of 1973, section 25, chapter 294, Laws of 1975 1st ex. sess., section 7, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.370; repealing section 38, chapter 1, Laws of 1973, section 26, chapter 294, Laws of 1975 1st ex. sess., section 196, chapter 35, Laws of 1982 and RCW 42.17.380; repealing section 39, chapter 1, Laws of 1973 and RCW 42.17.390; repealing section 12, chapter 112, Laws of 1975-'76 2nd ex. sess., section 16, chapter 147, Laws of 1982 and RCW 42.17.395; repealing section 13, chapter 112, Laws of 1975-'76 2nd ex. sess., section 17, chapter 147, Laws of 1982 and RCW 42.17.397; repealing section 40, chapter 1, Laws of 1973, section 27, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.400; repealing section 1, chapter 60, Laws of 1982 and RCW 42.17.405; repealing section 41, chapter 1, Laws of 1973, section 18, chapter 147, Laws of 1982 and RCW 42.17.410; repealing section 7, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.400; repealing section 8, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.405; repealing section 9, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.410; repealing section 10, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.415; repealing section 11, chapter 215, Laws of 1969 ex. sess., section 9, chapter 131, Laws of 1973, section 18, chapter 87, Laws of 1980 and RCW 41.56.420; repealing section 8, chapter 61, Laws of 1961, section 11, chapter 7, Laws of 1975 1st ex. sess., section 21, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.76.170; repealing section 46.32.010, chapter 12, Laws of 1961, section 48, chapter 32, Laws of 1967, section 156, chapter 158, Laws of 1979, section 67, chapter 136, Laws of 1979 ex. sess. and RCW 46.32.010; repealing section 46.32.020, chapter 12, Laws of 1961 and RCW 46.32.020; repealing section 46.32.030, chapter 12, Laws of 1961 and RCW 46.32.030; repealing section 46.32.040, chapter 12, Laws of 1961 and RCW 46.32.040; repealing section 46.32.050, chapter 12, Laws of 1961, section 68, chapter 136, Laws of 1979 ex. sess. and RCW 46.32.050; repealing section 46.32.060, chapter 12, Laws of 1961 and RCW 46.32.060; repealing section 46.32.070, chapter 12, Laws of 1961 and RCW 46.32.070; repealing section 21, Page 711, Laws of 1889 and RCW 90.28.030; repealing section 43.03.080, chapter 8, Laws of 1965 and RCW 43.03.080; repealing section 43.03.090, chapter 8, Laws of 1965 and RCW 43.03.090; repealing section 43.03.100, chapter 8, Laws of 1965 and RCW 43.03.100; repealing section 1, page 470, Laws of 1890 and RCW 76.28.010; repealing section 2, page 470, Laws of 1890, section 1, chapter 52, Laws of 1907, section 1, chapter 33, Laws of 1957 and RCW 76.28.020; repealing section 3, page 471, Laws of 1890 and RCW 76.28.030; repealing section 4, page 471, Laws of 1890, section 1, chapter 123, Laws of 1953, section 17, chapter 82, Laws of 1969 and RCW 76.28.040; repealing section 5, page 472, Laws of 1890 and RCW 76.28.050; repealing section 6, page 472, Laws of 1890 and RCW 76.28.060; repealing section 7, page 472, Laws of 1890 and RCW 76.28.070; repealing section 8, page 472, Laws of 1890 and RCW 76.28.080; repealing section 9, page 473, Laws of 1890 and RCW 76.28.090; repealing section 1, chapter 72, Laws of 1895 and RCW 76.32.010; repealing section 2, chapter 72, Laws of 1895 and RCW 76.32.020; repealing section 3, chapter 72,

Laws of 1895, section 1, chapter 119, Laws of 1905, section 1, chapter 34, Laws of 1957 and RCW 76.32.030; repealing section 4, chapter 72, Laws of 1895, section 1, chapter 31, Laws of 1897, section 1, chapter 57, Laws of 1905 and RCW 76.32.040; repealing section 5, chapter 72, Laws of 1895, section 1, chapter 140, Laws of 1901, section 1, chapter 229, Laws of 1909, section 1, chapter 124, Laws of 1953, section 18, chapter 82, Laws of 1969 and RCW 76.32.050; repealing section 6, chapter 72, Laws of 1895 and RCW 76.32.060; repealing section 7, chapter 72, Laws of 1895 and RCW 76.32.070; repealing section 8, chapter 72, Laws of 1895 and RCW 76.32.080; repealing section 1, chapter 82, Laws of 1905 and RCW 76.24.010; repealing section 2, chapter 82, Laws of 1905 and RCW 76.24.020; repealing section 3, chapter 82, Laws of 1905, section 16, chapter 82, Laws of 1969 and RCW 76.24.030; repealing section 4, chapter 82, Laws of 1905 and RCW 76.24.040; repealing section 1, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.010; repealing section 2, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.020; repealing section 3, chapter 285, Laws of 1971 ex. sess. and RCW 28C.04.025; repealing section 4, chapter 285, Laws of 1971 ex. sess., section 13, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.026; repealing section 3, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.030; repealing section 4, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.040; repealing section 5, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.050; repealing section 6, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.060; repealing section 8, chapter 174, Laws of 1975 1st ex. sess., section 79, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 28C.04.070; repealing section 10, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.080; repealing section 28B.50.230, chapter 223, Laws of 1969 ex. sess., section 14, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.090; repealing section 1, chapter 98, Laws of 1969 ex. sess. and RCW 28C.04.140; repealing section 7, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.150; repealing section 11, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.160; repealing section 28A.09.070, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.200; repealing section 28A.09.080, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.210; repealing section 28A.09.090, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.220; repealing section 28B.50.240, chapter 223, Laws of 1969 ex. sess., section 24, chapter 261, Laws of 1969 ex. sess., section 1, chapter 285, Laws of 1971 ex. sess. and RCW 28C.04.230; repealing section 1, chapter 17, Laws of 1972 ex. sess., section 1, chapter 63, Laws of 1973 and RCW 28C.04.240; repealing section 52, chapter 283, Laws of 1969 ex. sess., section 76, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 28C.04.300; repealing section 53, chapter 283, Laws of 1969 ex. sess., section 16, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.310; repealing section 9, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.500; repealing section 12, chapter 174, Laws of 1975 1st ex. sess., section 1, chapter 86, Laws of 1975-76 2nd ex. sess., section 23, chapter 151, Laws of 1979 and RCW 28C.04.510; repealing section 1, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.010; repealing section 2, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.020; repealing section 3, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.030; repealing section 4, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.040; repealing section 5, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.050; repealing section 6, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.060; repealing section 8, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.900; repealing section 1, chapter 225, Laws of 1979 ex. sess., section 1, chapter 48, Laws of 1982 1st ex. sess. and RCW 28C.51.010; repealing section 2, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.020; repealing section 3, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.030; repealing section 4, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.040; repealing section 5, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.050; repealing section 6, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.060; repealing section 2, chapter 31, Laws of 1975-76 2nd ex. sess. and RCW 27.26.010; repealing section 1, chapter 31, Laws of 1975-76 2nd ex. sess. and RCW 27.26.020; repealing section 1, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.010; repealing section 2, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.020; repealing section 3, chapter 188, Laws of 1979 ex. sess., section 1, chapter 283, Laws of 1981 and RCW 28B.05.030; repealing section 4, chapter 188, Laws of 1979 ex. sess., section 1, chapter 82, Laws of 1980, section 2, chapter 283, Laws of 1981 and RCW 28B.05.040; repealing section 5, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.050; repealing section 6, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.060; repealing section 7, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.070; repealing section 8, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.080; repealing section 9, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.090; repealing section 10, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.100; repealing section 11, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.110; repealing section 12, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.120; repealing section 13, chapter 188, Laws of 1979 ex. sess., section 3, chapter 283, Laws of 1981 and RCW 28B.05.130; repealing section 14, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.140; repealing section 15, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.150; repealing section 16, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.160; repealing section 17, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.170; repealing section 18, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.180; repealing section 19, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.190; repealing section 20, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.200; repealing section 21, chapter 188,

Laws of 1979 ex. sess. and RCW 28B.05.210; repealing section 22, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.220; repealing section 23, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.230; repealing section 24, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.240; repealing section 27, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.900; repealing section 28, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.950; repealing section 13, chapter 36, Laws of 1919 and RCW 18.36.010; repealing section 12, chapter 36, Laws of 1919 and RCW 18.36.020; repealing section 8, chapter 36, Laws of 1919 and RCW 18.36.030; repealing section 3, chapter 36, Laws of 1919, section 39, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.040; repealing section 11, chapter 36, Laws of 1919, section 40, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.050; repealing section 4, chapter 36, Laws of 1919 and RCW 18.36.060; repealing section 1, chapter 83, Laws of 1953, section 7, chapter 266, Laws of 1971 ex. sess., section 41, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.115; repealing section 14, chapter 36, Laws of 1919 and RCW 18.36.120; repealing section 7, chapter 36, Laws of 1919 and RCW 18.36.130; repealing section 10, chapter 36, Laws of 1919 and RCW 18.36.140; repealing section 9, chapter 36, Laws of 1919 and RCW 18.36.150; repealing section 17, chapter 36, Laws of 1919 and RCW 18.36.165; repealing section 1, chapter 10, Laws of 1925 and RCW 18.36.170; repealing section 2, chapter 10, Laws of 1925 and RCW 18.36.200; repealing section 3, chapter 10, Laws of 1925 and RCW 18.36.210; repealing section 4, chapter 10, Laws of 1925 and RCW 18.36.220; repealing section 5, chapter 10, Laws of 1925 and RCW 18.36.230; repealing section 6, chapter 10, Laws of 1925 and RCW 18.36.240; repealing section 7, chapter 10, Laws of 1925 and RCW 18.36.245; repealing section 1, chapter 171, Laws of 1967 and RCW 18.26.010; repealing section 2, chapter 171, Laws of 1967 and RCW 18.26.020; repealing section 3, chapter 171, Laws of 1967, section 12, chapter 97, Laws of 1974 ex. sess., section 1, chapter 39, Laws of 1975 1st ex. sess., section 17, chapter 111, Laws of 1979 ex. sess. and RCW 18.26.030; repealing section 15, chapter 97, Laws of 1974 ex. sess., section 19, chapter 158, Laws of 1979 and RCW 18.26.035; repealing section 9, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.037; repealing section 1, chapter 46, Laws of 1980 and RCW 18.26.040; repealing section 5, chapter 171, Laws of 1967, section 21, chapter 158, Laws of 1979 and RCW 18.26.050; repealing section 6, chapter 171, Laws of 1967 and RCW 18.26.060; repealing section 2, chapter 46, Laws of 1980 and RCW 18.26.070; repealing section 8, chapter 171, Laws of 1967 and RCW 18.26.080; repealing section 9, chapter 171, Laws of 1967 and RCW 18.26.090; repealing section 10, chapter 171, Laws of 1967 and RCW 18.26.100; repealing section 11, chapter 171, Laws of 1967, section 2, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.110; repealing section 12, chapter 171, Laws of 1967, section 3, chapter 39, Laws of 1975 1st ex. sess., section 19, chapter 67, Laws of 1981 and RCW 18.26.120; repealing section 13, chapter 171, Laws of 1967, section 4, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.130; repealing section 14, chapter 171, Laws of 1967 and RCW 18.26.140; repealing section 15, chapter 171, Laws of 1967 and RCW 18.26.150; repealing section 16, chapter 171, Laws of 1967, section 5, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.160; repealing section 17, chapter 171, Laws of 1967, section 6, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.170; repealing section 18, chapter 171, Laws of 1967, section 7, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.180; repealing section 19, chapter 171, Laws of 1967, section 23, chapter 158, Laws of 1979 and RCW 18.26.190; repealing section 20, chapter 171, Laws of 1967 and RCW 18.26.200; repealing section 21, chapter 171, Laws of 1967, section 24, chapter 158, Laws of 1979, section 19, chapter 111, Laws of 1979 ex. sess. and RCW 18.26.210; repealing section 22, chapter 171, Laws of 1967, section 25, chapter 158, Laws of 1979 and RCW 18.26.220; repealing section 23, chapter 171, Laws of 1967, section 26, chapter 158, Laws of 1979 and RCW 18.26.230; repealing section 24, chapter 171, Laws of 1967, section 27, chapter 158, Laws of 1979 and RCW 18.26.240; repealing section 25, chapter 171, Laws of 1967 and RCW 18.26.250; repealing section 27, chapter 171, Laws of 1967, section 8, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.270; repealing section 28, chapter 171, Laws of 1967 and RCW 18.26.280; repealing section 29, chapter 171, Laws of 1967, section 28, chapter 158, Laws of 1979 and RCW 18.26.290; repealing section 30, chapter 171, Laws of 1967, section 29, chapter 158, Laws of 1979 and RCW 18.26.300; repealing section 32, chapter 171, Laws of 1967 and RCW 18.26.310; repealing section 31, chapter 171, Laws of 1967 and RCW 18.26.900; repealing section 3, chapter 53, Laws of 1981 and RCW 18.50.140; repealing section 4, chapter 53, Laws of 1981 and RCW 18.50.150; repealing section 1, page 473, Laws of 1890, section 1, chapter 137, Laws of 1907, section 1, chapter 6, Laws of 1937 and RCW 42.28.010; repealing section 1, page 52, Laws of 1862, section 1, page 501, Laws of 1863, section 1, page 375, Laws of 1869, section 3, page 467, Laws of 1873, section 2615, Code of 1881, section 2, page 473, Laws of 1890 and RCW 42.28.020; repealing section 3, page 473, Laws of 1890, section 1, chapter 85, Laws of 1975 1st ex. sess., section 1, chapter 314, Laws of 1981 and RCW 42.28.030; repealing section 5, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.035; repealing section 4, page 474, Laws of 1890 and RCW 42.28.040; repealing section 1, chapter 32, Laws of 1913 and RCW 42.28.050; repealing section 5, chapter 474, Laws of 1890, section 2, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.060; repealing section 6, chapter 474, Laws of 1890, section 3, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.070; repealing section 1, chapter 56, Laws of 1907, section 7, chapter 51, Laws of 1951, section 4, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.090; repealing section 10, page 255, Laws of 1877, section 2623, Code of 1881, section 9, page 475, Laws of 1890 and RCW 42.28.100; repealing section 10, page 476, Laws of 1890, section 1, chapter 97, Laws of 1943 and RCW 42.28.110; repealing section 1, page 90, Laws of 1890, section 1, page 91, Laws of 1890 and RCW

42.28.120; repealing section 2, chapter 90, Laws of 1890 and RCW 42.28.130; repealing section 11, chapter 117, Laws of 1951, section 1, chapter 85, Laws of 1971 ex. sess., section 65, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.100; repealing section 12, chapter 117, Laws of 1951, section 66, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.110; repealing section 4, chapter 208, Laws of 1973 1st ex. sess., section 43, chapter 34, Laws of 1975-'76 2nd ex. sess., section 2, chapter 261, Laws of 1979 ex. sess., section 13, chapter 338, Laws of 1981 and RCW 18.73.040; repealing section 5, chapter 208, Laws of 1973 1st ex. sess., section 3, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.050; repealing section 1, chapter 114, Laws of 1979 and RCW 18.52A.010; repealing section 2, chapter 114, Laws of 1979 and RCW 18.52A.020; repealing section 3, chapter 114, Laws of 1979 and RCW 18.52A.030; repealing section 4, chapter 114, Laws of 1979 and RCW 18.52A.040; repealing section 5, chapter 114, Laws of 1979 and RCW 18.52A.050; repealing section 6, chapter 114, Laws of 1979 and RCW 18.52A.060; repealing section 1, chapter 222, Laws of 1949, section 1, chapter 15, Laws of 1963, section 1, chapter 79, Laws of 1967 and RCW 18.78.010; repealing section 2, chapter 222, Laws of 1949, section 2, chapter 79, Laws of 1967 and RCW 18.78.020; repealing section 3, chapter 222, Laws of 1949, section 2, chapter 79, Laws of 1967 and RCW 18.78.030; repealing section 4, chapter 222, Laws of 1949, section 4, chapter 188, Laws of 1967, section 45, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.78.040; repealing section 5, chapter 222, Laws of 1949, section 3, chapter 79, Laws of 1967, section 64, chapter 158, Laws of 1979 and RCW 18.78.050; repealing section 6, chapter 222, Laws of 1949, section 2, chapter 15, Laws of 1963, section 26, chapter 292, Laws of 1971 ex. sess. and RCW 18.78.060; repealing section 7, chapter 222, Laws of 1949 and RCW 18.78.070; repealing section 9, chapter 222, Laws of 1949, section 3, chapter 15, Laws of 1963, section 68, chapter 30, Laws of 1975 1st ex. sess., section 65, chapter 158, Laws of 1979 and RCW 18.78.080; repealing section 10, chapter 222, Laws of 1949, section 4, chapter 15, Laws of 1963, section 4, chapter 79, Laws of 1967, section 14, chapter 266, Laws of 1971 ex. sess., section 69, chapter 30, Laws of 1975 1st ex. sess., section 66, chapter 158, Laws of 1979 and RCW 18.78.090; repealing section 11, chapter 222, Laws of 1949, section 1, chapter 68, Laws of 1971 and RCW 18.78.100; repealing section 12, chapter 222, Laws of 1949, section 46, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.78.110; repealing section 13, chapter 222, Laws of 1949, section 47, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.78.120; repealing section 14, chapter 222, Laws of 1949 and RCW 18.78.130; repealing section 15, chapter 222, Laws of 1949, section 60, chapter 81, Laws of 1971 and RCW 18.78.140; repealing section 16, chapter 222, Laws of 1949 and RCW 18.78.150; repealing section 17, chapter 222, Laws of 1949 and RCW 18.78.160; repealing section 18, chapter 222, Laws of 1949, section 5, chapter 79, Laws of 1967 and RCW 18.78.170; repealing section 7, chapter 79, Laws of 1967 and RCW 18.78.175; repealing section 6, chapter 79, Laws of 1967, section 2, chapter 68, Laws of 1971 and RCW 18.78.182; repealing section 19, chapter 222, Laws of 1949 and RCW 18.78.900; repealing section 1, chapter 202, Laws of 1949, section 1, chapter 133, Laws of 1973 and RCW 18.88.010; repealing section 2, chapter 202, Laws of 1949, section 2, chapter 133, Laws of 1973 and RCW 18.88.020; repealing section 4, chapter 202, Laws of 1949, section 1, chapter 288, Laws of 1961, section 3, chapter 133, Laws of 1973, section 69, chapter 158, Laws of 1979 and RCW 18.88.030; repealing section 5, chapter 202, Laws of 1949, section 4, chapter 133, Laws of 1973 and RCW 18.88.050; repealing section 6, chapter 202, Laws of 1949, section 3, chapter 288, Laws of 1961, section 5, chapter 133, Laws of 1973 and RCW 18.88.060; repealing section 7, chapter 202, Laws of 1949, section 6, chapter 133, Laws of 1973 and RCW 18.88.070; repealing section 8, chapter 202, Laws of 1949, section 4, chapter 288, Laws of 1961, section 7, chapter 133, Laws of 1973, section 50, chapter 34, Laws of 1975-'76 2nd ex. sess., section 12, chapter 75, Laws of 1977 and RCW 18.88.080; repealing section 9, chapter 202, Laws of 1949, section 5, chapter 288, Laws of 1961, section 8, chapter 133, Laws of 1973, section 51, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.88.090; repealing section 10, chapter 202, Laws of 1949, section 6, chapter 288, Laws of 1961, section 9, chapter 133, Laws of 1973 and RCW 18.88.100; repealing section 11, chapter 202, Laws of 1949, section 10, chapter 133, Laws of 1973 and RCW 18.88.110; repealing section 12, chapter 202, Laws of 1949, section 11, chapter 133, Laws of 1973 and RCW 18.88.120; repealing section 13, chapter 202, Laws of 1949, section 7, chapter 288, Laws of 1961, section 12, chapter 133, Laws of 1973 and RCW 18.88.130; repealing section 14, chapter 202, Laws of 1949, section 8, chapter 288, Laws of 1961, section 13, chapter 133, Laws of 1973 and RCW 18.88.140; repealing section 15, chapter 202, Laws of 1949, section 9, chapter 288, Laws of 1961, section 14, chapter 133, Laws of 1973 and RCW 18.88.150; repealing section 16, chapter 202, Laws of 1949, section 10, chapter 288, Laws of 1961, section 15, chapter 133, Laws of 1973, section 77, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.88.160; repealing section 17, chapter 202, Laws of 1949, section 16, chapter 133, Laws of 1973 and RCW 18.88.170; repealing section 18, chapter 202, Laws of 1949, section 17, chapter 133, Laws of 1973 and RCW 18.88.180; repealing section 16, chapter 288, Laws of 1961 and RCW 18.88.185; repealing section 19, chapter 202, Laws of 1949, section 11, chapter 288, Laws of 1961, section 18, chapter 266, Laws of 1971 ex. sess., section 18, chapter 133, Laws of 1973, section 78, chapter 30, Laws of 1975 1st ex. sess., section 1, chapter 106, Laws of 1979 ex. sess. and RCW 18.88.190; repealing section 20, chapter 202, Laws of 1949, section 12, chapter 288, Laws of 1961, section 19, chapter 133, Laws of 1973, section 79, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.88.200; repealing section 21, chapter 202, Laws of 1949 and RCW 18.88.210; repealing section 22, chapter 202, Laws of 1949, section 20, chapter 133, Laws of 1973 and RCW 18.88.220; repealing section 23, chapter 202, Laws of 1949, section 21, chapter 133, Laws of 1973 and RCW 18.88.230; repealing section 24, chapter 202,

Laws of 1949, section 22, chapter 133, Laws of 1973 and RCW 18.88.240; repealing section 25, chapter 202, Laws of 1949, section 23, chapter 133, Laws of 1973 and RCW 18.88.250; repealing section 26, chapter 202, Laws of 1949, section 24, chapter 133, Laws of 1973 and RCW 18.88.260; repealing section 15, chapter 288, Laws of 1961, section 25, chapter 133, Laws of 1973 and RCW 18.88.265; repealing section 27, chapter 202, Laws of 1949, section 26, chapter 133, Laws of 1973 and RCW 18.88.270; repealing section 28, chapter 202, Laws of 1949, section 13, chapter 288, Laws of 1961, section 27, chapter 133, Laws of 1973 and RCW 18.88.280; repealing section 14, chapter 288, Laws of 1961, section 9, chapter 79, Laws of 1967, section 28, chapter 133, Laws of 1973 and RCW 18.88.285; repealing section 1, chapter 62, Laws of 1955 and RCW 18.88.290; repealing section 29, chapter 133, Laws of 1973 and RCW 18.88.300; repealing section 29, chapter 202, Laws of 1949 and RCW 18.88.900; repealing section 1, chapter 45, Laws of 1925 ex. sess., section 1, chapter 40, Laws of 1955, section 1, chapter 271, Laws of 1961, section 1, chapter 124, Laws of 1967, section 1, chapter 40, Laws of 1971, section 1, chapter 18, Laws of 1973, section 1, chapter 112, Laws of 1977 ex. sess. and RCW 2.52.010; repealing section 2, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.020; repealing section 3, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.030; repealing section 4, chapter 45, Laws of 1925 ex. sess., section 2, chapter 112, Laws of 1977 ex. sess. and RCW 2.52.040; repealing section 1, chapter 260, Laws of 1981 and RCW 2.52.050; repealing section 6, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.060; repealing section 7, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.070; and repealing section 8, chapter 45, Laws of 1925 ex. sess., section 5, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 2.52.080.

Referred to Committee on State Government.

SB 4099 by Senators Rinehart and Shinpoch (by Joint Committee on Sunset Review request)

AN ACT Relating to tax preference review, modification, and termination; amending section 41, chapter 35, Laws of 1982 1st ex. sess. and RCW 43.136.030; amending section 44, chapter 35, Laws of 1982 1st ex. sess. and RCW 43.136.060; amending section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 3, chapter 144, Laws of 1981 and RCW 82.04.050; amending section 82.12.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 1, Laws of 1975-76 2nd ex. sess. and RCW 82.12.010; amending section 82.08.080, chapter 15, Laws of 1961 as last amended by section 48, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.08.080; amending section 82.04.060, chapter 15, Laws of 1961 and RCW 82.04.060; amending section 82.04.190, chapter 15, Laws of 1961 as last amended by section 2, chapter 90, Laws of 1975 1st ex. sess. and RCW 82.04.190; 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 82.04.470, chapter 15, Laws of 1961 as amended by section 43, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.04.470; amending section 5, chapter 89, Laws of 1967 ex. sess. and RCW 82.12.035; amending section 82.12.040, chapter 15, Laws of 1961 as last amended by section 11, chapter 299, Laws of 1971 ex. sess. and RCW 82.12.040; amending section 82.12.060, chapter 15, Laws of 1961 as last amended by section 54, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.12.060; amending section 3, chapter 94, Laws of 1970 ex. sess. as last amended by section 1, chapter 211, Laws of 1982 and RCW 82.14.020; amending section 3, chapter 65, Laws of 1970 ex. sess. and RCW 82.04.255; amending section 23, chapter 37, Laws of 1980 as amended by section 1, chapter 147, Laws of 1980 and RCW 82.08.0255; amending section 56, chapter 37, Laws of 1980 as amended by section 2, chapter 147, Laws of 1980 and RCW 82.12.0256; amending section 82.36.230, chapter 15, Laws of 1961 as last amended by section 2, chapter 156, Laws of 1971 ex. sess. and RCW 82.36.230; amending section 1, chapter 28, Laws of 1974 ex. sess. as last amended by section 1, chapter 6, Laws of 1982 1st ex. sess. and RCW 82.36.020; amending section 1, chapter 42, Laws of 1973 as amended by section 4, chapter 40, Laws of 1979 and RCW 82.38.080; amending section 3, chapter 10, Laws of 1967 ex. sess. as amended by section 4, chapter 25, Laws of 1982 1st ex. sess. and RCW 82.42.030; amending section 2, chapter 155, Laws of 1980 and RCW 84.40.030; amending section 84.40.220, chapter 15, Laws of 1961 as last amended by section 1, chapter 83, Laws of 1974 ex. sess. and RCW 84.40.220; amending section 84.36.110, chapter 15, Laws of 1961 as amended by section 71, chapter 299, Laws of 1971 ex. sess. and RCW 84.36.110; amending section 2, chapter 8, Laws of 1970 ex. sess. as last amended by section 3, chapter 90, Laws of 1975 1st ex. sess. and RCW 82.04.280; amending section 82.16.050, chapter 15, Laws of 1961 as last amended by section 3, chapter 9, Laws of 1982 2nd ex. sess. and RCW 82.16.050; amending section 14.02, chapter 79, Laws of 1947 as last amended by section 1, chapter 10, Laws of 1982 2nd ex. sess. and RCW 48.14.020; amending section 2, chapter 268, Laws of 1947 as last amended by section 1, chapter 65, Laws of 1973 1st ex. sess. and RCW 48.44.020; amending section 9, chapter 259, Laws of 1971 ex. sess. as last amended by section 2, chapter 183, Laws of 1977 ex. sess. and RCW 48.32A.090; amending section 43.52.460, chapter 8, Laws of 1965 as amended by section 1, chapter 75, Laws of 1971 ex. sess. and RCW 43.52.460; amending section 82.04.120, chapter 15, Laws of 1961 as last amended by section 2, chapter 9, Laws of 1982 2nd ex. sess. and RCW 82.04.120;

amending section 13, chapter 196, Laws of 1979 ex. sess. as amended by section 3, chapter 157, Laws of 1980 and RCW 82.04.325; amending section 16, chapter 10, Laws of 1982 as amended by section 1, chapter 13, Laws of 1982 2nd ex. sess. and RCW 82.04.260; amending section 82.48.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.030; amending section 56, chapter 299, Laws of 1971 ex. sess. as last amended by section 2, chapter 123, Laws of 1979 and RCW 82.50.410; amending section 84.36.020, chapter 15, Laws of 1961 as last amended by section 12, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.020; amending section 84.36.060, chapter 15, Laws of 1961 as last amended by section 1, chapter 141, Laws of 1981 and RCW 84.36.060; amending section 4, chapter 29, Laws of 1971 ex. sess. as last amended by section 2, chapter 17, Laws of 1982 and RCW 46.10.040; amending section 1, chapter 85, Laws of 1969 as amended by section 1, chapter 117, Laws of 1973 and RCW 15.76.165; amending section 22, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.480; creating new sections: adding a new section to chapter 48.14 RCW; adding new sections to chapter 82.08 RCW; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.12 RCW; adding new sections to chapter 82.48 RCW; adding new sections to chapter 43.136 RCW; repealing section 27, chapter 37, Laws of 1980 and RCW 82.08.0259; repealing section 60, chapter 37, Laws of 1980 and RCW 82.12.0261; repealing section 34, chapter 37, Laws of 1980 and RCW 82.08.0267; repealing section 61, chapter 37, Laws of 1980 and RCW 82.12.0262; repealing section 38, chapter 37, Laws of 1980 and RCW 82.08.0272; repealing section 66, chapter 37, Laws of 1980 and RCW 82.12.0267; repealing section 43, chapter 37, Laws of 1980 and RCW 82.08.0277; repealing section 71, chapter 37, Laws of 1980 and RCW 82.12.0273; repealing section 25, chapter 37, Laws of 1980 and RCW 82.08.0257; repealing section 58, chapter 37, Laws of 1980 and RCW 82.12.0258; repealing section 64, chapter 37, Laws of 1980 and RCW 82.12.0265; repealing section 42, chapter 37, Laws of 1980 and RCW 82.08.0276; repealing section 69, chapter 37, Laws of 1980 and RCW 82.12.0271; repealing section 21, chapter 37, Laws of 1980 and RCW 82.08.0253; repealing section 47, chapter 37, Laws of 1980 and RCW 82.08.0282; repealing section 2, chapter 131, Laws of 1980 and RCW 82.12.0281; repealing section 1, chapter 131, Laws of 1980 and RCW 82.08.0286; repealing section 4, chapter 140, Laws of 1981 and RCW 82.08.031; repealing section 5, chapter 140, Laws of 1981 and RCW 82.12.031; repealing section 11, chapter 109, Laws of 1975-'76 2nd ex. sess., section 1, chapter 183, Laws of 1977 ex. sess. and RCW 48.32.145; repealing section 32.32, chapter 79, Laws of 1947 and RCW 48.36.320; repealing section 10, chapter 172, Laws of 1981 and RCW 82.04.265; repealing section 82.04.330, chapter 15, Laws of 1961, section 7, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.330; repealing section 1, chapter 145, Laws of 1965 ex. sess. and RCW 82.04.335; repealing section 82.04.410, chapter 15, Laws of 1961, section 15, chapter 149, Laws of 1967 ex. sess. and RCW 82.04.410; repealing section 2, chapter 37, Laws of 1980 and RCW 82.04.4281; repealing section 8, chapter 37, Laws of 1980 and RCW 82.04.4287; repealing section 12, chapter 37, Laws of 1980 and RCW 82.04.4292; repealing section 13, chapter 37, Laws of 1980 and RCW 82.04.4293; repealing section 14, chapter 37, Laws of 1980 and RCW 82.04.4294; repealing section 18, chapter 37, Laws of 1980 and RCW 82.04.4298; repealing section 1, chapter 140, Laws of 1981 and RCW 82.04.4322; repealing section 2, chapter 140, Laws of 1981 and RCW 82.04.4324; repealing section 3, chapter 140, Laws of 1981 and RCW 82.04.4326; repealing section 3, chapter 149, Laws of 1980 and RCW 82.16.055; repealing section 2, chapter 157, Laws of 1980 and RCW 82.29A.135; repealing section 5, chapter 191, Laws of 1979 ex. sess., section 1, chapter 2, Laws of 1982 1st ex. sess. and RCW 82.35.050; repealing section 84.36.080, chapter 15, Laws of 1961 and RCW 84.36.080; repealing section 1, chapter 20, Laws of 1975 1st ex. sess. and RCW 84.36.105; repealing section 22, chapter 291, Laws of 1975 1st ex. sess., section 50, chapter Laws of 1983 (section 50 of this act) and RCW 84.36.480; repealing section 2, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.030; repealing section 84.36.040, chapter 15, Laws of 1961, section 1, chapter 245, Laws of 1969 ex. sess., section 119, chapter 154, Laws of 1973 1st ex. sess., section 3, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.040; repealing section 84.36.050, chapter 15, Laws of 1961, section 1, chapter 55, Laws of 1970 ex. sess., section 2, chapter 206, Laws of 1971 ex. sess., section 4, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.050; repealing section 84.36.070, chapter 15, Laws of 1961, section 1, chapter 118, Laws of 1974 ex. sess. and RCW 84.36.070; repealing section 84.36.090, chapter 15, Laws of 1961 and RCW 84.36.090; repealing section 9, chapter 191, Laws of 1979 ex. sess. and RCW 84.36.485; repealing section 3, chapter 125, Laws of 1972 ex. sess. and RCW 84.36.400; and providing effective dates.

Referred to Committee on Ways and Means.

SB 4100 by Senators Warnke and Haley

AN ACT Relating to natural resources; amending section 1, chapter 46, Laws of 1965 and RCW 9.41.185; amending section 5, chapter 319, Laws of 1977 ex. sess. as amended by section 78, chapter 158, Laws of 1979 and RCW 19.02.050; amending section 2, chapter 98, Laws of 1982 and RCW 39.04.150; amending section 9, chapter 10, Laws of 1982 and RCW 42.17.240; amending section 1, chapter 10, Laws of 1979 as amended by section 61, chapter 136, Laws of 1981 and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 as

amended by section 62, chapter 136, Laws of 1981 and RCW 43.17.020; amending section 43.19.450, chapter 8, Laws of 1965 as last amended by section 3, chapter 98, Laws of 1982 and RCW 43.19.450; amending section 17, chapter 62, Laws of 1970 ex. sess. as amended by section 68, chapter 141, Laws of 1979 and RCW 43.21A.170; amending section 3, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.880; amending section 8, chapter 209, Laws of 1975 1st ex. sess. as amended by section 6, chapter 11, Laws of 1982 and RCW 43.51.340; amending section 6, chapter 120, Laws of 1967 as amended by section 5, chapter 55, Laws of 1969 ex. sess. and RCW 43.51.675; amending section 46.08.180, chapter 12, Laws of 1961 as amended by section 7, chapter 120, Laws of 1967 and RCW 43.51.680; amending section 3, chapter 306, Laws of 1977 ex. sess. and RCW 43.51.943; amending section 10, chapter 75, Laws of 1977 ex. sess. and RCW 43.51.955; amending section 43.52-.350, chapter 8, Laws of 1965 as amended by section 5, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.350; amending section 43.82.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 41, Laws of 1982 and RCW 43.82.010; amending section 11, chapter 5, Laws of 1965 as last amended by section 1, chapter 206, Laws of 1981 and by section 7, chapter 338, Laws of 1981 and RCW 43.99.110; amending section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 130, chapter 158, Laws of 1979 and RCW 46.09-.170; amending section 2, chapter 182, Laws of 1979 ex. sess. and RCW 46.10.220; amending section 7, chapter 144, Laws of 1955 and RCW 69.30.070; amending section 2, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.020; amending section 75.04.010, chapter 12, Laws of 1955 as amended by section 2, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.04.010; amending section 75.04.020, chapter 12, Laws of 1955 and RCW 75.04-.020; amending section 3, chapter 112, Laws of 1949 as amended by section 1, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.08.012; amending section 10, chapter 207, Laws of 1953 and RCW 75.08.014; amending section 75.08.020, chapter 12, Laws of 1955 as amended by section 87, chapter 75, Laws of 1977 and RCW 75.08.020; amending section 4, chapter 112, Laws of 1949 and RCW 75.08.022; amending section 75.08.025, chapter 12, Laws of 1955 and RCW 75.08.025; amending section 1, chapter 315, Laws of 1959 and RCW 75.08.027; amending section 75.08.030, chapter 12, Laws of 1955 and RCW 75.08.030; amending section 75.08.040, chapter 12, Laws of 1955 as amended by section 1, chapter 212, Laws of 1955 and RCW 75.08.040; amending section 75.08.056, chapter 12, Laws of 1955 as amended by section 1, chapter 38, Laws of 1967 ex. sess. and RCW 75.08.056; amending section 75.08.080, chapter 12, Laws of 1955 as amended by section 1, chapter 55, Laws of 1980 and RCW 75.08.080; amending section 75.08.100, chapter 12, Laws of 1955 and RCW 75.08.100; amending section 75.08.150, chapter 12, Laws of 1955 as amended by section 133, chapter 78, Laws of 1980 and RCW 75.08.150; amending section 75.08.160, chapter 12, Laws of 1955 and RCW 75.08.160; amending section 75.08.170, chapter 12, Laws of 1955 and RCW 75.08.170; amending section 75.08.190, chapter 12, Laws of 1955 and RCW 75.08.190; amending section 75.08.200, chapter 12, Laws of 1955 as amended by section 134, chapter 78, Laws of 1980 and RCW 75.08.200; amending section 75.08.220, chapter 12, Laws of 1955 and RCW 75.08.220; amending section 75.08.230, chapter 12, Laws of 1955 as last amended by section 175, chapter 151, Laws of 1979 and RCW 75.08-.230; amending section 75.08.240, chapter 12, Laws of 1955 as amended by section 4, chapter 95, Laws of 1973 and RCW 75.08.240; amending section 75.08.250, chapter 12, Laws of 1955 as amended by section 34, chapter 106, Laws of 1973 and RCW 75.08.250; amending section 75.12.010, chapter 12, Laws of 1955 as last amended by section 2, chapter 220, Laws of 1973 1st ex. sess. and RCW 75.12.010; amending section 1, chapter 106, Laws of 1971 ex. sess. and RCW 75.12.115; amending section 3, chapter 234, Laws of 1963 and RCW 75.12.232; amending section 75.16.060, chapter 12, Laws of 1955 and RCW 75.16.060; amending section 4, chapter 35, Laws of 1971 as amended by section 1, chapter 23, Laws of 1974 ex. sess. and RCW 75.16.120; amending section 75.18.005, chapter 12, Laws of 1955 and RCW 75.18.005; amending section 75.18.070, chapter 12, Laws of 1955 and RCW 75.18.070; amending section 75.18.080, chapter 12, Laws of 1955 as last amended by section 3, chapter 327, Laws of 1977 ex. sess. and RCW 75.18.080; amending section 75.18.090, chapter 12, Laws of 1955 and RCW 75.18.090; amending section 1, chapter 327, Laws of 1977 ex. sess. as amended by section 8, chapter 98, Laws of 1980 and RCW 75.18-.100; amending section 2, chapter 327, Laws of 1977 ex. sess. as last amended by section 1, chapter 66, Laws of 1980 and RCW 75.18.110; amending section 75.20.010, chapter 12, Laws of 1955 and RCW 75.20.010; amending section 75.20.020, chapter 12, Laws of 1955 and RCW 75.20.020; amending section 75.20.050, chapter 12, Laws of 1955 and RCW 75.20-.050; amending section 75.20.100, chapter 12, Laws of 1955 as last amended by section 1, chapter 29, Laws of 1975 1st ex. sess. and RCW 75.20.100; amending section 8, chapter 7, Laws of 1982 and RCW 75.20.300; amending section 1, chapter 253, Laws of 1969 ex. sess. as amended by section 1, chapter 141, Laws of 1979 ex. sess. and RCW 75.24.100; amending section 3, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.030; amending section 4, chapter 243, Laws of 1979 ex. sess. as amended by section 1, chapter 81, Laws of 1980 and RCW 75.25.040; amending section 5, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.050; amending section 5, chapter 309, Laws of 1959 as last amended by section 5, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.085; amending section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 60, Laws of 1979 and RCW 75.28.095; amending section

75.28.280, chapter 12, Laws of 1955 as last amended by section 3, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.280; amending section 9, chapter 212, Laws of 1955 as amended by section 2, chapter 253, Laws of 1969 ex. sess. and RCW 75.28.281; amending section 75.28.285, chapter 12, Laws of 1955 as amended by section 1, chapter 27, Laws of 1965 ex. sess. and RCW 75.28.285; amending section 4, chapter 253, Laws of 1969 ex. sess. as amended by section 4, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.287; amending section 7, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.288; amending section 1, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.390; amending section 3, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.410; amending section 4, chapter 173, Laws of 1973 1st ex. sess. as amended by section 1, chapter 104, Laws of 1974 ex. sess. and RCW 75.28.420; amending section 2, chapter 104, Laws of 1974 ex. sess. and RCW 75.28.440; amending section 2, chapter 184, Laws of 1974 ex. sess. as last amended by section 1, chapter 135, Laws of 1979 and RCW 75.28.455; amending section 7, chapter 184, Laws of 1974 ex. sess. as amended by section 171, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.475; amending section 3, chapter 183, Laws of 1975 1st ex. sess. as amended by section 3, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.505; amending section 15, chapter 327, Laws of 1977 ex. sess. as amended by section 135, chapter 78, Laws of 1980 and RCW 75.28.650; amending section 75.36.010, chapter 12, Laws of 1955 and RCW 75.36.010; amending section 75.40.040, chapter 12, Laws of 1955 as amended by section 2, chapter 171, Laws of 1963 and RCW 75.40.040; amending section 75.40.050, chapter 12, Laws of 1955 as amended by section 1, chapter 100, Laws of 1977 ex. sess. and RCW 75.40.050; amending section 4, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.040; amending section 9, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.090; amending section 10, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.100; amending section 75.98.040, chapter 12, Laws of 1955 as last amended by section 9, chapter 98, Laws of 1980 and RCW 75.98.040; amending section 4, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.040; amending section 18, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.180; amending section 20, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.200; amending section 77.04.020, chapter 36, Laws of 1955 as amended by section 3, chapter 78, Laws of 1980 and RCW 77.04.020; amending section 77.04.060, chapter 36, Laws of 1955 as last amended by section 6, chapter 78, Laws of 1980 and RCW 77.04.060; amending section 77.08.010, chapter 36, Laws of 1955 as amended by section 9, chapter 78, Laws of 1980 and RCW 77.08.010; amending section 77.08.020, chapter 36, Laws of 1955 as last amended by section 10, chapter 78, Laws of 1980 and RCW 77.08.020; amending section 1, chapter 166, Laws of 1971 ex. sess. as amended by section 11, chapter 78, Laws of 1980 and RCW 77.08.030; amending section 77.12.010, chapter 36, Laws of 1955 as last amended by section 12, chapter 78, Laws of 1980 and RCW 77.12.010; amending section 77.12.020, chapter 36, Laws of 1955 as last amended by section 13, chapter 78, Laws of 1980 and RCW 77.12.020; amending section 77.12.030, chapter 36, Laws of 1955 as last amended by section 14, chapter 78, Laws of 1980 and RCW 77.12.030; amending section 77.12.040, chapter 36, Laws of 1955 as last amended by section 15, chapter 78, Laws of 1980 and RCW 77.12.040; amending section 17, chapter 78, Laws of 1980 and RCW 77.12.055; amending section 77.12.060, chapter 36, Laws of 1955 as last amended by section 18, chapter 78, Laws of 1980 and RCW 77.12.060; amending section 77.12.070, chapter 36, Laws of 1955 as last amended by section 19, chapter 78, Laws of 1980 and RCW 77.12.070; amending section 77.12.080, chapter 36, Laws of 1955 as last amended by section 20, chapter 78, Laws of 1980 and RCW 77.12.080; amending section 77.12.090, chapter 36, Laws of 1955 as amended by section 21, chapter 78, Laws of 1980 and RCW 77.12.090; amending section 22, chapter 78, Laws of 1980 as amended by section 1, chapter 152, Laws of 1982 and RCW 77.12.095; amending section 77.12.100, chapter 36, Laws of 1955 as amended by section 23, chapter 78, Laws of 1980 and RCW 77.12.100; amending section 77.16.030, chapter 36, Laws of 1955 as last amended by section 71, chapter 78, Laws of 1980 and RCW 77.12.105; amending section 77.12.130, chapter 36, Laws of 1955 as amended by section 27, chapter 78, Laws of 1980 and RCW 77.12.130; amending section 77.12.140, chapter 36, Laws of 1955 as amended by section 28, chapter 78, Laws of 1980 and RCW 77.12.140; amending section 77.12.150, chapter 36, Laws of 1955 as last amended by section 29, chapter 78, Laws of 1980 and RCW 77.12.150; amending section 77.12.170, chapter 36, Laws of 1955 as last amended by section 2, chapter 310, Laws of 1981 and RCW 77.12.170; amending section 77.12.200, chapter 36, Laws of 1955 as last amended by section 35, chapter 78, Laws of 1980 and RCW 77.12.200; amending section 77.12.210, chapter 36, Laws of 1955 as last amended by section 38, chapter 78, Laws of 1980 and RCW 77.12.210; amending section 77.12.220, chapter 36, Laws of 1955 as amended by section 39, chapter 78, Laws of 1980 and RCW 77.12.220; amending section 77.12.250, chapter 36, Laws of 1955 as amended by section 42, chapter 78, Laws of 1980 and RCW 77.12.250; amending section 77.12.260, chapter 36, Laws of 1955 as amended by section 43, chapter 78, Laws of 1980 and RCW 77.12.260; amending section 77.16.230, chapter 36, Laws of 1955 as amended by section 91, chapter 78, Laws of 1980 and RCW 77.12.265; amending section 77.12.270, chapter 36, Laws of 1955 as last amended by section 45, chapter 78, Laws of 1980 and RCW 77.12.270; amending section 77.12.280, chapter 36, Laws of 1955 as last amended by section 46, chapter 78, Laws of 1980 and RCW 77.12.280; amending section 77.12.290, chapter 36,

Laws of 1955 as last amended by section 47, chapter 78, Laws of 1980 and RCW 77.12.290; amending section 77.12.300, chapter 36, Laws of 1955 as last amended by section 48, chapter 78, Laws of 1980 and RCW 77.12.300; amending section 1, chapter 183, Laws of 1971 ex. sess. as amended by section 49, chapter 78, Laws of 1980 and RCW 77.12.315; amending section 77.12.320, chapter 36, Laws of 1955 as last amended by section 50, chapter 78, Laws of 1980 and RCW 77.12.320; amending section 15, chapter 10, Laws of 1982 and RCW 77.12.323; amending section 2, chapter 315, Laws of 1959 as amended by section 52, chapter 78, Laws of 1980 and RCW 77.12.325; amending section 77.12.330, chapter 36, Laws of 1955 as amended by section 53, chapter 78, Laws of 1980 and RCW 77.12.330; amending section 77.12.370, chapter 36, Laws of 1955 as amended by section 55, chapter 78, Laws of 1980 and RCW 77.12.370; amending section 77.12.420, chapter 36, Laws of 1955 as amended by section 59, chapter 78, Laws of 1980 and RCW 77.12.420; amending section 77.12.440, chapter 36, Laws of 1955 as last amended by section 2, chapter 26, Laws of 1982 and RCW 77.12.440; amending section 1, chapter 62, Laws of 1967 as amended by section 62, chapter 78, Laws of 1980 and RCW 77.12.450; amending section 3, chapter 62, Laws of 1967 as amended by section 63, chapter 78, Laws of 1980 and RCW 77.12.470; amending section 4, chapter 62, Laws of 1967 as amended by section 64, chapter 78, Laws of 1980 and RCW 77.12.480; amending section 67, chapter 78, Laws of 1980 and RCW 77.12.530; amending section 77.40.060, chapter 36, Laws of 1955 as amended by section 127, chapter 78, Laws of 1980 and RCW 77.12.560; amending section 77.28.020, chapter 36, Laws of 1955 as last amended by section 98, chapter 78, Laws of 1980 and RCW 77.12.570; amending section 77.28.070, chapter 36, Laws of 1955 as amended by section 99, chapter 78, Laws of 1980 and RCW 77.12.580; amending section 77.28.080, chapter 36, Laws of 1955 as amended by section 100, chapter 78, Laws of 1980 and RCW 77.12.590; amending section 77.16.010, chapter 36, Laws of 1955 as amended by section 69, chapter 78, Laws of 1980 and RCW 77.16.010; amending section 77.16.020, chapter 36, Laws of 1955 as last amended by section 3, chapter 310, Laws of 1981 and RCW 77.16.020; amending section 77.16.040, chapter 36, Laws of 1955 as last amended by section 72, chapter 78, Laws of 1980 and RCW 77.16.040; amending section 77.16.060, chapter 36, Laws of 1955 as amended by section 74, chapter 78, Laws of 1980 and RCW 77.16.060; amending section 77.16.080, chapter 36, Laws of 1955 as amended by section 76, chapter 78, Laws of 1980 and RCW 77.16.080; amending section 78, chapter 78, Laws of 1980 and RCW 77.16.095; amending section 77.16.110, chapter 36, Laws of 1955 as amended by section 80, chapter 78, Laws of 1980 and RCW 77.16.110; amending section 77.16.120, chapter 36, Laws of 1955 as amended by section 81, chapter 78, Laws of 1980 and RCW 77.16.120; amending section 77.16.130, chapter 36, Laws of 1955 as amended by section 82, chapter 78, Laws of 1980 and RCW 77.16.130; amending section 77.16.150, chapter 36, Laws of 1955 as amended by section 83, chapter 78, Laws of 1980 and RCW 77.16.150; amending section 77.16.180, chapter 36, Laws of 1955 as amended by section 86, chapter 78, Laws of 1980 and RCW 77.16.180; amending section 1, chapter 127, Laws of 1979 ex. sess. as last amended by section 4, chapter 310, Laws of 1981 and RCW 77.16.310; amending section 1, chapter 44, Laws of 1980 as amended by section 5, chapter 310, Laws of 1981 and RCW 77.16.320; amending section 77.16.240, chapter 36, Laws of 1955 as last amended by section 1, chapter 31, Laws of 1982 and RCW 77.21.010; amending section 77.32.010, chapter 36, Laws of 1955 as last amended by section 7, chapter 310, Laws of 1981 and RCW 77.32.010; amending section 77.32.050, chapter 36, Laws of 1955 as last amended by section 16, chapter 310, Laws of 1981 and RCW 77.32.050; amending section 77.32.070, chapter 36, Laws of 1955 as last amended by section 18, chapter 310, Laws of 1981 and RCW 77.32.070; amending section 77.32.090, chapter 36, Laws of 1955 as last amended by section 19, chapter 310, Laws of 1981 and RCW 77.32.090; amending section 1, chapter 17, Laws of 1957 as last amended by section 21, chapter 310, Laws of 1981 and RCW 77.32.155; amending section 1, chapter 43, Laws of 1977 as last amended by section 24, chapter 310, Laws of 1981 and RCW 77.32.197; amending section 30, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 25, chapter 310, Laws of 1981 and RCW 77.32.211; amending section 77.32.220, chapter 36, Laws of 1955 as last amended by section 26, chapter 310, Laws of 1981 and RCW 77.32.220; amending section 77.32.250, chapter 36, Laws of 1955 as last amended by section 29, chapter 310, Laws of 1981 and RCW 77.32.250; amending section 32, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 30, chapter 310, Laws of 1981 and RCW 77.32.256; amending section 10, chapter 64, Laws of 1970 ex. sess. and RCW 78.44.090; amending section 3, chapter 119, Laws of 1972 ex. sess. as amended by section 3, chapter 189, Laws of 1981 and RCW 79.70.030; amending section 4, chapter 189, Laws of 1981 and RCW 79.70.070; amending section 5, chapter 189, Laws of 1981 and RCW 79.70.080; amending section 7, chapter 161, Laws of 1977 ex. sess. and RCW 79.72.070; amending section 125, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.94.400; amending section 136, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.96.030; amending section 137, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.96.040; amending section 138, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.96.050; amending section 141, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.96.080; amending section 143, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.96.100; amending section 144, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.96.110; amending section 3, chapter 45, Laws of 1970 ex.

sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030; amending section 1, chapter 166, Laws of 1979 ex. sess. as amended by section 46, chapter 87, Laws of 1980 and RCW 90.03.247; amending section 30, chapter 117, Laws of 1917 as last amended by section 1, chapter 275, Laws of 1953 and RCW 90.03.280; amending section 31, chapter 117, Laws of 1917 as last amended by section 1, chapter 133, Laws of 1947 and RCW 90.03.290; amending section 3, chapter 284, Laws of 1969 ex. sess. and RCW 90.22.010; amending section 4, chapter 284, Laws of 1969 ex. sess. and RCW 90.22.020; amending section 4, chapter 107, Laws of 1939 as last amended by section 1, chapter 243, Laws of 1963 and RCW 90.24.030; amending section 7, chapter 107, Laws of 1939 and RCW 90.24.060; amending section 13, chapter 139, Laws of 1967 ex. sess. as amended by section 12, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.142; adding new sections to chapter 43.43 RCW; adding a new section to chapter 75.08 RCW; adding new sections to chapter 77.04 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; repealing section 77.04.030, chapter 36, Laws of 1955, section 4, chapter 78, Laws of 1980, section 11, chapter 338, Laws of 1981 and RCW 77.04.030; repealing section 77.04.040, chapter 36, Laws of 1955, section 5, chapter 78, Laws of 1980 and RCW 77.04.040; and providing an effective date.

Referred to Committee on State Government.

SB 4101 by Senators Shinpoch, McDermott, Newhouse and Deccio

AN ACT Relating to horse racing; and amending section 5, chapter 31, Laws of 1979 and RCW 67.16.170.

Referred to Committee on Ways and Means.

SB 4102 by Senator Gaspard

AN ACT Relating to tuition and fees; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; and making an appropriation.

Referred to Committee on Education.

SB 4103 by Senators Bauer, Kiskaddon and Bender

AN ACT Relating to basic education; and amending section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 3, chapter 250, Laws of 1979 ex. sess. and RCW 28A.41.140.

Referred to Committee on Education.

SB 4104 by Senators Talmadge and Hemstad

AN ACT Relating to courts; amending section 3, chapter 221, Laws of 1969 ex. sess. as last amended by section 3, chapter 76, Laws of 1980 and RCW 2.06.030; adding a new section to chapter 34.04 RCW; repealing section 14, chapter 234, Laws of 1959, section 87, chapter 81, Laws of 1971 and RCW 34.04.140; and providing an effective date.

Referred to Committee on Judiciary.

SB 4105 by Senator Talmadge

AN ACT Relating to subpoenaing witnesses; adding a new section to chapter 12.16 RCW; repealing section 57, page 233, Laws of 1854, section 168, page 370, Laws of 1873, section 1869, Code of 1881 and RCW 12.16.010; repealing section 66, page 234, Laws of 1854, section 177, page 371, Laws of 1873, section 1878, Code of 1881 and RCW 12.16.100; repealing section 67, page 234, Laws of 1854, section 178, page 371, Laws of 1873, section 1879, Code of 1881 and RCW 12.16.110; and repealing section 68, page 234, Laws of 1854, section 179, page 372, Laws of 1873, section 1880, Code of 1881 and RCW 12.16.120.

Referred to Committee on Judiciary.

SB 4106 by Senators McManus, Hemstad and McDermott

AN ACT Relating to higher education; authorizing contracts with independent colleges and universities for instructional programmatic services; and adding new sections to chapter 28B.80 RCW.

Referred to Committee on Education.

SB 4107 by Senators Moore, Jones, Bottiger, Rasmussen and Guess

AN ACT Relating to litter control and recycling; amending section 6, chapter 307, Laws of 1971 ex. sess. as amended by section 1, chapter 39, Laws of 1979 ex. sess. and RCW 70.93.060; amending section 7, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.070;

amending section 15, chapter 260, Laws of 1981 and RCW 70.93.100; amending section 18, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.180; amending section 23, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.230; and adding a new section to chapter 70.93 RCW.

Referred to Committee on Parks and Ecology.

SB 4108 by Senators Conner and Quigg

AN ACT Relating to public lands; amending section 11, chapter 73, Laws of 1961 and RCW 79.01.134; amending section 66, chapter 255, Laws of 1927 as amended by section 15, chapter 109, Laws of 1979 ex. sess. and RCW 79.01.264; and amending section 2, chapter 324, Laws of 1955 as amended by section 21, chapter 109, Laws of 1979 ex. sess. and RCW 79.28.080.

Referred to Committee on Natural Resources.

SB 4109 by Senator Talmadge (by Attorney General request)

AN ACT Relating to children; amending section 1, chapter 291, Laws of 1955 and RCW 79.01.134; amending section 1, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.015; amending section 2, chapter 291, Laws of 1955 and RCW 26.32.020; amending section 3, chapter 291, Laws of 1955 as last amended by section 1, chapter 85, Laws of 1980 and RCW 26.32.030; amending section 2, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.032; amending section 3, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.034; amending section 4, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.036; amending section 7, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.042; amending section 8, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.044; amending section 9, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.046; amending section 12, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.054; amending section 14, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.058; amending section 6, chapter 291, Laws of 1955 as amended by section 16, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.060; amending section 9, chapter 291, Laws of 1955 as last amended by section 75, chapter 155, Laws of 1979 and RCW 26.32.090; amending section 12, chapter 63, Laws of 1971 ex. sess. and RCW 26.32.115; amending section 14, chapter 291, Laws of 1955 and RCW 26.32.140; amending section 15, chapter 291, Laws of 1955 and RCW 26.32.150; amending section 3, chapter 172, Laws of 1971 ex. sess. as amended by section 17, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.210; amending section 9, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.270; amending section 10, chapter 172, Laws of 1971 ex. sess. as amended by section 13, chapter 75, Laws of 1977 and RCW 26.32.280; amending section 2, chapter 160, Laws of 1913 as last amended by section 1, chapter 299, Laws of 1981 and RCW 13.04.030; adding new sections to chapter 26.32 RCW; creating new sections; repealing section 5, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.038; repealing section 10, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.048; repealing section 13, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.056; repealing section 11, chapter 291, Laws of 1955, section 38, chapter 292, Laws of 1971 ex. sess. and RCW 26.32.110; repealing section 2, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.200; repealing section 1, chapter 150, Laws of 1935, section 1, chapter 162, Laws of 1939, section 1, chapter 251, Laws of 1951 and RCW 26.36.010; repealing section 2, chapter 150, Laws of 1935 and RCW 26.36.020; repealing section 3, chapter 150, Laws of 1935 and RCW 26.36.030; repealing section 4, chapter 150, Laws of 1935, section 2, chapter 162, Laws of 1939, section 2, chapter 251, Laws of 1951 and RCW 26.36.040; repealing section 1, chapter 82, Laws of 1970 ex. sess., section 21, chapter 80, Laws of 1977 ex. sess., section 20, chapter 165, Laws of 1979 ex. sess. and RCW 26.36.050; repealing section 6, chapter 150, Laws of 1935 and RCW 26.36.060; repealing section 1, chapter 49, Laws of 1903, section 7, chapter 134, Laws of 1973, section 34, chapter 42, Laws of 1975-'76 2nd ex. sess., section 18, chapter 165, Laws of 1979 ex. sess. and RCW 26.37.010; repealing section 2, chapter 49, Laws of 1903, section 44, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.37.020; repealing section 3, chapter 49, Laws of 1903 and RCW 26.37.030; repealing section 4, chapter 49, Laws of 1903 and RCW 26.37.040; repealing section 5, chapter 49, Laws of 1903 and RCW 26.37.050; repealing section 6, chapter 49, Laws of 1903 and RCW 26.37.060; repealing section 7, chapter 49, Laws of 1903 and RCW 26.37.070; repealing section 8, chapter 49, Laws of 1903 and RCW 26.37.080; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 4110 by Senators Vognild, Sellar, Rasmussen and Wojahn (by Attorney General request)

AN ACT Relating to cemeteries; amending section 118, chapter 247, Laws of 1943 as last amended by section 2, chapter 133, Laws of 1961 and RCW 68.40.010; amending section 133, chapter 247, Laws of 1943 and RCW 68.44.060; amending section 3, chapter 68, Laws of 1973 1st ex. sess. as amended by section 24, chapter 21, Laws of 1979 and RCW

68.46.030; amending section 6, chapter 68, Laws of 1973 1st ex. sess. as amended by section 25, chapter 21, Laws of 1979 and RCW 68.46.060; amending section 10, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.100; amending section 39, chapter 21, Laws of 1979 and RCW 68.46.210; adding a new section to chapter 68.46 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 4111 by Senators Hughes and Newhouse

AN ACT Relating to sales under execution and redemption; amending section 1, chapter 35, Laws of 1935 as amended by section 1, chapter 329, Laws of 1981 and RCW 6.24.010; amending section 2, chapter 329, Laws of 1981 and RCW 6.24.015; amending section 6, chapter 53, Laws of 1899 as amended by section 3, chapter 329, Laws of 1981 and RCW 6.24.100; amending section 8, chapter 53, Laws of 1899 as last amended by section 4, chapter 80, Laws of 1965 and RCW 6.24.140; amending section 6, chapter 329, Laws of 1981 and RCW 6.24.145; and amending section 12, chapter 53, Laws of 1899 and RCW 6.24.180.

Referred to Committee on Judiciary.

SB 4112 by Senators Peterson, Patterson and Hansen

AN ACT Relating to vehicle size and load; amending section 46.44.010, chapter 12, Laws of 1961 and RCW 46.44.010; amending section 46.44.030, chapter 12, Laws of 1961 as last amended by section 4, chapter 113, Laws of 1979 ex. sess. and RCW 46.44.030; amending section 2, chapter 137, Laws of 1965 as last amended by section 5, chapter 113, Laws of 1979 ex. sess. and RCW 46.44.0941; and declaring an emergency.

Referred to Committee on Transportation.

SB 4113 by Senators Peterson and von Reichbauer

AN ACT Relating to antique vehicles; amending section 46.16.310, chapter 12, Laws of 1961 as last amended by section 1, chapter 143, Laws of 1982 and RCW 46.16.310; and amending section 46.12.030, chapter 12, Laws of 1961 as last amended by section 8, chapter 25, Laws of 1975 and RCW 46.12.030.

Referred to Committee on Transportation.

SB 4114 by Senator Thompson

AN ACT Relating to minimum water flows and levels.

Referred to Committee on Parks and Ecology.

SB 4115 by Senators Guess, von Reichbauer and Patterson

AN ACT Relating to proportional registration of motor vehicles.

Referred to Committee on Transportation.

SB 4116 by Senator Hansen

AN ACT Relating to water diversions.

Referred to Committee on Agriculture.

SB 4117 by Senator Hansen

AN ACT Relating to irrigation district property.

Referred to Committee on Agriculture.

SB 4118 by Senator Wojahn

AN ACT Relating to utility services payments.

Referred to Committee on Energy and Utilities.

SB 4119 by Senator Wojahn

AN ACT Relating to termination of utility services.

Referred to Committee on Energy and Utilities.

SB 4120 by Senators Woody and Gaspard

AN ACT Relating to mathematics and science high school graduation requirements.

Referred to Committee on Education.

SB 4121 by Senator Talmadge

AN ACT Relating to juveniles.

Referred to Committee on Judiciary.

SB 4122 by Senator Talmadge

AN ACT Relating to runaways and families in conflict.

Referred to Committee on Judiciary.

SB 4123 by Senator Talmadge

AN ACT Relating to juveniles.

Referred to Committee on Judiciary.

SB 4124 by Senator Talmadge

AN ACT Relating to courts.

Referred to Committee on Judiciary.

SB 4125 by Senator Talmadge

AN ACT Relating to crimes.

Referred to Committee on Judiciary.

SB 4126 by Senator Talmadge

AN ACT Relating to crimes.

Referred to Committee on Judiciary.

SB 4127 by Senator Talmadge

AN ACT Relating to residential landlord-tenant relationship.

Referred to Committee on Judiciary.

SB 4128 by Senator Talmadge

AN ACT Relating to elections.

Referred to Committee on Judiciary.

SB 4129 by Senator Talmadge

AN ACT Relating to courts.

Referred to Committee on Judiciary.

SB 4130 by Senator Talmadge

AN ACT Relating to public employees' participation in elections.

Referred to Committee on Judiciary.

SB 4131 by Senator Talmadge

AN ACT Relating to civil procedure.

Referred to Committee on Judiciary.

SB 4132 by Senator Talmadge

AN ACT Relating to the retirement of judges.

Referred to Committee on Judiciary.

SB 4133 by Senators Craswell, Owen, Zimmerman and Rasmussen

AN ACT Relating to court fees.

Referred to Committee on Judiciary.

SB 4134 by Senator Granlund

AN ACT Relating to institutional industries.

Referred to Committee on Institutions.

SB 4135 by Senator Granlund

AN ACT Relating to the institutional impact account.

Referred to Committee on Institutions.

SB 4136 by Senator Granlund

AN ACT Relating to jails.

Referred to Committee on Institutions.

SB 4137 by Senator Granlund

AN ACT Relating to adult corrections.

Referred to Committee on Institutions.

SB 4138 by Senator Granlund

AN ACT Relating to adult corrections.

Referred to Committee on Institutions.

SB 4139 by Senators Moore, Hurley, Hughes, Newhouse, Jones, Deccio, Benitz, Goltz, Hemstad, Guess and Bottiger

AN ACT Relating to public agency financing to acquire an electric generating project or any part thereof or right therein; adding a new chapter to Title 80 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4140 by Senators Zimmerman, Bauer, Fuller, Hemstad and Quigg

AN ACT Relating to the sales and use tax; amending section 82.08.050, chapter 15, Laws of 1961 as last amended by section 7, chapter 299, Laws of 1971 ex. sess. and RCW 82.08.050; amending section 82.08.120, chapter 15, Laws of 1961 as amended by section 51, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.08.120; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4141 by Senators Lee, Warnke and von Reichbauer

AN ACT Relating to minimum base year levy percentages for school districts; and reenacting and amending section 4, chapter 325, Laws of 1977 ex. sess. as last amended by section 1, chapter 168, Laws of 1981 and by section 10, chapter 264, Laws of 1981 and RCW 84.52.0531.

Referred to Committee on Education.

SB 4142 by Senators Fuller and Hayner

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

Referred to Committee on Education.

SB 4143 by Senators Conner, McManus and Vogtild

AN ACT Relating to public employees' collective bargaining; amending section 4, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.150; amending section 17, chapter 1, Laws of 1961 as last amended by section 19, chapter 311, Laws of 1981 and RCW 41.06.170; amending section 2, chapter 108, Laws of 1967 ex. sess. as amended by section 98, chapter 3, Laws of 1983 and RCW 41.56.020; amending section 3, chapter 108, Laws of 1967 ex. sess. as last amended by section 15, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.030; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 16, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.100; amending section 9, chapter 152, Laws of 1977 ex. sess. as amended by section 19, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.101; amending section 12, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.120; amending section 20, chapter 36, Laws of 1969 ex. sess. as amended by section 18, chapter 151, Laws of 1979 and RCW 28B.16.200; amending section 28, chapter 1, Laws of 1961 as last amended by section 13, chapter 167, Laws of 1982 and RCW 41.06.280; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.58 RCW; adding a new section to chapter 43.01 RCW; creating new sections; repealing section 13, chapter 152, Laws of 1977 ex. sess., section 17, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.105; repealing section 11, chapter 36, Laws of 1969 ex. sess., section 2, chapter 122, Laws of 1975 1st ex. sess., section 10, chapter 152, Laws of 1977 ex. sess., section 16, chapter 151, Laws of 1979, section 3, chapter 11, Laws of 1980 and RCW 28B.16.110; repealing section 11, chapter 152, Laws of 1977 ex. sess., section 17, chapter 151, Laws of

1979 and RCW 28B.16.112; repealing section 12, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.113; 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 14, chapter 215, Laws of 1969 ex. sess., section 6, chapter 62, Laws of 1973 and RCW 28B.16.230; repealing section 16, chapter 1, Laws of 1961, section 2, chapter 152, Laws of 1977 ex. sess., section 58, chapter 151, Laws of 1979, section 1, chapter 11, Laws of 1980 and RCW 41.06.160; repealing section 3, chapter 152, Laws of 1977 ex. sess., section 59, chapter 151, Laws of 1979 and RCW 41.06.163; repealing section 4, chapter 152, Laws of 1977 ex. sess. and RCW 41.06.165; repealing section 13, chapter 215, Laws of 1969 ex. sess. and RCW 41.06.340; repealing section 1, chapter 311, Laws of 1981 and RCW 41.64.010; repealing section 3, chapter 311, Laws of 1981 and RCW 41.64.020; repealing section 4, chapter 311, Laws of 1981 and RCW 41.64.030; repealing section 5, chapter 311, Laws of 1981 and RCW 41.64.040; repealing section 6, chapter 311, Laws of 1981 and RCW 41.64.050; repealing section 7, chapter 311, Laws of 1981 and RCW 41.64.060; repealing section 8, chapter 311, Laws of 1981 and RCW 41.64.070; repealing section 9, chapter 311, Laws of 1981 and RCW 41.64.080; repealing section 10, chapter 311, Laws of 1981 and RCW 41.64.090; repealing section 11, chapter 311, Laws of 1981 and RCW 41.64.100; repealing section 12, chapter 311, Laws of 1981 and RCW 41.64.110; repealing section 13, chapter 311, Laws of 1981 and RCW 41.64.120; repealing section 14, chapter 311, Laws of 1981 and RCW 41.64.130; repealing section 15, chapter 311, Laws of 1981 and RCW 41.64.140; repealing section 2, chapter 311, Laws of 1981 and RCW 41.64.900; repealing section 24, chapter 311, Laws of 1981 and RCW 41.64.910; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 4144 by Senators Moore and Sellar

AN ACT Relating to homesteads; and amending section 1, chapter 10, Laws of 1982 and RCW 6.12.100.

Referred to Committee on Financial Institutions.

SB 4145 by Senators Owen, Sellar, Hughes and McManus

AN ACT Relating to alcoholic beverage businesses; and amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 7, chapter 85, Laws of 1982 and RCW 66.28.010.

Referred to Committee on Commerce and Labor.

SB 4146 by Senator Warnke

AN ACT Relating to the state building code; adding a new chapter to Title 19 RCW; repealing section 1, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.010; repealing section 2, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.020; repealing section 3, chapter 96, Laws of 1974 ex. sess., section 8, chapter 110, Laws of 1975 1st ex. sess., section 11, chapter 14, Laws of 1977 ex. sess., section 1, chapter 76, Laws of 1979 ex. sess., section 1, chapter 8, Laws of 1980 and RCW 19.27.030; repealing section 4, chapter 96, Laws of 1974 ex. sess., section 12, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.040; repealing section 5, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.050; repealing section 6, chapter 96, Laws of 1974 ex. sess., section 2, chapter 282, Laws of 1975 1st ex. sess., section 1, chapter 64, Laws of 1980 and RCW 19.27.060; repealing section 7, chapter 96, Laws of 1974 ex. sess., section 59, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.27.070; repealing section 3, chapter 76, Laws of 1979 ex. sess. and RCW 19.27.075; repealing section 8, chapter 96, Laws of 1974 ex. sess., section 1, chapter 282, Laws of 1975 1st ex. sess. and RCW 19.27.080; repealing section 9, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.090; repealing section 1, chapter 8, Laws of 1975 1st ex. sess. and RCW 19.27.100; repealing section 1, chapter 37, Laws of 1975-'76 2nd ex. sess. and RCW 19.27.110; repealing section 2, chapter 37, Laws of 1975-'76 2nd ex. sess. and RCW 19.27.111; repealing section 1, chapter 11, Laws of 1975-'76 2nd ex. sess. and RCW 19.27.120; repealing section 1, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.200; repealing section 2, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.210; repealing section 3, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.220; repealing section 4, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.230; repealing section 5, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.240; repealing section 6, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.250; repealing section 7, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.260; repealing section 8, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.270; repealing section 9, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.280; repealing section 10, chapter 14, Laws of 1977 ex. sess. and RCW 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; repealing section 17, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.905; making an appropriation; prescribing penalties; and providing an effective date.

Referred to Committee on State Government.

SB 4147 by Senators Moore and Haley

AN ACT Relating to enforcement of judgments; and amending section 10, chapter 53, Laws of 1899 as amended by section 2, chapter 196, Laws of 1961 and RCW 6.24.160.

Referred to Committee on Judiciary.

SB 4148 by Senators McDermott, Shinpoch, Wojahn and Rinehart

AN ACT Relating to the standard of need for public assistance; amending section 4, chapter 10, Laws of 1981 2nd ex. sess. and RCW 74.04.770; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4149 by Senators McDermott, Lee, Wojahn and Rinehart

AN ACT Relating to general assistance; amending section 1, chapter 6, Laws of 1981 1st ex. sess. as amended by section 5, chapter 10, Laws of 1981 2nd ex. sess. and RCW 74.04.005; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4150 by Senator Rinehart

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

Referred to Committee on Commerce and Labor.

SB 4151 by Senator Lee

AN ACT Relating to the definition of the state capital; and amending section 43.17-.050, chapter 8, Laws of 1965 and RCW 43.17.050.

Referred to Committee on State Government.

SB 4152 by Senator Lee

AN ACT Relating to common school plant facilities; adding new sections to chapter 28A.47 RCW; and making an appropriation.

Referred to Committee on Education.

SB 4153 by Senators Bender, Warnke and Conner

AN ACT Relating to veterans; amending section 1, chapter 269, Laws of 1969 ex. sess. as amended by section 20, chapter 37, Laws of 1982 1st ex. sess. and RCW 41.04.005; amending section 1, chapter 178, Laws of 1949 as last amended by section 1, chapter 115, Laws of 1982 and RCW 73.04.110; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation.

SB 4154 by Senators Bender and Lee

AN ACT Relating to professional counseling; amending section 294, page 187, Laws of 1854 as last amended by section 1, chapter 56, Laws of 1982 and RCW 5.60.060; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SB 4155 by Senators Hansen and Goltz

AN ACT Relating to hydraulic works.

Referred to Committee on Agriculture.

SB 4156 by Senators Bender, Warnke, McManus, Owen, Rinehart and Granlund

AN ACT Relating to game fish licenses; and amending section 77.32.230, chapter 36, Laws of 1955 as last amended by section 27, chapter 310, Laws of 1981 and RCW 77.32.230.

Referred to Committee on Natural Resources.

SB 4157 by Senators Thompson, Kiskaddon and Gaspard

AN ACT Relating to a state teacher recognition incentive program; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

SB 4158 by Senators Thompson, McDermott, Fuller, Bauer, Barr and Owen

AN ACT Relating to taxation of timber; amending section 1, chapter 347, Laws of 1977 ex. sess. as last amended by section 2, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.071; adding new sections to chapter 84.33 RCW; adding a new chapter to Title 84 RCW; creating a new section; 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., section 2, chapter 148, Laws of 1981 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., section 2, chapter 6, Laws of 1979 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., section 3, chapter 6, Laws of 1979, section 6, chapter 4, Laws of 1981 and RCW 84.33.080; and repealing section 9, chapter 294, Laws of 1971 ex. sess., section 3, chapter 148, Laws of 1972 ex. sess., section 3, chapter 148, Laws of 1981 and RCW 84.33.090.

Referred to Committee on Local Government.

SB 4159 by Senator Warnke

AN ACT Relating to state government organization; amending section 1, chapter 10, Laws of 1979 as amended by section 61, chapter 136, Laws of 1981 and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 as amended by section 62, chapter 136, Laws of 1981 and RCW 43.17.020; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; and creating new sections.

Referred to Committee on State Government.

SB 4160 by Senators Hughes, Gaspard, Williams, Hemstad and Haley

AN ACT Relating to hazardous waste materials; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Parks and Ecology.

SB 4161 by Senators Gaspard, Haley and Hemstad

AN ACT Relating to hazardous wastes; amending section 1, chapter 10, Laws of 1977 as amended by section 1, chapter 108, Laws of 1982 and RCW 70.95.040; adding a new chapter to Title 70 RCW; prescribing penalties; making an appropriation; providing effective dates; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 4162 by Senators Rinehart, Bluechel, Jones, Warnke and Williams (by Arts Commission request)

AN ACT Relating to public art; amending section 1, chapter 176, Laws of 1974 ex. sess. and RCW 43.46.090; amending section 2, chapter 176, Laws of 1974 ex. sess. and RCW 43.17.200; amending section 3, chapter 176, Laws of 1974 ex. sess. and RCW 43.19.455; amending section 5, chapter 176, Laws of 1974 ex. sess. as amended by section 2, chapter 191, Laws of 1982 and RCW 28A.58.055; amending section 4, chapter 176, Laws of 1974 ex. sess. as amended by section 8, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.025; amending section 43.46.040, chapter 8, Laws of 1965 and RCW 43.46.040; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; adding new sections to chapter 43.17 RCW; and adding a new section to chapter 43.46 RCW.

Referred to Committee on State Government.

SB 4163 by Senator Warnke

AN ACT Relating to the management of public lands; amending section 2, chapter 125, Laws of 1929 and RCW 17.04.030; amending section 8, chapter 125, Laws of 1929 as last amended by section 1, chapter 119, Laws of 1971 ex. sess. and RCW 17.04.180; amending section 3, chapter 205, Laws of 1959 and RCW 17.06.030; amending section 2, chapter 152, Laws of 1919 and RCW 17.12.020; amending section 8, chapter 152, Laws of 1919 as amended by section 11, chapter 106, Laws of 1973 and RCW 17.12.080; amending

section 23, chapter 249, Laws of 1961 as last amended by section 1, chapter 20, Laws of 1974 ex. sess. and RCW 17.21.230; amending section 14, chapter 182, Laws of 1982 and RCW 19.02.120; amending section 28B.20.330, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.330; amending section 28B.20.334, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.334; amending section 28B.20.352, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.352; amending section 28B.30.310, chapter 223, Laws of 1969 ex. sess. as amended by section 24, chapter 75, Laws of 1977 and RCW 28B.30.310; amending section 29.30.020, chapter 9, Laws of 1965 as last amended by section 52, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.020; amending section 34, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.320; amending section 43, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.420; 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 29.80.020, chapter 9, Laws of 1965 as last amended by section 1, chapter 145, Laws of 1971 ex. sess. and RCW 29.80.020; amending section 36.88.360, chapter 4, Laws of 1963 and RCW 36.88.360; amending section 10, chapter 72, Laws of 1967 as amended by section 5, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.100; amending section 9, chapter 10, Laws of 1982 and RCW 42.17.240; amending section 43.01.010, chapter 8, Laws of 1965 and RCW 43.01.010; amending section 43.01.020, chapter 8, Laws of 1965 and RCW 43.01.020; amending section 2, chapter 7, Laws of 1982 and RCW 43.01.210; amending section 43.03.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 255, Laws of 1979 ex. sess. and RCW 43.03.010; amending section 20, chapter 87, Laws of 1980 as amended by section 21, chapter 163, Laws of 1982 and RCW 43.03.028; amending section 1, chapter 10, Laws of 1979 as amended by section 61, chapter 136, Laws of 1981 and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 as amended by section 62, chapter 136, Laws of 1981 and RCW 43.17.020; 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 43.19.1902, chapter 8, Laws of 1965 as last amended by section 97, chapter 151, Laws of 1979 and RCW 43.19.1902; amending section 43.19.450, chapter 8, Laws of 1965 as last amended by section 3, chapter 98, Laws of 1982 and RCW 43.19.450; amending section 4, chapter 172, Laws of 1980 as amended by section 2, chapter 48, Laws of 1982 and RCW 43.19.675; amending section 5, chapter 172, Laws of 1980 as amended by section 3, chapter 48, Laws of 1982 and RCW 43.19.680; amending section 43.30.020, chapter 8, Laws of 1965 and RCW 43.30.020; amending section 43.30.040, chapter 8, Laws of 1965 as amended by section 9, chapter 57, Laws of 1979 ex. sess. and RCW 43.30.040; amending section 43.30.050, chapter 8, Laws of 1965 and RCW 43.30.050; amending section 43.30.060, chapter 8, Laws of 1965 and RCW 43.30.060; amending section 43.30.070, chapter 8, Laws of 1965 and RCW 43.30.070; amending section 43.30.170, chapter 8, Laws of 1965 and RCW 43.30.170; amending section 43.30.220, chapter 8, Laws of 1965 and RCW 43.30.220; amending section 43.30.230, chapter 8, Laws of 1965 and RCW 43.30.230; amending section 43.30.240, chapter 8, Laws of 1965 as amended by section 108, chapter 151, Laws of 1979 and RCW 43.30.240; amending section 43.30.260, chapter 8, Laws of 1965 and RCW 43.30.260; amending section 43.30.280, chapter 8, Laws of 1965 and RCW 43.30.280; amending section 43.30.290, chapter 8, Laws of 1965 and RCW 43.30.290; amending section 1, chapter 64, Laws of 1967 ex. sess. and RCW 43.30.300; amending section 1, chapter 160, Laws of 1969 ex. sess. as amended by section 38, chapter 136, Laws of 1979 ex. sess. and RCW 43.30.310; amending section 43.34.010, chapter 8, Laws of 1965 as amended by section 10, chapter 57, Laws of 1979 ex. sess. and RCW 43.34.010; amending section 43.34.015, chapter 8, Laws of 1965 and RCW 43.34.015; amending section 4, chapter 129, Laws of 1972 ex. sess. and RCW 43.83C.040; amending section 43.85.130, chapter 8, Laws of 1965 as amended by section 1, chapter 4, Laws of 1981 2nd ex. sess. and RCW 43.85.130; amending section 43.97.040, chapter 8, Laws of 1965 as amended by section 3, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.040; amending section 7, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.080; amending section 3, chapter 208, Laws of 1909 as amended by section 109, chapter 141, Laws of 1979 and RCW 70.54.040; amending section 10, chapter 255, Laws of 1927 as amended by section 1, chapter 217, Laws of 1941 and RCW 79.01.040; amending section 13, chapter 255, Laws of 1927 as amended by section 149, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.052; amending section 15, chapter 255, Laws of 1927 and RCW 79.01.060; amending section 16, chapter 255, Laws of 1927 and RCW 79.01.064; amending section 22, chapter 255, Laws of 1927 as last amended by section 151, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.088; amending section 71, chapter 255, Laws of 1927 as amended by section 32, chapter 257, Laws of 1959 and RCW 79.01.284; amending section 73, chapter 255, Laws of 1927 as amended by section 165, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.292; amending section 83, chapter 255, Laws of 1927 and RCW 79.01.332; amending section 85, chapter 255, Laws of 1927 as last amended by section 171, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.340; amending section 88, chapter 255, Laws of 1927 and RCW 79.01.352; amending section 89, chapter 255, Laws of 1927 and RCW 79.01.356; amending section 95, chapter 255, Laws of 1927 and RCW 79.01.380; amending section 97, chapter 255, Laws of 1927 as last amended by section 7, chapter 73, Laws of 1961 and RCW 79.01.388; amending section 98, chapter 255, Laws of 1927 as last amended by section 8, chapter 73, Laws of 1961 and RCW 79.01.392; amending section

100, chapter 255, Laws of 1927 as amended by section 5, chapter 147, Laws of 1945 and RCW 79.01.400; amending section 101, chapter 255, Laws of 1927 and RCW 79.01.404; amending section 102, chapter 255, Laws of 1927 as amended by section 174, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.408; amending section 12, chapter 73, Laws of 1961 as amended by section 175, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.414; amending section 125, chapter 255, Laws of 1927 as amended by section 139, chapter 81, Laws of 1971 and RCW 79.01.500; amending section 154, chapter 255, Laws of 1927 and RCW 79.01.612; amending section 155, chapter 255, Laws of 1927 as amended by section 2, chapter 56, Laws of 1965 and RCW 79.01.616; amending section 3, chapter 56, Laws of 1965 as amended by section 200, chapter 3, Laws of 1983 and RCW 79.01.618; amending section 156, chapter 255, Laws of 1927 as amended by section 4, chapter 56, Laws of 1965 and RCW 79.01.620; amending section 157, chapter 255, Laws of 1927 as amended by section 5, chapter 56, Laws of 1965 and RCW 79.01.624; amending section 158, chapter 255, Laws of 1927 as last amended by section 6, chapter 56, Laws of 1965 and RCW 79.01.628; amending section 159, chapter 255, Laws of 1927 as amended by section 7, chapter 56, Laws of 1965 and RCW 79.01.632; amending section 9, chapter 56, Laws of 1965 and RCW 79.01.634; amending section 160, chapter 255, Laws of 1927 as amended by section 10, chapter 56, Laws of 1965 and RCW 79.01.636; amending section 161, chapter 255, Laws of 1927 as amended by section 11, chapter 56, Laws of 1965 and RCW 79.01.640; amending section 162, chapter 255, Laws of 1927 as last amended by section 12, chapter 56, Laws of 1965 and RCW 79.01.644; amending section 162-1 added to chapter 255, Laws of 1927 by section 3, chapter 103, Laws of 1945 as amended by section 13, chapter 56, Laws of 1965 and RCW 79.01.648; amending section 14, chapter 56, Laws of 1965 and RCW 79.01.649; amending section 15, chapter 56, Laws of 1965 and RCW 79.01.650; amending section 163, chapter 255, Laws of 1927 and RCW 79.01.652; amending section 164, chapter 255, Laws of 1927 and RCW 79.01.656; amending section 165, chapter 255, Laws of 1927 and RCW 79.01.660; amending section 167, chapter 255, Laws of 1927 and RCW 79.01.668; amending section 168, chapter 255, Laws of 1927 and RCW 79.01.672; amending section 169, chapter 255, Laws of 1927 and RCW 79.01.676; amending section 170, chapter 255, Laws of 1927 and RCW 79.01.680; amending section 171, chapter 255, Laws of 1927 and RCW 79.01.684; amending section 173, chapter 255, Laws of 1927 and RCW 79.01.692; amending section 186, chapter 255, Laws of 1927 as last amended by section 54, chapter 292, Laws of 1971 ex. sess. and RCW 79.01.704; amending section 187, chapter 255, Laws of 1927 and RCW 79.01.708; amending section 188, chapter 255, Laws of 1927 and RCW 79.01.712; amending section 190, chapter 255, Laws of 1927 as last amended by section 18, chapter 109, Laws of 1979 ex. sess. and RCW 79.01.720; amending section 191, chapter 255, Laws of 1927 as amended by section 19, chapter 109, Laws of 1979 ex. sess. and RCW 79.01.724; amending section 193, chapter 255, Laws of 1927 and RCW 79.01.732; amending section 194, chapter 255, Laws of 1927 as amended by section 40, chapter 257, Laws of 1959 and RCW 79.01.736; amending section 195, chapter 255, Laws of 1927 as amended by section 177, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.740; amending section 196, chapter 255, Laws of 1927 and RCW 79.01.744; amending section 200, chapter 255, Laws of 1927 and RCW 79.01.760; amending section 2, chapter 178, Laws of 1961 as amended by section 2, chapter 4, Laws of 1981 and RCW 79.64.020; amending section 4, chapter 178, Laws of 1961 as last amended by section 3, chapter 4, Laws of 1981 2nd ex. sess. and RCW 79.64.040; amending section 6, chapter 178, Laws of 1961 as amended by section 203, chapter 3, Laws of 1983 and RCW 79.64.060; amending section 2, chapter 180, Laws of 1919 as last amended by section 13, chapter 20, Laws of 1963 and RCW 87.03.025; amending section 5, chapter 221, Laws of 1963 as amended by section 383, chapter 141, Laws of 1979 and RCW 87.84.061; amending section 3, chapter 236, Laws of 1907 and RCW 88.32.040; amending section 1, chapter 246, Laws of 1927 and RCW 89.12.140; amending section 2, chapter 246, Laws of 1927 and RCW 89.12.150; amending section 13, chapter 23, Laws of 1911 and RCW 91.08.150; creating new sections: repealing section 10, chapter 295, Laws of 1981 and RCW 41.06.081; repealing section 43.30.010, chapter 8, Laws of 1965, section 4, chapter 107, Laws of 1979 and RCW 43.30.010; repealing section 43.30.030, chapter 8, Laws of 1965 and RCW 43.30.030; repealing section 43.30.130, chapter 8, Laws of 1965 and RCW 43.30.130; repealing section 43.30.270, chapter 8, Laws of 1965 and RCW 43.30.270; repealing section 14, chapter 255, Laws of 1927 and RCW 79.01.056; and providing an effective date.

Referred to Committee on State Government.

SB 4164 by Senators Thompson, Talmadge and Zimmerman

AN ACT Relating to county legislative authorities; and amending section 36.32.120, chapter 4, Laws of 1963 as last amended by section 3, chapter 226, Laws of 1982 and RCW 36.32.120.

Referred to Committee on Local Government.

SB 4165 by Senator Owen

AN ACT Relating to electrical code inspections; 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 8, chapter 169, Laws of 1935 as last amended by section 2, chapter 129, Laws of 1971 ex. sess. and RCW 19.28.210; amending section 9, chapter 169, Laws of 1935 and RCW 19.28.250; amending section 16, chapter 169, Laws of 1935 and RCW 19.28.340; and amending section 3, chapter 325, Laws of 1959 as last amended by section 1, chapter 97, Laws of 1967 ex. sess. and RCW 19.28.360.

Referred to Committee on Commerce and Labor.

SB 4166 by Senators Thompson, Warnke and Goltz

AN ACT Relating to the teachers' retirement system; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Education.

SB 4167 by Senators Wojahn, Guess, Gaspard, Rasmussen, Zimmerman and Hughes

AN ACT Relating to unemployment compensation; and amending section 33, chapter 35, Laws of 1945 as last amended by section 3, chapter 2, Laws of 1970 ex. sess. and RCW 50.04.320.

Referred to Committee on Commerce and Labor.

SB 4168 by Senators Owen, Sellar, Newhouse and Bottiger

AN ACT Relating to publicly financed cultural arts, stadium, and convention facilities; amending section 5, chapter 236, Laws of 1967 as last amended by section 1, chapter 222, Laws of 1979 ex. sess. and RCW 67.28.120; amending section 6, chapter 236, Laws of 1967 as last amended by section 2, chapter 222, Laws of 1979 ex. sess. and RCW 67.28.130; amending section 2, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.020; amending section 3, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.030; amending section 6, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.060; amending section 7, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.070; amending section 20, chapter 22, Laws of 1982 1st ex. sess. and RCW 35.21.285; and adding new sections to chapter 67.28 RCW.

Referred to Committee on Local Government.

SB 4169 by Senators Williams, Zimmerman and Goltz

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

Referred to Committee on State Government.

SB 4170 by Senators Moore and Sellar

AN ACT Relating to insurance rates; amending section 19.01, chapter 79, Laws of 1947 and RCW 48.19.010; adding a new chapter to Title 48 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Financial Institutions.

SB 4171 by Senators Sellar and Moore

AN ACT Relating to the state lottery; amending section 25, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.250; and declaring an emergency.

Referred to Committee on State Government.

SB 4172 by Senators Owen, Warnke, Newhouse, Hayner and McManus

AN ACT Relating to wholesaler and retailer compensation for affixing cigarette tax stamps; amending section 82.24.070, chapter 15, Laws of 1961 as last amended by section 14, chapter 299, Laws of 1971 ex. sess. and RCW 82.24.070; amending section 2, chapter 59, Laws of 1979 ex. sess. and RCW 82.24.025; and amending section 28A.47.440, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 157, Laws of 1972 ex. sess. and RCW 28A.47.440.

Referred to Committee on Ways and Means.

SB 4173 by Senator Rinehart

AN ACT Relating to faculty at community colleges; and amending section 33, chapter 283, Laws of 1969 ex. sess. as last amended by section 1, chapter 112, Laws of 1975 1st ex. sess. and RCW 28B.50.851.

Referred to Committee on Education.

SB 4174 by Senator Owen

AN ACT Relating to salmon; and amending section 3, chapter 184, Laws of 1974 ex. sess. as amended by section 4, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.460.

Referred to Committee on Natural Resources.

SB 4175 by Senators Warnke and Newhouse

AN ACT Relating to business and occupation taxation; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4176 by Senators Fuller and Zimmerman

AN ACT Relating to state government; and adding a new section to chapter 41.04 RCW.

Referred to Committee on State Government.

SB 4177 by Senators Benitz, Guess, Hayner and Barr

AN ACT Relating to a state appropriations advisory council; creating new sections; and providing an expiration date.

Referred to Committee on Ways and Means.

SB 4178 by Senators Fuller, Rasmussen, Haley and Hurley

AN ACT Relating to public land trusts; and adding new sections to chapter 43.99 RCW.

Referred to Committee on Parks and Ecology.

SB 4179 by Senators Bottiger, Hayner and Warnke

AN ACT Relating to taxing district indebtedness.

Referred to Committee on State Government.

SB 4180 by Senator Lee

AN ACT Relating to county hospitals; amending section 36.62.180, chapter 4, Laws of 1963 and RCW 36.62.180; amending section 36.62.190, chapter 4, Laws of 1963 and RCW 36.62.190; amending section 36.62.200, chapter 4, Laws of 1963 as amended by section 1, chapter 17, Laws of 1979 ex. sess. and RCW 36.62.200; amending section 36.62.252, chapter 4, Laws of 1963 as last amended by section 1, chapter 277, Laws of 1971 ex. sess. and RCW 36.62.252; amending section 36.62.270, chapter 4, Laws of 1963 as amended by section 2, chapter 277, Laws of 1971 ex. sess. and RCW 36.62.270; amending section 1, chapter 36, Laws of 1967 ex. sess. and RCW 36.62.290; adding new sections to chapter 36.62 RCW; repealing section 36.62.010, chapter 4, Laws of 1963 and RCW 36.62.010; repealing section 36.62.020, chapter 4, Laws of 1963 and RCW 36.62.020; repealing section 36.62.030, chapter 4, Laws of 1963 and RCW 36.62.030; repealing section 36.62.040, chapter 4, Laws of 1963 and RCW 36.62.040; repealing section 36.62.050, chapter 4, Laws of 1963 and RCW 36.62-.050; repealing section 36.62.060, chapter 4, Laws of 1963 and RCW 36.62.060; repealing section 36.62.070, chapter 4, Laws of 1963, section 26, chapter 232, Laws of 1969 ex. sess., section 49, chapter 56, Laws of 1970 ex. sess. and RCW 36.62.070; repealing section 36.62-.080, chapter 4, Laws of 1963 and RCW 36.62.080; repealing section 36.62.090, chapter 4, Laws of 1963, section 37, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.62.090; repealing section 36.62.100, chapter 4, Laws of 1963 and RCW 36.62.100; repealing section 36.62.110, chapter 4, Laws of 1963, section 2, chapter 36, Laws of 1967 ex. sess. and RCW 36.62.110; repealing section 36.62.120, chapter 4, Laws of 1963 and RCW 36.62.120; repealing section 36.62.130, chapter 4, Laws of 1963 and RCW 36.62.130; repealing section 36.62-.140, chapter 4, Laws of 1963 and RCW 36.62.140; repealing section 36.62.150, chapter 4, Laws of 1963 and RCW 36.62.150; repealing section 36.62.160, chapter 4, Laws of 1963 and RCW 36.62.160; repealing section 36.62.170, chapter 4, Laws of 1963 and RCW 36.62.170; repealing section 36.62.210, chapter 4, Laws of 1963 and RCW 36.62.210; repealing section 36.62.220, chapter 4, Laws of 1963 and RCW 36.62.220; repealing section 36.62.230, chapter 4, Laws of 1963 and RCW 36.62.230; repealing section 36.62.240, chapter 4, Laws of 1963,

section 44, chapter 141, Laws of 1979 and RCW 36.62.240; and repealing section 3, chapter 277, Laws of 1971 ex. sess. and RCW 36.62.281.

Referred to Committee on Local Government.

SB 4181 by Senator Goltz

AN ACT Relating to rebates; and amending section 3, chapter 253, Laws of 1907 and RCW 19.84.030.

Referred to Committee on Commerce and Labor.

SB 4182 by Senators Metcalf and McCaslin

AN ACT Relating to controlled substances; 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; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4183 by Senator Wojahn

AN ACT Relating to cities, towns, and counties.

Referred to Committee on Local Government.

SB 4184 by Senator Conner

AN ACT Relating to public port districts.

Referred to Committee on Transportation.

SB 4185 by Senator Sellar

AN ACT Relating to port districts.

Referred to Committee on Transportation.

SB 4186 by Senator Quigg

AN ACT Relating to unemployment compensation.

Referred to Committee on Commerce and Labor.

SB 4187 by Senator Quigg

AN ACT Relating to unemployment compensation financing.

Referred to Committee on Commerce and Labor.

SB 4188 by Senator Quigg

AN ACT Relating to unemployment compensation.

Referred to Committee on Commerce and Labor.

SB 4189 by Senator Thompson

AN ACT Relating to county surface water drainage.

Referred to Committee on Local Government.

SB 4190 by Senator Thompson

AN ACT Relating to county hospitals.

Referred to Committee on Local Government.

SB 4191 by Senator Wojahn

AN ACT Relating to public contracts and indebtedness.

Referred to Committee on Ways and Means.

SB 4192 by Senator Wojahn

AN ACT Relating to cities and towns.

Referred to Committee on Local Government.

SB 4193 by Senators Metcalf and Vognild

AN ACT Relating to contractors; adding a new section to chapter 18.27 RCW; repealing section 42, chapter 99, Laws of 1979 and RCW 43.131.231; repealing section 84, chapter

99, Laws of 1979 and RCW 43.131.232; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4194 by Senator Metcalf

AN ACT Relating to salmon fishing; and amending section 3, chapter 184, Laws of 1974 ex. sess. as amended by section 4, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.460.

Referred to Committee on Natural Resources.

SB 4195 by Senator Metcalf

AN ACT Relating to private schools; and amending section 2, chapter 92, Laws of 1974 ex. sess. as last amended by section 9, chapter 359, Laws of 1977 ex. sess. and RCW 28A.02.201.

Referred to Committee on Education.

SB 4196 by Senators McDermott, Guess, Bender, Zimmerman, Bauer, Quigg, Thompson, Fuller, Vognild, Newhouse, Fleming, Williams, Woody and Peterson

AN ACT Relating to public works; amending section 84.48.120, chapter 15, Laws of 1961 as last amended by section 5, chapter 86, Laws of 1979 ex. sess. and RCW 84.48.120; amending section 134, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.043; amending section 2, chapter 244, Laws of 1969 ex. sess. as last amended by section 18, chapter 154, Laws of 1980 and RCW 28A.47.801; adding a new chapter to Title 43 RCW; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; making an appropriation; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways and Means.

SB 4197 by Senators McManus and Guess

AN ACT Relating to services for the disabled; adding a new chapter to Title 70 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Social and Health Services.

SB 4198 by Senator McDermott

AN ACT Relating to the hospital commission; amending section 4, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.030; amending section 5, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 36, Laws of 1977 and RCW 70.39.040; and amending section 6, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.050.

Referred to Committee on Social and Health Services.

SB 4199 by Senators Bender, Rinehart, Rasmussen, Conner, Talmadge and Hughes

AN ACT Relating to veterans' assistance; adding new sections to chapter 43.60A RCW; creating a new section; and making an appropriation.

Referred to Committee on State Government.

SB 4200 by Senator Fleming

AN ACT Relating to municipal courts; amending section 35.20.010, chapter 7, Laws of 1965 as amended by section 4, chapter 33, Laws of 1975 and RCW 35.20.010; and amending section 35.20.030, chapter 7, Laws of 1965 as amended by section 23, chapter 136, Laws of 1979 ex. sess. and RCW 35.20.030.

Referred to Committee on Judiciary.

SB 4201 by Senators Williams, Fuller, Goltz, Lee and Hemstad

AN ACT Relating to oil; amending section 13, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.130; amending section 14, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.140; and adding a new chapter to Title 19 RCW.

Referred to Committee on Parks and Ecology.

SB 4202 by Senators Talmadge, Hughes, Williams, Woody, Fleming, Thompson and Hemstad

AN ACT Relating to the Washington state patrol; amending section 43.43.060, chapter 8, Laws of 1965 and RCW 43.43.060; amending section 43.43.070, chapter 8, Laws of 1965 and RCW 43.43.070; amending section 43.43.110, chapter 8, Laws of 1965 and RCW 43.43.110; amending section 4, chapter 67, Laws of 1981 and RCW 34.12.040; repealing section 43.43.090, chapter 8, Laws of 1965 and RCW 43.43.090; and repealing section 43.43.100, chapter 8, Laws of 1965 and RCW 43.43.100.

Referred to Committee on State Government.

SB 4203 by Senator Warnke

AN ACT Relating to state government organization; amending section 1, chapter 10, Laws of 1979 as amended by section 61, chapter 136, Laws of 1981 and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 as amended by section 62, chapter 136, Laws of 1981 and RCW 43.17.020; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; and creating new sections.

Referred to Committee on State Government.

SB 4204 by Senators Wojahn, Zimmerman, Bauer, Haley, Deccio, Vognild, Warnke and Bender

AN ACT Relating to the state board of health; amending section 33, chapter 99, Laws of 1979 and RCW 43.131.213; and amending section 75, chapter 99, Laws of 1979 and RCW 43.131.214.

Referred to Committee on State Government.

SB 4205 by Senators Warnke and Jones (by Secretary of State request)

AN ACT Relating to the productivity board; amending section 1, chapter 142, Laws of 1965 ex. sess. as last amended by section 6, chapter 167, Laws of 1982 and RCW 41.60.010; amending section 1, chapter 167, Laws of 1982 and RCW 41.60.015; amending section 5, chapter 142, Laws of 1965 ex. sess. as last amended by section 11, chapter 167, Laws of 1982 and RCW 41.60.050; amending section 17, chapter 167, Laws of 1982 (uncodified); and declaring an emergency.

Referred to Committee on State Government.

SB 4206 by Senator Talmadge

AN ACT Relating to continuation of health insurance coverage for employees eligible for benefits under Title 51 RCW; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Social and Health Services.

SB 4207 by Senators Hemstad and Zimmerman

AN ACT Relating to actions by persons injured by intoxicated persons; and creating a new chapter in Title 7 RCW.

Referred to Committee on Judiciary.

SB 4208 by Senator Talmadge

AN ACT Relating to insurance; adding new sections to chapter 48.19 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions.

SB 4209 by Senators Guess, Goltz, Bluechel, Metcalf and Haley

AN ACT Relating to the Milwaukee Road; adding new sections to chapter 43.30 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 4210 by Senator Hughes

AN ACT Relating to endrin; amending section 4, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.040; adding new sections to chapter 15.58 RCW; and creating a new section.

Referred to Committee on Parks and Ecology.

SB 4211 by Senators Gaspard, Haley, Talmadge, Hemstad, Thompson, Metcalf, Woody and Fuller

AN ACT Relating to business regulations; adding a new chapter to Title 19 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4212 by Senator Talmadge

AN ACT Relating to charitable solicitations; amending section 2, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 80, chapter 158, Laws of 1979 and RCW 19.09.020; amending section 3, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.030; amending section 10, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 227, Laws of 1982 and RCW 19.09.100; amending section 19, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 227, Laws of 1982 and RCW 19.09.190; amending section 20, chapter 13, Laws of 1973 1st ex. sess. as amended by section 9, chapter 227, Laws of 1982 and RCW 19.09.200; amending section 21, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 227, Laws of 1982 and RCW 19.09.210; amending section 23, chapter 13, Laws of 1973 1st ex. sess. as amended by section 11, chapter 227, Laws of 1982 and RCW 19.09.230; amending section 24, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.240; amending section 14, chapter 222, Laws of 1977 ex. sess. as amended by section 12, chapter 227, Laws of 1982 and RCW 19.09.275; amending section 34, chapter 13, Laws of 1973 1st ex. sess. as amended by section 13, chapter 227, Laws of 1982 and RCW 19.09.340; amending section 10, chapter 2, Laws of 1983 and RCW 43.24.085; and adding new sections to chapter 19.09 RCW.

Referred to Committee on Judiciary.

SB 4213 by Senators Zimmerman, Bauer and Sellar

AN ACT Relating to state and 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; amending section 1, chapter 164, Laws of 1967 and RCW 4.96.010; and adding a new chapter to Title 4 RCW.

Referred to Committee on Local Government.

SB 4214 by Senator Granlund

AN ACT Relating to drug and alcohol treatment programs for state offenders; amending section 2, chapter 136, Laws of 1981 and RCW 72.09.010; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Institutions.

SB 4215 by Senator Metcalf

AN ACT Relating to islands; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Parks and Ecology.

SB 4216 by Senators Metcalf and McCaslin

AN ACT Relating to excise taxes; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 4217 by Senators Hurley, Zimmerman and Hughes

AN ACT Relating to oil; adding a new chapter to Title 19 RCW; and creating a new section.

Referred to Committee on Parks and Ecology.

SB 4218 by Senators Hansen, Hayner, Newhouse, Bottiger, Vognild and Hughes

AN ACT Relating to the business and occupation tax; amending section 16, chapter 10, Laws of 1982 as amended by section 1, chapter 13, Laws of 1982 2nd ex. sess. and RCW 82.04.260; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4219 by Senators Conner and Guess

AN ACT Relating to abandoned vehicles and hulks; amending section 8, chapter 42, Laws of 1969 ex. sess. as last amended by section 13, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.112; and amending section 2, chapter 111, Laws of 1971 ex. sess. as last amended by section 19, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.150.

Referred to Committee on Transportation.

SB 4220 by Senators Wojahn, Jones, Vognild, Bender, Moore, Williams, Warnke, Brauer and Zimmerman

AN ACT Relating to theatrical enterprise; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 4221 by Senators Brauer, Jones and Fleming

AN ACT Relating to school closures; and adding new sections to chapter 43.21C RCW.

Referred to Committee on Education.

SB 4222 by Senator Thompson

AN ACT Relating to local government research councils; amending section 2, chapter 108, Laws of 1969 as last amended by section 129, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.110.010; amending section 32, chapter 99, Laws of 1979 and RCW 43.131.211; amending section 74, chapter 99, Laws of 1979 and RCW 43.131.212; amending section 21, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.14.200; adding a new section to chapter 82.14 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government.

SB 4223 by Senator Guess

AN ACT Relating to unemployment compensation; and amending section 77, chapter 35, Laws of 1945 as amended by section 12, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.090.

Referred to Committee on Commerce and Labor.

SB 4224 by Senator Warnke (by Secretary of State request)

AN ACT Relating to the seal of the state of Washington; adding a new chapter to Title 43 RCW; repealing section 1, chapter 170, Laws of 1947 and RCW 9.91.050; repealing section 2, chapter 170, Laws of 1947 and RCW 9.91.055; and prescribing penalties.

Referred to Committee on State Government.

SB 4225 by Senators Metcalf, Craswell and McCaslin

AN ACT Relating to child pornography; amending section 2, chapter 53, Laws of 1980 and RCW 9.68A.020; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4226 by Senators Hansen and Barr

AN ACT Relating to tree fruit; amending section 2, chapter 129, Laws of 1969 and RCW 15.26.020; amending section 3, chapter 129, Laws of 1969 and RCW 15.26.030; and adding a new section to chapter 15.26 RCW.

Referred to Committee on Agriculture.

SB 4227 by Senators Fleming and McDermott

AN ACT Relating to industrial development revenue bonds; amending section 2, chapter 300, Laws of 1981 and RCW 39.84.020; and creating a new section.

Referred to Committee on Ways and Means.

SB 4228 by Senators Fleming and McDermott

AN ACT Relating to malicious harassment; and amending section 1, chapter 267, Laws of 1981 and RCW 9A.36.080.

Referred to Committee on Judiciary.

SB 4229 by Senators Hurley and Quigg

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

Referred to Committee on Energy and Utilities.

SB 4230 by Senator Goltz

AN ACT Relating to cities; amending section 35.21.420, chapter 7, Laws of 1965 and RCW 35.21.420; amending section 1, chapter 52, Laws of 1967 ex. sess. and RCW 35.21.422;

and amending section 1, chapter 34, Laws of 1969 as amended by section 1, chapter 260, Laws of 1971 ex. sess. and RCW 84.36.010.

Referred to Committee on Local Government.

SB 4231 by Senators Vognild, Bender and Wojahn

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; amending section 18, chapter 294, Laws of 1977 ex. sess. as amended by section 1, chapter 249, Laws of 1979 ex. sess. and RCW 41.26.005; amending section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 256, Laws of 1981 and RCW 41.26.030; amending section 6, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.450; amending section 8, chapter 294, Laws of 1977 ex. sess. as last amended by section 2, chapter 12, Laws of 1982 and RCW 41.26.470; amending section 10, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.490; amending section 12, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.510; creating new sections; repealing section 9, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.480; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4232 by Senators Hemstad and Thompson

AN ACT Relating to public funds; amending section 9, chapter 167, Laws of 1961 as last amended by section 4, chapter 8, Laws of 1982 2nd ex. sess. and RCW 79.24.580; amending section 79, chapter 21, Laws of 1982 1st ex. sess. as amended by section 2, chapter 8, Laws of 1982 2nd ex. sess. and RCW 79.92.110; amending section 28B.40.751, chapter 223, Laws of 1969 ex. sess. as amended by section 87, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.751; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 4233 by Senators Woody, Gaspard and Lee

AN ACT Relating to mathematics and science high school graduation requirements; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.05 RCW; and creating a new section.

Referred to Committee on Education.

SB 4234 by Senators Hughes, Zimmerman and Bauer

AN ACT Relating to solid waste; adding a new section to chapter 43.99F RCW; adding a new section to chapter 70.95 RCW; creating new sections; and making an appropriation.

Referred to Committee on Parks and Ecology.

SB 4235 by Senators Williams, Fuller and Hughes

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

Referred to Committee on Parks and Ecology.

SB 4236 by Senators Thompson and Hemstad (by Department of Ecology request)

AN ACT Relating to water rights; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Parks and Ecology.

SB 4237 by Senators Gaspard, Kiskaddon and Bauer (by Superintendent of Public Instruction request)

AN ACT Relating to drug and alcohol abuse education; and amending section 28A.05.010, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 71, Laws of 1969 and RCW 28A.05.010.

Referred to Committee on Education.

SB 4238 by Senators Conner, Guess and Peterson

AN ACT Relating to pilots and pilotage; amending section 2, chapter 196, Laws of 1981 and RCW 88.16.116; repealing section 3, chapter 196, Laws of 1981 and RCW 88.16.117; and declaring an emergency.

Referred to Committee on Transportation.

SB 4239 by Senators Fleming, McDermott and Wojahn

AN ACT Relating to state contacts; adding a new chapter to Title 39 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 47.28 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 4240 by Senators Wojahn, Fuller, Haley and Gaspard

AN ACT Relating to unfair cigarette sales; and amending section 3, chapter 2, Laws of 1983 and RCW 19.91.010.

Referred to Committee on Ways and Means.

SB 4241 by Senators Hemstad, Fuller and Zimmerman

AN ACT Relating to legal holidays; and amending section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 77, Laws of 1979 and RCW 1.16.050.

Referred to Committee on State Government.

SB 4242 by Senator Metcalf

AN ACT Relating to driving while intoxicated; amending section 1, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.502; amending section 2, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.504; amending section 3, chapter 1, Laws of 1969 as last amended by section 5, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.506; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 27, chapter 47, Laws of 1982 1st ex. sess. and RCW 46.61.515; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4243 by Senators Granlund and Bottiger

AN ACT Relating to the veterans' home; and amending section 8, chapter 186, Laws of 1977 ex. sess. and RCW 72.36.130.

Referred to Committee on State Government.

SB 4244 by Senators Guess, Goltz, Bluechel, Metcalf and Haley

AN ACT Relating to the Milwaukee Road; amending section 17, chapter 143, Laws of 1981 as amended by section 110, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); creating new sections; making appropriations; declaring an emergency; and providing an effective date.

Referred to Committee on Parks and Ecology.

SB 4245 by Senators Goltz, Kiskaddon, Hurley and Williams

AN ACT Relating to hazardous wastes; amending section 1, chapter 101, Laws of 1975-76 2nd ex. sess. and RCW 70.105.010; amending section 2, chapter 101, Laws of 1975-76 2nd ex. sess. and RCW 70.105.020; and adding a new section to chapter 70.105 RCW.

Referred to Committee on Parks and Ecology.

SB 4246 by Senator Metcalf

AN ACT Relating to labor; and adding a new section to chapter 49.64 RCW.

Referred to Committee on Ways and Means.

SB 4247 by Senator Granlund

AN ACT Relating to juvenile offenders; amending section 57, chapter 291, Laws of 1977 ex. sess. as last amended by section 5, chapter 299, Laws of 1981 and RCW 13.40.030; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Judiciary.

SB 4248 by Senators Conner and Haley

AN ACT Relating to abused persons; amending section 5, chapter 13, Laws of 1965 as last amended by section 3, chapter 164, Laws of 1981 and RCW 26.44.050; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Judiciary.

SB 4249 by Senator Metcalf

AN ACT Relating to property taxes; and amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 322, Laws of 1981 and RCW 84.56.020.

Referred to Committee on Ways and Means.

SB 4250 by Senators Conner, Peterson, Rasmussen, Shinpoch, Bender, Owen, Warnke, Metcalf, McCaslin, Granlund and Vognild

AN ACT Relating to veterans; creating new sections; and making an appropriation.

Referred to Committee on State Government.

SB 4251 by Senators Hansen, Barr, Newhouse, Deccio, Hurley, Benitz, McCaslin and Goltz

AN ACT Relating to the Milwaukee Road; and creating new sections.

Referred to Committee on Agriculture.

SB 4252 by Senators Granlund, Wojahn, Owen, McDermott, Goltz, Talmadge, Fleming and Haley

AN ACT Relating to children and family services; adding a new chapter to Title 74 RCW; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on Social and Health Services.

SB 4253 by Senators Conner, Warnke, Metcalf, Granlund and Vognild

AN ACT Relating to veterans; adding a new chapter to Title 43 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4254 by Senator Metcalf

AN ACT Relating to the timber reserve board; and creating new sections.

Referred to Committee on Natural Resources.

SB 4255 by Senator Metcalf

AN ACT Relating to elections of public utility district commissioners; and amending section 4, chapter 1, Laws of 1931 as last amended by section 37, chapter 126, Laws of 1979 ex. sess. and RCW 54.12.010.

Referred to Committee on Energy and Utilities.

SB 4256 by Senators Talmadge, Shinpoch, Fleming and McDermott

AN ACT Relating to revenue and taxation; and adding a new chapter to Title 83 RCW.

Referred to Committee on Ways and Means.

SB 4257 by Senator Metcalf

AN ACT Relating to homesteads; and amending section 24, chapter 64, Laws of 1895 as last amended by section 10, chapter 329, Laws of 1981 and RCW 6.12.050.

Referred to Committee on Judiciary.

SB 4258 by Senator Woody

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 4259 by Senators Rasmussen, Conner, Zimmerman, Owen, Bauer, Sellar, Peterson, Bender, Warnke, Metcalf, Granlund and Vognild

AN ACT Relating to veterans; amending section 1, page 208, Laws of 1888 as last amended by section 1, chapter 180, Laws of 1947 and RCW 73.08.010; amending section 2, page 208, Laws of 1888 as last amended by section 2, chapter 180, Laws of 1947 and RCW 73.08.030; amending section 4, page 209, Laws of 1888 as last amended by section 4, chapter 180, Laws of 1947 and RCW 73.08.050; amending section 5, page 209, Laws of 1888 as last amended by section 5, chapter 180, Laws of 1947 and RCW 73.08.060; amending section 6, page 209, Laws of 1888 as last amended by section 1, chapter 15, Laws of 1949

and RCW 73.08.070; amending section 7, page 210, Laws of 1888 as last amended by section 6, chapter 155, Laws of 1980 and RCW 73.08.080; and adding a new section to chapter 84.55 RCW.

Referred to Committee on State Government.

SB 4260 by Senator Metcalf

AN ACT Relating to legal tender; amending section 84.04.060, chapter 15, Laws of 1961 and RCW 84.04.060; adding new sections to chapter 43.08 RCW; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions.

SB 4261 by Senator Metcalf

AN ACT Relating to county sheriffs; amending section 29.21.010, chapter 9, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 and RCW 29.21.010; amending section 29.21.015, chapter 9, Laws of 1965 as amended by section 2, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.015; amending section 29.21.060, chapter 9, Laws of 1965 as last amended by section 31, chapter 361, Laws of 1977 ex. sess. and RCW 29.21.060; amending section 7, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.410; adding a new section to chapter 29.21 RCW; and adding a new section to chapter 36.28 RCW.

Referred to Committee on Local Government.

SB 4262 by Senator Metcalf

AN ACT Relating to statutory construction; and adding a new section to chapter 1.12 RCW.

Referred to Committee on Judiciary.

SB 4263 by Senator Metcalf

AN ACT Relating to educational employment relations; amending section 11, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.100; and adding a new section to chapter 41.59 RCW.

Referred to Committee on Education.

SB 4264 by Senators Benitz and Hayner

AN ACT Relating to personal liability of public officials for the issuance of bonds to acquire, by purchase or exchange, outstanding revenue bonds issued by any joint operating agency to finance facilities in which the public corporate bodies for which such officials act are participants; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4265 by Senators Benitz and Hayner

AN ACT Relating to the levying and assessment of a public utility excise tax upon the sale of electric power, providing for the use and disposition of such tax revenues; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4266 by Senators Bottiger and Hayner

AN ACT Relating to the defense, indemnification and holding harmless of persons whose liability is authorized to be insured against pursuant to RCW 36.16.138; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4267 by Senators Bottiger and Hayner

AN ACT Relating to the length of time within which an action may be commenced challenging the validity or enforceability of bonds, notes, or warrants issued by the state of Washington, and political subdivisions, municipal corporations, and quasi municipal corporations of the state; creating a new section; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4268 by Senators Bottiger and Hayner

AN ACT Relating to the creation and establishment of a state finance authority, setting forth its membership, powers, and duties; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4269 by Senators Bottiger and Hayner

AN ACT Relating to the issuance of revenue bonds by public utility districts to acquire, by purchase or exchange, outstanding revenue bonds issued by any joint operating agency to finance facilities in which such public utility districts are participants; authorizing cooperation agreements among public participants, the establishment of trust funds, the pooling of revenue bonds, and the issuance of participation certificates; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4270 by Senators Benitz and Hayner

AN ACT Relating to the issuance of revenue bonds by cities to acquire, by purchase or exchange, outstanding revenue bonds issued by any joint operating agency to finance facilities in which such cities are participants; authorizing cooperation agreements among public participants, the establishment of trust funds, the pooling of revenue bonds and the issuance of participation certificates; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4271 by Senators Bottiger and Hayner

AN ACT Relating to supersedeas in actions against political subdivisions and municipal corporations of the state.

Referred to Committee on Energy and Utilities.

SB 4272 by Senators Bottiger and Hayner

AN ACT Relating to the issuance of bonds by irrigation districts payable from assessments or revenues, or both, to acquire, by purchase or exchange, outstanding revenue bonds issued by any joint operating agency to finance facilities in which such irrigation districts are participants; authorizing cooperation agreements among public participants, the establishment of trust funds, the pooling of revenue bonds and the issuance of participation certificates; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4273 by Senator Thompson (by Secretary of State request)

AN ACT Relating to vacancies in partisan office.

Referred to Committee on Local Government.

SB 4274 by Senators Woody and Bender

AN ACT Relating to pawn brokers.

Referred to Committee on Commerce and Labor.

SB 4275 by Senator Shinpoch

AN ACT Relating to teachers' retirement; amending section 11, chapter 14, Laws of 1963 ex. sess. as last amended by section 9, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.32.401; amending section 12, chapter 150, Laws of 1969 ex. sess. as last amended by section 11, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.32.405; adding a new section to chapter 41.32 RCW; repealing section 41, chapter 80, Laws of 1947, section 19, chapter 274, Laws of 1955, section 12, chapter 14, Laws of 1963 ex. sess., section 13, chapter 150, Laws of 1969 ex. sess., section 12, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.32.410; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4276 by Senators Peterson and McDermott

AN ACT Relating to oil company taxation; and adding a new chapter to Title 82 RCW.

Referred to Committee on Transportation.

SB 4277 by Senators Craswell and Metcalf

AN ACT Relating to liquor licenses; amending section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 85, Laws of 1982 and RCW 66.24.010; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 4278 by Senator Craswell

AN ACT Relating to the business inventories tax phase-out; adding a new section to chapter 84.09 RCW; adding a new section to chapter 84.55 RCW; creating a new section; and making an appropriation.

Referred to Committee on Ways and Means.

SJM 114 by Senators Pullen, McDermott, Fleming, Gaspard, Bauer and Wojahn

Urging Congress to enact the proposed legislation granting monetary reparations to certain Japanese-Americans who were interned during World War II.

Referred to Committee on Ways and Means.

SJM 115 by Senator Sellar

Requesting mutual and verifiable reductions in nuclear weapons.

Referred to Committee on State Government.

SJM 116 by Senator Hansen

Petitioning Congress to declare July 16, 1983 as National Grand Coulee Dam day.

Referred to Committee on Agriculture.

SJM 117 by Senators Guess and Pullen

Petitioning Congress to reestablish the Citizens' Military Training Camp Program.

Referred to Committee on State Government.

SJM 118 by Senator Goltz

Petitioning to have the matching local funds requirement for public television transmitters eliminated.

Referred to Committee on Education.

SJM 119 by Senator Metcalf

Limiting federal judges to 12 years of service.

Referred to Committee on Judiciary.

SJM 120 by Senators Owen, Metcalf and Vognil

Requesting Congress to review the Boldt decision.

Referred to Committee on Natural Resources.

SJM 121 by Senator Metcalf

Urging the President and Congress to repeal the Federal Reserve Act.

Referred to Committee on Financial Institutions.

SJR 125 by Senator Goltz

Amending the Constitution to establish a unicameral legislature.

Referred to Committee on State Government.

SJR 126 by Senators Bottiger, Hayner and Warnke

Defining municipal indebtedness.

Referred to Committee on State Government.

SJR 127 by Senators Pullen, Rasmussen, Metcalf, Craswell, Guess, Hurley, Moore, Goltz and Zimmerman

Permitting the legislature to require the governor to approve or veto a measure in its entirety.

Referred to Committee on Judiciary.

SJR 128 by Senators Metcalf and McCaslin

Repealing the property tax and authorizing a flat rate income tax.

Referred to Committee on Ways and Means.

SJR 129 by Senator McDermott

Providing for an income tax.

Referred to Committee on Ways and Means.

SJR 130 by Senators Conner, Warnke, Granlund and Vognild

Amending the state Constitution to authorize home loans for veterans.

Referred to Committee on Ways and Means.

SCR 112 by Senators Haley, McManus and Deccio

Printing a study on health care cost containment.

Referred to Committee on Social and Health Services.

SCR 113 by Senators Warnke and Vognild

Providing for a study of the benefits of in-state preference requirements in public contracts.

Referred to Committee on State Government.

SCR 114 by Senator Haley

Creating an ad hoc committee to study the Washington state legal system.

Referred to Committee on Judiciary.

SCR 115 by Senator Shinpoch

Authorizing a study regarding merging METRO into the existing governmental structure of King county.

Referred to Committee on Local Government.

SCR 116 by Senators Wojahn, Rasmussen, Patterson and Haley

Establishing a joint ad hoc legislative committee on community college financing and governance.

Referred to Committee on Education.

SCR 117 by Senator Zimmerman

Creating an interim joint select committee on the use of alcohol.

Referred to Committee on State Government.

MOTION

On motion of Senator Shinpoch, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

February 21, 1983

SB 3309 Prime Sponsor, Senator McManus: Modifying cigarette taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Deccio, Fleming, Rinehart, Shinpoch, Talmadge, Thompson, Wojahn, Woody.

Passed to Committee on Rules for second reading.

February 21, 1983

SB 3438 Prime Sponsor, Senator McDermott: Exempting property used for homeless shelters from property taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Craswell, Fleming, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

Passed to Committee on Rules for second reading.

MOTION

At 2:05 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Wednesday, February 23, 1983.

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

FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 23, 1983

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 Hemstad.

The Sergeant at Arms Color Guard, consisting of Pages Ralph Morasch and Shelley Vaughn, presented the Colors. Reverend Paul J. Beeman, senior pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 21, 1983

SB 3006 Prime Sponsor, Senator Bluechel: Revising the state environmental policy act. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3006 be substituted therefor, and the substitute bill do pass. Signed by Senators Hughes, Chairman; Bluechel, Haley, Hansen, Hurley, Kiskaddon, Lee, Williams.

MINORITY recommendation: Do not pass. Signed by Senator Talmadge, Vice Chairman.

Passed to Committee on Rules for second reading.

February 22, 1983

SB 3044 Prime Sponsor, Senator Gaspard: Exempting military personnel and their spouses and dependent children from nonresident tuition and fee differentials. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Goltz, Hughes, Kiskaddon, Lee, Patterson, Warnke.

Passed to Committee on Rules for second reading.

February 22, 1983

SB 3155 Prime Sponsor, Senator Gaspard: Requiring a high technology education training program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3155 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, McDermott, Patterson, Warnke.

Referred to Committee on Ways and Means.

February 22, 1983

SB 3488 Prime Sponsor, Senator Rinehart: Removing the extra charge for students registered for more than eighteen credit hours. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Goltz, Hughes, Kiskaddon, Patterson, Warnke.

Passed to Committee on Rules for second reading.

February 22, 1983

SB 3531 Prime Sponsor, Senator Rinehart: Modifying procedures for refunds of college and university fees. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Patterson, Warnke.

Passed to Committee on Rules for second reading.

February 22, 1983

SB 3532 Prime Sponsor, Senator Gaspard: Providing procedures for the removal of members of community college boards of trustees. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Patterson, Warnke.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 22, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Cherry A. McGee Banks appointed February 1, 1983, for a term ending September 30, 1984, succeeding Dr. Samuel E. Kelly as a member of the Board of Trustees for Community College District No. 7.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

February 22, 1983

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.

Warren L. Chinn reappointed January 25, 1983, for a term ending January 17, 1989, as a member of the Washington Horse Racing Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on State Government.

MOTION

At 10:12 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:45 a.m.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Granlund, the appointment of R. E. "Ted" Hornibrook as a member of the State Jail Commission was confirmed.

APPOINTMENT OF R. E. "TED" HORNIBROOK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; nays, 00; absent, 09; excused, 00.

Voting yea: Senators Barr, Bauer, Benitz, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus,

Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Absent: Senators Bender, Bluechel, Bottiger, Craswell, Deccio, Guess, Haley, Hemstad, McDermott - 9.

MOTION

On motion of Senator Warnke, the appointment of Walter E. White as a member of the Personnel Appeals Board was confirmed.

APPOINTMENT OF WALTER E. WHITE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; nays, 00; absent, 05; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Craswell, Deccio, Guess, Haley, Hemstad - 5.

MOTION

At 11:57 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:33 p.m.

MOTION

At 1:33 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 1:40 p.m.

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

MESSAGE FROM THE HOUSE

February 23, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1075, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 1075 by Representative Grimm

Relating to revenue and taxation.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Engrossed House Bill No. 1075 was advanced to second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended, Engrossed House Bill No. 1075 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President and members of the Senate. The bill we have here is the one we have argued at some length on the floor--or at least parts of it. This essentially is the sections of the revenue package from Senate Bill No. 3258, which the Governor vetoed. We have added cut-offs for the thirtieth of June, 1983.

"We are passing this bill because those of us on this side of the aisle believe that the people of the state are entitled to a stable government whose actions are predictable in schools, in universities, in homes for the retarded, in mental hospitals, and so forth. The people of this state do not deserve the chaos that they have had for the last two years. It mystifies me why we are going through this exercise, because the Governor, himself, proposed a budget for the next biennium of 8.1 billion dollars. We placed on his desk yesterday--or last week, actually--and until about three o'clock yesterday, he had on his desk enough money to fund his budget.

"We also put in there about a quarter of a billion dollars to pay back the 25th month and another quarter of a billion dollars or so to adequately fund the pension system, as the state actuary has suggested we should. The bill we passed was a great step toward fiscal solvency for the state of Washington. For reasons which are totally beyond my ability to understand, the Governor decided he would go back to a budget level of 7.5 billion dollars--nearly six hundred million dollars below the level that he, himself, proposed to us.

"Now, he clearly thinks we are going to take another tax vote--sometime between here and the end of the session, but we put the money on his desk once. I am not sure that you can always count on people to do something twice. If you take the budget which we have been living on for the last two years and take the existing commitments forward, it takes 7.5 billion dollars. The things that no longer have money are restorations in basic education, the fifty-five million, which he asked for; in handicapped education, the twenty-five million, that he asked for; in transportation, forty million--"

POINT OF ORDER

President Cherberg: "For what purpose does Senator Clarke rise?"

Senator Clarke: "A point of order, Mr. President. We are talking about a bill that is before us for passage, as I understand it--not the portion that the Governor vetoed. I think the remarks should be confined to the matter which is before the Senate."

REPLY BY THE PRESIDENT

President Cherberg: "The measure is on final passage, Senator Clarke, and the President believes that Senator McDermott is presenting his arguments as to the passage or non-passage of the bill."

PARLIAMENTARY INQUIRY

Senator Fleming: "Mr. President, I think the speaker ought to be able to explain what the difference is between the bill that left here and the difference in the bill that we are voting on now."

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that is what Senator McDermott is attempting to do."

FURTHER REMARKS BY SENATOR MCDERMOTT

Senator McDermott: "Members of the Senate, the bill which we are passing today provides seven and one-half billion dollars in the next biennium, with no changes. So, the Governor has now said that the level that is acceptable to him is seven and one-half billion dollars, providing no salary increase in the next biennium--which would be 54.8 million dollars more--no insurance increases--no recognition of problems of increased case loads in the mental hospitals--in the prisons. We are going to come again to this floor to deal with exactly the issues that we dealt with last Friday. There is no reason to be taking this vote, except one. That is, the people do not understand partisan wrangling. What they want is a stable government and we will give the people that, but there is going to be another argument over the same issues--a useless argument. I urge you to vote this and get it out of here."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President and ladies and gentlemen of the Senate. I agree with you. We need a stable government and that is why we are going to provide a substantial number of votes for this bill here today, which takes care of the problems of this biennium. And then, we can handle, in an orderly manner, the problem of the budget--where is the money going to go--where do we need the money. We are going to go to Ways and Means and have the various departments and agencies tell us what their problem is and then, in an orderly manner, we are going to pass a budget and to follow a revenue package to go along with it.

"I think you have very well stated, Senator McDermott, that this bill does bring in one billion, two hundred million. The bill that we passed several days ago brings in one billion, two hundred million more for the next biennium than we presently have, which is up at eight billion dollars. We want to spread the burden of the cost of government over all of our citizens and, obviously, it is not a happy situation. To have it on business is not a happy situation and it is not a happy situation to have it on individuals. But, as we all know, in the bill passed, forty-one percent of it is paid by business, too. This places it on the businesses for only a four-month period, because after all, businesses are where the jobs are--jobs. We are concerned about the people of this state and we are taking care of this problem right now and we are glad to help you do that."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1075.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1075, and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Boltiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Patterson, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vognil, Williams, Woody, Zimmerman - 33.

Voting nay: Senators Benitz, Craswell, Deccio, Haley, Hansen, McCaslin, Moore, Newhouse, Owen, Peterson, Rasmussen, Sellar, von Reichbauer, Warnke, Wojahn - 15.

Absent: Senator Pullen - 1.

ENGROSSED HOUSE BILL NO. 1075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

February 22, 1983

SB 3133 Prime Sponsor, Senator Peterson: Modifying provisions relating to pilotage and pilot liability. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3133 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Barr, Conner, Granlund, Guess, Haley, Patterson, Vognil.

Passed to Committee on Rules for second reading.

February 22, 1983

SB 3172 Prime Sponsor, Senator Guess: Providing for the license revocation of motorists convicted of eluding police. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Barr, Bender, Granlund, Guess, Haley, Owen, Patterson, Vognil.

Passed to Committee on Rules for second reading.

February 22, 1983

SB 3222 Prime Sponsor, Senator Rasmussen: Modifying the disabled parking laws. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 22, 1983

SB 3229 Prime Sponsor, Senator Goltz: Creating a commission to study the feasibility and desirability of state participation in the British Columbia World Exposition of 1986. Reported by Committee on State Government

MAJORITY recommendation: Do Pass and be referred to the Committee on Ways and Means. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McDermott, Rinehart, Zimmerman.

Referred to Committee on Ways and Means.

February 22, 1983

SB 3412 Prime Sponsor, Senator Warnke: Increasing the maximum amount which state agencies, colleges and universities may purchase without competition. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 22, 1983

SB 3417 Prime Sponsor, Senator Warnke: Repealing the offshore items listing requirement. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 22, 1983

SB 3422 Prime Sponsor, Senator Warnke: Adding a premium to bids from vendors whose states have an in-state preference. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 22, 1983

SB 3588 Prime Sponsor, Senator Goltz: Authorizing the state archivist to adopt rules and set technical standards. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, Zimmerman.

Passed to Committee on Rules for second reading.

February 22, 1983

SJM 106 Prime Sponsor, Senator Rinehart: Calling for a mutual and verifiable freeze on nuclear weapons. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

At 1:58 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 2:46 p.m.

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

MESSAGE FROM THE HOUSE

February 23, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1075, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1075.

MOTION

Senator Bottiger moved that Senator Bottiger be appointed as a committee of one to join with a like member from the House to deliver Engrossed House Bill No. 1075 to the Governor.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senator Bottiger as a committee of one to join with a member of the House to deliver Engrossed House Bill No. 1075 to the Governor.

MOTION

At 2:49 p.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Thursday, February 24, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 24, 1983

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 Metcalf and Sellar.

The Sergeant at Arms Color Guard, consisting of Pages Carolyn Michael and Lisa Michael, presented the Colors. Reverend Paul J. Beeman, senior pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 22, 1983

SB 3009 Prime Sponsor, Senator Williams: Modifying provisions relating to the use of deadly weapons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 22, 1983

SB 3152 Prime Sponsor, Senator Hurley: Requiring the preparation of a long-range plan for the state leased land on the Hanford reservation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3152 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Goltz, Hemstad, McManus, Moore.

Passed to Committee on Rules for second reading.

February 22, 1983

SB 3183 Prime Sponsor, Senator Moore: Amending the regulation of attachments to utility poles. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3183 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Goltz, Hemstad, McManus, Moore.

Passed to Committee on Rules for second reading.

February 22, 1983

SB 3266 Prime Sponsor, Senator Williams: Modifying requirements for WPPSS executive board membership. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3266 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, McManus, Moore, Quigg.

Passed to Committee on Rules for second reading.

February 22, 1983

SB 3386 Prime Sponsor, Senator Clarke: Modifying the corporation laws. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 22, 1983

SB 3387 Prime Sponsor, Senator Moore: Penalizing interference with the lawful custody of a child. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3387 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 22, 1983

ESB 3392 Prime Sponsor, Senator McManus: Modifying provisions on electrical utility installation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Benitz, Fuller, Goltz, Hemstad, McManus, Moore, Quigg.

Passed to Committee on Rules for second reading.

February 22, 1983

SB 3408 Prime Sponsor, Senator Wojahn: Modifying provisions relating to exempt property. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 22, 1983

SB 3426 Prime Sponsor, Senator Talmadge: Modifying provisions relating to the homestead. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 23, 1983

SB 3655 Prime Sponsor, Senator Shinpoch: Modifying provisions relating to podiatry. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

February 23, 1983

SB 3757 Prime Sponsor, Senator McManus: Modifying provisions relating to nursing homes. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 3757 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

February 23, 1983

SB 3773 Prime Sponsor, Senator Gaspard: Modifying the laws regulating the school directors' association. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Hemstad, Hughes, Kiskaddon, Patterson, Warnke.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 24, 1983

GA 91 LUDWIG LOBE, to the position of Member of the Health Care Facilities Authority, appointed by the Governor on March 2, 1983, for the term ending March 1, 1987, succeeding himself. Reported by Committee on Social and Health Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 23, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Fred C. Enlow reappointed February 10, 1983, for a term ending September 30, 1988, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

February 23, 1983

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.

Vincent L. Stevens reappointed January 28, 1983, for a term ending December 31, 1983, as Chairman of the State Health Coordinating Council.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Social and Health Services.

MOTION

At 10:13 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:17 a.m.

MESSAGE FROM THE GOVERNOR
WITHDRAWING NOMINATION

February 23, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

Mr. Dick Pokornowski, appointed March 5, 1982, for a term ending June 30, 1987, succeeding Mary Knibbs as a member of the Gambling Commission, has resigned. I, therefore, withdraw my nomination and request for senate confirmation of his appointment.

Sincerely,
JOHN SPELLMAN, Governor

MOTION

Senator Bottiger moved that the Senate concur with the Governor's request and withdraw the name of Mr. Dick Pokornowski for nomination as a member of the Gambling Commission.

The President declared the question before the Senate to be the motion by Senator Bottiger to grant the request of Governor Spellman to withdraw the name of Mr. Dick Pokornowski for nomination as a member of the Gambling Commission.

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

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger to concur in the Governor's request carried by the following vote: Yeas, 40; nays, 00; absent, 09; excused, 00.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurlley, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 40.

Absent: Senators Bluechel, Craswell, Deccio, Hayner, McDermott, Metcalf, Pullen, Sellar, Zimmerman - 9.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3108, by Senators Vognild, Peterson, Bender, Wojahn, McDermott and Bauer

Revising laws governing labor relations for ferry workers.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3108 was substituted for Senate Bill No. 3108 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the following amendment by Senators Newhouse, Vognild and Craswell was adopted:

On page 4, beginning on line 2, after "include", strike all the material down to and including "and" on line 4.

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

On page 23, after line 15 insert the following:

"Sec. 24. Section 47.60.310, chapter 13, Laws of 1961 as last amended by section 137, chapter 3, Laws of 1983 and RCW 47.60.310 are each amended to read as follows:

(1) The department is further directed to conduct such review by soliciting and obtaining expressions from local community groups in order to be properly informed as to problems being experienced within the area served by the Washington state ferries. In order that local representation may be established, the department shall give prior notice of the review to the legislative authority ((of each county wherein a terminal of the Washington state ferries is located and the legislative authority of any other county adjacent to Puget Sound or the Strait of Juan de Fuca which by resolution has notified the department of its intent to participate in the reviews)) of Clallam, Island, Jefferson, King, Kitsap, Pierce, San Juan, Skagit, and Snohomish counties.

(2) Each such county legislative authority ((is hereby directed to)) shall appoint a committee to consist of ((no more than)) five members to serve as an advisory committee to the department or its designated representative in such review.

(3) The members of each county ferry advisory committee shall be appointed for four-year terms. The initial terms shall commence on July 1, 1982, and end on June 30, 1986. Any vacancy shall be filled for the remainder of the unexpired term by the appointing authority. At least one person appointed to each advisory committee shall be representative of an established ferry-user group or of frequent users of the ferry system, at least one shall be representative of persons or firms using or depending upon the ferry system for commerce, and one member shall be representative of a local government transportation planning body or its staff. Every member shall be a resident of the county upon whose advisory committee he or she sits, and not more than three members shall at the time of their appointment be members of the same major political party.

(4) The committees to be appointed by the county legislative authorities shall serve without fee or compensation. ((It is not the intent of RCW 47.60.290 through 47.60.310 that any powers or duties now prescribed and delegated to the department shall be assumed by any other board or committee.))"

Remember the remaining sections consecutively and correct any internal references accordingly.

On page 25, line 11, after "RCW 47.60.310," insert "elected by the members thereof, and two representatives of employees of the ferry system appointed by mutual agreement of all of the unions representing ferry employees."

MOTION

Senator Craswell moved the following amendments by Senators Craswell, Owen, McCaslin and von Reichbauer be considered and adopted simultaneously:

On page 4, line 25, after "act", strike all material down to and including "organization" on line 28.

On page 5, after line 7, insert the following:

"(c) To require ferry system management to obtain employees by referral from a hiring hall operated by or participated in by a labor organization;"

Renumber the remaining subsections consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Hemstad: "Senator Bottiger, in the hiring hall arrangement as it applies to the Ferry System, are the referrals that are made from the hiring hall translated into permanent positions with the Ferry System?"

Senator Bottiger: "Senator, they may or may not be. In different cases, at least when I wrote the budget for the transportation system, they had temporary workers. They hired people for a week or a day or the job ended up being permanent. It would be just like in the construction industry. It depends on how long the job is going to take. Obviously, you have some summer-only employment in the Ferry System and I presume as the decline occurred in the fall, that person would be laid off."

Senator Hemstad: "But of the various kinds of permanent positions within the system, then does it not follow that many, if not most of them come through the hiring hall mechanism?"

Senator Bottiger: "As I understand existing practices, they all do."

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 adoption of the amendments by Senators Craswell, Owen, McCaslin and von Reichbauer.

ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendments were not adopted by the following vote: Yeas, 21; nays, 26; absent, 00; excused, 02.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Owen, Patterson, Pullen, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Excused: Senators Metcalf, Sellar - 2.

MOTION

Senator Craswell moved adoption of the following amendment by Senators Craswell, Owen, McCaslin and von Reichbauer:

On page 6, line 26, insert the following new subsection and renumber the remaining subsections accordingly:

"(5) Every person employed by the Washington state ferry system on the effective date of this 1983 act, and every new employee hired thereafter, shall, as a condition of their employment or continued employment, sign a pledge in a form prescribed by the secretary of transportation, that they will not initiate or participate in a strike or work stoppage or other acts prohibited by subsection (1) of this section. Any individual employee violating this pledge shall be immediately terminated from employment with the Washington state ferries and shall for five years thereafter be ineligible for employment with the state of Washington."

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Vognild, as I understand your earlier remarks, you are opposed to any language in a bill that prohibits an individual from exercising his rights to go on strike? Is that correct?"

Senator Vognild: "Well, Senator, I guess you could twist my words that way if you wanted. I didn't think I said that. What I think I said is that I am opposed to anything that denies an individual the right to control their own life. If that individual--for their personal reasons--has a single entity--not a joint operation--an individual person--makes the decision that they do not want to work for the ferry system, and maybe three years later, they come back and ask for a job--decide they want to. I think they are exercising their personal right. Under this language, I am fearful that that would not be the case and they would be deemed to have created a one-person strike. I have never heard of one, but I think that is what they would be deemed to have created--a one-person strike--therefore penalized--and on that I am concerned."

Senator Pullen: "You do agree that Section 5 of the bill now does prohibit a one-person strike? In other words, Section 5 of the bill says 'it is unlawful for any ferry system employee to participate in a strike or work stoppage.' That would include a single individual, the way I read that language."

Senator Vognild: "Senator, I am not familiar with the court decisions. I have never run across that particular thing before. I guess I would have to say that if one person walked off in the middle of a shift or something, that a court might construe that to be a strike."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Craswell, Owen, McCaslin and von Reichbauer.

The motion by Senator Craswell failed on a rising vote.

MOTION

Senator Craswell moved adoption of the following amendment by Senators Craswell, Owen, McCaslin and von Reichbauer:

On page 6, after line 31, insert a new subsection as follows:

"(7) Notwithstanding the provisions of chapter 88.04 RCW and chapter 88.08 RCW, the department of transportation shall promulgate rules and regulations allowing vessels, as defined in RCW 88.04.300, as well as other watercraft, to engage in emergency passenger service on the waters of Puget Sound in the event ferry employees engage in a work slowdown or stoppage. Such emergency rules and regulations shall allow emergency passenger service on the waters of Puget Sound within seventy-two hours following a work slowdown or stoppage. Such rules and regulations that are promulgated shall give due consideration to the needs and the health, safety and welfare of the people of the state of Washington."

POINT OF INQUIRY

Senator Vognild: "Senator Craswell, I have two questions. Number one, do you intend this to be a temporary type of service in the event of illegal strike or work slow down?"

Senator Craswell: "Absolutely."

Senator Vognild: "Number two, do you intend that these mosquito fleets--I believe you called them--that they will conform to the safety regulations in regard to the safety of the passengers during the times that they are operating?"

Senator Craswell: "Yes, it would take about three years to certify them under the normal procedures. It was our intent that the Department of Transportation should take a look at them and make sure that they are fine for temporary use--keeping in mind the health and safety of the people who are riding them. We think on a temporary basis that that would be adequate."

Senator Vognild: "Senator, I need to pursue it a little bit further then. What I am thinking of here is not terms of certification, but in terms of adequate fire protection, adequate life savers--this type of thing. Is that your intent?"

Senator Craswell: "Certainly, we are looking at that type of adequate protection. Yes, and I think the Department of Transportation would be, too."

The President declared the question before the Senate to be adoption of the amendment by Senators Craswell, Owen, McCaslin and von Reichbauer.

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

MOTION

Senator Craswell moved adoption of the following amendment by Senators Craswell, McCaslin and Owen:

On page 9, line 21, after "budget," insert:

"Nor shall such agreement or award grant salary and compensation increases from any fund source whatsoever in excess of the amount and or percentage as shall be provided for ferry employees as set forth in the state operating appropriations act or transportation budget in effect at the time the compensation is payable."

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Vognild, as you well know, we spent many weeks in going over the ferry commission bill. This was the main point that I think that both you and I addressed or hoped to address. I am having a little trouble with the amendment. Could you identify what this would do--the way the bill is now drafted? Would this, in any way, really affect what we were both striving for and that was to have legislative control over the dollar amount that would be available for the system through our Appropriations Act? Does this amendment do violence to that concept? I am really seeking information and your opinion."

Senator Vognild: "Well, Senator, I am not sure. This is the first time I have seen this language and I have tried to sort it out as rapidly as possible. What I believe I see is that it says here--'no agreement shall grant salary and compensation increases from any fund source whatsoever in excess of the amount and or percentage as shall be provided for ferry employees as set forth in the state operating appropriations act.' What I am reading here is that the state budget--the transportation budget, apparently, will have to contain language which indicates exactly what the salary and compensation for the ferry workers for the next two years will be.

"I guess in terms of what we were trying to accomplish, I am a little concerned that it might bind the state--if you will--to more costs than we anticipated from tax dollars. I can visualize here that this will nullify the pro-rata or reduction section that is in this bill. In doing so, if the state sets the salaries and how much they are going to spend, and then the money is not generated through the fare box as we anticipate under the pro-rata, I presume that the state operating general fund would be responsible for it. I think that is exactly opposite of what we tried to do."

Senator Patterson: "I think you have described, maybe, the concern that I have. We do have a mechanism in the bill now, which puts on the table the total dollars that the system is going to operate under and the wages for the employees have to fall under that total dollar amount. Are you suggesting then, that in the Transportation Budget Act, if we were to authorize, for example--for other state employees, say a five percent salary factor--that we would also have to address that in the Transportation Budget Act, rather than having it bargained under the total? Is that what you are suggesting?"

Senator Vognild: "Senator, that is what I believe that this does. I believe that the transportation budget would have to project a total budget, in regards to the operation of the ferries, including whatever salaries might be there. Then, if the money wasn't generated, I believe the state general fund would be responsible. Under the bill, we have set it up so that whatever proportion--roughly 40%, I believe--of the total operating budget that is taken from tax dollars into ferry operation, is the total obligation of the state's tax-payers."

Senator Patterson: "That was my understanding, too, and I just wanted a clarification."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Craswell, McCaslin and Owen.

The motion by Senator Craswell failed on a rising vote and the amendment was not adopted.

MOTIONS

On motion of Senator Shinpoch, further consideration of Substitute Senate Bill No. 3108 was deferred.

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

SB 3015 February 23, 1983
Prime Sponsor, Senator Talmadge: Removing the retail sales and use tax from food purchased for public school lunch programs. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Craswell, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

SB 3191 February 22, 1983
Prime Sponsor, Senator Goltz: Permitting local authorities to reduce speed limits below twenty miles per hour. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Granlund, Guess, Haley, Patterson, von Reichbauer.

Passed to Committee on Rules for second reading.

SB 3260 February 21, 1983
Prime Sponsor, Senator McDermott: Modifying provisions on appeals. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Shinpoch, Talmadge, Warnke, Wojahn, Woody.

Passed to Committee on Rules for second reading.

SB 3262 February 21, 1983
Prime Sponsor, Senator McDermott: Modifying provisions on property taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Craswell, Deccio, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

SB 3657 February 22, 1983
Prime Sponsor, Senator Wojahn: Modifying provisions relating to the use of state-owned armories. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 3657 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

At 12:20 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Friday, February 25, 1983.

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

FORTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 25, 1983

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, Haley and Metcalf. On motion of Senator Bluechel, Senator Metcalf was excused.

The Sergeant at Arms Color Guard, consisting of Pages Nicole Ostrowski and Mike Egan, presented the Colors. Reverend Paul J. Beeman, senior pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 23, 1983

SB 3375 Prime Sponsor, Senator Goltz: Establishing the jobs for Washington youth program. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3375 be substituted therefor, and the substitute bill be referred to the Ways and Means Committee without recommendation. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Sellar, Shinpoch, Williams.

Passed to Committee on Ways and Means.

February 24, 1983

SB 3427 Prime Sponsor, Senator Hurley: Prohibiting state employees and officials from receiving a salary higher than the governor's. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McCaslin, McDermott, Rinehart.

Passed to Committee on Rules for second reading.

February 24, 1983

SB 3507 Prime Sponsor, Senator Hurley: Modifying provisions relating to gubernatorial appointments. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 24, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 24,

HOUSE BILL NO. 136,

HOUSE BILL NO. 217,

ENGROSSED HOUSE BILL NO. 318, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 24 by Committee on Labor (originally sponsored by Representatives R. King, Clayton, McMullen, Gallagher and Belcher) (by Department of Labor and Industries request)

Allowing the department to take disciplinary action against self-insured employer.

Referred to Committee on Commerce and Labor.

HB 136 by Representatives R. King and Clayton (by Public Employment Relations Commission request)

Imposing a time limit on filing certain unfair labor practice complaints.

Referred to Committee on Commerce and Labor.

HB 217 by Representatives Moon and Gallagher

Modifying provisions on liens on public works.

Referred to Committee on Local Government.

EHB 318 by Representatives Hine, Brough, Charnley, Allen and Isaacson

Establishing procedures for moorage facilities to enforce moorage and storage regulations.

Referred to Committee on Local Government.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3166, by Senators Bauer, Sellar, Moore and Lee

Modifying provisions relating to notary fees.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3166 was substituted for Senate Bill No. 3166 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 3166 was advanced to third reading, the second reading considered the third, and the bill was 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. 3166.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3166, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Paterson, Peterson, Pullen, Qulgg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Benitz, Haley - 2.

Excused: Senator Metcalf - 1.

SUBSTITUTE SENATE BILL NO. 3166, having received the 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 Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 3108, deferred on February 24, 1983.

Senator Craswell moved the following amendments by Senators Craswell, Owen, McCaslin and von Reichbauer be considered and adopted simultaneously:

On page 9, line 29, after "the" strike "Seattle consumer price index" and insert "implicit price deflator"

On page 9, line 34, after "the" strike "Seattle consumer price index" and insert "implicit price deflator"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Craswell, Owen, McCaslin and von Reichbauer.

The motion by Senator Craswell failed on a rising vote and the amendments were not adopted.

MOTION

Senator Craswell moved adoption of the following amendment by Senators Craswell, Owen, McCaslin and von Reichbauer.

On page 15, line 34, after "provided", strike all the material down to and including "act" on line 35 and insert "for other state agencies"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Craswell, Owen, McCaslin and von Reichbauer.

The motion by Senator Craswell failed on a rising tie vote, the President voting nay, and the amendment was not adopted.

MOTION

On motion of Senator Vognild, the following amendment by Senators Vognild and Quigg was adopted:

On page 15, beginning on line 33, after "However," strike all the material down through "act." on page 16, line 2, and insert "after July 1, 1984, any amount by which the employer contribution for ferry system employees' and dependents' insurance and health care plans exceeds that provided for other state agencies shall reduce the funds available for compensation purposes, pursuant to section 9 of this act."

MOTION

Senator Craswell moved adoption of the following amendment:

On page 27, after line 5, insert the following new section:

NEW SECTION. Sec. 33. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article 11, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

POINT OF ORDER

Senator Vognild: "Mr. President, may I inquire if it is proper to put a referendum on a bill which contains an emergency clause?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Vognild, you have presented a very interesting point of order. The President is going to request the necessary time to determine the proper answer--and he hopes the correct one."

At 10:42 a.m., the President declared the Senate to be at ease.

The President called the Senate to order at 11:23 a.m.

Senator Craswell, with permission of the Senate, withdrew the amendment on page 27, line 5.

MOTION

Senator Craswell moved adoption of the following amendment:

On page 27, line 2, after "Sec. 32.", strike all material down to and including "immediately," on line 5 and insert:

"This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article 11, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

POINT OF INQUIRY

Senator Talmadge: "Senator Craswell, using your same rationale, would you support a referendum clause on the ferry subsidy provision in the Transportation Budget?"

Senator Craswell: "I don't think that is before us, but I think this government is here to legislate the wishes of the people."

Senator Talmadge: "I suspect the feelings about the referendum provision on this bill would be similar to the feelings of many people about the ferry subsidy that exists in the Transportation Budget that was so greatly increased by the last legislature."

The President declared the question before the Senate to be adoption of the amendment by Senator Craswell.

The motion by Senator Craswell failed on a rising vote and the amendment was not adopted.

MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 6 of the title, after "46.68.030," insert "amending section 47.60.310, chapter 13, Laws of 1961 as last amended by section 137, chapter 3, Laws of 1983 and RCW 47.60.310;"

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 3108 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3108.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3108, and the bill passed the Senate by the following vote: Yeas, 25; nays, 22; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Guess, Haley, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Absent: Senator Fuller - 1.

Excused: Senator Metcalf - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Patterson moved the Senate immediately reconsider the vote by which Senate Bill No. 3211 failed to pass the Senate February 21, 1983.

MOTION

On motion of Senator Bluechel, Senator Fuller was excused.

The President declared the question before the Senate to be the motion by Senator Patterson that the Senate reconsider the vote by which Senate Bill No. 3211 failed to pass the Senate.

The motion by Senator Patterson carried and the Senate began reconsideration of Senate Bill No. 3211.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3211, on reconsideration.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3211, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Kiskaddon, Lee, McManus, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senators Craswell, Deccio, Hayner, Hurley, Jones, McCaslin, McDermott, Moore, Pullen, von Reichbauer - 10.

Excused: Senators Fuller, Metcalf - 2.

SENATE BILL NO. 3211, on reconsideration, having received the constitutional 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 served prior notice, Senator Vognilid moved the Senate immediately resume consideration of the pending motion of February 21, 1983, to reconsider the vote by which Engrossed Senate Bill No. 3137 failed to pass the Senate February 15, 1983.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognilid that the Senate reconsider the vote by which Engrossed Senate Bill No. 3137 failed to pass the Senate.

Senator Hurley demanded a roll call and the demand was not sustained.

The motion by Senator Vognilid carried and the Senate began reconsideration of Engrossed Senate Bill No. 3137.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3137, on reconsideration.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3137 on reconsideration, and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 23; absent, 00; excused, 02.

Voting yea: Senators Bauer, Benitz, Bluechel, Conner, Gaspard, Granlund, Haley, Hansen, Hemstad, Kiskaddon, Lee, McManus, Moore, Owen, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Williams, Wojahn, Zimmerman - 24.

Voting nay: Senators Barr, Bender, Bottiger, Clarke, Craswell, Deccio, Fleming, Goltz, Guess, Hayner, Hughes, Hurley, Jones, McCaslin, McDermott, Newhouse, Patterson, Pullen, Rasmussen, Vognilid, von Reichbauer, Warnke, Woody - 23.

Excused: Senators Fuller, Metcalf - 2.

ENGROSSED SENATE BILL NO. 3137, on reconsideration, having failed to receive the constitutional majority, was declared lost.

MOTIONS

On motion of Senator Shinpoch, the following designated committees were relieved of further consideration of the listed Senate Bills and referred to the following committees as indicated on the list on the desk of each member:

Committee on Rules relieved of further consideration of SB 3230; referred to Committee on Ways and Means.

Committee on Social and Health Services relieved of further consideration of SB 3068; referred to Committee on Agriculture.

Committee on State Government relieved of further consideration of SB 4202; referred to Committee on Judiciary.

Committee on Social and Health Services relieved of further consideration of Gubernatorial Appointment No. 5; referred to Committee on State Government.

Committee on Social and Health Services relieved of further consideration of SB 4252; referred to Committee on Institutions.

Committee on Judiciary relieved of further consideration of SB 4247; referred to Committee on Institutions.

Committee on Commerce and Labor relieved of further consideration of SB 3139; referred to Committee on State Government.

Committee on Commerce and Labor relieved of further consideration of SB 3171; referred to Committee on State Government.

Committee on Commerce and Labor relieved of further consideration of SB 3479; referred to Committee on State Government.

Committee on Commerce and Labor relieved of further consideration of SB 3987; referred to Committee on State Government.

Committee on Commerce and Labor relieved of further consideration of Gubernatorial Appointment No. 1; referred to Committee on State Government.

Committee on Commerce and Labor relieved of further consideration of Gubernatorial Appointment No. 17; referred to Committee on State Government.

Committee on Commerce and Labor relieved of further consideration of Gubernatorial Appointment No. 18; referred to Committee on State Government.

Committee on Commerce and Labor relieved of further consideration of Gubernatorial Appointment No. 19; referred to Committee on State Government.

Committee on Commerce and Labor relieved of further consideration of Gubernatorial Appointment No. 20; referred to Committee on State Government.

Committee on Local Government relieved of further consideration of SB 4158; referred to Committee on Ways and Means.

Committee on Rules relieved of further consideration of SB 3192; referred to Committee on Ways and Means.

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

REPORTS OF STANDING COMMITTEES

February 23, 1983

SB 3217 Prime Sponsor, Senator Bauer: Prohibiting commercial salmon fishing in waters connected to the Columbia river below Bonneville dam. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3217 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Patterson, Quigg, von Reichbauer.

Passed to Committee on Rules for second reading.

February 21, 1983

SB 3423 Prime Sponsor, Senator Thompson: Granting the department of natural resources various duties relating to forest products. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3423 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Quigg, Shinpoch, Vognilid.

Passed to Committee on Ways and Means.

February 23, 1983

SB 3585 Prime Sponsor, Senator Fleming: Extending the permitted duration of harbor leases to fifty-five years. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Patterson, Quigg, Rasmussen, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

February 23, 1983

SB 3628 Prime Sponsor, Senator Owen: Establishing Hood Canal shrimp fishing licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3628 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Patterson, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

MOTION

At 12:10 p.m., on motion of Senator Shipoch, the Senate adjourned until 10:00 a.m., Monday, February 28, 1983.

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

FIFTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 28, 1983

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Conner, Haley, Hurley, Lee, McDermott and Vognild. On motion of Senator Bluechel, Senators Haley and Lee were excused. On motion of Senator Wojahn, Senators Conner, Hurley, McDermott and Vognild were excused.

The Sergeant at Arms Color Guard, consisting of Pages Mark King and Greg Shaffer, presented the Colors. Reverend David S. Steen, pastor of the Good Shepherd Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 24, 1983

SB 3007 Prime Sponsor, Senator Williams: Modifying provisions relating to sexual offenses. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3007 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Fleming, Hayner, Hemstad, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 24, 1983

SB 3254 Prime Sponsor, Senator Boltiger: Modifying the award of interest on judgments. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3254 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 24, 1983

SB 3383 Prime Sponsor, Senator Clarke: Modifying the laws regulating professional corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 24, 1983

SB 3442 Prime Sponsor, Senator Talmadge: Providing a procedure for agreed dissolution. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 24, 1983

SB 3447 Prime Sponsor, Senator Rasmussen: Increasing the value of homesteads to thirty thousand dollars. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 25, 1983

SB 3501 Prime Sponsor, Senator Talmadge: Providing interpreters in legal proceedings for non-English-speaking persons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Fleming, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 25, 1983

SB 3674 Prime Sponsor, Senator Hughes: Relating to pollution control. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Bluechel, Haley, Hansen, Hurley, Kiskaddon, Lee.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 25, 1983

Mr. President:

The House has adopted:

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 25, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL 149,

ENGROSSED HOUSE BILL NO. 150,

ENGROSSED HOUSE BILL NO. 152,

ENGROSSED HOUSE BILL NO. 153, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 25, 1983

Mr. President:

The House has passed:

ReENGROSSED HOUSE BILL NO. 36,

ENGROSSED HOUSE BILL NO. 79, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 25, 1983

Mr. President:

The House has passed:

HOUSE BILL NO. 31,

SUBSTITUTE HOUSE BILL NO. 47,

HOUSE BILL NO. 73,

HOUSE BILL NO. 77,

SUBSTITUTE HOUSE BILL NO. 99,

HOUSE BILL NO. 111,

HOUSE BILL NO. 174,

ENGROSSED HOUSE BILL NO. 259,

HOUSE BILL NO. 344,

ENGROSSED HOUSE BILL NO. 348, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 31 by Representatives Wang, Armstrong, Padden, Johnson, Brough, McMullen, Ristuben, Miller, Fuhrman, Holland, Broback, Isaacson,

Silver, P. King, Hastings, Bond, Addison, Mitchell, R. King, B. Williams, Patrick, Lewis, Allen, Tanner, Long, Brekke, Barrett and West

Providing that using or threatening to use an apparent deadly weapon is forcible compulsion for the crime of rape in the first degree.

Referred to Committee on Judiciary.

ReEHB 36 by Representatives Hastings, Hine, Isaacson and Mitchell

Modifying provisions relating to the formation of sewer districts.

Referred to Committee on Local Government.

SHB 47 by Committee on Local Government (originally sponsored by Representatives Garrett, Walk, Hankins, Johnson, Stratton and Hine)

Extending and modifying the municipal research council.

Referred to Committee on Local Government.

HB 73 by Representatives Moon, Charnley and Wilson

Raising debt limits for cities, towns and hospital districts.

Referred to Committee on Local Government.

HB 77 by Representatives Martinis, Wilson, Moon, Johnson, Sanders, Zellinsky and Mitchell

Permitting a longer time period for the acquisition of property by port districts.

Referred to Committee on Local Government.

ESHB 79 by Committee on Local Government (originally sponsored by Representatives Moon and Van Dyken)

Allowing cities and towns to charge interest on sewer hook-ups.

Referred to Committee on Local Government.

SHB 99 by Committee on Judiciary (originally sponsored by Representatives Wang and Tanner)

Modifying the procedures governing defendants acquitted by reasons of insanity.

Referred to Committee on Judiciary.

HB 111 by Representatives R. King, Isaacson, Miller and Hine

Modifying provisions relating to water and sewer district treasurers.

Referred to Committee on Financial Institutions.

SHB 149 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Pruitt, Barnes, Fisch, Miller, Fisher, Long, Zellinsky, Tanner, Sommers, Jacobsen, Charnley, Garrett, B. Williams, P. King, Kaiser, Ristuben, Powers, Sayan, Smitherman, Wang, Brough, McMullen, Mitchell, Belcher, Patrick, Johnson, Haugen, Rust, Moon, Halsan, Hine, Dellwo, Lux, Ebersole and Locke)

Establishing reporting requirements for governmental officials receiving honoraria, entering into contracts, or entering into employment or personal service contracts.

Referred to Committee on State Government.

EHB 150 by Representatives Pruitt, Barnes, Fisch, Miller, Fisher, Long, Zellinsky, Tanner, Sommers, Jacobsen, Charnley, Garrett, B. Williams, Kaiser, Ristuben, Wang, Lewis, McMullen, Mitchell, Belcher, Patrick,

Johnson, Isaacson, Silver, Rust, McDonald, Todd, Moon, Halsan, Hine, Allen, Dellwo, Lux and Holland

Requiring special reports of campaign contributions over five hundred dollars.

Referred to Committee on Judiciary.

EHB 152 by Representatives Pruitt, Barnes, Fisch, Miller, Fisher, Long, Zellinsky, Tanner, Sommers, Jacobsen, B. Williams, Kaiser, Armstrong, Ristuben, Wang, Lewis, McMullen, Patrick, Johnson, Isaacson, Burns, Silver, Stratton, Haugen, McDonald, Todd, Moon, Halsan, Hine, Allen, Dellwo, Lux, Holland, Schmidt, D. Nelson, Brekke and Locke

Regulating fund-raising activities during legislative sessions.

Referred to Committee on Judiciary.

EHB 153 by Representatives Pruitt, Barnes, Miller, Fisch, Fisher, Long, Zellinsky, Tanner, Sommers, Jacobsen, B. Williams, Kaiser, Armstrong, Ristuben, Wang, Lewis, Mitchell, Belcher, Patrick, Isaacson, Silver, Stratton, McDonald, Todd, Moon, Halsan, Hine, Dellwo, Lux, Holland, Ebersole and Johnson

Establishing additional requirements for reports of transfers of funds by political candidates or committees.

Referred to Committee on Judiciary.

HB 174 by Representatives Armstrong, Padden, Charnley and Hastings

Requiring information about money judgments to be filed with the court clerk.

Referred to Committee on Judiciary.

EHB 259 by Representatives Martinis, Prince and Charnley (by Department of Licensing request)

Revising laws regulating hulk haulers, vehicle repairmen, rebuilders, restorers, wreckers, and scrap processors.

Referred to Committee on Transportation.

HB 344 by Representatives Armstrong, Fiske and Tanner (by Secretary of State request)

Modifying the laws regulating professional corporations.

Referred to Committee on Judiciary.

EHB 348 by Representatives Armstrong, Fiske, Tanner and Padden (by Secretary of State request)

Modifying the corporation laws.

Referred to Committee on Judiciary.

MOTION

At 10:12 a.m., on motion of Senator Shinpoch, the Senate recessed until 10:45 a.m.

SECOND MORNING SESSION

The President Pro Tempore called the Senate to order at 10:56 a.m.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 25, 1983

SB 3263 Prime Sponsor, Senator Thompson: Authorizing county legislative authorities to set certain license fees. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1983

SB 3264 Prime Sponsor, Senator Conner: Establishing Olympic county subject to voter approval. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1983

SB 3276 Prime Sponsor, Senator Fleming: Declaring economic development programs with nonprofit corporations to be a public purpose for cities and counties. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3276 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1983

SJR 119 Prime Sponsor, Senator Zimmerman: Providing the means for the payment of indebtedness on public improvements. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 119 be substituted therefor, and the substitute resolution do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Rules was relieved of further consideration of Senate Joint Memorial No. 106.

On motion of Senator Shinpoch, the rules were suspended, Senate Joint Memorial No. 106 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Shinpoch, the following designated committees were relieved of further consideration of the listed Senate Bills and referred to the following committees as indicated on the lists on the desk of each member:

Committee on Ways and Means relieved of further consideration of SB 3989; referred to Committee on Commerce and Labor.

Committee on Ways and Means relieved of further consideration of SJR 113; referred to Committee on Commerce and Labor.

Committee on Commerce and Labor relieved of further consideration of SB 3458; referred to Committee on State Government.

Committee on Commerce and Labor relieved of further consideration of SB 3510; referred to Committee on State Government.

Committee on Commerce and Labor relieved of further consideration of gubernatorial Appointment No. 71; referred to Committee on State Government.

Committee on Local Government relieved of further consideration of SB 4213; referred to Committee on Judiciary.

Committee on Commerce and Labor relieved of further consideration of the Sunset Audit on Public Broadcasting Commission; referred to Committee on Education.

Committee on State Government relieved of further consideration of SB 3768; referred to Committee on Education.

MOTION

On motion of Senator Shinpoch the Senate reverted to the sixth order of business.

SECOND READING

SENATE JOINT MEMORIAL NO. 106, by Senators Rinehart, Metcalf, Bauer, Bluechel, Bender, Clarke, Fleming, Fuller, Goltz, Hemstad, Granlund, Lee, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn and Woody

Calling for a mutual and verifiable freeze on nuclear weapons.

The memorial was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Joint Memorial No. 106 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 106.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 106, and the memorial passed the Senate by the following vote: Yeas, 39; nays, 05; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Craswell, Guess, Haley, McCaslin, Pullen - 5.

Excused: Senators Conner, Hurley, Lee, McDermott, Vognild - 5.

SENATE JOINT MEMORIAL NO. 106, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3117, by Senators Thompson, Zimmerman and Bauer

Regulating substances containing toxic vapors or fumes.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 2, line 28, after "person", strike "under eighteen years of age" and insert "((under ~~eighteen years of age~~))"

On motion of Senator Talmadge, 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.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, if I were to send my ten year old son down to get some glue for his model airplane-making and he bought it from one of these merchants and then he, in turn, gave it to one of his buddies that sniffs glue, what kind of legal hazards would this merchant get into by selling this glue?"

Senator Talmadge: "Senator, I think--under present law, and I think under the law the way the bill now reads--the merchant would not be in jeopardy unless he understood that the first person to whom he sold the glue was going to use it for the purpose of inhaling the fumes and getting a high, or was going to distribute it to people for that purpose--unless he knew it specifically, in other words."

Senator Rasmussen: "Well, I wanted that on the record, so that anybody that sold glue would know that they would not be legally responsible, even though it passes through their store and into the hands of somebody that did sniff glue."

Senator Talmadge: "Senator, the specific problem is not so much with respect to glue, because that is already a violation. The problem is the list of materials that are in Section 1 of the bill. All of those substances have, also, toxic vapors associated with them and cause problems for those inhaling them. The intent of the bill is not so much with glue as it is to incorporate those other substances that have these toxic vapors associated with them into the law as it now relates for glue."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3117.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3177, and the bill passed the Senate by the following vote: Yeas, 42; nays, 01; absent, 01; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senator Pullen - 1.

Absent: Senator Williams - 1.

Excused: Senators Conner, Hurley, Lee, McDermott, Vognilid - 5.

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.

SECOND READING

SENATE BILL NO. 3121, by Senators Peterson, Hansen and Sellar (by Department of Licensing request)

Permitting certain notices to be sent to drivers by first class mail.

The bill was read the second time.

MOTION

On motion of Senator Peterson, 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.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3121.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3121, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Excused: Senators Conner, Hurley, Lee, McDermott, Vognilid - 5.

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.

SECOND READING

SENATE BILL NO. 3390, by Senators Owen and Fuller (by Department of Game request)

Permitting up to seven letters of numbers on personalized license plates.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the following Committee on Natural Resources amendment was adopted:

On page 1, line 20, after "sum of", strike all material through "ten" on line 20, and insert "one hundred and twenty-one"

On motion of Senator Owen, the rules were suspended, Engrossed Senate Bill No. 3390 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3390.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill 3390, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Excused: Senators Conner, Hurley, Lee, McDermott, Vognild - 5.

ENGROSSED SENATE BILL NO. 3390, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3022, by Senators Talmadge, Hemstad and Hughes (by Department of Labor and Industries request)

Clarifying the Crime Victim Compensation Act.

MOTION

On motion of Senator Talmadge, 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.

MOTION

Senator Woody moved the following amendments by Senators Woody and Talmadge be considered and adopted simultaneously:

On page 2, beginning on line 2, after "a", strike all material down to and including "crime" on line 3, and insert "criminal act"

On page 2, beginning on line 8, after "the", strike all material down to and including "crime" and insert "criminal act"

POINT OF INQUIRY

Senator Pullen: "Senator Woody, for clarification, could you distinguish the difference between a crime and a criminal act?"

Senator Woody: "Yes, Senator Pullen, the change effectively draws a line of distinction between misdemeanors and felonies. Presently, misdemeanors are not subject to the criminal or the crime victim compensation fund penalty. By retaining the language, we would also retain that practice. The magistrate's association is concerned about court congestion and they felt that if the twenty-five dollar assessment was not on misdemeanors--such as walking a dog in a park or picnicking illegally--you would have more people going to court instead of forfeiting bail and therefore, contribute to congestion in the court."

Senator Pullen: "As I understand it, you are saying the word 'crime' does not include misdemeanors and the word 'criminal act' does? Is that correct?"

Senator Woody: "That was the understanding that our staff had."

POINT OF INQUIRY

Senator Fleming: "Senator Talmadge, I had a constituent whose son was walking his dog. He normally keeps the dog on leash all day--and normally when he brings the dog back--he lets the dog loose and the dog runs into the yard. This particular morning, the dog ran the other way. His tags had fallen off and because of some problems--they were going to sell the dog--they hadn't replaced the tags. The dog was apprehended and so this individual was fined ninety-three dollars because of the leash law. He indicated that fifty dollars of that fine is supposed to go toward the victim's compensation. Now, I don't see this as a crime against a person--or what have you--and I am wondering, if in fact, this is a quirk in the law. Would this particular amendment resolve that?"

Senator Talmadge: "Senator, this particular amendment should resolve that problem. The intent is to make sure that it is a criminal act as defined under the RCW and as far as I know, we have no state statute that involves the leash law or felony dog-walking or anything like that."

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senators Woody and Talmadge.

The motion by Senator Woody carried and the amendments were adopted.

MOTIONS

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

On page 2, line 9, after "(4)", strike "Notwithstanding any other provision of law" and insert "~~(Notwithstanding any other provision of law)~~ Except as provided in subsection (5)

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

On page 3, line 28, after "assessments", insert "and interest"

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

On page 1, on line 26, after the comma at the end of the line, insert "section 2, chapter ... (SB No. 3106), Laws of 1983."

On page 9, after line 14, insert:

"Sec. 4. Section 2, chapter 122, Laws of 1973 1st. ex. sess. as last amended by section 2, chapter 156, Laws of 1980 and RCW 7.68.020 are each amended to read as follows:

The following words and phrases as used in this chapter have the meanings set forth in this section unless the context otherwise requires.

(1) "Department" means the department of labor and industries.

(2) "Criminal act" means an act committed or attempted in this state which is punishable as a felony or gross misdemeanor under the laws of this state: PROVIDED, That the operation of a motor vehicle, motorcycle, train, boat or aircraft in violation of law does not constitute a "criminal act" unless (a) the injury or death was intentionally inflicted ((or)); (b) the operation thereof was part of the commission of another non-vehicular criminal act as defined in this section ((:)); or (c) the death or injury was the result of operation of a motor vehicle and a conviction of vehicular homicide under RCW 46.61.520 or vehicular assault under section 2, chapter ... (SB No. 3106), Laws of 1983, has been obtained: PROVIDED FURTHER: (a) That neither an acquittal in a criminal prosecution nor the absence of any such prosecution is admissible in any claim or proceeding under this chapter as evidence of the noncriminal character of the acts giving rise to such claim or proceeding, except as provided for in subsections (c) and (d) above; (b) that evidence of a criminal conviction arising from acts which are the basis for a claim or proceeding under this chapter is admissible in such claim or proceeding for the limited purpose of proving the criminal character of the acts; (c) that acts which, but for the insanity or mental irresponsibility of the perpetrator, would constitute criminal conduct are deemed to be criminal conduct within the meaning of this chapter.

(3) "Victim" means a person who suffers bodily injury or death as a proximate result of a criminal act of another person, the victim's own good faith and reasonable effort to prevent a criminal act, or his good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits pursuant to this chapter, "victim" is interchangeable with "employee" or "workman" as defined in chapter 51.08 RCW as now or hereafter amended.

(4) "Child," "accredited school," "dependent," "beneficiary," "average monthly wage," "director," "injury," "invalid," "permanent partial disability," and "permanent total disability" have the meanings assigned to them in chapter 51.08 RCW as now or hereafter amended.

(5) "Gainfully employed" means engaging on a regular and continuous basis in a lawful activity from which a person derives a livelihood.

(6) "Private insurance" means any source of recompense provided by contract available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

(7) "Public insurance" means any source of recompense provided by statute, state or federal, available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter."

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 8, after "7.68.080", insert "and amending section 2, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 156, Laws of 1980 and RCW 7.68.020"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3022 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Patterson: "Senator Talmadge, you say there seems to be enough money to cover the victims of crimes that are not covered by other insurance?"

Senator Talmadge: "Yes."

Senator Patterson: "The vehicular assault, as I understand it--if you have insurance--the victims in that case would be covered by a separate insurance policy. I am wondering whether or not we are not expanding it a little bit far, in that there may not be enough money if you open it up to those areas that are not covered by other insurance."

Senator Talmadge: "Senator, that was a concern that we had in thinking about an amendment that included vehicular homicide and vehicular assault. The experience across the state has been that with respect to negligent homicide, I believe that may, in fact, now be covered already under the act. Vehicular assault is the new part of it. That vehicular assault crime is something that we would anticipate, based on our examination of Senate Bill No. 3106, and the counterpart bill from the House--would not be something that happens with great frequency.

"It would be there and, in fact, there would probably be a slight increase in the number of claims, because of the existence of that crime, but not such a great increase that it would bankrupt the fund or cause any substantial adverse fiscal experience from what we can see."

Senator Patterson: "How much money do we really have in there at the present time? What would you anticipate this new schedule would generate in that fund for compensation to the victims?"

Senator Talmadge: "Senator, I am not certain, absolutely, what the crime victim's assessment brings into the fund. What has been represented to me by the Department of Labor and Industries is that with the assessment that we are now making, that we have a surplus in the fund. We are handling the cost of the compensation of the victims of crime under the bill."

POINT OF INQUIRY

Senator Hayner: "Our experience with the crime victim's law as it was originally passed and finally repealed was that it was going to be extremely costly to the general fund in the way that it was originally written. I assume that from what you have said that you agree that this should not come out of the general fund--that it should be supported by special assessments on the criminal?"

Senator Talmadge: "Senator, what I believe or what I feel about how it should happen is probably irrelevant, given the fact that the law, as it now stands requires that the compensation fund be filled by the assessments against the criminals. I think the principal concern that we have is whether or not the program is being funded and from what Labor and Industries says, it is being funded and that is the only concern that we have--that's the victims of crime."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3022.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3022, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Excused: Senators Conner, Hurley, Lee, McDermott, Vognild - 5.

ENGROSSED 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 BILL NO. 3067, by Senators Hansen, Peterson and Guess

Modifying provisions and the taxation of motor vehicle and special fuels.

MOTIONS

On motion, of Senator Peterson, Substitute Senate Bill No. 3067 was substituted for Senate Bill No. 3067 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3067 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Quigg: "My question, Senator Hansen, is what impact this would have on the purchase on fuel for off-shore fishing? Presently, vessels moored in the coast of Washington will go all the way to Astoria to fuel, because of the tax problems we have. Will this have an impact on those at all?"

Senator Hansen: "I believe that this will solve that problem, if they are on tax exemptions for what they use for out of state waters. Yes, it would be the same impact as on the truckers."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3067.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3067, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator McManus - 1.

Excused: Senators Conner, Hurley, Lee, Vognild - 4.

SUBSTITUTE SENATE BILL NO. 3067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 104, by Senators Rasmussen, Moore, Pullen, Hurley, Goltz, Metcalf, Woody, Zimmerman, Deccio, Hayner, Lee and McCaslin

Opposing withholding ten percent of interest earned on savings accounts for income tax purposes.

The memorial was read the second time.

MOTION

On motion of Senator Rasmussen, 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.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 104.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 3022, and the memorial passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Conner, Hurley, Lee, Vognild - 4.

SENATE JOINT MEMORIAL NO. 104, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

February 24, 1983

SB 3099

Prime Sponsor, Senator Bauer: Modifying interest rate for back taxes on re-classified open space land. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Lee, Rinehart, Talmadge, Thompson, Warnke, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

At 12:03 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Tuesday, March 1, 1983.

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

FIFTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 1, 1983

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Hurley, Pullen, Quigg and Williams. On motion of Senator Bluechel, Senator Pullen was excused. On motion of Senator Vognild, Senators Hurley and Williams were excused. On motion of Senator Zimmerman, Senator Quigg was excused.

The Sergeant at Arms Color Guard, consisting of Pages Dennis Weymouth and Liz Champagne, presented the Colors. Reverend David S. Steen, pastor of the Good Shepherd Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 28, 1983

SB 3051 Prime Sponsor, Senator Hansen: Modifying the laws governing transportation or confining animals. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to Committee on Agriculture. Signed by Lieutenant Governor Cherberg, Chairman; Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Goltz, Guess, Hayner, Jones, Metcalf, Newhouse, Rasmussen, Rinehart, Sellar, Shinpoch, Wojahn, Woody.

Referred to Committee on Agriculture.

February 28, 1983

SB 3075 Prime Sponsor, Senator Moore: Placing one thousand five hundred dollar limit on the filing fee for certain securities and investment trusts. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means. Signed by Lieutenant Governor Cherberg, Chairman; Senators Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Goltz, Guess, Hayner, Jones, Metcalf, Newhouse, Rasmussen, Rinehart, Sellar, Shinpoch, Wojahn, Woody.

Referred to Committee on Ways and Means.

February 28, 1983

SB 3231 Prime Sponsor, Senator Bottiger: Providing for model energy conservation standards for new structures. Reported by Committee on Rules

MAJORITY recommendation: That the bill be returned to the Committee on Rules. Signed by Lieutenant Governor Cherberg, Chairman; Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Goltz, Guess, Hayner, Jones, Metcalf, Newhouse, Rasmussen, Rinehart, Sellar, Shinpoch, Wojahn, Woody.

Returned to Committee on Rules for second reading.

February 28, 1983

SB 3413 Prime Sponsor, Senator Hughes: Modifying provisions relating to non-resident camping fee surcharges at state parks. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Kiskaddon, Haley, Hansen, McDermott, Rasmussen.

Passed to Committee on Rules for second reading.

February 25, 1983

SB 3645 Prime Sponsor, Senator McManus: Modifying provisions relating to mental health insurance. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 3645 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 28, 1983

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 84,

HOUSE BILL NO. 102, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 28, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 6,

SUBSTITUTE HOUSE BILL NO. 95,

SUBSTITUTE HOUSE BILL NO. 177,

ENGROSSED HOUSE BILL NO. 357, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 6 by Committee on Labor (originally sponsored by Representatives D. Nelson, Brekke, Vekich, Rust, Patrick, Jacobsen and Lux)

Modifying the definition of suitable work for unemployment compensation purposes.

Referred to Committee on Commerce and Labor.

ESHB 84 by Committee on Local Government (originally sponsored by Representatives Haugen, McMullen, Moon, Braddock, Sayan, Ellis, Wilson, Fiske, Van Dyken, Isaacson and Mitchell)

Modifying provisions relating to the land ownership prerequisite for special district elections.

Referred to Committee on Local Government.

SHB 95 by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Patrick, Lux, Allen, Powers, Brekke, Armstrong, McClure, Charnley, Burns, Pruitt, Hine, Zellinsky, Smitherman, Jacobsen, D. Nelson, McMullen and Crane)

Requiring a permit to explore for oil in marine waters.

Referred to Committee on Parks and Ecology.

HB 102 by Representatives R. King, Clayton, Lux, Addison, Monohon, Gallagher, Sayan, Vekich, Belcher, Fisch, Charnley, Ebersole, Ristuben, Isaacson, McMullen, Crane and Todd

Defining application of chapter on vocational rehabilitation for injured workers.

Referred to Committee on Commerce and Labor.

SHB 177 by Committee on Social and Health Services (originally sponsored by Representatives Wang, Lewis, Kreidler, Ballard, Stratton, Broback, D. Nelson, Vander Stoep, Armstrong, Niemi, Pruitt, Mitchell, Dellwo, Braddock, Schoon, Chandler, P. King, Powers, Burns, Ristuben,

Johnson, Garrett, Halsan, Tilly, Charnley, Locke, Sutherland, Tanner, Galloway, Holland, Lux, R. King, J. Williams, Long, Miller, Hine and Vekich)

Establishing a maximum initial temperature setting for water heaters.

Referred to Committee on Energy and Utilities.

EHB 357 by Representatives Kaiser, Smith and Ellis

Modifying provisions relating to the veterinary board of governors and animal technicians.

Referred to Committee on Agriculture.

EHCR 3 by Representatives Charnley, Isaacson, Hine, Hankins, Hastings and Sanders

Continuing the Joint Ad Hoc Committee on Science and Technology.

Referred to Committee on Energy and Utilities.

APPOINTMENT OF SPECIAL COMMITTEE

The President Pro Tempore announced the presence in the Senate Chamber of the Honorable Khalid Amir Khan and his wife, Rabia, from Pakistan and appointed Senators Kiskaddon, Granlund, Woody, and Zimmerman to escort Mr. and Mrs. Khan to the rostrum.

The honored guests were introduced to the Senate by their host, Senator Kiskaddon. With permission of the Senate, business was suspended to permit Mr. Khan, a former Pakistani legislator, to address the Senate.

The committee of honor escorted Mr. and Mrs. Khan from the Senate Chamber and the committee was discharged.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3185, by Senators Talmadge and Hemstad

Extending the term of jurisdiction for courts of limited jurisdiction.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 2, line 19, after "jurisdiction" and before the comma, insert "organized under Title 3, 35, or 35A RCW"

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 3, after line 22, insert the following:

*Sec. 5. Section 81, chapter 299, Laws of 1961 and RCW 3.50.320 are each amended to read as follows:

After a conviction, the court may defer sentencing the defendant and place him on probation and prescribe the conditions thereof, but in no case shall it extend for more than ~~((one))~~ two years from the date of conviction. During the time of the deferral, the court may, for good cause shown, permit a defendant to withdraw his plea of guilty, permit him to enter a plea of not guilty, and dismiss the charges against him.

Sec. 6. Section 82, chapter 299, Laws of 1961 and RCW 3.50.330 are each amended to read as follows:

For a period not to exceed ~~((one))~~ two years after imposition of sentence, the court shall have continuing jurisdiction and authority to suspend the execution of all or any part of its sentence upon stated terms, including installment payment of fines.

Sec. 7. Section 83, chapter 299, Laws of 1961 and RCW 3.50.340 are each amended to read as follows:

Deferral of sentence and suspension of execution of sentence may be revoked if the defendant violates or fails to carry out any of the conditions of the deferral or suspension. Upon the revocation of the deferral or suspension, the court shall impose the sentence previously

suspended or any unexecuted portion thereof. In no case shall the court impose a sentence greater than the original sentence, with credit given for time served and money paid on fine and costs.

Any time before entering an order terminating probation, the court may revoke or modify its order suspending the imposition or execution of the sentence. Whenever the ends of justice will be served and when warranted by the reformation of the probationer, the court may terminate the period of probation and discharge the person so held.

Sec. 8, Section 9, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.255 are each amended to read as follows:

Judges of the municipal court, in their discretion, shall have the power in all criminal proceedings within their jurisdiction including violations of city ordinances, to defer imposition of any sentence, suspend all or part of any sentence, fix the terms of any such deferral or suspension, and provide for such probation and parole as in their opinion is reasonable and necessary under the circumstances of the case, but in no case shall it extend for more than two years from the date of conviction."

Renumber the sections consecutively.

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 6 of the title, after "9.95.210;" insert "amending section 81, chapter 299, Laws of 1961 and RCW 3.50.320; amending section 82, chapter 299, Laws of 1961 and RCW 3.50.330; amending section 83, chapter 299, Laws of 1961 and RCW 3.50.340; amending section 9, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.255;"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3185 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3185.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3185, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Hurley, Quigg, Williams - 3.

ENGROSSED SENATE BILL NO. 3185, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3107, by Senators Talmadge, Hemstad, Granlund, Shinpoch, Wojahn, Deccio, McCaslin and Barr

Strengthening laws against drunk driving.

MOTIONS

On motion of Senator Talmadge, Senate Bill No. 3107 was substituted for Senate Bill No. 3107 and the substitute bill was placed on second reading and read the second time.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Haley, Moore, Peterson, Goltz, Wojahn, Benitz, Rasmussen, Thompson, Fuller, Woody and McDermott:

On page 2, line 31, after "arrested", insert ": PROVIDED, That an involuntary blood test may be administered only after securing a warrant: PROVIDED FURTHER, That such warrant may be secured via telephone or radio"

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Pullen, I would like to give you this scenario to see if you don't agree that your amendment would create a problem. An accident victim is rushed to a hospital and in the course of cross-matching the blood, a sample is taken for that purpose. In that test, it reveals that there is an alcohol content--the

person is then charged and convicted of drunk driving. However, no warrant was obtained. Have you now found an escape for that person from the conviction?"

Senator Pullen: "I would say no more so than in any other provision of law. In similar instances, we may be dealing with crimes of murder or robbery or burglary and during the investigation of those crimes, evidence is sometimes uncovered that may or may not relate to a kind that is suspected. All that I am saying is that this crime should be treated no differently than any other crime. The crime of vehicular assault or negligent homicide should be no different than any other crime.

"We put this into law in this particular bill and in other bills that are in the legislature. It just seems to me that if we are going to apply the Constitution equally, we should apply it equally to all kinds. So, it would have no more impact in the crime that you indicate than in any other criminal example."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, a point of parliamentary inquiry. I have an amendment on page one which is being reproduced and distributed. Will it still be legitimately before us?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Yes, that amendment will be considered when it is before us."

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Pullen, Haley, Moore, Peterson, Goltz, Wojahn, Benitz, Rasmussen, Thompson, Fuller, Woody and McDermott.

The motion by Senator Pullen failed on a rising vote and the amendment was not adopted.

MOTION

Senator Metcalf moved adoption of the following amendment:

On page 5, line 34, after "dollars." insert:

"Sec. 4. Section 1, chapter 8, Laws of 1982 and RCW 46.20.435 are each amended to read as follows:

(1) Upon determining that a person is operating a motor vehicle without a valid driver's license in violation of RCW 46.20.021 or with a license that has been expired for ninety days or more, or with a suspended or revoked license in violation of RCW 46.20.342 or 46.20.420, or of driving while under the influence in violation of RCW 46.61.502, or of being in actual physical control of a motor vehicle in violation of RCW 46.61.504, or other violation of the laws of the state of Washington or the equivalent county or municipal ordinance that includes the use of alcohol and/or drugs and the operation of a motor vehicle within this state, a law enforcement officer may immediately impound the vehicle which the person is operating.

(2) If the driver of the vehicle is the owner of the vehicle, the department shall not release the vehicle impounded under subsection (1) of this section until the owner of the vehicle:

(a) Establishes to the department that any penalties, fines, or forfeitures owed by the person driving the vehicle when it was impounded have been satisfied; and

(b) Pays to the person who impounded and stored the vehicle the reasonable costs of such impoundment and storage.

(3) If the driver of the vehicle is not the owner of the vehicle, the driver shall be responsible for any penalties, fines, or forfeitures owed or due and for the costs of impoundment and storage. The vehicle shall be released to the owner upon proof of such ownership.

(4) The department shall adopt such rules as are necessary for the administration of this section."

Renumber remaining sections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Metcalf, I want to make sure of one possible constitutional problem. If the drunk driver is driving someone else's car, is there a provision in your amendment to make sure that the proper owner of the car doesn't end up losing his car and the proper owner of the car can get his car back?"

Senator Metcalf: "Senator Pullen, this came up when we debated the original bill last year which allows the impoundment under cases of a license that had

been revoked or suspended. The answer is that, of course, the law enforcement officer may immediately impound. The other side of the coin is that if this law would make it a little bit—so that the owner would be a little bit less willing to loan the car to someone that might be a questionable driver. I think that maybe it would have a good effect, but, in fact, the officer has the option. It says 'may immediately impound.'

Further debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Metcalf.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the amendment was not adopted by the following vote: Yeas, 15; nays, 31; absent, 00; excused, 03.

Voting yea: Senators Barr, Bluechel, Craswell, Deccio, Guess, Kiskaddon, Lee, McCaslin, Metcalf, Pullen, Rasmussen, Sellar, Shinpoch, Vognild, von Reichbauer - 15.

Voting nay: Senators Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman - 31.

Excused: Senators Hurley, Quigg, Williams - 3.

MOTION

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

On page 7, after "~~suspended~~:" insert:

"Sec. 5, Section 3, chapter 1, Laws of 1969 as last amended by section 5, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.506 are each amended as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of his blood, breath, or other bodily substance is less than ((0-10)) 0.08 percent by weight of alcohol in the person's blood, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Chemical analysis of the person's blood or breath to be considered valid under the provisions of this section of RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approved satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney."

Re-number remaining sections accordingly.

On page 7, line 25, after "~~suspended~~:" insert:

"Sec. 5, Section 1, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.502 are each amended to read as follows:

A person is guilty of driving while under the influence of intoxicating liquor or any drug if he drives a vehicle within this state while:

(1) He has ~~((0-10))~~ 0.08 percent or more by weight of alcohol in his blood as shown by chemical analysis of his breath, blood or other bodily substance made under RCW 46.61.506 as now or hereafter amended; or

(2) He is under the influence of or affected by intoxicating liquor or any drug; or

(3) He is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use ~~((such))~~ the drug under the laws of this state ~~((shall))~~ does not constitute a defense against any charge of violating this section.

Sec. 6. Section 2, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.504 are each amended to read as follows:

A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if he has actual physical control of a vehicle within this state while:

(1) He has a ~~((0-10))~~ 0.08 percent or more by weight of alcohol in his blood as shown by chemical analysis of his breath, blood, or other bodily substance made under RCW 46.61.506, as now or hereafter amended; or

(2) He is under the influence of or affected by intoxicating liquor or any drug; or

(3) He is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use ~~((such))~~ the drug under the laws of this state ~~((shall))~~ does not constitute a defense against any charge of violating this section. No person may be convicted under this section if, ~~((prior to))~~ before being pursued by a law enforcement officer, he has moved the vehicle safely off the roadway."

Renumber the remaining sections accordingly.

MOTION

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

On page 8, strike all of lines 17 and 18.

On page 8, line 20, after "use" and before the period insert "or to the living quarters of a motor home or camper"

POINT OF INQUIRY

Senator Vognild: "Senator Talmadge, since the heavy push on drunk driving, many bus companies have been doing, I think, a service and also a good business by chartering busses and taking people to football games and taking them to various functions. Generally, at that time, they do serve beer or wine and sometimes hard liquor in the bus. As I read your amendment, I don't think you have quite handled that area, or do you feel that you did?"

Senator Talmadge: "That is already in the bill, Senator. It is on page 8, lines 19 and 20, (4) which states 'this section does not apply to a public conveyance that has been commercially chartered for group use.' That is the football game, the Husky bus--that sort of thing."

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senator Talmadge.

The motion by Senator Talmadge carried and the amendments were adopted.

MOTION

Senator Guess moved the following amendments by Senators Guess and Woody be considered and adopted simultaneously:

On page 14, line 29, after "thereunder," insert "The legislative authority of any county or city may establish a schedule of reasonable fees to cover the costs of imprisonment in a special detention facility. The sentencing court may, in addition to other penalties, charge a person such costs pursuant to the schedule."

On page 13, line 8, after "46.61.504." insert "These facilities shall be exempt from standards and classification authority established pursuant to RCW 70.48."

On page 14, line 28, after "facilities", insert "except for special detention facilities"

Debate ensued.

With permission of the Senate, Senator Guess withdrew the amendment on page 14, line 28.

The President Pro Tempore declared the question before the Senate to be adoption of the two amendments by Senators Guess and Woody.

The motion by Senator Guess carried and the amendments were adopted.

MOTION

Senator Vognild moved adoption of the following amendment by Senators Vognild and Hemstad:

On page 1, after line 17, insert the following:

"Sec. 1, Section 1, chapter 244, Laws of 1975 1st ex. sess. as amended by section 26, chapter 47, Laws of 1982 1st ex. sess. and RCW 10.05.010 are each amended to read as follows:

Upon arraignment in a court of limited jurisdiction a person charged with a misdemeanor or gross misdemeanor may petition the court to be considered for a deferred prosecution program. A person charged with a traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW ~~((shall))~~ is not ~~((be))~~ eligible for a deferred prosecution program ~~((unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution program more than once in any five-year period))."~~

Renumber the sections following consecutively, and correct internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Vognild and Hemstad.

The motion by Senator Vognild failed on a rising vote and the amendment was not adopted.

MOTIONS

On motion of Senator Shinpoch, further consideration of Senate Bill No. 3107 was deferred.

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

On motion of Senator Shinpoch, the Committee on Natural Resources was relieved of further consideration of Senate Bill No. 4209.

On motion of Senator Shinpoch, Senate Bill No. 4209 was referred to the Committee on Parks and Ecology.

At 11:54 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President Pro Tempore called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3015, by Senators Talmadge, Moore, Wojahn and Warnke

Removing the retail sales and use tax from food purchased for public school lunch programs.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3015 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3015.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3015, and the bill passed the Senate by the following vote: Yeas, 42; nays, 01; absent, 04; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senator Hansen - 1.

Absent: Senators McDermott, McManus, Owen, Thompson - 4.

Excused: Senators Hurley, Williams - 2.

SENATE BILL NO. 3015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3082, by Senators Vognild and Moore

Revising the law relating to merchandise coupons.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 3082 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3082.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3082, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Owen - 1.

Excused: Senators Hurley, Williams - 2.

SENATE BILL NO. 3082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3089, by Senators Goltz, Kiskaddon and Bauer

Permitting private schools to obtain a surety bond when making joint purchases with public schools.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 3089 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3089.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3089, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Owen - 1.

Excused: Senators Hurley, Williams - 2.

SENATE BILL NO. 3089, having received the 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 Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 3107, deferred earlier today.

Senator Vognild moved the following amendments by Senators Vognild and Hemstad be considered and adopted simultaneously:

On page 12, after line 2, insert the following:

*Sec. 8. Section 12, chapter 10, Laws of 1982 and RCW 46.63.020 are each amended to read as follows:

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 46.16.160 relating to vehicle trip permits;
- (7) RCW 46.20.021 relating to driving without a valid driver's license;
- (8) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- (9) RCW 46.20.342 relating to driving with a suspended or revoked license;
- (10) ~~RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;~~
- ~~((11))~~ RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- ~~((12))~~ Chapter 46.29 RCW relating to financial responsibility;
- ~~((13))~~ RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- ~~((14))~~ RCW 46.48.175 relating to the transportation of dangerous articles;
- ~~((15))~~ RCW 46.52.010 relating to duty on striking an unattended car or other property;
- ~~((16))~~ RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- ~~((17))~~ RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- ~~RCW 46.52.100 relating to driving under the influence of liquor or drugs;~~
- ~~((19))~~ RCW 46.52.108 relating to disposal of abandoned vehicles or hulks;
- ~~((20))~~ RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;
- ~~((21))~~ RCW 46.52.210 relating to abandoned vehicles or hulks;
- ~~((22))~~ RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- ~~((23))~~ RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- ~~((24))~~ RCW 46.61.022 relating to failure to stop and give identification to an officer;
- ~~((25))~~ RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- ~~((26))~~ RCW 46.61.500 relating to reckless driving;
- ~~((27))~~ RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- ~~((28))~~ RCW 46.61.520 relating to negligent homicide by motor vehicle;
- ~~((29))~~ RCW 46.61.525 relating to negligent driving;
- ~~((30))~~ RCW 46.61.530 relating to racing of vehicles on highways;
- ~~((31))~~ RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- ~~((32))~~ RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- ~~((33))~~ RCW 46.64.020 relating to nonappearance after a written promise;
- ~~((34))~~ RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- ~~((35))~~ Chapter 46.65 RCW relating to habitual traffic offenders;
- ~~((36))~~ 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;
- ~~((37))~~ Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- ~~((38))~~ Chapter 46.80 RCW relating to motor vehicle wreckers;
- ~~((39))~~ Chapter 46.82 RCW relating to driver's training schools.

Renumber the sections following consecutively, and correct internal reference accordingly.

On page 16, after line 7, insert the following:

***NEW SECTION, Sec. 13.** The following acts or parts of acts are each repealed:

(1) Section 46.20.380, chapter 12, Laws of 1961, section 31, chapter 32, Laws of 1967, section 12, chapter 61, Laws of 1979 and RCW 46.20.380;

(2) Section 1, chapter 5, Laws of 1973, section 13, chapter 61, Laws of 1979 and RCW 46.20.391;

(3) Section 46.20.400, chapter 12, Laws of 1961, section 33, chapter 32, Laws of 1967 and RCW 46.20.400; and

(4) Section 46.20.410, chapter 12, Laws of 1961, section 34, chapter 32, Laws of 1967 and RCW 46.20.410."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senators Vognild and Hemstad.

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

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild carried and the amendments were adopted by the following vote: Yeas, 24; nays, 23; absent, 00; excused, 02.

Voting yea: Senators Barr, Bender, Bluechel, Clarke, Craswell, Fuller, Goltz, Guess, Hemstad, Hughes, Lee, McCaslin, McManus, Metcalf, Patterson, Pullen, Quigg, Rasmussen, Sellar, Shipoch, Vognild, von Reichbauer, Wojahn, Zimmerman - 24.

Voting nay: Senators Bauer, Benitz, Bottiger, Conner, Deccio, Fleming, Gaspard, Granlund, Haley, Hansen, Hayner, Jones, Kiskaddon, McDermott, Moore, Newhouse, Owen, Peterson, Rinehart, Talmadge, Thompson, Warnke, Woody - 23.

Excused: Senators Hurley, Williams - 2.

MOTION

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

On page 7, after line 25, insert the following:

***NEW SECTION, Sec. 5.** There is added to chapter 46.61 RCW a new section to read as follows:

A person is guilty of driving under the influence of intoxicating liquor or any drug in the first degree if that person drives a vehicle within this state while that person has 0.13 percent or more by weight of alcohol in that person's blood as shown by chemical analysis of the person's breath, blood, or other bodily substance made under RCW 46.61.506 and that person drives any vehicle with a wilful or wanton disregard for the safety of persons or property.

Sec. 6. Section 1, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.502 are each amended to read as follows:

A person is guilty of driving while under the influence of intoxicating liquor or any drug in the second degree if ~~(he)~~ that person drives a vehicle within this state while:

(1) He has ~~((8-10))~~ 0.08 percent or more by weight of alcohol in his blood as shown by chemical analysis of his breath, blood, or other bodily substance made under RCW 46.61.506 ~~((as now or hereafter amended))~~; or

(2) He is under the influence of or affected by intoxicating liquor or any drug; or

(3) He is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use ~~((such))~~ the drug under the laws of this state shall not constitute a defense against any charge of violating this section.

Sec. 7. Section 2, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.504 are each amended to read as follows:

A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if he has actual physical control of a vehicle within this state while:

(1) He has a ~~((8-10))~~ 0.08 percent or more by weight of alcohol in ~~(his blood)~~ as shown by chemical analysis of his breath, blood, ~~(or other bodily substance made under RCW 46.61.506((as now or hereafter amended))~~; or

(2) He is under the influence of or affected by intoxicating liquor or any drug; or

(3) He is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use ~~((such))~~ the drug under the laws of this state shall not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, he has moved the vehicle safely off the roadway.

Sec. 8. Section 3, chapter 1, Laws of 1969 as last amended by section 5, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.506 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving under the influence of intoxicating liquor or any drug in the second degree or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of ~~((his))~~ the person's blood, breath, or other bodily substance is less than ~~((0.10))~~ 0.08 percent by weight of alcohol in the person's blood, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving under the influence of intoxicating liquor or any drug in the first degree, if the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of that person's blood, breath, or other bodily substance is less than 0.13 percent by weight of alcohol in the person's blood, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(3) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

~~((3))~~ (4) ~~Chemical analysis of the person's blood or breath to be considered valid under the provisions of this ((section or RCW 46.61.502 or 46.61.504)) chapter or the equivalent county or municipal ordinance that involves the use of alcohol or drugs and the operation of a motor vehicle within this state, shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.~~

~~((4))~~ (5) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

~~((5))~~ (6) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

~~((6))~~ (7) Upon the request of the person who ~~(shall)~~ submits to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney."

Remember the sections following consecutively, and correct internal references accordingly.

On page 8, line 24 after "(1)" strike "Every person who is convicted of a violation of RCW 46.61.502 or 46.61.504" and insert "Every person who is convicted of ~~((a violation of RCW 46.61.502 or 46.61.504))~~ driving while under the influence in the first degree shall be punished by imprisonment for not less than seventy-two consecutive hours nor more than two years, and by a fine of not more than four thousand dollars. Every person who is convicted of driving while under the influence in the second degree, or of being in actual physical control,"

On page 9, line 15, after "driving" insert "a motor vehicle while under the influence of intoxicating liquor or drugs in the first or second degree"

On page 11, line 2, after "driving" insert "a motor vehicle while under the influence of intoxicating liquor or drugs in the first or second degree."

On page 11, line 27, after "driving" insert "a motor vehicle while under the influence of intoxicating liquor or drugs in the first or second degree."

POINT OF INQUIRY

Senator Pullen: "Senator Metcalf, you seem to have a good innovative idea here, but I wanted to understand what the differences in the penalties are for the first degree and the second degree offense? Could you clarify what the differences in the penalties are? I am particularly interested in what impact there would be on the one day mandatory jail sentence for driving while intoxicated."

Senator Metcalf: "The penalty is three days in jail. We all know that jail time is not the real factor in this—just to get their attention. There is no reason to send people to jail for long periods under this circumstance, but the other thing is that the fine is about triple."

Senator Pullen: "To clarify, is there a jail penalty if you have a blood alcohol content of .08 to .12 percent?"

Senator Metcalf: "Yes, that is the present law and that doesn't change that."

Senator Pullen: "What would the penalty be in terms of jail time if you had a .13 percent or higher?"

Senator Metcalf: "Three days. Present law is one day. If it was .13 or higher, it would be three days."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senator Metcalf.

The motion by Senator Metcalf failed and the amendments were not adopted.

MOTION

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

In line 10 of the title, after "46.61.515;" insert "amending section 12, chapter 10, Laws of 1982 and RCW 46.63.020;"

In line 15 of the title, after "46.61 RCW;" insert "repealing section 46.20.380, chapter 12, Laws of 1961, section 31, chapter 32, Laws of 1967, section 12, chapter 61, Laws of 1979 and RCW 46.20.380; repealing section 1, chapter 5, Laws of 1973, section 13, chapter 61, Laws of 1979 and RCW 46.20.391; repealing section 46.20.400, chapter 12, Laws of 1961, section 33, chapter 32, Laws of 1967 and RCW 46.20.400; repealing section 46.20.410, chapter 12, Laws of 1961, section 34, chapter 32, Laws of 1967 and RCW 46.20.410;"

On page 1, line 8 of the title, after "46.52.100;" insert "amending section 1, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.502; amending section 2, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.504;"

On page 1, line 8 of the title, after "46.52.100;" insert "amending section 3, chapter 1, Laws of 1969 as last amended by section 5, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.506;"

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3107 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3107.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3107, and the bill passed the Senate by the following vote: Yeas, 41; nays, 06; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Boltiger, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Benitz, Conner, Fleming, Hansen, Newhouse, Peterson - 6.

Excused: Senators Hurley, Williams - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3110, by Senators Wojahn, Sellar and Moore

Modifying provisions relating to the Washington credit union share guaranty association.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 3110 was substituted for Senate Bill No. 3110 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 3110 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3110.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3110, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Hurley, Williams - 2.

SUBSTITUTE SENATE BILL NO. 3110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3132, by Senators Talmadge and Hemstad

Providing for damages and attorney fees when mortgagees fail to release mortgage upon satisfaction.

The bill was read the second time.

MOTION

Senator Talmadge moved adoption of the following Committee on Judiciary amendment:

On page 1, line 6, after "fails", strike "so to do" and insert "~~(so to do)~~ to acknowledge satisfaction of the mortgage as provided in RCW 61.16.020"

POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, is that amending another section by reference? I just heard a few words of it and it got me a little alarmed and I just wanted to clarify that."

Senator Talmadge: "No, Senator, the language of the bill as proposed stated 'the mortgagee fails so to do after sixty days.' It wasn't clear as to what 'so to do' meant. What it meant was if the mortgagee fails to acknowledge satisfaction of the mortgage as provided by law, then the following consequence is attached."

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the committee amendment was adopted.

MOTION

On motion of Senator Talmadge, 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.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3132.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3132, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Hurley, Williams - 2.

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.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Financial Institutions was relieved of further consideration of Senate Bill No. 3609.

On motion of Senator Shinpoch, Senate Bill No. 3609 was referred to the Committee on Ways and Means.

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 25, 1983

SB 3272 Prime Sponsor, Senator Thompson: Establishing the Coroners' System Improvement Act. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3272 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 1, 1983

SB 3492 Prime Sponsor, Senator Goltz: Providing reciprocity for waiver of non-resident tuition between this state and Idaho and British Columbia. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Patterson, Warnke.

Passed to Committee on Rules for second reading.

MOTION

At 2:30 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Wednesday, March 2, 1983.

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

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 2, 1983

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 Bauer, Gaspard, McManus, Pullen, Rinehart and Williams.

The Sergeant at Arms Color Guard, consisting of Pages Mark Hurley and Jennifer Deger, presented the Colors. Reverend David S. Steen, pastor of the Good Shepherd Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 24, 1983

SB 3300 Prime Sponsor, Senator Bauer: Deleting the penalty tax when changing land classified under chapter 84.34 RCW to tax exempt status for conservation purposes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 24, 1983

SB 3827 Prime Sponsor, Senator Hansen: Requiring that one member of Washington's delegation to the Pacific Northwest Electric Power and Conservation Planning Council be from eastern Washington. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 3827 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

March 1, 1983

SB 3993 Prime Sponsor, Senator Lee: Revising terms of members of the joint administrative rules review committee and insuring the vacancies are filled within a reasonable time. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

March 1, 1983

SB 4088 Prime Sponsor, Senator Williams: Continuing the archaeological research center for an additional six years. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

March 1, 1983

SB 4237 Prime Sponsor, Senator Gaspard: Providing for drug and alcohol abuse education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Patterson, Warnke.

Passed to Committee on Rules for second reading.

February 24, 1983

SJM 109 Prime Sponsor, Senator Hansen: Requesting Congress to enact laws to coordinate the activities of the Northwest Regional Power Council with activities of state and federal agencies. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 1, 1983

GA 29 GORDON C. CULP, to the position of Member of the Board of Regents for the University of Washington, appointed by the Governor on October 1, 1982, for the term ending September 30, 1988. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 38 GEORGE E. MANTE, to the position of Member of the Board of Trustees for The Evergreen State College, appointed by the Governor on October 1, 1982, for the term ending September 30, 1988, succeeding Wesley Berglund. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 39 IRWIN J. LeCOCQ, to the position of Member of the Board of Trustees for Western Washington University; appointed by the Governor on October 1, 1982, for the term ending September 30, 1988, succeeding Marvin K. Eggert. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 40 JAMES C. WALDO, to the position of Member of the Board of Trustees for Western Washington University, appointed by the Governor on October 1, 1982, for the term ending September 30, 1988, succeeding Dr. Robert Fernald. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 41 JANE G. HUGHES, to the position of Member of the Board of Trustees for Peninsula Community College District No. 1, appointed by the Governor on October 1, 1982, for the term ending September 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 42 RICHARD MURAKAMI, to the position of Member of the Board of Trustees for Grays Harbor Community College District No. 2, appointed by the Governor on October 1, 1982, for the term ending September 30, 1987, succeeding Stanley C. Gillies. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 43 ANNE S. BLAIR, to the position of Member of the Board of Trustees for Olympic Community College District No. 3, appointed by the Governor on October 1, 1982, for the term ending September 30, 1987, succeeding Leonard W. Costello. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 44 JAMES E. ANDERSON, to the position of Member of the Board of Trustees for Skagit Community College District No. 4, appointed by the Governor on October 1, 1982, for the term ending September 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 45 BARBARA L. KUSLER, to the position of Member of the Board of Trustees for Everett Community College District No. 5, appointed by the Governor on April 16, 1982, for the term ending September 30, 1985, succeeding Kenneth B. Rice. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 46 NANCY L. WEIS, to the position of Member of the Board of Trustees for Everett Community College District No. 5, appointed by the Governor on October 1, 1982, for the term ending September 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 47 CHERRY L. JARVIS, to the position of Member of the Board of Trustees for Shoreline Community College District No. 7, appointed by the Governor on October 1, 1982, for the term ending September 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 48 PATRICIA A. McGLASHAN, to the position of Member of the Board of Trustees for Bellevue Community College District No. 8, appointed by the Governor on October 1, 1982, for the term ending September 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 49 VIRGINIA M. THACKER, to the position of Member of the Board of Trustees for Highline Community College District No. 9, appointed by the Governor on October 1, 1982, for the term ending September 30, 1987, succeeding Ida Peterson. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 50 BEVERLY A. SCHOENFELD, to the position of Member of the Board of Trustees for Green River Community College District No. 10, appointed by the Governor on October 1, 1982, for the term ending September 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 51 JACK WATKINS, JR., to the position of Member of the Board of Trustees for Fort Steilacoom Community College District No. 11, appointed by the Governor on October 1, 1982, for the term ending September 30, 1987, succeeding Emi Somekawa. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 52 CORNELIUS DOELMAN, to the position of Member of the Board of Trustees for Centralia Community College District No. 12, appointed by the Governor on October 1, 1982, for the term ending September 30, 1987, succeeding Mary L. Slough. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 53 YVONNE C. MONTCHALIN, to the position of Member of the Board of Trustees for Clark Community College District No. 14, appointed by the Governor on October 1, 1982, for the term ending September 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 54 J. H. JACK BLOSSER, to the position of Member of the Board of Trustees for Wenatchee Community College District No. 15, appointed by the Governor on October 1, 1982, for the term ending September 30, 1987, succeeding F. Dan Bertrand. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 55 DAN W. STEPHENS, to the position of Member of the Board of Trustees for Yakima Community College District No. 16, appointed by the Governor on October 1, 1982, for the term ending September 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

March 1, 1983

GA 56 DEE McMILLAN, to the position of Member of the Board of Trustees for Spokane Community College District No. 17, appointed by the Governor on May 19, 1982, for the term ending September 30, 1984, succeeding K. O. Rosenberg. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Hemstad, Hughes, Patterson, Warnke.

Passed to Committee on Rules.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3188, by Senators Talmadge and Hemstad

Regulating timeshare offerings in this state.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3188 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3188.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3188, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 08; excused, 00.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Fleming, Fuller, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 41.

Absent: Senators Bauer, Conner, Deccio, Gaspard, McManus, Pullen, Rinehart, Williams - 8.

SENATE BILL NO. 3188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3052, by Senators Vognild and Newhouse (by Department of Labor and Industries request)

Revising elevator laws.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3052 was substituted for Senate Bill No. 3052 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 3052 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, Senator Williams was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3052.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3052, and the bill passed the Senate by the following vote: Yeas, 42; nays, 03; absent, 03; excused, 01.

Voting yea: Senators Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Barr, McCaslin, Metcalf - 3.

Absent: Senators Bauer, McManus, Pullen - 3.

Excused: Senator Williams - 1.

SUBSTITUTE SENATE BILL NO. 3052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3164, by Senators Moore, Sellar, Bottiger and Clarke

Modifying provisions regulating acquisitions of control of domestic insurers.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3164 was substituted for Senate Bill No. 3164 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 3164 was advanced to third reading, the second reading considered the third, and the bill was 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. 3164.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3164, and the bill passed the Senate by the following vote: Yeas, 41; nays, 05; absent, 02; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Thompson, Voguild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Bender, Fleming, McDermott, Metcalf, Talmadge - 5.

Absent: Senators Bauer, Hughes - 2.

Excused: Senator Williams - 1.

SUBSTITUTE SENATE BILL NO. 3164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3414, by Senators Hemstad, Talmadge, Clarke, Thompson and Granlund

Approving the sentencing guidelines and prosecuting standards of the sentencing guidelines commission.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3414 was substituted for Senate Bill No. 3414 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved adoption of the following amendment by Senators Talmadge, Williams, Hemstad, Fleming and Granlund:

On page 4, after line 43, insert the following:

"NEW SECTION. Sec. 5. The Sentencing Guidelines and Prosecuting Standards apply equally to offenders in all parts of the state, without regard to race, ethnicity, creed, gender, sexual preference, or socio-economic status."

Renumber the sections following consecutively and correct internal references accordingly.

MOTION

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

On line 3 of the amendment, strike "creed."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen to the Talmadge amendment.

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

MOTION

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

On line 4 of the amendment, strike "sexual preference."

Debate ensued.

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you Mr. President. Following up on Senator Rasmussen's suggestion, I have placed an amendment on the desk which I hope will be shortly distributed, and which I would urge you to consider instead of the Pullen amendment. I would like to call your attention to the Talmadge amendment. After the word 'without' in the third line, strike the balance and insert 'in lieu thereof', so it would read 'without discrimination as to any element which does not relate to the crime.' Now, this, in substance, is what we are talking about and when we get into all of these shopping lists and so forth, I think we simply confuse the issue--rather than clarify it. I would hope that you would defeat the Pullen

amendment and give consideration to my amendment which is along the lines suggested by Senator Rasmussen."

PARLIAMENTARY INQUIRY

Senator Pullen: "A point of parliamentary inquiry. It would seem to me that if the Pullen amendment to the Talmadge amendment were adopted, then the Clarke amendment, being a striking amendment, would also take out the Pullen amendment. Is that correct?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that your remarks are correct, Senator Pullen. However, the Senator should have the right to try to perfect the bill by amendment."

Senator Pullen: "Thank you Mr. President. I would still urge a 'yes' vote on my amendment and then I am going to support the Clarke amendment which I think gets the right language in there and satisfies some of his correct concerns. I do believe that it would be proper to perfect this first and particularly since we have had so much debate on this particular item. Then when we adopt the Clarke amendment, which I hope we will, we will strike out all reference to the shopping list."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen to the Talmadge amendment.

Senator Pullen demanded a roll call and the demand was not sustained.

The motion by Senator Pullen failed on a rising vote and the amendment to the amendment was not adopted.

MOTION

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

On line 3 of the amendment, after "without", strike the balance of the amendment and insert "discrimination as to any element which does not relate to the crime or the previous record of the defendant."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Clarke to the Talmadge amendment.

The motion by Senator Clarke carried and the amendment to the amendment was adopted.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Fleming moved that the Senate immediately reconsider the vote by which the amendment by Senator Clarke to the Talmadge amendment was adopted by the Senate.

Debate ensued.

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

PARLIAMENTARY INQUIRY

Senator Clarke: "This is a roll call on the motion to reconsider, so a 'yes' vote would be to reconsider and a 'no' vote would be to not reconsider?"

REPLY BY THE PRESIDENT

President Cherberg: "A vote 'yes' would be to reconsider and a vote 'no' would be not to reconsider.

The President declared the question before the Senate to be the roll call on the motion by Senator Fleming to reconsider the vote by which the amendment by Senator Clarke to the Talmadge amendment was adopted.

ROLL CALL

The Secretary called the roll and the motion by Senator Fleming for reconsideration carried by the following vote: Yeas, 25; nays, 23; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Kiskaddon, McDermott, McManus, Moore, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hurley, Jones, Lee, McCaslin, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 23.

Excused: Senator Williams - 1.

The President declared the question before the Senate to be adoption of the amendment, on reconsideration, by Senator Clarke to line 3 of the Talmadge amendment.

Debate ensued.

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

ROLL CALL

The Secretary called the roll and the amendment, on reconsideration, by Senator Clarke to line 3 of the Talmadge amendment was adopted by the following vote: Yeas, 26; nays, 22; absent, 00; excused, 01.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hughes, Hurley, Jones, Lee, McCaslin, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Sellar, Vognild, von Reichbauer, Zimmerman - 26.

Voting nay: Senators Bauer, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Kiskaddon, McDermott, McManus, Moore, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody - 22.

Excused: Senator Williams - 1.

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge, Williams, Hemstad, Fleming and Granlund, as amended.

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

MOTION

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

On page 8, after line 18, insert:

"(7) Imposition of a sentence within the standard range will pose a risk to the defendant's physical or mental well-being."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Woody and Bottiger.

ROLL CALL

The Secretary called the roll and the motion by Senator Woody failed and the amendment was not adopted by the following vote: Yeas, 06; nays, 42; absent, 00; excused, 01.

Voting yea: Senators Conner, Fleming, Rinehart, Shinpoch, Talmadge, Woody - 6.

Voting nay: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 42.

Excused: Senator Williams - 1.

MOTIONS

On motion of Senator Shinpoch, further consideration of Substitute Senate Bill No. 3414 was deferred.

At 11:59 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 28, 1983

SB 3299 Prime Sponsor, Senator Moore: Providing for the leasing of personal property. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3299 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bottiger, Clarke, Deccio, Jones, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1983

SB 3519 Prime Sponsor, Senator Thompson: Increasing state power to repair damage from the eruption of Mount St. Helens. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 1, 1983

SB 3636 Prime Sponsor, Senator Vognild: Making certain fireworks violations gross misdemeanors. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; McCaslin, McManus, Moore, Newhouse, Quigg, Sellar, Shinpoch.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

March 1, 1983

GA 27 MARY ELLEN KRUG, to the position of Member of the Public Employment Relations Commission, appointed by the Governor on November 1, 1982, for the term ending September 8, 1984, succeeding Robert J. Williams. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Newhouse, Quigg, Sellar, Shinpoch.

Passed to Committee on Rules.

MOTIONS

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 3414, deferred earlier today.

On motion of Senator Bottiger, the following amendment was adopted:
On page 3, line 42, after "RCW 9A.56.030", insert ", RCW 9A.56.080"

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3414 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Newhouse: "My concern, Senator Talmadge, is that there may be other errors such as Senator Bottiger has picked up--in what has not been added or has been neglected. Will there be someone in the interim, between now and July 1, 1984, reviewing to see that we don't make that type of error?"

Senator Talmadge: "Yes, Senator Newhouse, there is a Commission. The Commission continues in existence first of all and in the bill that is coming after this one--Senate Bill No. 3416--there is provision for a study of the impact of these sentencing guidelines on local capacity. I know the inadvertence that you talked about is something that the Commission will be looking at in conjunction with the local jail problem."

Debate ensued.

POINT OF INQUIRY

Senator Hansen: "Senator Talmadge, I am very much concerned with statements that you made of lessening the crimes against property. How many times would anybody have the right to break and enter your home or my home before we could bring suit to put him away where he belongs, for breaking onto our property? My prosecuting attorney says it takes nine times to make him an habitual criminal before you can put him away for this offense.

"I think about the second time I caught him on the premises, I would be using a shotgun, and I wouldn't have to worry anymore. I am disturbed to think that we are lessening the crime against property for the protection of our property. I think we all have the right in the world--and I hate to see us go down this road, if this is the direction you are going."

Senator Talmadge: "Senator Hansen, I think your concern is a legitimate one. Let me offer some of the policy reasons why the Sentencing Guidelines Commission proposed what it proposed. I believe Senator Hemstad can fill in where I have missed or where I have left any gaps.

"I think the idea, basically, is that we have a prison system right now that is at one-hundred thirty percent of its capacity. The idea that the Commission had was to increase the penalty for those people who were the most violent--those people who commit homicides--those people who commit rape--those people who commit assaults--are actually going to do more time in prison than they do under present law. For those people who commit property offenses--don't believe that they are not going to pay a penalty for their property offense--they are going to do, possibly, jail time in the local jail. They are going to have to do restitution. There may be probationary programs in the community to which they can be sentenced by the trial court judge.

"If they have a criminal history of doing property offenses, ultimately, they are going to go to the prison system. The question, I guess, is whether or not you want to have the prisons be available for the most violent of people that we have in our society, or whether for the first-time property offender, you want him to go to Walla Walla or Monroe, or someplace like that.

"Recognizing that yours is a very, very legitimate concern, I believe that the problem is handled. It is handled in the sense that they will do time--possibly in the local jail. If the judge feels the circumstances are so aggravated that that person should go to a penitentiary, the judge can find, basically, what is a manifest injustice--issue written findings as to why this person should go to the penitentiary and send him there, if they think that is appropriate.

"I suspect, under some circumstances, that is going to happen. Basically, the idea is to deal with it in the way that it is drawn up in the Sentencing Guidelines Commission recommendation. These people will not get off. In some instances, they may not go to the penitentiary, but they are going to pay a serious penalty, nonetheless."

Further debate ensued.

MOTION

On motion of Senator Vognild, Senator McDermott was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3414.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3414, and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Woody, Zimmerman - 37.

Voting nay: Senators Conner, Fleming, Guess, Hansen, Lee, Metcalf, Pullen, Sellar, von Reichbauer, Wojahn - 10.

Excused: Senators McDermott, Williams - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3414, having received the constitutional 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 2:09 p.m., on motion of Senator Shipoch, the Senate adjourned until 10:00 a.m., Thursday, March 3, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 3, 1983

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 Haley.

The Sergeant at Arms Color Guard, consisting of Pages Erin Hughes and Erich Zimmerman, presented the Colors. Reverend David S. Steen, pastor of the Good Shepherd Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 2, 1983

SB 3589 Prime Sponsor, Senator Goltz: Extending the tuition and fee limits for Viet Nam veterans. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3589 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Goltz, Hemstad, Hughes, Kiskaddon, Patterson, Warnke.

Passed to Committee on Rules for second reading.

March 2, 1983

SB 3813 Prime Sponsor, Senator Moore: Revising provisions relating to banks. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3813 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Clarke, Deccio, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1983

SHB 207 Prime Sponsor, Committee on Transportation: Revising regulation of signs near railroad grade crossings. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Barr, Bender, Conner, Granlund, Guess, Patterson, von Reichbauer.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

March 2, 1983

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.

Lars Hennum reappointed January 25, 1983, for a term ending January 19, 1987, as a member of the State Board of Pharmacy.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Social and Health Services

MESSAGES FROM THE HOUSE

March 2, 1983

Mr. President:

The House has passed:

HOUSE BILL NO. 312,

SUBSTITUTE HOUSE BILL NO. 359,

HOUSE BILL NO. 420, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 2, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 274,

ENGROSSED HOUSE BILL NO. 275,

ENGROSSED HOUSE BILL NO. 304, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 274 by Representatives Lux and Sanders

Modifying provisions relating to names authorized for savings and loan associations.

Referred to Committee on Financial Institutions.

EHB 275 by Representatives Lux and Sanders

Modifying provisions relating to mutual savings banks.

Referred to Committee on Financial Institutions.

EHB 304 by Representatives Walk, Vekich and Fisch (by State Patrol request)

Authorizing the appointment of state employees as special deputies in the state patrol.

Referred to Committee on State Government.

HB 312 by Representatives Lux, Sanders and Garrett

Providing for the conversion from a mutual savings bank to a federal savings bank.

Referred to Committee on Financial Institutions.

SHB 359 by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, B. Williams, Sommers, Lewis, Walk, Dellwo and Niemi)

Establishing guidelines for the regulation of health professions and occupations not now regulated.

Referred to Committee on Social and Health Services.

HB 420 by Representatives Niemi, J. Williams and Belcher (by Cemetery Board request)

Changing the calculation of fees for the issuance of certification of authority by the cemetery board.

Referred to Committee on State Government.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Washington State Dairy Princess, Julie Youngquist of Cowlitz County, the alternate State Dairy Princess, Traci Wildhaber of Pacific County, and the second alternate State Dairy Princess, Lana DeHaan of Whatcom County, and appointed Senators Goltz, Quigg, Woody, Lee, Owen and Deccio to escort the honored guests to the Senate rostrum.

With permission of the Senate, business was suspended to permit Princess Julie to address the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3475, by Senators Owen, Patterson and Rasmussen

Modifying requirements for licenses to take crab.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the following Committee on Natural Resources amendment was adopted:

On page 1, line 10, after "endorsement.", strike all material through "endorsement." on line 13, and insert "A license endorsement is not required to take other species of crab, including red rock crab (*Cancer productus*)."

Senator Rasmussen moved adoption of the following amendment:

On page 2, after line 29, insert the following:

"**NEW SECTION.** Sec. 2. There is added to chapter 75.12 RCW a new section to read as follows:

It shall be lawful to take, fish for, land, or possess Dungeness crabs for commercial purposes in coastal, Pacific Ocean, Grays Harbor, Willapa Harbor, and Columbia River waters throughout the year."

POINT OF ORDER

Senator Owen: "Mr. President, I would like to challenge the amendment on scope and object."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Owen has raised the point that the amendment may change the scope and object of the bill. Are there any remarks?"

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Senate Bill No. 3475, was deferred.

SECOND READING

SENATE BILL NO. 3416, by Senators Hemstad, Talmadge, Clarke, Thompson and Granlund

Revising certain sentencing laws to facilitate implementation of the recommendations of the sentencing guidelines commission.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 7, line 31, after "defendant", insert "or an accomplice"

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 8, after line 6, insert the following:

"**NEW SECTION.** Sec. 5. There is added to chapter 9.94A RCW a new section to read as follows:

The commission shall conduct an analysis of the effects of the guidelines adopted in chapter ... (SB 3414), Laws of 1983, on a representative sample of counties. This analysis shall include, but not be limited to, an estimate of the impact on jail population and availability of alternatives in the community."

Renumber the section following consecutively.

MOTION

Senator Pullen moved adoption of the following amendment:
On page 3, line 27, after "second", insert "or third"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

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

MOTIONS

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

On page 4, line 18, after "house", insert "PROVIDED, That no member of the legislature may vote on any substantive matter before the commission during the term for which he or she is elected where the commission shall have been created during that term"

Senator Pullen moved adoption of the following amendment by Senators Pullen, Rasmussen, Craswell and Vognild:

On page 8, after line 6, insert a new section as follows:

"NEW SECTION, Sec. 5. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 228, Laws of 1982 and RCW 9.95.380;
- (2) Section 2, chapter 228, Laws of 1982 and RCW 9.95.390;
- (3) Section 3, chapter 228, Laws of 1982 and RCW 9.95.400;
- (4) Section 4, chapter 228, Laws of 1982 and RCW 9.95.410."

Debate ensued.

POINT OF ORDER

Senator Talmadge: "Mr. President, I raise the question of scope and object with respect to this amendment. It relates to a section of the RCW that is not being addressed in the original bill. It relates to an issue that is now presently in our criminal justice system about prison capacity and so forth. The bill that is before us relates to the future and does not take effect until July of 1984. It was designed to be some technical amendments to the Sentencing Guidelines Commission Act, basically. The amendment that we have before us relates to something entirely different."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I would like to remind Senator Talmadge on his scope and object that he doesn't want to narrow the field too much. The fact that you are amending a section that doesn't happen to be in the bill--you may want to do that in some future time and an adverse ruling now would tie your hands, Senator Talmadge. I would hope that the President takes that into consideration."

REMARKS BY SENATOR PULLEN

Senator Pullen: "Mr. President, Senator Talmadge is correct on one point. The repealer clauses that are put in my amendment should take effect immediately and I will offer that technical correction. Thank you, Senator Talmadge, for noting that and correcting that.

"As far as the scope and object is concerned, the President has made rulings of this type on these broad criminal justice bills many times in the past and has always ruled correctly. I have watched your rulings for several years now, in this area, and I am convinced that this is no different than many other bills we have had before us of this type. Notice the title of the bill is 'An Act Relating to Crimes and Punishment.' The only time the code reviser uses an act relating to crimes and punishment is when he specifically has the broadest possible criminal justice bill before him. Just taking a look at some of the sections we have in here--broad sentencing discussion--we deal with specific crimes in the bill--we deal with sentences that the court can impose--we deal with the make-up of the Sentencing Guidelines Commission--we deal with departure of standards. Really, we deal with even deadly weapons in the bill. It certainly is the broadest criminal justice bill that we have had before us in a long time and I would say virtually any amendment dealing with law and order or criminal justice would be in the scope and object of this particular bill."

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Talmadge has raised the point that the amendment changes the scope and object of the bill."

At 10:56 a.m., the President declared the Senate to be at ease.

President Pro Tempore Goltz called the Senate to order at 11:02 a.m.

MOTION

On motion of Senator Shinpoch, the Senate commenced consideration of Senate Bill No. 3196.

SECOND READING

SENATE BILL NO. 3196, by Senators Talmadge, Hemstad and Hughes

Modifying provisions relating to age discrimination.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3196 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3196.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3196, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Haley - 1.

SENATE BILL NO. 3196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bluechel, Senator Haley was excused.

SECOND READING

SENATE BILL NO. 3221, by Senators Rasmussen, Warnke and Hughes

Adding members to the veterans affairs advisory committee.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 3221 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3221.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3221, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Barr - 1.

Excused: Senator Haley - 1.

SENATE BILL NO. 3221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3255, by Senators Granlund, Craswell and Owen (by Department of Transportation request)

Extending penalties for evading toll facility payment to pedestrians as well as vehicles.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3255 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3255.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3255, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Haley - 1.

SENATE BILL NO. 3255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3364, by Senators Gaspard, Talmadge, Williams, Moore, Fleming, Craswell and Lee

Permitting school employees to request a postponement of a hearing of layoffs due to a reduction in force.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, beginning on line 22, after "contract:", strike "PROVIDED, That if there is a reduction in force due to an enrollment decline or the loss of revenue, the employee may choose to postpone the request for a hearing until any time on or before August 1st," and insert "PROVIDED, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW 28A.58.455(4) shall occur within ten days following July 15 rather than the day that the employee submits the request for a hearing."

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 3364 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3364.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3364, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Haley - 1.

ENGROSSED SENATE BILL NO. 3364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3386, by Senators Clarke, Talmadge and Hemstad (by Secretary of State request)

Modifying the corporation laws.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3386 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3386.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3386, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Haley - 1.

SENATE BILL NO. 3386, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3426, by Senators Talmadge and Bottiger

Modifying provisions relating to the homestead.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3426 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3426.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3426, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse,

Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Deccio - 1.

Excused: Senator Haley - 1.

SENATE BILL NO. 3426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3525, by Senators Granlund, Owen, Pullen and Metcalf (by Department of Corrections request)

Defining correctional institutions which may house prisoners from other jurisdictions.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the rules were suspended, Senate Bill No. 3525 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3525.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3525, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Haley - 1.

SENATE BILL NO. 3525, having received the 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.

There being no objection, the Senate resumed consideration of Senate Bill No. 3416.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Senate Bill No. 3416 is a measure which deals with the Sentencing Reform Act of 1981.

"The amendment proposed by Senators Pullen, Rasmussen, Vognild and Craswell repeals the Prison Overcrowding Reform Act of 1982 which provides for the reduction of sentences for certain inmates in order to relieve prison overcrowding.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and the point of order is well taken."

The amendment by Senators Pullen, Rasmussen, Vognild and Craswell was ruled out of order.

MOTIONS

On motion of Senator Deccio, the following amendment by Senators Deccio and Shinpoch was adopted:

On page 8, after line 6, insert a new section as follows:

"NEW SECTION, Sec. 5. The legislative budget committee shall prepare a report to be filed at the beginning of the 1987 session of the legislature. The report shall include a complete assessment of the impact of the Sentencing Reform Act of 1981. Such report shall include the effectiveness of the guidelines and impact on prison and jail populations and community correction programs."

Renumber the remaining sections accordingly.

MOTION

Senator Thompson moved adoption of the following amendment:

On page 8, after line 6, insert the following:

*NEW SECTION. Sec. 5. The legislature recognizes that the capacity figures established by the state jail commission represent the limits of humane incarceration conditions in county jails. The legislature also recognizes that implementation of the sentencing guidelines recommended by the sentencing guidelines commission may result in overcrowding of county jails. It is the intent of section 6 of this act to provide a method for relief of such overcrowding.

NEW SECTION. Sec. 6. There is added to chapter 70.48 RCW a new section to read as follows:

There may be created in each county a jail emergency overcrowding committee consisting of a representative from the county prosecutor's office, a representative of the county's superior court judges, a representative of the county district court, and a representative of the county sheriff's office or the county department of corrections, whichever agency is in charge of the jail in that county.

Whenever the jail population of a county exceeds the established maximum capacity as defined by the state jail commission, the overcrowding committee may meet forthwith and examine the current population of the county jail for the purpose of determining eligibility for early release of persons incarcerated in the jail. The committee may recommend to the county prosecuting attorney and the superior and district courts of the county the names of those persons who could have their sentences shortened through the use of good time, alternatives to sentencing, and other methods.

In an effort to maintain constitutional and humane county incarceration facilities, criminal justice officials shall make every effort to cooperate in relieving the emergency overcrowding conditions."

Renumber the section following consecutively.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Thompson.

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

The President Pro Tempore assumed the chair.

MOTIONS

On motion of Senator Bluechel, Senator Quigg was excused.

Senator Woody moved adoption of the following amendment:

On page 8, after line 6, insert the following:

"Sec. 5. Section 16, chapter 137, Laws of 1981 and RCW 9.94A.160 are each amended to read as follows:

If the governor finds that an emergency exists in that the population of a state residential correctional facility exceeds its reasonable, maximum capacity, then the governor may do any one or more of the following:

(1) Call the sentencing guidelines commission into an emergency meeting for the purpose of evaluating ~~((its))~~ the standard ranges and other standards. The commission may adopt any revision or amendment to ~~((its))~~ the standard ranges or other standards that it believes appropriate to deal with the emergency situation. The revision or amendment shall be adopted in conformity with chapter 34.04 RCW~~((as now existing or hereafter amended.))~~ and shall take effect on the date prescribed by the commission. ~~((Unless the commission provides to the contrary, RCW 9.94A.070 does not apply to such revision or amendments))~~ The legislature shall approve or modify the commission's revision or amendment at the next legislative session after the revision or amendment takes effect;

(2) If the emergency occurs prior to July 1, 1988, call the board of prison terms and paroles into an emergency meeting for the purpose of evaluating its guidelines and procedures for release of prisoners. The board may take any action authorized by law to modify the terms of prisoners under its jurisdiction;

(3) Call the clemency and pardons board into an emergency meeting for the purpose of recommending whether the governor's commutation or pardon power should be exercised to meet the present emergency."

Renumber the sections following consecutively.

MOTION

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

On page 2, line 5, of the Woody amendment, strike "Failure of the legislature to act shall be deemed as approval of the revision or amendment;"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Pullen to the Woody amendment.

The motion by Senator Pullen failed on a rising vote and the amendment to the amendment was not adopted.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Woody.

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

MOTION

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

In line 6 of the title, after "adding" strike "a new section" and insert "new sections"

In line 6 of the title, after "9.94A.120;", insert "amending section 16, chapter 137, Laws of 1981 and RCW 9.94A.160;"

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3416 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3416.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3416, and the bill passed the Senate by the following vote: Yeas, 43; nays, 04; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Paterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Guess, Metcalf, Pullen, Seilar - 4.

Excused: Senators Haley, Quigg - 2.

ENGROSSED SENATE BILL NO. 3416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

February 18, 1983

Mr. President:

The House has refused to grant the powers of Free Conference on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3100 and asks the Senate for a Conference thereon.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Engrossed Second Substitute Senate Bill No. 3100 was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 3100: Senators McDermott, Hayner and Gaspard.

MOTION

On motion of Senator Shinpoch, the appointments were confirmed.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Rules was relieved of further consideration of Senate Bill No. 3019.

On motion of Senator Shinpoch, Senate Bill No. 3019 was referred to the Committee on Local Government.

On motion of Senator Shinpoch, the Committee on Local Government was relieved of further consideration of House Bill No. 256.

On motion of Senator Shinpoch, House Bill No. 256 was referred to the Committee on Ways and Means.

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

March 2, 1983

SSB 3245 Prime Sponsor, Senator Fleming; Establishing the housing finance commission. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3245 be substituted therefor, and the second substitute do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Fleming, Hughes, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

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

MESSAGE FROM THE HOUSE

February 18, 1983

Mr. President:

The Speaker has appointed as members of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3100 the following:

Representatives Grimm, Sommers and Cantu.

DEAN R. FOSTER, Chief Clerk

MOTION

At 12:12 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Friday, March 4, 1983.

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

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 4, 1983

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, Hemstad, McDermott, Quigg and Wojahn. On motion of Senator Vognild, Senators Fleming and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Pamela Cairns and Diana Smith, presented the Colors. Reverend Franklin Wilson, pastor of the Good Shepherd Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 2, 1983

SB 3415 Prime Sponsor, Senator Hughes: Modifying guidelines on the use and management of state ground waters. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3415 be substituted therefor, and the substitute bill do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Haley, Hansen, Hurley, Kiskaddon, McDermott.

Passed to Committee on Rules for second reading.

March 2, 1983

SB 3445 Prime Sponsor, Senator Moore: Modifying provisions relating to trustees. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3445 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1983

SB 3647 Prime Sponsor, Senator Thompson: Modifying provisions relating to the sale of surplus salmon. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Conner, Fuller, Patterson, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

March 2, 1983

SB 3741 Prime Sponsor, Senator Moore: Modifying provisions relating to health insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3741 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1983

SB 4113 Prime Sponsor, Senator Peterson: Authorizing the department of licensing to adopt rules on identification of antique vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

March 2, 1983

SB 4156 Prime Sponsor, Senator Bender: Granting free fishing licenses to wheelchair-confined persons. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Metcalf, Patterson, Quigg, Vognild.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

March 2, 1983

GA 36 VAUGHN HUBBARD, to the position of Member of the State Transportation Commission, reappointed by the Governor on July 1, 1982, for the term ending June 30, 1988. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Owen, Patterson, Vognild.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

March 3, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 233,

HOUSE BILL NO. 313, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 233 by Committee on Natural Resources (Originally sponsored by Representatives Haugen, Miller, Halsan and Braddock) (by Department of Game request)

Establishing a commercial anadromous game fish buyer's license and extending the excise on food fish and shellfish to commercially harvested anadromous game fish.

Referred to Committee on Natural Resources.

HB 313 by Representatives Belcher, Hankins and Walk (by Planning and Community Affairs Agency request) (by Office of Financial Management request) (by Department of General Administration request)

Transferring responsibility for state fire protection contracts to the planning and community affairs agency.

Referred to Committee on State Government.

MOTIONS

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

On motion of Senator Shinpoch, the Senate resumed consideration of Senate Bill No. 3475, deferred on March 3, 1983.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Owen, the President finds that Senate Bill No. 3475 is a measure which deals with crab license endorsements for Puget Sound, and provides that an endorsement is only needed to take Dungeness crab.

"The amendment propose by Senator Rasmussen deals with Dungeness crab season in the coastal waters of this state, and provides that it is lawful to take Dungeness crab in those areas throughout the year.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Rasmussen was ruled out of order.

MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Senate Bill No. 3475 was advanced to third reading, the second reading considered the third, and the bill was 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. 3475.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3475, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 04; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 43.

Absent: Senators Hemstad, McDermott, Moore, Quigg - 4.

Excused: Senators Fleming, Wojahn - 2.

ENGROSSED SENATE BILL NO. 3475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3529, by Senators Granlund, Owen, Metcalf and Deccio (by Department of Corrections request)

Authorizing transfers of prisoners to foreign countries.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the rules were suspended, Senate Bill No. 3529 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3529.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3529, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 45.

Absent: Senators Hemstad, McDermott - 2.

Excused: Senators Fleming, Wojahn - 2.

SENATE BILL NO. 3529, having received the 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 Shinpoch, the Senate advanced to the eighth order of business.

On motion of Senator Shinpoch, the Committee on Local Government was relieved of further consideration of Senate Bill No. 4183.

On motion of Senator Shinpoch, Senate Bill No. 4183 was referred to the Committee on Ways and Means.

MOTION

At 10:25 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:40 a.m.

MOTION

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3191, by Senator Goltz

Permitting local authorities to reduce speed limits below twenty miles per hour.

The bill was read the second time.

MOTIONS

Senator Goltz moved the following Committee on Transportation amendments be considered and adopted simultaneously:

On page 1, line 18, after "limit", strike "~~((but not to less than twenty miles per hour))~~", and insert: "but not to less than twenty miles per hour, except as provided in subsection (3) of this section."

On page 1, line 26, add new subsection (3) to read as follows:

"(3) Local authorities in their respective jurisdictions may decrease the maximum speed limit but not to less than twelve miles per hour for periods not exceeding a total of six months in each calendar year upon a finding that hazardous pedestrian congestion exists on a road characterized by a high incidence of recreational and tourist traffic."

Remember the remaining subsection accordingly.

Debate ensued.

MOTION

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

On line 3, of the amendment to page 1, line 26, strike "twelve" and insert "fifteen"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen to the second committee amendment.

The motion by Senator Pullen failed and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be adoption of the Committee on Transportation amendments.

The motion by Senator Goltz carried and the committee amendments were adopted.

MOTION

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 3191 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 Quigg: "Senator Goltz, does this only apply to motor vehicles?"

Senator Goltz: "Does it apply to pedestrians--do you mean?"

Senator Quigg: "Well, you know there are other forms of transportation. My wife is a very avid jogger and pretty fast, too. There are other people on bicycles and so forth."

Senator Goltz: "It certainly would apply to anything that is going faster than fifteen miles an hour."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3191.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3191, and the bill passed the Senate by the following vote: Yeas, 27; nays, 21; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Jones, Kiskaddon, McDermott, Moore, Peterson, Rinehart, Talmadge, Thompson, Williams, Woody, Zimmerman - 27.

Voting nay: Senators Bender, Clarke, Conner, Fleming, Hayner, Hurley, Lee, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Vognil, von Reichbauer, Warnke - 21.

Excused: Senator Wojahn - 1.

ENGROSSED SENATE BILL NO. 3191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 3905.

On motion of Senator Shinpoch, Senate Bill No. 3905 was referred to the Committee on Institutions.

On motion of Senator Shinpoch, the Committee on Rules was relieved of further consideration of Senate Bill No. 3187.

On motion of Senator Shinpoch, Senate Bill No. 3187 was referred to the Committee on Ways and Means.

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 1, 1983

SB 3096 Prime Sponsor, Senator McDermott: Modifying the payment schedules for school district apportionments. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Craswell, Deccio, Fleming, Hayner, Lee, Rinehart, Talmadge, Warnke, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 2, 1983

SB 3187 Prime Sponsor, Senator Bottiger: Imposing an excise tax on the severance of minerals. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3187 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Patterson, Vognil.

Passed to Committee on Rules for second reading.

March 3, 1983

SB 3978 Prime Sponsor, Senator Shinpoch: Creating the joint committee on state government organizational structure. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 3978 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

March 2, 1983

SHCR 6 Prime Sponsor, Committee on Commerce and Economic Development:
Establishing the emergency commission on economic development
and job creation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators
McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes,
Rinehart, Talmadge, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

MOTION

At 11:59 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00
a.m., Monday, March 7, 1983.

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

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 7, 1983

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 Bauer, Bender, Haley, Lee, Patterson, Warnke and Williams. On motion of Senator Vognild, Senators Bauer and Warnke were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jill Jackson and Joseph Morgan, presented the Colors. Reverend L. D. McNail, minister of visitation of the United Churches of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 4, 1983

SB 3051 Prime Sponsor, Senator Hansen: Modifying the laws governing transportation or confining animals. Reported by Committee on Agriculture

MAJORITY recommendation: That Second Substitute Senate Bill No. 3051 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

March 3, 1983

SB 3243 Prime Sponsor, Senator Granlund: Exempting state correctional facilities from the requirements that a percentage of funds be used for public art. Reported by Committee on Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

March 3, 1983

SB 3528 Prime Sponsor, Senator Granlund: Modifying provisions on the sale of products of vocational education programs. Reported by Committee on Institutions

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

March 3, 1983

SB 3646 Prime Sponsor, Senator Granlund: Modifying the rights of juvenile offenders. Reported by Committee on Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3646 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Peterson.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 3, 1983

GA 8 PHYLLIS M. KENNEY, to the position of Member of the Corrections Standards Board, appointed by the Governor on November 8, 1982, for the

term ending September 24, 1984, succeeding Roger F. Maxwell. Reported by Committee on Institutions

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules.

March 3, 1983

GA 24 THOMAS J. MANNING, to the position of Member of the Board of Prison Terms and Paroles, appointed by the Governor on July 1, 1982, for the term ending April 15, 1984, succeeding Eugene M. Corr. Reported by Committee on Institutions

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules.

March 3, 1983

GA 25 KAREN B. CONOLEY, to the position of Member of the Board of Prison Terms and Paroles, reappointed by the Governor on April 16, 1982, for the term ending April 15, 1987. Reported by Committee on Institutions

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules.

March 3, 1983

GA 26 GEORGE W. JOHNSON, to the position of Member of the Board of Prison Terms and Paroles, reappointed by the Governor on April 16, 1982, for the term ending April 15, 1987. Reported by Committee on Institutions

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules.

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

SECOND READING

SENATE BILL NO. 3532, by Senators Gaspard, Benitz and Shinpoch

Providing procedures for the removal of members of community college boards of trustees.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, line 10, strike "inefficiency, neglect of duty," and insert "misconduct"

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 3532 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senators Haley and Lee were excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3532.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3532, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 04; excused, 04.

Voting yea: Senators Barr, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman - 41.

Absent: Senators Bender, Deccio, Patterson, Williams - 4.

Excused: Senators Bauer, Haley, Lee, Warnke - 4.

ENGROSSED SENATE BILL NO. 3532, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3538, by Senators Peterson, Patterson and Haley

Removing the traffic safety commission from the Sunset schedule and revising certain powers and duties.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3538 was substituted for Senate Bill No. 3538 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3538 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3538.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3538, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Patterson - 1.

Excused: Senators Bauer, Haley, Lee, Warnke - 4.

SUBSTITUTE SENATE BILL NO. 3538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3588, by Senators Goltz and Lee (by Secretary of State request)

Authorizing the state archivist to adopt rules and set technical standards.

The bill was read the second time.

MOTIONS

On motion of Senator Goltz, the following Committee on State Government amendment was adopted:

On page 2, line 6, after "(6)", strike all of the material down to and including "records" on line 8 and insert "To set standards by rule for the durability and permanence of records required by law or for other reasons to be filed and maintained permanently or for very long periods of time by state and local agencies"

On motion of Senator Bluechel, Senator Patterson was excused.

On motion of Senator Goltz, the rules were suspended, Engrossed Senate Bill No. 3588 was advanced to third reading, the second reading considered the third, and the bill was 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. 3588.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3588, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Bauer, Lee, Patterson - 3.

ENGROSSED SENATE BILL NO. 3588, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3630, by Senators Sellar, Hansen, Newhouse and Barr

Modifying provisions relating to irrigation district board meetings.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3630 was substituted for Senate Bill No. 3630 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 3630 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3630.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3630, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Bauer, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 3630, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3657, by Senators Wojahn, McDermott and Talmadge

Modifying provisions relating to the use of state-owned armories.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 3657 was substituted for Senate Bill No. 3657 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 3657 was advanced to third reading, the second reading considered the third, and the bill was 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. 3657.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3657, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad,

Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Quigg - 1.

Excused: Senators Bauer, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 3657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3096, by Senator McDermott (by Office of Financial Management request)

Modifying the payment schedules for school district apportionments.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 3096 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3096.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3096, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Hayner - 1.

Excused: Senators Bauer, Patterson - 2.

SENATE BILL NO. 3096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3059, by Senators Lee, Woody and McManus

Providing for pets in nursing homes and public housing for the elderly.

The bill was read the second time.

MOTION

Senator Lee moved adoption of the following amendment by Senators Lee, Bender and Woody:

On page 1, line 22, after "follows:" strike all material down through "pet." on page 2, line 7, and insert:

"A housing authority shall adopt reasonable rules for pets. "Pets" means domesticated dogs, cats, birds, or fish contained in an aquarium. Such rules may limit the use of common areas by pets; may stipulate type of pets allowed, may require the removal of a pet whose conduct or condition is determined to be a threat or a nuisance to other occupants, or a violation of health laws; protect the animals' right to humane treatment; and other rules as needed including designation of pet and non-pet areas.

The housing authority may choose either to relieve a tenant from liability for damages to the premises caused by a pet or may require a special pet damage deposit. Except for damage deposit conditions, a housing authority shall not permit different terms for tenancy based upon the presence or absence of a pet which otherwise meets the rules and regulations established by the housing authority."

MOTION

Senator Pullen moved the following amendment to the amendment be adopted:

On page 1, line 3. after "aquarium", insert "or other animals permitted by the director of the housing authority"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen to the Lee amendment.

The motion by Senator Pullen failed on a rising vote and the amendment to the amendment was not adopted.

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Lee, Bender and Woody.

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

MOTIONS

On motion of Senator Zimmerman, Senators Hayner and Bluechel were excused.

On motion of Senator Lee, the rules were suspended, Engrossed Senate Bill No. 3059 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 McCaslin: "Senator Lee, if my mother-in-law would like to keep a gerbil in the nursing home, could she do it under this bill?"

Senator Lee: "In the particular section that relates to the access to pets in the nursing home, itself, she probably would not be able to keep one in her own room. A gerbil is a rodent and that is the problem with those particular animals. In some of the therapy that has been done in mental hospitals, and so on, they have had guinea pigs, but even in those cases, they have gone back to the more traditional kinds of pets.

"The experience has been that the kind of therapy that really means something--in other words, a pet that is very responsive like a cat is--will purr--or a dog will lick your hand and so on. It is the kind of thing that provides the therapy, and not just the fact that it is a furry little thing."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3059.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3059, and the bill passed the Senate by the following vote: Yeas, 30; nays, 13; absent, 02; excused, 04.

Voting yea: Senators Bender, Bottiger, Fleming, Fuller, Gaspard, Granlund, Hansen, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 30.

Voting nay: Senators Barr, Benitz, Clarke, Conner, Craswell, Goltz, Guess, Haley, Hurley, McCaslin, Pullen, Rasmussen, Vogtild - 13.

Absent: Senators Deccio, Newhouse - 2.

Excused: Senators Bauer, Bluechel, Hayner, Patterson - 4.

ENGROSSED SENATE BILL NO. 3059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3224, by Senators Goltz, Quigg, Williams, Fuller, Hurley, McManus and Moore (by State Energy Office request)

Authorizing the provisions of heating services by governmental entities.

The bill was read the second time.

MOTIONS

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

On page 1, beginning on line 25, strike all of subsection (4) and insert "(4) "Geothermal heat" means the natural thermal energy of the earth and the medium by which such energy is extracted from the earth, including gases or liquids, but excluding oil, hydrocarbon gas, or other hydrocarbon substances."

On page 2, beginning on line 2, strike all of subsection (5) and insert "(5) "Waste heat" means the thermal energy released to the environment from an industrial process, electric generation, or other process."

On page 2, beginning on line 4, strike all of subsection (6) and insert "(6) "Heat" means thermal energy."

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

On page 5, line 4, after "municipality", insert "after reasonable notice"

On motion of Senator Williams, the rules were suspended, Engrossed Senate Bill No. 3224 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, I am looking at the digest. It would appear that the bondholders may bring suit against any municipality which fails to pay into a special fund created for the payment of revenue bonds and warrants, that amount which is obligated itself to pay in the ordinance or resolution creating the fund. This does not restrict this to just a heating district, apparently. It is the municipality, itself, that will be liable for all of these costs and they won't be related to revenue bonds. In effect, they may make them a general obligation bond by that provision being put in here."

Senator Goltz: "Only by a vote of the people would this be true, Senator Rasmussen."

Senator Rasmussen: "Only by a vote of the people--the general obligation bonds can be issued, but they may proceed on revenue bonds without a vote of the people. Is this correct, then?"

Senator Goltz: "It is correct. They would be able by the legislative authority to issue bonds. The authority given for heating districts, in this respect, is no different from the authority given to municipalities for all other types of utilities. This would be the same with water and so on."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3224.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3224, and the bill passed the Senate by the following vote: Yeas, 37; nays, 09; absent, 00; excused, 03.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senators Clarke, Craswell, Deccio, Jones, McCaslin, Melcalf, Newhouse, Pullen, Rasmussen - 9.

Excused: Senators Bauer, Hayner, Patterson - 3.

ENGROSSED SENATE BILL NO. 3224, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3057, by Senators Moore, Jones, Hurley and Vognild

Modifying the liability of building fire safety personnel.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3057 was substituted for Senate Bill No. 3057 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3057 was advanced to third reading, the second reading considered the third, and the bill was 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. 3057.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3057, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Bauer, Hayner, Patterson - 3.

SUBSTITUTE SENATE BILL NO. 3057, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, Senate Bill No. 3109, which was on the second reading calendar, was referred to the Committee on Ways and Means.

SECOND READING

SENATE BILL NO. 3169, by Senators Goltz and Owen (by Department of Game request)

Making various housekeeping changes in the game laws.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 3169 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 Owen, what is the increase for the resident permit for sheep and moose or what is the present fee?"

Senator Owen: "They are all listed in the calendar on what they were and what they are changed to."

Senator Rasmussen: "Well, it indicates that the sheep and the moose stamp fees are increased and it just lists the resident and nonresident, which are the same. Is it doubling for the sheep and leaving the moose as the same?"

Senator Owen: "The sheep is changed from resident--\$35.00 to resident--\$75.00, and the moose is left the same. The nonresident sheep is changed from \$35.00 to \$300.00 and the nonresident moose is changed from \$100.00 to \$300.00."

POINT OF INQUIRY

Senator Pullen: "Senator Owen, I notice the brief title of this bill is making various housekeeping changes in the game laws. Senator Rasmussen has raised some questions that would suggest that perhaps all the changes are not exactly housekeeping changes. Could you explain the rationale as to why the sheep and moose licenses are increased? I know that sometimes there is a very good rationale for increasing the fees. I was just curious what the rationale might be in this particular bill."

Senator Owen: "Thank you, Senator Pullen. If you notice, that actually for resident, there is only one change and that change is in the area of sheep. The Department evidently felt that the rate should be more consistent--the fees should be more consistent with the other big game animals on these specific areas--and they felt that the nonresident rates were far too low compared to what other states are charging for nonresident--and the availability for the number of game.

"These changes were not opposed by anybody--by the sports' clubs or anybody. They were all supported and moved through the committee quite easily. There was no opposition to any of the changes, so evidently the sporting community thought that the rates were reasonable, also."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3169.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3169, and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 00; excused, 02.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Pullen, Rasmussen - 2.

Excused: Senators Bauer, Patterson - 2.

SENATE BILL NO. 3169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3144, by Senators Peterson, Guess and Hansen (by Department of Licensing request)

Modifying provisions on special fuel trip permits.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended. Senate Bill No. 3144 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3144.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3144, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Bauer, Patterson - 2.

SENATE BILL NO. 3144, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3178, by Senators Bauer, Zimmerman and Rinehart

Authorizing the late payment of taxes.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3178 was substituted for Senate Bill No. 3178 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Thompson, the rules were suspended. Substitute Senate Bill No. 3178 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 Thompson, would you explain a little more? It says that 'interest payments based on the full amount due and calculated on the number of days the tax is delinquent.' Does that mean that if somebody wants to pay their taxes on--say May 5--they would have to pay all of their taxes?"

Senator Thompson: "No sir, it does not. The interest payment will be calculated on the number of days late."

Senator Guess: "The days that the half payment was late?"

Senator Thompson: "That's right."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3178.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3178, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Bauer, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 3178, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3174, by Senators McDermott, Peterson, Bottiger, Hemstad and Zimmerman

Modifying provisions concerning the Washington state patrol retirement system.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3174 was substituted for Senate Bill No. 3174 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3174 was advanced to third reading, the second reading considered the third, and the bill was 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. 3174.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3174, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 00; excused, 02.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Conner - 1.

Excused: Senators Bauer, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 3174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3130, by Senators Talmadge, Hemstad and Woody

Awarding attorneys fees in frivolous actions or defenses and to prevailing parties acting as private attorneys general.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, after line 16, strike the remainder of the bill and insert the following:

"NEW SECTION. Sec. 2. The law revision commission shall conduct a study to analyse and evaluate the issues involved in enacting legislation to allow attorneys' fees to a prevailing party who acts as a private attorney general. The commission shall report its findings and recommendations, including proposed legislation, to the legislature prior to January 1, 1984."

MOTION

Senator Talmadge moved adoption of the following amendment:

On page 1, after line 16, insert a new paragraph as follows:

"The provisions of this section apply unless otherwise specifically provided by statute."

POINT OF INQUIRY

Senator Metcalf: "This may be an entirely different subject and not related at all, but I had to question because, as you know, the Indians have asked for the State of Washington to pay 4.7 million dollars in the Boldt decision for court costs and attorneys fees. Would this bill or the amendment, in anyway, have anything to do with that issue?"

Senator Talmadge: "No."

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

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

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, on line 3 of the title, strike "and" and after "RCW" insert "; and creating a new section"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3130 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senator Quigg was excused.

POINT OF INQUIRY

Senator Bluechel: "Senator Talmadge, as you know, in the proposed SEPA bill, the language is somewhat different and it would be my intent to preserve that language because it is agreed upon. Would this, in any way, involve that language or, specifically, is the floor amendment here designed to keep that language of SEPA as is, should the bill pass?"

Senator Talmadge: "Senator, thank you. The floor amendment was designed to deal with two specific situations--the possible adoption of Senate Bill No. 3006, with its specific provision relating to frivolous lawsuits, and also to deal with the situation of the Court of Appeals. The various divisions of the Court of Appeals have a court rule coming down from statute that provides for the authorization of sanctions against a party bringing a frivolous appeal. Both of these situations are designed to be dealt with by the amendment and it is my understanding, that with the adoption of the amendment, we would not affect the provision in Senate Bill No. 3006--should it be adopted by this body."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3130.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3130, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Bauer, Patterson, Quigg - 3.

ENGROSSED SENATE BILL NO. 3130, having received the 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 Shinpoch, the Senate advanced to the eighth order of business.

On motion of Senator Shinpoch, the Committee on Rules was relieved of further consideration of Senate Bill No. 3519.

On motion of Senator Shinpoch, Senate Bill No. 3519 was referred to the Committee on Ways and Means.

MOTION

At 11:56 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Tuesday, March 8, 1983.

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

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 8, 1983

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 McManus, Pullen, Quigg, Sellar and Warnke.

The Sergeant at Arms Color Guard, consisting of Pages Marc Tareski and Annette Whitman, presented the Colors. Reverend Timothy Dolan, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 4, 1983

SB 3019 Prime Sponsor, Senator Thompson: Modifying provisions relating to hearings by local government planning agencies. Reported by Committee on Local Government

MAJORITY recommendation: That Second Substitute Senate Bill No. 3019 be substituted therefor, and the second substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

March 7, 1983

SB 3104 Prime Sponsor, Senator Vognild: Authorizing public assistance payments to landlords for purpose of rent. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3104 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Craswell, Deccio, Lee, Metcalf, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

March 7, 1983

SB 3257 Prime Sponsor, Senator Bauer: Permitting second dwelling on a lot without meeting subdivision requirements. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3257 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 24, 1983

SB 3267 Prime Sponsor, Senator McDermott: Modifying provisions on property tax exemptions and deferrals. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3267 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Lee, Rinehart, Shinpoch, Talmadge, Warnke, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1983

SB 3503 Prime Sponsor, Senator Thompson: Providing funding for the Washington association of sheriffs and police chiefs to administer state-wide law enforcement programs. Reported by Committee on Local Government

MAJORITY recommendation: That Senate Bill No. 3503 be referred to Committee on Ways and Means. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, Woody.

MINORITY recommendation: Do not pass. Signed by Senator McCaslin.

Referred to Committee on Ways and Means.

March 4, 1983

SB 3586 Prime Sponsor, Senator Newhouse: Exempting port districts from the five-year prohibition against further subdivision of short subdivisions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1983

SB 3637 Prime Sponsor, Senator Thompson: Modifying provisions relating to declaratory judgments of bond issues. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3637 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1983

SB 3777 Prime Sponsor, Senator Thompson: Permitting occupancy of related persons in a single residence. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1983

SB 3890 Prime Sponsor, Senator Williams: Relating to conversion standards. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3890 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Fuller, Hemstad, McManus, Moore.

Passed to Committee on Rules for second reading.

March 7, 1983

SB 4021 Prime Sponsor, Senator Moore: Modifying provisions on annual statements required of insurance companies. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Clarke, Deccio, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1983

SB 4112 Prime Sponsor, Senator Peterson: Bringing vehicle size and load restrictions into conformity with federal standards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Granlund, Guess, Owen, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 7, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 393,

ENGROSSED HOUSE BILL NO. 441, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 393 by Committee on Local Government (originally sponsored by Representatives Smitherman, Zellinsky, Moon and Fisher)

Authorizing assistance to street abutters in improving streets.

Referred to Committee on Local Government.

EHB 441 by Representatives J. King, Hankins, Stratton, Barrett, Hastings, Ellis and Miller (by Liquor Control Board request)

Modifying provisions relating to liquor service at international trade exhibitions and receptions.

Referred to Committee on Commerce and Labor.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3098, by Senators Bauer, Zimmerman and Thompson

Providing for filling county freeholder vacancies.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3098 was substituted for Senate Bill No. 3098 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3098 was advanced to third reading, the second reading considered the third, and the bill was 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. 3098.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3098, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 05; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators McManus, Pullen, Quigg, Sellar, Warnke - 5.

SUBSTITUTE SENATE BILL NO. 3098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3250, by Senators Peterson, Patterson and Vognild (by Department of Transportation request)

Establishing prequalifying procedures for ferry contractors.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3250 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senator Fuller was excused.

POINT OF INQUIRY

Senator Rasmussen: "Senator Peterson, does this prequalification extend to repair work or only to new construction?"

Senator Peterson: "Most of the repair work is done within the Department. I don't think the bill went that far. That question has not arisen. It is prequalification on construction and most of the repair work is done within the system under present methods of repair."

Senator Rasmussen: "Well, the reason I was wondering was that minorities and womens' business groups might find it hard to prequalify and I don't know how far you were extending this. Under major construction, I can understand. A New Orleans firm, that did previously, they were prequalified."

Senator Peterson: "This is to take care of that problem, Senator Rasmussen. Relative to repair, I would suspect that they would fall under existing statutes anyway, as far as being eligible."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3250.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3250, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 04; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Deccio, Jones, Guigg, Warnke - 4.

Excused: Senator Fuller - 1.

SENATE BILL NO. 3250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 112, by Senators Williams, Fuller, Talmadge, Bauer, McManus, Hansen, Moore, McDermott, Benitz and Woody

Allowing the state to provide financing for energy conservation.

MOTIONS

On motion of Senator Williams, Substitute Senate Joint Resolution No. 112 was substituted for Senate Joint Resolution No. 112 and the substitute resolution was placed on second reading and read the second time.

On motion of Senator Pullen, the following amendment was adopted:
On page 1, line 18, after "charge back", insert "to the recipient"

MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Resolution No. 112 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 Williams, does this open the door for the PUDers to loan their credit, which is pretty skinny at the time? What I am thinking about is a reconstruction of an aluminum plant--for instance Chelan PUD--could they loan their credit for the reconstruction of a plant either in Wenatchee or at Spokane? If the aluminum company were to borrow money from them, could they rebuild a plant in Spokane? It would be for the purpose of reducing the power. The new techniques or the reduction of bulk sites are far more efficient today than they were a number of years ago."

Senator Williams: "Senator, first of all, this is not mandatory. It is a voluntary program on the part of the PUD's or the public entities. I personally--without looking at the implementing legislation that we passed earlier related to this constitutional amendment--would say that would be stretching the loaning of the credit as envisioned for the purposes of either this constitutional amendment or the implementing legislation that we passed earlier. I suspect that even if it were possible, that that would be stretching the intent of this as well as the resources of a PUD--beyond what I think would be acceptable, to the ratepayers, in that particular PUD."

Senator Guess: "Well, the provisions are definitely there. They can loan to a corporation and it can be used for conservation or a more efficient use of energy. Certainly, it would be far more efficient use of energy if they were rebuilding a pipeline, for instance."

Senator Williams: "Senator, I can't give you a definitive answer on that right at the moment. I will check the implementing legislation and try and give you an answer."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Williams, on line 21,--'except as to bonds and loans issued prior to January 1, 2005, this section shall expire on January 1, 2005.' What type of bonds are contemplated will be issued and who will be issuing the bonds? The state already has two and a half billion dollars worth of bonds authorized and only so far it can issue a billion, two hundred thousand. The rest of it is standing there that we can't issue because we are up to the limit. What type of bonds now are they going to issue on this proposal?"

Senator Williams: "Senator, the language of the constitutional amendment says 'that the instrument shall end its credit financed by the issuance of debt instruments secured solely by revenue.' In other words, they may be bonds, or they may be whatever. They are issued by the particular utility, not by the state of Washington."

Senator Rasmussen: "Well, that brings me up to line 8--'notwithstanding sections 5 and 7 of this Article, the state and any county, city, town, quasi municipal corporation, municipal corporation, or political subdivision of the state which is engaged in the sale or distribution of energy.' That would kind of indicate that we are going to take over WPPSS and operate that and then the state would be developing energy. Is that what your intent is--that when we take over WPPSS, that the state would then issue bonds and become an operating agency?"

Senator Williams: "No, Senator, that is not the intention at all."

Senator Rasmussen: "Well, the line here says that--'the state.'"

Senator Williams: "The reason that 'state' is in there is that at some point and time--and there is a bill before the legislature now--there is a statewide conservation program which would be additional implementing legislation, if in fact, we wanted the state to have a conservation program. There is no intent, whatsoever, to use this mechanism to fund or support or in any way bail out WPPSS."

Senator Rasmussen: "But it is drawn broad enough, so that if the people adopt it, the state would become an operating agency."

Senator Williams: "I suspect that it would not, because this relates to conservation measures, not to the construction of new large-scale facilities such as WPPSS or any other new energy production facility."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Joint Resolution No. 112.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Joint Resolution No. 112, and the resolution passed the Senate by the following vote: Yeas, 33; nays, 15; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 33.

Voting nay: Senators Barr, Clarke, Conner, Craswell, Deccio, Guess, Hurley, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Sellar, Vognlid - 15.

Absent: Senator Quigg - 1.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 112, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed Concurrent Resolution No. 107 and the following pending amendment by Senators McDermott and Hughes, deferred February 18, 1983.

On page 1, line 26, after "community," strike everything down through "problem:" on line 29.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators McDermott and Hughes. Senator Williams had demanded a division when the pending amendment was considered earlier. Senator McDermott demanded a roll call and the demand was sustained.

ROLL CALL

The Secretary called the roll on adoption of the amendment by Senators McDermott and Hughes and the amendment was not adopted by the following vote: Yeas, 19; nays, 29; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hughes, Hurley, McCaslin, McDermott, Metcalf, Owen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Wojahn - 19.

Voting nay: Senators Barr, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McManus, Moore, Newhouse, Patterson, Peterson, Pullen, Sellar, von Reichbauer, Williams, Woody, Zimmerman - 29.

Excused: Senator Quigg - 1.

MOTION

Senator McDermott moved the following amendments by Senators McDermott and Hughes be considered and adopted simultaneously:

On page 2, line 17, after "That", strike everything down through "support of"

On page 2, line 19, after "Council," strike "is" and insert "are"

On page 2, line 27, after "System", strike everything down through "Washington," on page 28.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Williams, would you view this resolution as ordering the Governor to convene a meeting?"

Senator Williams: "Senator, I am looking for the language. The language suggests that we are calling on the Governor to take the lead in organizing negotiations. It does suggest that the Governor, when it seems appropriate, would call the parties to the table in hopes that negotiation, as opposed to continued litigation, would prevail. So, in essence, we are asking that the Governor take the lead in organizing those negotiations."

Senator Rasmussen: "Is there anything, Senator Williams, in the existing law, to your knowledge, that would prevent the Governor from doing this without a resolution, and would this, in effect, be having the legislative ordering the executive to do something?"

Senator Williams: "There isn't, to my knowledge, anything in the law that would prevent the Governor from doing so on his own volition. Since the resolution

does not order the Governor to do anything, it is simply a statement of policy on the part of the legislature and it is our suggestion that he do so."

Further debate ensued.

POINT OF INQUIRY

Senator Moore: "I have my own definition that I have in the back of my mind someplace as to what 'intimately involved' means. Now, when we talk about the public sector, I wonder just what do we mean by intimately involved?"

Senator Hayner: "You may not think I have used that word properly, but I think that whenever the Governor of this state takes on any problem of the people, he becomes intimately involved with it and that is exactly what he is here. He is very concerned. He has spent a great deal of time trying to analyze what we should do and I think that the remarks of Senator Bottiger were very appropriate."

Further debate ensued.

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

The President declared the question before the Senate to be adoption of the amendments by Senators McDermott and Hughes.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott failed and the amendments were not adopted by the following vote: Yeas, 20; nays, 29; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hughes, Hurley, McCaslin, McDermott, Metcalf, Moore, Owen, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn - 20.

Voting nay: Senators Barr, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McManus, Newhouse, Patterson, Peterson, Quigg, Sellar, Vognild, von Reichbauer, Williams, Woody, Zimmerman - 29.

MOTION

Senator Pullen moved adoption of the following amendment by Senators Pullen, Talmadge and Rasmussen:

On page 2, line 16, insert:

"BE IT FURTHER RESOLVED, That nothing contained in this resolution shall be construed as obligating the state of Washington to assume any portion of, or any responsibility for, the debts of the Washington Public Power Supply System; and"

POINT OF INQUIRY

Senator Deccio: "Senator Pullen, there are a lot of facets in the definition of the term 'state of Washington.' What is your definition of what 'the state of Washington' means in your amendment?"

Senator Pullen: "This amendment means 'the state of Washington' as controlled by the three major branches of the state of Washington--the legislative branch, the executive branch and the judicial branch. It does not imply any of the subdivisions of the state of Washington, such as municipal corporations."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen, Talmadge and Rasmussen.

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

MOTION

On motion of Senator Williams, the rules were suspended, Reengrossed Senate Concurrent Resolution No. 107 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Senate Concurrent Resolution No. 107.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Concurrent Resolution No. 107, and the resolution passed the Senate by the following vote: Yeas, 36; nays, 13; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McManus, Newhouse, Owen, Patterson, Peterson, Quigg, Sellar, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 36.

Voting nay: Senators Conner, Hughes, Hurley, McCaslin, McDermott, Metcalf, Moore, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Wojahn - 13.

REENGROSSED SENATE CONCURRENT RESOLUTION NO. 107, having received the constitutional majority, was declared passed.

REPORT OF CONFERENCE COMMITTEE

March 8, 1983

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred Engrossed Second Substitute Senate Bill No. 3100, adopting a supplement budget, have had the same under consideration and we are unable to agree and respectfully request the powers of Free Conference.

Signed: Senators McDermott, Hayner and Gaspard; Representatives Grimm and Sommers.

MOTION

On motion of Senator McDermott, the Conference Committee Report on Engrossed Second Substitute Senate Bill No. 3100 was adopted and the powers of Free Conference were granted.

MOTION

At 12:00 noon, on motion of Senator Shinpoch, 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. 3162, by Senators Talmadge, McDermott and Granlund

Modifying the property taxation on nonprofit organizations.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the following Committee on Ways and Means amendment was adopted:

On page 3, after line 3, insert the following:

"NEW SECTION, Sec. 2. This act is effective for property taxes levied in calendar year 1983 and due and payable in calendar year 1984 and thereafter."

MOTIONS

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3162 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senator Haley was excused.

On motion of Senator Vognilid, Senators Woody and Peterson were excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3162.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3162, and the bill passed the Senate by the following vote: Yeas, 39; nays, 00; absent, 07; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Absent: Senators Bluechel, Conner, Granlund, Hughes, Owen, Quigg, Rinehart - 7.

Excused: Senators Haley, Peterson, Woody - 3.

ENGROSSED SENATE BILL NO. 3162, having received the constitutional majority, 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 CONCURRENT RESOLUTION NO. 6, by House Committee on Commerce and Economic Development (originally sponsored by Representatives Tanner, B. Williams, J. King, Ebersole, Monohon, Van Dyken, West, Stratton, Haugen, Egger, Galloway, Fisch, Sayan, Belcher, Powers, Pruitt, Vekich, Charnley, Broback, Hine, Halsan, Tilly, Brekke, Garrett, Lewis, Todd and Ristuben)

Establishing the emergency commission on economic development and job creation.

The resolution was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendments were considered and adopted simultaneously:

On page 2, line 14, after "twenty-" strike "four" and insert "two"

On page 2, line 28, after ":", strike "and"

On page 2, line 29, after "public", strike "," and insert " and" and insert the following new subsection:

"(10) The executive director of the state investment board."

On page 2, beginning on line 30, strike all material through "branch." on line 32

On motion of Senator McDermott, the following Committee on Ways and Means amendments were considered and adopted simultaneously:

On page 3, line 12, strike "final" and insert "initial"

On page 3, beginning on line 14, after "1983", strike all material through "1984" on line 16.

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

On page 2, line 33, strike "At least two members of the commission shall be" and insert "The commission shall include at least two representatives"

MOTION

On motion of Senator McDermott, the rules were suspended. Substitute House Concurrent Resolution No. 6, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator McDermott, on page 2, where it discusses the make-up of the commission, it says that 'there shall be one representative of a company employing fewer than one hundred persons.' Can you tell me approximately what percentage of the companies in the state employ fewer than one hundred persons? What I am trying to get at is--perhaps there are many, many companies that employ fewer than ten persons--or fewer than five persons. A hundred persons seems to me to be a pretty big company. I am fearful that if we appointed one representative from a company with--say ninety-five persons employed at that company--we are really eliminating representation from most of the companies in the state which employ fewer than five or ten persons. I was trying to get a feeling for what percentage of the companies in the state employ a hundred persons."

Senator McDermott: "I don't know the answer to your question, Senator Pullen, but our intention here is to have a small business representative on the commission. We don't want it to be just big business and what they have organized. We wanted to have small business input and that is the real point of this."

MOTIONS

On motion of Senator Fleming, further discussion of Substitute House Concurrent Resolution No. 6, as amended by the Senate, was deferred and the measure was placed on the third reading calendar for tomorrow.

On motion of Senator Fleming, Second Substitute Senate Bill No. 3245 held its place on the second reading calendar for tomorrow.

SECOND READING

SENATE BILL NO. 3233, by Senators Fleming, Hemstad, Jones, McManus, Lee and Granlund (by Governor Spellman request)

Modifying provisions relating to the Asian-American Affairs Commission.

The bill was read the second time.

MOTION

On motion of Senator Fleming, the rules were suspended, Senate Bill No. 3233 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3233.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3233, and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 36.

Voting nay: Senators Barr, Clarke, Craswell, Guess, Hayner, McCaslin, Metcalf, Owen, Patterson, Pullen, Rasmussen - 11.

Absent: Senator Conner - 1.

Excused: Senator Peterson - 1.

SENATE BILL NO. 3233, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3163, by Senators Fleming, Jones, Pullen, McDermott and Talmadge

Granting reparation to certain state employees who suffered salary losses during World War II.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 3163 was substituted for Senate Bill No. 3163 and the substitute bill was placed on second reading and read the second time.

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

On page 1, line 16, after "Any", strike "person, or survivor of a person" and insert "state employee or the surviving spouse of a state employee"

MOTION

On motion of Senator Bottiger the following oral amendment to the amendment was adopted:

On line 3 of the amendment to page 1, line 16, after "the", insert "living"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment, as amended, by Senators Bottiger and Hayner.

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

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried and the amendment, as amended, was adopted by the following vote: Yeas, 27; nays, 20; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hurley, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Rasmussen, Sellar, Shinpoch, Vognild, Woody, Zimmerman - 27.

Voting nay: Senators Bender, Fleming, Fuller, Gaspard, Hemstad, Hughes, Jones, Kiskaddon, McDermott, McManus, Moore, Owen, Pullen, Rinehart, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn - 20.

Absent: Senator Conner - 1.

Excused: Senator Peterson - 1.

MOTION

On motion of Senator Fleming, the rules were suspended, Engrossed Substitute Senate Bill No. 3163 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3163.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3163, and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Fleming, Fuller, Gaspard, Granlund, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Barr, Clarke, Craswell, Deccio, Goltz, Guess, Hansen, Hurley, Owen, Patterson, Rasmussen - 11.

Absent: Senators Conner, Woody - 2.

Excused: Senator Peterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 7, 1983

SB 3624 Prime Sponsor, Senator Hughes: Establishing a conservation corps. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3624 be substituted therefor, and the substitute bill do pass, and that the bill be referred to Ways and Means. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hansen, Kiskaddon, Lee, McDermott, Williams.

Referred to Committee on Ways and Means.

March 7, 1983

SB 4018 Prime Sponsor, Senator Moore: Altering provisions relating to credit life insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Clarke, Deccio, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1983

SB 4144 Prime Sponsor, Senator Moore: Changing provisions relating to evictions and forced sales of homesteads. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Clarke, Deccio, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 8, 1983

Mr. President:

The House has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3100 and has granted said committee the powers of Free Conference, and the bill is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

At 2:50 p.m., on motion of Senator Shipoch, the Senate adjourned until 10:00 a.m., Wednesday, March 9, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 9, 1983

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Julie Mix and Brent Youngberg, presented the Colors. Reverend Timothy Dolan, pastor of the Westminster United Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 8, 1983

SB 3521 Prime Sponsor, Senator Jones: Requiring liquor given to a minor by his parents to be consumed in the presence or on the premises of the parents. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Moore, Newhouse, Sellar, Shinpoch.

Passed to Committee on Rules for second reading.

March 8, 1983

SB 3537 Prime Sponsor, Senator Vognild: Requiring notice to firefighters of the presence of guard animals. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Haley, McCaslin, McManus, Moore, Sellar, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

March 3, 1983

HB 256 Prime Sponsor, Representative Charnley: Deleting the penalty tax when changing land classified under chapter 84.34 RCW to tax exempt status for conservation purposes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Fleming, Hayner, Lee, Rinehart, Shinpoch, Talmadge, Warnke, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 8, 1983

GA 63 MARY D. HALL, to the position of Member of the Utilities and Transportation Commission, appointed by the Governor on August 30, 1982, for the term ending January 1, 1985, succeeding Aldo J. Benedetti. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Hemstad, McManus.

Passed to Committee on Rules.

March 8, 1983

GA 74 ANTHONY J. PARDINI, to the position of Member of the Utilities and Transportation Commission, appointed by the Governor on January 2, 1983, for the term ending January 1, 1989, succeeding Robert C. Bailey. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Hemstad, McManus.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

March 8, 1983

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 114,

ENGROSSED HOUSE BILL NO. 141,

ENGROSSED HOUSE BILL NO. 184,

ENGROSSED HOUSE BILL NO. 208, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 8, 1983

Mr. President:

The House has adopted:

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

DEAN R. FOSTER, Chief Clerk

March 8, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 117,

SUBSTITUTE HOUSE BILL NO. 143,

HOUSE BILL NO. 373, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 8, 1983

Mr. President:

The House has passed:

ENGROSSED SENATE BILL NO. 3120, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3120.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 114 by Committee on Energy and Utilities (originally sponsored by Representatives Sutherland, Chandler, Heck and D. Nelson) (by Washington State Energy Office request)

Regulating district heating system services.

Referred to Committee on Energy and Utilities.

SHB 117 by Committee on Labor (originally sponsored by Representatives R. King, Fisch, Charnley, Martinis, Garrett, Rust, Lux, Jacobsen, D. Nelson and Hankins)

Modifying procedures for the reduction in force of community college faculty members due to a financial emergency.

Referred to Committee on Education.

EHB 141 by Representatives Lux, Zellinsky, Sanders, Broback and Garrett (by Insurance Commissioner request)

Modifying the rate and form filing fee.

Referred to Committee on Financial Institutions.

SHB 143 by Committee on Transportation (originally sponsored by Representatives Martinis, Gallagher and Wilson) (by Department of Licensing request)

Revising payment of vehicle license fees.

Referred to Committee on Transportation.

EHB 184 by Representatives McMullen, Clayton and Sutherland (by Department of Transportation request)

Authorizing the DOT to make contracts.

Referred to Committee on Transportation.

EHB 208 by Representatives Vekich, Hankins, O'Brien, Hastings, Haugen and Powers (by Department of General Administration request)

Increasing the maximum amount which state agencies, colleges, and universities may purchase without competition.

Referred to Committee on State Government.

HB 373 by Representatives Braddock, Kreidler, J. King, Stratton and Ballard

Making the appointment of county drug abuse administrative boards non-mandatory.

Referred to Committee on Local Government.

SHCR 2 by Committee on Local Government (originally sponsored by Representatives Moon, Van Dyken, Dellwo, Lux and Tanner)

Calling for an interim study of the need for legislation regarding city-county consolidation.

Referred to Committee on Local Government.

MOTION

At 10:17 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:28 a.m.

MOTIONS

On motion of Senator Shinpoch, the Senate advanced to the seventh order of business.

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute House Concurrent Resolution No. 6, as amended by the Senate, deferred March 8, 1983.

THIRD READING

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 6, by Committee on Commerce and Economic Development (originally sponsored by Representatives Tanner, B. Williams, J. King, Ebersole, Monohon, Van Dyken, West, Stratton, Haugen, Egger, Galloway, Fisch, Sayan, Belcher, Powers, Pruitt, Vekich, Charnley, Broback, Hine, Halsan, Tilly, Brekke, Garrett, Lewis, Todd and Ristuben)

Establishing the emergency commission on economic development and job creation.

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

PARLIAMENTARY INQUIRY

Senator Metcalf: "I understood that the bill was on third reading, but that Senator Zimmerman, I thought, had amendments, also."

REPLY BY THE PRESIDENT

President Cherberg: "The Secretary advises that the only amendments on the desk are your two amendments, Senator Metcalf."

MOTION

Senator Metcalf moved that the rules be suspended and Substitute House Concurrent Resolution No. 6, as amended by the Senate, be returned to second reading for the purpose of an amendment.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Metcalf to return Substitute House Concurrent Resolution No. 6, as amended by the Senate, to second reading.

The motion by Senator Metcalf failed on a rising vote.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Concurrent Resolution No. 6, as amended by the Senate.

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "We thought this bill was on second reading and had an amendment that was a simple amendment dealing with the subject that Senator Pullen has discussed, mainly that it should be returned to a point where those businesses with fifty employees or less should be included. Now, Senator Bottiger has indicated his willingness to consider that.

"Senator Bottiger, I would like to ask you if you are considering the fact that when that appointment would be made--would you be willing to recognize that most of the businesses of this state do fall under fifty employees--as far as numbers are concerned--and therefore, do deserve very strongly an opportunity to be represented on the commission?"

Senator Bottiger: "Senator Zimmerman, I have already indicated to the small business group that I would recommend and ask them and would seek some advice on a small business representative. I, personally, don't know where you put the division line, but I would concur with the remarks of Senator Pullen that the majority of the jobs come from those organizations--employer firms--that employ around fifty and they should be represented. The magic number of one hundred was selected. It could have been seventy-five, it could have been fifty, but it will be a small business representative."

ROLL CALL

The Secretary called the roll on final passage of Substitute House Concurrent Resolution No. 6, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 36; nays, 13; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 36.

Voting nay: Senators Benitz, Clarke, Craswell, Deccio, Guess, Haley, Hayner, McCaslin, Metcalf, Newhouse, Pullen, Quigg, Sellar - 13.

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 6, as amended by the Senate, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Shipoch, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 3245, by Senators Fleming, Jones, Bottiger, Gaspard, Bluechel, Hurley, Barr, Warnke, Shinpoch, Peterson, Moore, Owen, Vognild, Williams, Talmadge, Wojahn, Bauer, Woody, Hemstad, Quigg, McManus, Hughes, Deccio, Fuller, von Reichbauer, Sellar, McCaslin, Kiskaddon and Hayner (by Governor Spellman request)

Establishing the housing finance commission.

MOTIONS

On motion of Senator Fleming, Second Substitute Senate Bill No. 3245 was substituted for Senate Bill No. 3245 and the second substitute bill was placed on second reading and read the second time.

Senator Pullen moved adoption of the following amendment:

On page 1, line 9, insert a new section to read as follows:

NEW SECTION, Sec. 1. This act shall be known and may be cited as the "Socialized Housing Act of 1983."

Debate ensued.

POINT OF ORDER

Senator Bottiger: "Mr. President, I perceive that Senator Rasmussen is reading on the Senate floor."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, Senator Bottiger's point is well taken. Would you please refrain from reading?"

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I thank God I have the ability to read. Some people don't. I would point out, Mr. President, that I am not reading the article. I am quoting from the article. I could give Senator Bottiger the article to read, but I don't know whether he would or not."

REPLY BY THE PRESIDENT

President Cherberg: "Very well, Senator. You may quote."

Further debate ensued.

Senators Bottiger, Gaspard and Wojahn demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

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

MOTION TO LIMIT DEBATE

Senator Bottiger moved, pursuant to Senate Rule No. 29, that each member be limited to one 3-minute speech on each subject or motion that comes before the Senate for the remainder of the session until this rule is suspended, except that the mover of the motion or the sponsor of the bill or amendment may have the privilege of closing debate, and that members be prohibited from yielding time to another member.

Debate ensued.

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

MOTION

Senator Bottiger moved an oral amendment to his motion to strike the words "the remainder of the session" and insert "Second Substitute Senate Bill No. 3245." Further debate ensued.

MOTION

At 12:04 p.m., on motion of Senator Fleming, 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 Shinpoch, the Senate advanced to the eighth order of business.

On motion of Senator Shinpoch, the Committee on State Government was relieved of further consideration of Senate Bill No. 3215.

On motion of Senator Shinpoch, Senate Bill No. 3215 was referred to the Committee on Ways and Means.

On motion of Senator Shinpoch, Senate Bill No. 3085, which was on the second reading calendar, was referred to the Committee on Commerce and Labor.

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 2, 1983

SB 3182 Prime Sponsor, Senator Bottiger: Modifying provisions relating to financial institutions. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Clarke, Deccio, Warnke.

Passed to Committee on Rules for second reading.

March 8, 1983

SB 3238 Prime Sponsor, Senator Zimmerman: Changing the planning and community affairs agency to the office of community programs. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1983

SB 3520 Prime Sponsor, Senator Woody: Revising procedures regarding contested elections and challenged voters. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3520 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1983

SB 3522 Prime Sponsor, Senator Peterson: Requiring county assessors to review property tax levies for correctness, validity and legality. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3522 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1983

SB 4015 Prime Sponsor, Senator Thompson: Changing provisions relating to park and recreation service area levies. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4015 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 8, 1983

SB 4199 Prime Sponsor, Senator Bender: Assisting Vietnam-era veterans. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 4199 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Referred to Committee on Ways and Means.

March 8, 1983

SB 4205 Prime Sponsor, Senator Warnke: Modifying provisions relating to the productivity board. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

March 8, 1983

GA 94 WARREN L. CHINN, to the position of Member of the Washington Horse Racing Commission, reappointed by the Governor on January 25, 1983, for the term ending January 17, 1989. Reported by Committee on State Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules.

There being no objection, the President advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 9, 1983

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3120, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3043, by Senator McCaslin

Providing for notification to law enforcement agencies of institutional furloughs.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 3043 was substituted for Senate Bill No. 3043 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Granlund, the rules were suspended, Substitute Senate Bill No. 3043 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3043.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3043, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar,

Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Woody - 1.

SUBSTITUTE SENATE BILL NO. 3043, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Second Substitute Senate Bill No. 3245 and the pending motion by Senator Bottiger for an oral amendment to strike 'the remainder of the session' and insert 'Second Substitute Senate Bill No. 3245' to his motion to limit debate, deferred earlier today.

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, a roll call was requested, but I believe it was requested on the entire motion and not on the oral amendment."

REPLY BY THE PRESIDENT

President Cherberg: "Yes, that is the President's recollection."

The President declared the question before the Senate to be the motion by Senator Bottiger for an oral amendment to his motion.

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

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McCaslin, in line with this intent to cut off debate, I notice that you are a sponsor of the bill and you have had an opportunity to read it and you are still sponsoring it?"

Senator McCaslin: "No sir, I am not. I have had an opportunity to read it. I am concerned about some of the sections in the bill and I can no longer support it."

Senator Rasmussen: "You would be concerned, then, that we have an opportunity to fully debate the issue of one of the major bills."

Senator McCaslin: "Absolutely. I think that is the purpose of the Senate."

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger to limit debate on Second Substitute Senate Bill No. 3245.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 26; nays, 22; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Haley, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 22.

Absent: Senator Newhouse - 1.

MOTION

Senator Pullen moved adoption of the following amendment:

On page 2, line 8, after "be", strike "liberally" and insert "conservatively"

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

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

MOTION

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

On page 4, line 32, after "governor", insert "with the consent of the senate."

On page 4, line 34, after "governor", insert "with the consent of the senate."

On page 4, line 35, after "governor", insert "with the consent of the senate."

MOTION

Senator Fleming moved adoption of the following amendment:

On page 5, line 33, after "chapter", insert ": PROVIDED, That this power to issue bonds shall cease to exist on June 30, 1986, unless extended by law for an additional fixed period of time"

POINT OF INQUIRY

Senator Hayner: "Senator Fleming, if this commission were to issue the maximum amount of bonds that were permitted by the federal regulations, how much would they actually issue in a period from now until 1986?"

Senator Fleming: "From now until the end of this year, we would be able to issue up to two hundred thirty-six million. That formula is changed each year based upon, over the nation, what has been done. The indication is that if the program continues it would be a like amount next year."

Senator Hayner: "So, what you are saying is, that in '83, '84, '85, and half of '86, it would probably be in the neighborhood of eight hundred fifty to nine hundred million dollars?"

Senator Fleming: "Based upon a formula, it could be just slightly more or it could be slightly less, but there is a particular formula that they go by, based upon what has happened the previous year."

POINT OF INQUIRY

Senator Rasmussen: "Senator Fleming, that previous section that you amended that provides that we have perpetual existence of a corporation--which, of course, we do--but the information is that the ceiling on the amount of tax exempt bonds that the state can issue for single family dwellings is two hundred thirty million, but that there is no limit for multiple family dwellings. This commission could issue an unlimited amount of bonds for multiple family, but for single family, they would be limited to two hundred thirty million."

Senator Fleming: "I stand corrected. Senator Hayner, I am sorry. Two hundred thirty million is for the single family dwelling. There is no limit, by federal law, as to what you could issue in multiple."

Senator Rasmussen: "So, Senator Hayner, you are correct. That could go far beyond the billion dollar mark if they so desire. There is only that limit on single family housing. I don't know what the distinction would be--probably duplexes or four-plexes--or the sky is the limit. It should be known as the blue sky law."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Senator Hayner, there is a provision in here that this commission report back on a regular basis to the legislature and to the Governor. If there is something that has taken place that is a little out of line, at least we will have the ability to deal with that, I think."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Just to pursue this a bit further. I understand that there, also, is a provision in federal law that you can issue non-exempt bonds if you decide to and that would be in competition with private enterprise. Is that correct?"

Senator Fleming: "That is correct, but the correct thing that you also said is that this is not the public housing project that was alluded to by some of the members on the floor--that are against the measure. These mortgages will be issued through those same institutions that you are talking about. They are not going to be issued by us. They will go through the same process and the people who buy the houses, their payments on their mortgages will go to pay off the bonds to the bondholder."

POINT OF ORDER

Senator Rasmussen: "Mr. President, I raise a point of order that Senator Bottiger and Senator Fleming wanted one speech--no more than three minutes--and I hope the President will watch that, because I detect in back of me an inclination to want to get up more than once. I didn't say how far back, George."

REPLY BY THE PRESIDENT

President Cherberg: "Thank you, Senator Rasmussen, for reminding the President of the adoption of Senator Bottiger's motion."

The President declared the question before the Senate to be adoption of the amendment by Senator Fleming.

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

MOTION

On motion of Senator Talmadge, the following amendment was adopted:
On page 6, line 32, after "or", insert "mentally or physically"

MOTION

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

On page 6, line 11, after "(a)", strike "income" and insert "wealth"

On line 16, after "(e)", strike "Age or infirmity" and insert "infirmity"

On page 6, line 31, after "of", strike the balance of subsection (3) through "handicapped" and insert "poor or infirm"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Pullen, you quoted a section in the Constitution that related to using the state's money for the poor and infirm. What was that section?"

Senator Pullen: "That is Article VIII, Section 7 of the State Constitution which reads 'No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm--'"

Senator Rasmussen: "A further question, Senator Pullen. On the Hospital Commission ruling by the Supreme Court, did they, possibly, base their interpretation of allowing the Hospital Commission to issue bonds because it was for the aid of the infirm that were in the hospitals?"

Senator Pullen: "That is very possible, Senator Rasmussen. Furthermore, the Hospital Commission is far, far different than the commission that is being set forth in this bill. This bill sets forth much broader responsibilities than the Hospital Commission has, and even if the Hospital Commission was real constitutional, I can certainly see where this one is not."

Senator Rasmussen: "Because this bill is drawn too broadly?"

Senator Pullen: "Oh yes, much too broadly."

The President declared the question before the Senate to be adoption of the amendments by Senator Pullen.

The motion by Senator Pullen failed and the amendments were not adopted.

MOTION

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen and Pullen:

On page 6, line 35, strike subsections (5) and (6), and renumber remaining subsections.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Rasmussen and Pullen.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed and the amendment was not adopted by the following vote: Yeas, 13; nays, 36; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Clarke, Craswell, Deccio, Hurley, McCaslin, Metcalf, Moore, Owen, Patterson, Pullen, Rasmussen - 13.

Voting nay: Senators Bauer, Bender, Bluechel, Böttiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Newhouse, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 36.

MOTION

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen and Pullen:

On page 7, beginning on line 21, strike all material down through line 24.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Rasmussen and Pullen.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed and the amendment was not adopted by the following vote: Yeas, 16; nays, 33; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Clarke, Craswell, Deccio, Guess, Hayner, Hurley, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Sellar, von Reichbauer - 16.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Woody, Zimmerman - 33.

MOTION

Senator Rasmussen moved adoption of the following amendment:

On page 9, line 7, strike subsection (7) and renumber.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Fleming, if you would look at line 13.--'the commission may own, lease, clear, (repeats 'clear'), construct, reconstruct, rehabilitate, repair, manage, maintain, operate, assign, or encumber the properties.' I don't know what they are going to clear, except that they build a housing project and nobody would live in it. Then, they would have to bulldoze it down. Is that the way you read it?"

Senator Fleming: "No, Senator Rasmussen. It might very well be a piece of land that is not ready for housing construction and so in preparation of the disposition of that, they would be able to do that, but not in terms of going in and clearing out houses and what have you. This is a short period of time where these things would be in their preparation. In case there were foreclosures or whatever, it is to make sure that you have the right kind of security for these bonds that you have out there."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Rasmussen and Pullen.

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

MOTION

Senator Pullen moved adoption of the following amendment:

On page 9, line 30, after "with", strike "or without"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

The motion by Senator Pullen failed on a rising vote and the amendment was not adopted.

MOTION

Senator Pullen moved adoption of the following amendment:

On page 13, line 26, after "only", insert "publicly-owned"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

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

MOTION

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

On page 10, after line 8, insert the following new section:

"NEW SECTION. Sec. 10. (1) The commission shall adopt rules to provide for the selection of underwriters. The rules shall provide for the creation of a roster of underwriters whom the commission believes possess the requisite special expertise and professional standing to provide bond marketing services which would be accepted by bondholders and other members of the financial community, and which would be in furtherance of the public interest in marketing the commission's bonds at the lowest possible costs. Any underwriter may apply to have its name placed on the roster, but may not be placed on the roster unless it demonstrates to the commission's satisfaction that it meets the requirements of this section.

(2) Whenever the commission decides that it needs the services of an underwriter, it shall provide all underwriters on the roster with a notice of its intentions and shall invite each of them to submit to the commission an itemization of its fees and other charges for providing underwriting services on the issue. The itemization shall be by categories designed by the commission. The commission shall have wide discretion in selecting the underwriter it considers to be most appropriate to provide the services, but in the exercise of this discretion the commission shall consider the underwriter's fees and other charges and the public interest in achieving savings in the total costs of underwriting services."

Renumber the remaining sections consecutively and correct internal references in section 27 and other sections.

MOTION

Senator Rasmussen moved adoption of the following amendment:

On page 13, section 14, line 28, strike subsection (e) down through line 1 on page 15.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen.

The motion by Senator Rasmussen failed on a rising vote and the amendment was not adopted.

MOTION

Senator Rasmussen moved adoption of the following amendment:

On page 15, line 31, strike section 20 and renumber remaining sections.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Rasmussen.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed and the amendment was not adopted by the following vote: Yeas, 19; nays, 28; absent, 02; excused, 00.

Voting yea: Senators Barr, Benitz, Clarke, Craswell, Deccio, Guess, Haley, Hansen, Hurley, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer - 19.

Voting nay: Senators Bauer, Bender, Bluechel, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Owen, Peterson, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 28.

Absent: Senators Bottiger, Hayner - 2.

MOTION

Senator Pullen moved adoption of the following amendment:

On page 13, section 14, line 26, after "only" insert "statewide municipal corporation that serves as a"

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Fleming, I wanted to clarify subsection (d), which in the bill now reads 'the commission constitutes the only housing finance agency of the state of Washington.' My fear is that with that language as it now reads, we could be eliminating other housing finance agencies--both public and private that

now exist. You made reference to the Internal Revenue Code and I am trying to understand what it is in the Internal Revenue Code that would preclude us from adding the words 'statewide municipal corporation that served as a'--before 'housing finance agency' so that we clarify that we are constituting only one statewide housing finance agency and that we are not eliminating any private or public housing finance agencies that now exist. Can you tell me why the Internal Revenue Code would preclude having those words?"

Senator Fleming: "Senator Pullen, I was just saying that I think that you are one of the few that seems to be confused here. Most of the people that were involved in the drafting of this measure--and others--recognize what we have here. The Department of Social and Health Services is an agency of the state of Washington. OFM is another agency of the state of Washington. It does not say other public or private housing that happens to be doing business in the state. It says 'the housing finance agency of the state of Washington' and this is the only one that I will know, if we create it."

Senator Pullen: "Well, Senator Fleming, are there or are there not local housing finance agencies in Tacoma and Seattle and elsewhere? Is that or is that not true?"

Senator Fleming: "I think the answer to your own question--there are local agencies."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Pullen.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendment was not adopted by the following vote: Yeas, 18; nays, 28; absent, 03; excused, 00.

Voting yea: Senators Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hurley, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Sellar, von Reichbauer - 18.

Voting nay: Senators Barr, Bauer, Bender, Bluechel, Conner, Fleming, Gaspard, Goltz, Granlund, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Owen, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, Williams, Wojahn, Woody, Zimmerman - 28.

Absent: Senators Bottiger, Hayner, Warnke - 3.

MOTIONS

Senator Williams moved adoption of the following amendment:

On page 10, after line 8, insert the following new section:

NEW SECTION. Sec. 9 (1) The commission shall adopt rules to provide for the selection of bond counsel. The rules shall provide for the creation of a roster of attorneys whom the commission believes possess the requisite special expertise and professional standing to provide bond counsel opinions which would be accepted by the underwriters, bondholders and other members of the financial community, and which would be in furtherance of the public interest in obtaining the lowest possible interest rate on the bonds issued by the commission. Any attorney may apply to have his name placed on the roster, but may not be placed on the roster unless he demonstrates to the commission's satisfaction that he would issue the kind of opinions required by this section.

(2) Whenever the commission decides that it needs the services of a bond counsel, it shall provide all attorneys on the roster with a notice of its intentions. The commission shall have wide discretion in selecting the attorney it considers to be the most appropriate to provide the bond counsel services.

(3) Once selected, bond counsel shall submit a fee schedule for services on the issue. The commission shall proceed to negotiate fees to provide services in the best interest of the public at the most reasonable costs attainable. If the commission and bond counsel fail to reach agreement, bond counsel shall be discharged and the commission shall select and negotiate with the next most appropriate bond counsel. This process of selection shall be repeated until agreement is reached."

Renumber remaining sections consecutively and correct internal references in section 27 and other sections.

On motion of Senator Williams, the following amendment to his amendment was adopted.

In line 2 of subsection (3), after "services", strike "on the issue"

The President declared the question before the Senate to be the amendment, as amended, by Senator Williams.

The motion by Senator Williams carried on a rising vote and the amendment, as amended, was adopted.

MOTION

On motion of Senator Fleming, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3245 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Fleming: "Senator Talmadge, thank you. Senators Pullen and Rasmussen have questioned the constitutionality of this legislation. In your opinion, does this bill violate Article VIII, Section 7, or any other constitutional provisions?"

Senator Talmadge: "Senator, I had an opportunity to review the case of Health Care Facilities Authority vs. Spellman--Wn 2nd, 68--and in so reading, the Washington State Supreme Court, in that case, laid out five criteria for whether or not bond issuances of this variety met the constitutional test.

"First, no money comes from the public treasury--as is the case here; second, the bond proceeds never enter the public treasury--as is the case here; third, repayments of the bonds do not pass through the public treasury--as is the case here; fourth, the bonds are not state debts--as is the case here; and fifth, and finally, although the bonds sales are enabled by a public body, the money is not acquired either for or from the general public--as is the case here.

"It would be my conclusion, and I am sure that this is an issue that may be considered by others and perhaps by the court itself--that the bill as it now stands does not violate the constitutional section."

POINT OF INQUIRY

Senator Patterson: "Senator Fleming, during all the debate, I started to read the bill for the first time, having not served on the two committees that have been before us in the Senate. I am reading from the public policy purpose statement in the very beginning, wherein it places major emphasis on the Washington economy and I guess that is what this bill is suppose to do. It is to stimulate our economy in the timber products area and it goes over on the other side of the second page and says that it is also a primary purpose of this chapter to encourage the use of Washington State forest products in residential construction. Is there anything in the bill that will direct those that will be in the business of construction to use Washington timber products?"

Senator Fleming: "No."

Senator Patterson: "Thank you. I just want to relate some of the discussions that we have had in a committee that I serve on--Natural Resources--where we are expressing a great deal of concern about the market for Washington lumber and timber products. One thing that has been brought up is that we have a situation existing where 35% of the timber being cut and used for exports by the Provincial government to the north is being consumed by the domestic market of the United States. It is in direct competition, because it is subsidized. They can sell it at a lot less price than our people--our own producers--our own lumber mills--can get for the same quality product.

"Now, I have to submit to you that I don't think we ought to deceive anyone, that if the primary purpose of this legislation is to improve the lumber market and the timber market of the state of Washington, this bill does not do it. You might as well take it out as the primary purpose section, because it will not do it. It will not require preferential bidding as far as state products are concerned unless there is something in this that directs that question. I just want to point that out.

"The second question, Senator Fleming, if you would let me continue. Would you respond to the fiscal note? I would like to know exactly how much of a fiscal obligation that we are taking over in the passing of this legislation."

Senator Fleming: "Senator, two things. First of all what you are asking me to do in this bill--this is just a statement--and what you are asking me to do in this bill is something unconstitutional. We can't do that. Most of the people that are doing the

work on I-90--those contractors--the major contractors--are not from this state. We cannot do that.

"Secondly, in terms of the fiscal note, there is no fiscal note. We keep trying to indicate--early on, from '74, when we first started with the housing bill--right on through, people were squawking about a state bureaucracy that we were creating. Under the Hospital Commission, all they have, I think, is a secretary and one other person. That expense was borne by the private sector when they put their bond together. That was the part of the expense. So, there is no fiscal note, because there are no state employees involved in this process."

Senator Patterson: "But, it does say in our summarization, that there is a statement available. Does that statement say there is no fiscal impact on the state of Washington treasury?"

Senator Fleming: "That is my understanding--that the statement says that there is no fiscal impact, because there are no state dollars being spent."

Senator Patterson: "Does the fiscal statement that is supposed to be available say that?"

Senator Fleming: "I can't answer that. I was told that it said that there is no fiscal impact. My understanding is that there is no fiscal impact."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Clarke, concerning the question that you were talking to me about some time ago. In section 20--'property tax exemption, the real and personal property, the state housing finance commission established by this chapter are exempt from taxation.' Does this also include the B & O tax, along with the property tax?"

Senator Clarke: "It is my recollection that there is another section of the bill which also excludes that type of tax, but I can't answer that question without examining the bill."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3245.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3245, and the bill passed the Senate by the following vote: Yeas, 35; nays, 14; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 35.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Guess, Hansen, Hayner, Hurley, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Rasmussen - 14.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3245, having received the constitutional 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 3:52 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Thursday, March 10, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 10, 1983

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 Deccio, Owen and Quigg.

The Sergeant at Arms Color Guard, consisting of Pages Gwyn Solt and Michelle Munson, presented the Colors. Reverend Timothy Dolan, pastor of the Westminster United Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 8, 1983

SB 3253 Prime Sponsor, Senator Rinehart: Requiring law enforcement officers to take certain abused children into custody. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3253 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 8, 1983

SB 3289 Prime Sponsor, Senator Shinpoch: Modifying provisions relating to unlawful discrimination. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Fleming, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 8, 1983

SB 3437 Prime Sponsor, Senator Talmadge: Modifying provisions relating to malicious prosecution. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 9, 1983

SB 3448 Prime Sponsor, Senator Hughes: Permitting waiver of fees for employees of the intercollegiate center for nursing education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, McDermott, Patterson, Warnke.

Passed to Committee on Rules for second reading.

March 9, 1983

SB 3453 Prime Sponsor, Senator Goltz: Modifying deposition of traffic offenses on college and university campuses. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3453 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Benitz, Craswell, Goltz, Hemstad, Kiskaddon, Patterson.

Passed to Committee on Rules for second reading.

March 8, 1983

SB 3516 Prime Sponsor, Senator Talmadge: Modifying provisions relating to the legislative branch. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3516 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 9, 1983

SB 3784 Prime Sponsor, Senator Vognild: Modifying period during which moneys from the federal unemployment trust fund may be used by the state. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Moore, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

March 8, 1983

SB 3856 Prime Sponsor, Senator Talmadge: Changing provisions relating to criminal law. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3856 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 9, 1983

SB 4089 Prime Sponsor, Senator Rinehart: Permitting excess moneys in the institutional long term loan fund to be used for locally administered financial aid programs. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, McDermott, Patterson, Warnke.

Passed to Committee on Rules for second reading.

March 8, 1983

SB 4105 Prime Sponsor, Senator Talmadge: Removing restrictions regarding who may be subpoenaed before justices of the peace. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 8, 1983

SB 4202 Prime Sponsor, Senator Talmadge: Changing the Washington state patrol disciplinary process. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 9, 1983

SB 4226 Prime Sponsor, Senator Hansen: Providing for sanitation programs and other programs concerning tree fruit. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4226 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 9, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 241,

REENGROSSED SUBSTITUTE HOUSE BILL NO. 254, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 241 by Committee on Education (originally sponsored by Representatives Appelwick, P. King, Dickie, Galloway, Schoon, Ebersole, Miller, Belcher, Isaacson, Brekke, Johnson, Todd, Powers, Wang and Stratton) (by Superintendent of Public Instruction request)

Providing education programs for juveniles and juvenile offenders.

Referred to Committee on Education.

ReESHB 254 by Committee on State Government (originally sponsored by Representatives Ebersole, Patrick, Walk, Broback, Todd, B. Williams, Vekich, Tanner, West, J. King, Johnson, Silver, Smitherman, Ballard, Wang, Niemi, Burns, Holland, Halsan, Jacobsen, McClure, Locke, Garrett, Crane, Hine, Stratton, Dellwo, O'Brien, Haugen, Ristuben, P. King and Powers) (by Governor Spellman request)

Establishing a state housing finance commission.

Referred to Committee on Ways and Means.

ESHB 289 by Committee on Judiciary (originally sponsored by Representatives Haugen, Tilly, Brekke, Charnley, Jacobsen, Todd, Burns, Holland, Stratton, Ballard, Brough, Zellinsky, McMullen, Fisch, Smitherman, Tanner, Moon, Silver, Armstrong, Ristuben and Miller)

Authorizing law enforcement officers to revoke the license of persons arrested for driving while intoxicated.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3051, by Senators Hansen and Barr

Modifying the laws governing transportation or confining animals.

MOTIONS

On motion of Senator Hansen, Second Substitute Senate Bill No. 3051 was substituted for Senate Bill No. 3051 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Second Substitute Senate Bill No. 3051 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Fleming: "Senator Hansen, is this the bill we passed that made it against the law to have an animal or dog, to be specific, in the back of an open pickup truck?"

Senator Hansen: "This is the bill that they passed the regulations to on carrying a dog in the back of a pickup."

Senator Fleming: "Now, is this bill amending that law so that it is no longer illegal or is it still the same way?"

Senator Hansen: "It would be up to the law enforcing to prove that that dog was being transported in a cruel and unreasonable manner. In other words, putting the dog in jeopardy or putting people in jeopardy."

Senator Fleming: "That part I was not worried about. I guess the part I was worried about--I think we passed a law that said in an open pickup. It could be somewhat dangerous if a dog jumped out of that pickup in front of another car and created an accident or something of that nature. I thought we made it unlawful for someone to carry--not in terms of cruelty, but in terms of safety--unlawful to carry a dog in an open pickup."

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Barr, you are on the Agriculture Committee and what, now, is your opinion relative to carrying a dog in the back of a pickup truck? This is a very common practice and a lot of people out there want to know."

Senator Barr: "I would be glad to answer that question, because really it is very clear in the statute where it says 'this section shall not by itself prohibit the transportation of a domestic animal in the rear portion of a pickup truck or similar vehicle.' I might go ahead and add that the wording in this measure, now, was a compromise between the Humane Society and the people who were not satisfied with the way the previous legislation had been interpreted. This is a compromise measure and it is a good measure and I would encourage a 'yes' vote on this by the body."

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3051.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3051, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 03; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Bluechel - 1.

Absent: Senators Deccio, Owen, Quigg - 3.

SECOND SUBSTITUTE SENATE BILL NO. 3051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3124, by Senators McManus and Deccio (by Office of Financial Management request)

Modifying provisions relating to the Washington health care facilities authority.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 3124 was substituted for Senate Bill No. 3124 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McManus, the rules were suspended, Substitute Senate Bill No. 3124 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Fleming: "Senator McManus, I had a chance to look at this bill and I wasn't sure whether it should be on the consent calendar. You said it is a house-keeping measure?"

Senator McManus: "That was my understanding."

Senator Fleming: "This is not the measure that would allow nursing homes to issue industrial revenue bonds?"

Senator McManus: "No, it has nothing to do with that."

POINT OF INQUIRY

Senator Talmadge: "Senator McManus, with respect to the change on page 4 of this bill, which describes a participant--this non-profit organization that you referred to, who, to be specific, would be covered by that section--just out of curiosity?"

Senator McManus: "Well, I think this is concerning organizations that are providing health care that are not for profit organizations like home health care agencies. I believe that is the conceptual design behind including them--community based organizations."

Senator Talmadge: "That would be just one example. Are there other examples of organizations that might be covered by this act?"

Senator McManus: "Well, at this point, to be honest with you, I can't think of other kinds, but there are a number of health clinics and local health programs that are community based that are non-profit, tax exempt community organizations that I believe that the Authority wants to have covered. They are kind of extensions."

Senator Talmadge: "This authority was specifically requested by the agency?"

Senator McManus: "Yes, it was."

MOTIONS

On motion of Senator Bluechel, Senator Deccio was excused.

On motion of Senator Vognild, Senator Hurley was excused.

On motion of Senator Fleming, further consideration of Substitute Senate Bill No. 3124 was deferred.

MOTION

On motion of Senator Shinpoch, Senate Concurrent Resolution No. 102, which was on the second reading calendar, was referred to the Committee on Ways and Means.

SECOND READING

SENATE BILL NO. 3018, by Senators Thompson, Zimmerman and Bauer

Modifying provisions relating to the subdivision of land.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3018 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator Thompson, I wanted to make sure that I had an understanding what was meant by 'directly affected.' Could you give me some examples of citizens who might not be adjacent to the property in question, but would still be directly affected?"

Senator Thompson: "I can't think of many examples, Senator Pullen. I think it would be difficult for someone who isn't within three hundred feet of the directly affected property, because it could establish as that."

POINT OF INQUIRY

Senator Bottiger: "Senator Thompson, in rural areas with very small water mains and roads and things like that--as I am sure you are aware--if a large subdivision comes in and the people in the neighborhood want to present the case of loss of water pressure, loss of fire protection, road problems, traffic problems--would they have to live within three hundred feet to be able to present that?"

Senator Thompson: "Senator Bottiger, I think you have answered Senator Pullen's question. Ramifications of that magnitude, I think, would be clearly recognized as substantially giving them standing."

MOTION

On motion of Senator Vognild, Senator Owen was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3018.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3018, and the bill passed the Senate by the following vote: Yeas, 41; nays, 05; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Hughes, Hurley, McManus, Rinehart, Talmadge - 5.

Absent: Senator Patterson - 1.

Excused: Senators Decchio, Owen - 2.

SENATE BILL NO. 3018, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3306, by Senators Goltz, Patterson, Rinehart and Hansen

Modifying the definition of resident student.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 23, after "student", strike all material down through "student" on line 24 and insert "on or before May 31, 1982 who was enrolled at a state institution during any term of the 1982-83 academic year, so long as such student's enrollment (except summer sessions) at an institution in this state is continuous"

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, after line 35, insert the following:

"NEW SECTION, Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Gaspard, the following Committee on Education title amendments were considered and adopted simultaneously:

On page 1 of the title, after "education:", strike "and"

On page 1, line 4 of the title, after "28B.15.012", insert "; and declaring an emergency"

MOTIONS

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 3306 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senator Jones was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3306.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3306, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Deccio, Jones - 2.

ENGROSSED SENATE BILL NO. 3306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3252, by Senators Hansen, Guess and Conner (by Department of Transportation request)

Strengthening the regulation of aircraft dealers.

The bill was read the second time.

MOTIONS

On motion of Senator Hansen, the following Committee on Transportation amendment was adopted:

On page 1, line 18, after "~~(four)~~", strike "one hundred" and insert "twenty-five"

On motion of Senator Hansen, the rules were suspended, Engrossed Senate Bill No. 3252 was advanced to third reading, the second reading considered the third, and the bill was 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. 3252.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3252, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Excused: Senators Deccio, Jones - 2.

ENGROSSED SENATE BILL NO. 3252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3239, by Senators Hansen, Newhouse, Deccio, Barr, Goltz, Bauer and Benitz

Defining "cold storage warehouse" for excise tax purposes.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3239 was substituted for Senate Bill No. 3239 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 3239 was advanced to third reading, the second reading considered the third, and the bill was 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. 3239.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3239, and the bill passed the Senate by the following vote: Yeas, 42; nays, 05; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 42.

Voting nay: Senators Hurley, McDermott, Moore, Vognild, Wojahn - 5.

Excused: Senators Deccio, Jones - 2.

SUBSTITUTE SENATE BILL NO. 3239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3103, by Senator Sellar

Providing for surprise audits of county treasuries.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3103 was substituted for Senate Bill No. 3103 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3103 was advanced to third reading, the second reading considered the third, and the bill was 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. 3103.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3103, and the bill passed the Senate by the following vote: Yeas, 43; nays, 03; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Hurley, Moore, Talmadge - 3.

Absent: Senator McDermott - 1.

Excused: Senators Deccio, Jones - 2.

SUBSTITUTE SENATE BILL NO. 3103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3145, by Senators Peterson, Guess and Hansen (by Department of Licensing request)

Modifying provisions on special fuel taxes.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3145 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3145.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3145, and the bill passed the Senate by the following vote: Yeas, 41; nays, 05; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Fleming, Hughes, Hurley, McDermott, Moore - 5.

Absent: Senator Fuller - 1.

Excused: Senators Deccio, Jones - 2.

SENATE BILL NO. 3145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3133, by Senators Peterson, Guess and Vognild

Modifying provisions relating to pilotage and pilot liability.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3133 was substituted for Senate Bill No. 3133 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3133 was advanced to third reading, the second reading considered the third, and the bill was 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. 3133.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3133, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Deccio, Jones - 2.

SUBSTITUTE SENATE BILL NO. 3133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3151, by Senators Thompson, Hayner, Bauer and Barr

Allowing counties to employ special attorneys.

MOTION

On motion of Senator Shinpoch, Substitute Senate Bill No. 3151 was substituted for Senate Bill No. 3151 and the substitute bill was placed on second reading and read the second time.

POINT OF INQUIRY

Senator Rasmussen: "Senator Thompson, it indicates that it would be unlawful for the legislative authority to hire an attorney to represent them. It is my understanding that the prosecuting attorney can hire as many special attorneys as he wants without any authority from anybody other than himself. Why do you restrict the legislative authority? They should have the right to have an attorney and I know from my service on the county, the county legislative councils do need an attorney of their own to help in their drafting and to review legislation separate from the prosecuting attorney's office."

Senator Thompson: "Senator Rasmussen, the prosecuting attorney is limited to the extent in which he can retain attorneys in his office by his budget. I am a little confused as to the purpose of your questioning, but the county commissioners rely on the prosecuting attorney's office to provide them with civil counsel. Some counties would prefer to retain counsel other than that from the prosecuting attorney's

office, but they are prevented from doing so freely. The act before you would simply open it up a bit more and make it somewhat easier for that arrangement to take place."

Senator Rasmussen: "Well, I would want to open it up some more. Would you mind if I held this bill for a day until we can prepare an amendment?"

Senator Thompson: "Senator Rasmussen, I would oppose that, as would the Association of Prosecuting Attorneys. I think it is reasonable to have a limitation on the constitutional charge to this office and I favor the position represented by this bill--in the substitute form."

MOTIONS

On motion of Senator Rasmussen, further consideration of Substitute Senate Bill No. 3151 was deferred for four bills.

On motion of Senator Shinpoch, Senate Bill No. 3222 will hold its place on tomorrow's second reading calendar.

SECOND READING

SENATE BILL NO. 3260, by Senator McDermott (by Department of Revenue request)

Modifying provisions on appeals.

The bill was read the second time.

MOTIONS

On motion of Senator Shinpoch, the following Committee on Ways and Means amendment was adopted:

On page 2, line 8, delete "79.01.474" and insert "79.94.210 and 39.88.060"

On motion of Senator McDermott, the rules were suspended. Engrossed Senate Bill No. 3260 was advanced to third reading, the second reading considered the third, and the bill was 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. 3260.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3260, and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 38.

Voting nay: Senators Barr, Benitz, Craswell, Deccio, Guess, McCaslin, Metcalf, Pullen, Rinehart, Sellar - 10.

Excused: Senator Jones - 1.

ENGROSSED SENATE BILL NO. 3260, having received the constitutional 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 11:29 a.m., on motion of Senator Shinpoch, 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 President returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

March 9, 1983

SB 3054

Prime Sponsor, Senator Vognild: Revising certification of plumbers.
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3054 be substituted therefor, and the substitute bill do pass. Signed by Senators Vogtild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Moore, Newhouse, Quigg, Sellar, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

March 8, 1983

SB 3639 Prime Sponsor, Senator Barr: Extending SR No. 291 through Tumtum to the Little Falls dam. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Guess, Patterson, Sellar.

Passed to Committee on Rules for second reading.

March 8, 1983

SB 3857 Prime Sponsor, Senator Talmadge: Exempting used cars sold by dealer from emission control testing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Owen, Patterson, Sellar.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3263, by Senator Thompson

Authorizing county legislative authorities to set certain license fees.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3263 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3263.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3263, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 03; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Benitz, Haley, McManus - 3.

Excused: Senator Jones - 1.

SENATE BILL NO. 3263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3161, by Senators Granlund, Zimmerman and Thompson

Authorizing service districts for authorized county and road district facilities and improvements.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3161 was substituted for Senate Bill No. 3161 and the substitute bill was placed on second reading and read the second time.

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

On page 1, line 21, after "sued." insert "All projects constructed by a service district pursuant to the provisions of this chapter shall be competitively bid and contracted."

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

On page 2, beginning on line 36, strike all of section 3 and renumber the remaining sections consecutively.

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute Senate Bill No. 3161 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senator Haley was excused.

POINT OF INQUIRY

Senator Rasmussen: "Senator Granlund, does this bill still contain the authority for the issue of general obligation bonds?"

Senator Granlund: "Yes, that still is a possibility."

Senator Rasmussen: "You have in mind then, Senator Granlund, that you are going to issue general obligation bonds which will be spread over the county?"

Senator Granlund: "No, no--just the special districts that will be within the special districts lines that will be drawn. Now, this cannot come about until a public hearing to show support of having those lines drawn. No taxation, whatsoever, can come about until it has gone on the ballot."

Senator Rasmussen: "And this will be county roads and bridges in general?"

Senator Granlund: "Yes, and it could be a partnership between the city and the county, also, with the affirmation of the city council involved."

POINT OF INQUIRY

Senator Guess: "Senator Granlund, in section 5, it says 'as authorized by the voters that the property within the district may be assessed in excess of one percent limitation for a period of one year.' Now, what I am wondering is, how can you issue forty-five year bonds and pay them back with only one-year authorization? Is there some other provision in this law that would allow that?"

Senator Granlund: "Senator Guess, I think the section that you are referring to would be a levy--a type of levy. I don't think this would be the g.o. bonds that I had spoken of earlier."

Senator Guess: "Then you could start a special project and get it started in the service districts, but then county general obligation bonds would carry the rest of the bonding costs? Is that the way it would work, Senator Granlund?"

Senator Granlund: "As I understand it, that would be one of the options. Yes."

Debate ensued.

MOTION

Senator Rasmussen moved that Engrossed Substitute Senate Bill No. 3161 be referred to the Committee on Transportation.

POINT OF INQUIRY

Senator Guess: "Senator Zimmerman, how are you going to pay for a forty-year bond when you can only vote the special levy according to that section of the law that I quoted to Senator Granlund--for only one year? I would cite to you that it says 'in accordance with Article VII, section 2(b), and if you go to 2(b), you will find out it is a one-year levy.'"

Senator Zimmerman: "As I understand it, it is the same general obligation law that applies in terms of counties as a whole. It is not changing the general obligation law. It is merely saying that it can be applied to a limited area, but I don't think there is any difference in the way it would apply under any general obligation procedure--this particular proposal. It is simply taking a limited part of a county, which is set up with specific boundaries that then would be involved in the voting on it and the actual financing of it."

Senator Guess: "This is getting more confusing to me as we go on here. What I am trying to get over and ask you is--a special district is established--you have a vote--and you start the bond issue. The bonds will be for forty-five years, but they don't have the way of coming back or having the bond year for longer than one year. Therefore, does the rest of the county, without having voted upon this, then be saddled with picking up the general obligation bonds?"

Senator Thompson: "May I address your point, Senator Guess? The authority, under this act, does exist for special levies--voter approved. It also exists for the approval of general obligation bonds by the voters of the district to be paid for by voters--property owners of the district--not of the county as a whole."

Senator Guess: "Senator Thompson, the law is unclear to me as to the way it is drafted. The people in the special district can levy upon themselves a one-year period, but out of that--that starts the process. Then, the county authority could issue bonds up to forty years, according to the next section. The question that I am raising is--how are you going to pay for forty-year bonds with a one-year authority?"

Senator Thompson: "Because they are a greater authority than that, Senator Guess. The authority for the bonding is set forth in section 5, paragraph 2. As I read it, it is similar to the authority that exists in county government, generally, for the issuance of voter approved general obligation bonds."

Senator Guess: "O.K., it says in sub (2)--'it then has to be done in accordance with the Constitution, Article VII, Section 7, 2(b).' All right, 2(b) says that by a three-fifths vote of the people, any taxing district may authorize by law the issuance of general obligation bonds for capital purposes."

Senator Thompson: "The taxing district."

Senator Guess: "The taxing district can do that?"

Senator Thompson: "This would be a taxing district."

Senator Guess: "The payment for the special district would only come from that particular area?"

Senator Thompson: "Yes, Senator."

POINT OF INQUIRY

Senator Clarke: "Senator Thompson, calling your attention to section 4, on page 5.--'the service district may, upon receiving voter approval as provided in this section, levy and collect an excise tax on the privilege of living in its boundaries sufficient to fund its activities and facilities.' Then on lines 13, 14, 18 and 19, you provide that this tax shall be a lien on property and on line 31, it says ad valorem property tax levy. To me, an excise tax and an ad valorem tax on property are two very different kinds of animal. I would like an explanation of what this thing is. Is it an excise tax or an ad valorem tax on property?"

Senator Thompson: "Senator Clarke, I am going to yield to Senator Granlund, who has dealt with this question of the excise tax."

Senator Granlund: "Senator Clarke, if you look in your book, I believe you are looking at the original bill. We are dealing with the proposed substitute bill. The excise tax has been taken out of this bill. We are dealing with an ad valorem tax. We have struck the one section, with that amendment."

Senator Clarke: "The amendment strikes it?"

Senator Granlund: "Yes."

MOTION

On motion of Senator Shinpoch, further consideration of Engrossed Substitute Senate Bill No. 3161 was deferred.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 3124, which had been placed on third reading and deferred during the morning session.

POINT OF INQUIRY

Senator Talmadge: "Senator McManus, does the amendment in section 3 of Substitute Senate Bill No. 3124, in any way, expand the authority of the Washington

Health Care Facilities Authority to issue bonds for the benefit of nursing homes or home health providers?"

Senator McManus: "Thank you, Senator Talmadge. No, it does not. We have carefully researched this since this morning and we are all in agreement now that this amendment changes the definition of the participants to include nonprofit affiliates acting on behalf of currently eligible public or private nonprofit health care providers. As with the current law, bond money can only be expended for nonprofit health care facilities, excluding nursing homes or other facilities primarily offering domiciliate care. This morning, I inadvertently referred to home health care agencies--they will not be a part of this bill. It does not include them. These organizations have to be affiliated with hospitals--basically for the most part--which are going to take advantage of these health care facilities bonds. I hope this clears that matter up."

POINT OF INQUIRY

Senator Rasmussen: "Senator McManus, would you tell us what affiliated groups that you have in mind that are to come under the tent of the Health Care Facilities--the Health Commission?"

Senator McManus: "Yes, I will, Senator Rasmussen. I have here a statement that has been prepared for the Office of Financial Management from the law offices of Riddell, Williams, Bullitt and Walkinshaw of Seattle, Washington. The statement reads--"The amendment to the bill was carefully worded by reference to regulations promulgated pursuant to the Securities Act of Washington, so as to make clear that the only eligible affiliated parties will be non-profit corporations which directly or indirectly control, are controlled by or under common control with the primary health care provider (See WAC 460 10A 050). This would bring in only holding companies, subsidiaries or sister corporations within the same hospital system." I hope that clarifies this matter for you."

Senator Rasmussen: "Holding companies? Would you define what holding companies you are going to bring in? Holding companies can have--as you well know--large number of affiliates. I am very curious why we should be taking in holding companies under this health care facilities--and the privilege of issuing tax exempt bonds. I know that you mean well, but I would just like to know, particularly, what holding companies that they are referring to."

Senator McManus: "As I understand it, this amendment was put in and offered by the Office of Financial Management because there are a few hospitals around that are already taking advantage and eligible to take advantage of these bonds, but that are involved in holding companies that own the hospitals or own certain groups of hospitals. I am thinking of one--probably the Virginia Mason complex, which I think, is seven or eight or nine different hospitals in a holding company. This merely clarifies that organization--that legal entity, so that they are not precluded from taking advantage of what is already legal. That is the concept."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3124.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3124, and the bill passed the Senate by the following vote: Yeas, 44; nays, 02; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Clarke, Hayner - 2.

Absent: Senator Granlund - 1.

Excused: Senators Haley, Jones - 2.

SUBSTITUTE SENATE BILL NO. 3124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1983

Mr. Speaker:

Mr. President:

We of your Free Conference Committee, to whom was referred Engrossed Second Substitute Senate Bill No. 3100, adopting a supplemental budget, have had the same under consideration, and we recommend that the bill be amended as follows: Signed by Senators McDermott and Gaspard; Representatives Grimm and Sommers.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A supplemental budget as set forth in sections 2 through 31 of this 1983 act is hereby adopted and, subject to the provisions set forth in this 1983 act, the several amounts specified in sections 2 through 31 of this 1983 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 and projects for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, except as otherwise provided, out of the several funds of the state hereinafter named, and making other appropriations.

NEW SECTION. Sec. 2. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation	\$ 4,939,000
----------------------------	--------------

The appropriation in this section is subject to the following condition or limitation: \$61,000 of the appropriation is provided solely for the temporary congressional redistricting commission established pursuant to chapter 6, Laws of 1983.

NEW SECTION. Sec. 3. FOR THE SENATE

General Fund Appropriation	\$ 3,016,000
----------------------------	--------------

NEW SECTION. Sec. 4. FOR THE SUPREME COURT

General Fund—Judiciary Education Account Appropriation	\$ 479,000
--	------------

NEW SECTION. Sec. 5. FOR THE COURT OF APPEALS

General Fund—Judiciary Education Account Appropriation	\$ 98,000
--	-----------

NEW SECTION. Sec. 6. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund—Judiciary Education Account Appropriation	\$ 123,000
--	------------

Sec. 7. Section 14, chapter 340, Laws of 1981 as last amended by section 11, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation—State	\$ 112,515,000
----------------------------------	----------------

General Fund Appropriation—Federal	\$ 20,446,000
------------------------------------	---------------

Special Fund Salary and Insurance Contribution Increase Revolving Fund Appropriation	\$ 40,972,000
--	---------------

Total Appropriation	\$ 173,933,000
---------------------	----------------

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$2,126,000 is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency: PROVIDED, That \$100,000 of this amount is provided solely for costs related to flood clean-up activities on or around Lake Whatcom: PROVIDED FURTHER, That \$150,000 of this amount is transferred to the organized crime prosecution revolving fund.

(2) (a) A maximum of \$100,984,000 of general fund moneys (including \$15,284,000 in federal funds) may be expended to implement salary increases, effective October 1, 1981, averaging 7.5% for higher education classified employees and 7.2% for commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board); and effective June 30, 1983, a salary increase averaging 7.0% for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board): PROVIDED, That the October 1, 1981, salary increase for higher education classified employees and state personnel board classified and exempt employees shall implement the salary ranges adopted by the higher education and state personnel boards resulting from the 1980 salary survey (catch-up results): PROVIDED, That increases granted in this subsection for higher education faculty and administrative exempt employees are inclusive of increments: PROVIDED FURTHER, That exclusive of merit pool and Washington state university (143) increase funds no higher education institution

or community college district may grant from any fund source whatsoever any salary increases greater than that provided in this subsection.

(b) A maximum of \$29,851,000 of general fund moneys (including \$5,162,000 in federal funds) may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$22,339,000 of this amount (including \$3,947,000 in federal funds) may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. A maximum of \$7,512,000 of this amount (including \$1,215,000 in federal funds) may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee.

(c) A maximum of \$31,440,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect salary increases for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board) calculated in accordance with the procedures outlined in subsection (2)(a) of this section.

(d) A maximum of \$9,532,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$7,289,000 of this amount may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. A maximum of \$2,243,000 of this amount may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee. Any moneys resulting from a dividend or refund attributable to the experience of an insurance or health care plan calculated at the end of the contract year shall not be used to increase employee insurance benefits over the level of services provided on April 20, 1982.

(e) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

(f) Notwithstanding any other provision of this subsection (2), Walla Walla community college may fund additional actual increments or their equivalents in salaries for each year of the biennium to equalize salaries to the state-wide average salaries as reflected by the average base salary of the annually contracted professional personnel of the Washington community colleges.

NEW SECTION. Sec. 8. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation \$ 30,000

NEW SECTION. Sec. 9. FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 617,000

NEW SECTION. Sec. 10. FOR THE STATE ACTUARY

General Fund Appropriation \$ 30,000

The appropriation in this section is subject to the following condition or limitation: The appropriation is provided solely to hire an executive search consultant for the purpose of employing a new state actuary.

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation \$ 80,000

NEW SECTION. Sec. 12. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation \$ 33,000

NEW SECTION. Sec. 13. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—Forest Development Account Appropriation \$ 53,000

General Fund Appropriation \$ 413,000

Total Appropriation \$ 466,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$313,000 of the general fund appropriation is provided solely for costs associated with department of corrections honor camp residents in work-related activities.

(2) \$100,000 of the general fund appropriation is provided solely for costs related to flood clean-up activities on or around Lake Whatcom.

Sec. 14, Section 84, chapter 340, Laws of 1981 as last amended by section 59, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State \$ 8,015,000

General Fund Appropriation—Federal \$ 777,000

General Fund—Feed and Fertilizer Account Appropriation	\$	29,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation	\$	358,000
Commercial Feed Fund Appropriation—State	\$	311,000
Commercial Feed Fund Appropriation—Federal	\$	22,000
Seed Fund Appropriation	\$	913,000
Nursery Inspection Fund Appropriation	\$	270,000
Grain and Hay Inspection Fund Appropriation	\$	17,278,000
Total Appropriation	\$	27,973,000

The appropriations in this section are subject to the following conditions ((or)) and limitations:

(1) A maximum of \$13,000 of the general fund—state appropriation shall be expended for starling control.

(2) The department of agriculture shall not expend any state general fund moneys for the aerial spraying of hard chemicals over cities with a population over 140,000 persons located in a county with a population over 450,000 persons.

NEW SECTION, Sec. 15. FOR THE DEPARTMENT OF LICENSING

General Fund—Architects' License Account Appropriation	\$	110,000
--	----	---------

NEW SECTION, Sec. 16. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund Appropriation	\$	40,000
---	----	--------

NEW SECTION, Sec. 17. FOR THE DEPARTMENT OF ECOLOGY

General Fund—Reclamation Revolving Account Appropriation	\$	50,000
--	----	--------

The appropriation in this section is provided for a grant to the federal bureau of reclamation to promote the Columbia River Basin Project and to observe the fiftieth anniversary of the beginning of the construction of the Grand Coulee Dam.

Sec. 18. Section 4, chapter 33, Laws of 1982 1st ex. sess. as amended by section 67, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated for the biennium ending June 30, 1983, the sum of ~~((twenty-four))~~ one hundred twenty-two thousand dollars, or so much thereof as may be necessary, from the state general fund ~~((PROVIDED, That up to an additional ninety-eight thousand dollars from the state general fund may be expended if each dollar is matched by funds from private sources.))~~ to be used by the committee for the purpose of carrying out the provisions of sections 1 through 3 of this act. Upon completion of the study, any residual general fund state funds shall revert to the general fund.

NEW SECTION, Sec. 19. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for distribution under federal Public Law 97-99. Fifty percent of these moneys shall be allocated to local school districts according to a formula developed by the superintendent of public instruction and fifty percent of the moneys shall be allocated to counties for the benefit of public roads according to a formula developed by the state department of transportation	\$	197,000
---	----	---------

Sec. 20. Section 30, chapter 340, Laws of 1981 as amended by section 29, chapter 50, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	((4,360,000)) 4,184,000
General Fund Appropriation for refund of deferred property tax	\$	((23,000)) 223,000
General Fund Appropriation for public utility district excise tax distribution	\$	((13,205,000)) 16,063,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,449,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	((55,332,000)) 46,209,000
General Fund Appropriation for local mass transit assistance	\$	98,779,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	((1,940,000)) 1,482,000
General Fund Appropriation for local fire protection costs	\$	720,000
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution	\$	728,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	((20,357,000)) 20,505,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	((172,400,000))

Liquor Revolving Fund Appropriation for liquor profits distribution	\$	160,314,000 (53,600,000) 56,000,000
State Timber Tax Account 'A' Appropriation for distribution to "Timber" counties	\$	(17,570,000) 17,985,000
State Timber Tax Reserve Account Appropriation for distribution to "Timber" counties	\$	(46,870,000) 44,445,000
<u>General Fund—Municipal Sales and Use Tax Account for equalization distribution</u>	\$	4,333,000
<u>General Fund—County Sales and Use Tax Account for equalization distribution</u>	\$	2,621,000
Total Appropriation	\$	(487,513,000) 476,040,000
Sec. 21. Section 125, chapter 340, Laws of 1981 as last amended by section 101, chapter 50, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:		
FOR THE STATE TREASURER—TRANSFERS		
General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	8,000
General Fund—Criminal Justice Training Account Appropriation: For transfer to the general fund on or before June 30, 1983, an amount up to \$1,100,000	\$	1,100,000
General Fund—Investment Reserve Account Appropriation: For transfer to the general fund on or before June 29, 1983, pursuant to chapter 50, Laws of 1969	\$	40,000,000
Motor Vehicle Fund Appropriation: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the Washington state patrol during the period July 1, 1981, through June 30, 1983	\$	3,000,000
Motor Vehicle Fund Appropriation: For transfer to the Grade Crossing Protective Fund for appropriation to the utilities and transportation commission for the 1981-1983 biennium to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, and 81.53.291	\$	697,000
Motor Vehicle Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	40,000
State Treasurer's Service Fund Appropriation: For transfer to the general fund on or before July 20, 1983, an amount up to \$(17,794,000) 18,292,000 in excess of the cash requirements in the State Treasurer's Service Fund for fiscal year 1984, for credit to the fiscal year in which earned	\$	(17,794,000) 18,292,000
Teachers' Retirement Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	2,572,000
General Fund—Trust Land Purchase Account Appropriation: For transfer to the general fund on or before June 30, 1983, an amount up to \$1,028,000 in excess of the cash requirements in the Trust Land Purchase Account, as determined by the office of financial management	\$	1,028,000
General Fund Appropriation: For transfer to the law enforcement officers' and fire fighters' retirement system: PROVIDED, That the amount transferred shall not exceed the additional interest which would have been earned by the system if the amounts appropriated in section 34, chapter 340, Laws of 1981 had been transferred to the system quarterly	\$	(22,000,000) 17,181,000
<u>General Fund Appropriation: For transfer to the teachers' retirement system: PROVIDED, That the amount transferred shall not exceed the additional interest which would have been earned by the system if the amounts appropriated in section 93, chapter 340, Laws of 1981 had been transferred to the system quarterly</u>	\$	4,819,000

Sec. 22. Section 47, chapter 340, Laws of 1981 as amended by section 41, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

The appropriations made by this act to the department of social and health services are subject to the following conditions and limitations:

(1) The department of social and health services shall not initiate any new services which will incur general fund state expenditures beyond those authorized by appropriation.

(2) Funds appropriated by this act to the department of social and health services shall be allotted and expended reflecting the legislative intent of this act. Within the specific limitations in this act, the department of social and health services may modify allotments after the initial three months of the biennium with the approval of the office of financial management in consultation with the committees on ways and means of the senate and house of representatives((: PROVIDED: That because substantial uncertainty continues to exist as to actual federal revenues available to the department of social and health services and because major changes in federal entitlement programs affecting income maintenance, community social services, and medical assistance programs may have significant effects on caseloads and expenditures in those programs, allotment modifications may include transfers between programs in sections 49, 50, 51, 53, 54, and 55 of chapter 340, Laws of 1981)). Transfers between or within programs may occur notwithstanding any limitation, condition, or proviso in sections 49 through 59, chapter 340, Laws of 1981 as amended by chapter 14, Laws of 1981 2nd ex. sess.; chapter 50, Laws of 1982 1st ex. sess.; and chapter 11, Laws of 1982 2nd ex. sess. Each transfer must maximize services provided under all programs, taking into account actual program workloads.

(3) The department of social and health services may seek and receive additional federal funds not included in this act, subject to approval of the office of financial management, provided that such funding does not require additional expenditure of state funds.

(4) In anticipation of significant reductions in federal support for social service, public health, and Title XIX programs, the legislature has reduced the state's dependency on federal entitlement programs within the income maintenance, medical assistance, and social service programs. However, additional federal reductions may require further reductions to all human service programs. To ensure that the loss of federal funds does not result in an accelerated expenditure of state funds, the following requirements are placed on the department of social and health services:

((~~(c)~~)) The department shall prepare a contingency expenditure plan to reflect anticipated loss of federal funds. This contingency plan shall include necessary program changes and a redefinition of services or eligibility criteria which will not require expenditures in excess of any appropriation provided in this act. The contingency plan shall be transmitted to the legislature upon completion and at least ten days before implementation.

Sec. 23. Section 48, chapter 340, Laws of 1981 as last amended by section 31, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation \$ 42,299,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$13,918,000 is provided solely to contract with nonprofit corporations to provide diversionary programs and operate and/or contract for work/training release for convicted felons: PROVIDED, That \$999,000 of this appropriation is provided solely for pre-trial diversion and the continuation of the alternatives to street crime programs in Snohomish, Pierce and Clark counties. Such funds shall be distributed to the counties in a timely manner: PROVIDED FURTHER, That \$375,000 of this appropriation is provided solely for the continuation of 50 work/training release beds at the Progress House Association of Tacoma.

- (b) \$2,419,000 is provided solely for intensive parole.
- (c) \$21,519,000 is provided solely for probation and parole.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation \$ ~~(+49,390,000)~~
149,339,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The department of corrections shall present to the legislature by October 12, 1981, a comprehensive institutional educational policy. This report shall explain the basis for selection of educational programs and participation and shall outline program and payment policies for contracting for educational services. The report shall include, but is not limited to, a detailing by month for each institution of the programs, program goals, staffing, costs per offering, and actual and estimated inmate participation.

(b) It is the intent of the legislature that custody staff at adult correctional institutions not be reduced below the levels existing on June 1, 1982.

(c) It is the assumption of the legislature that the appropriation in this subsection initially provides:

- (i) \$24,731,000 for the Washington Corrections Center, excluding funds related to court orders under Hoptowit v. Ray, No. 79-359 (E. D. Wash.);
- (ii) \$38,312,000 for the Washington State Penitentiary, excluding funds relating to court orders under Hoptowit v. Ray, No. 79-359 (E. D. Wash.);
- (iii) \$1,010,000 for the Monroe mental health unit;
- (iv) \$24,990,000 for the Washington State Reformatory;
- (v) \$8,269,000 for the Purdy Treatment Center for Women;
- (vi) \$20,816,000 for the McNeil Island Penitentiary;
- (vii) \$9,090,000 for the Special Offenders Center;

(viii) Funds for other costs associated with honor camps and the Pine Lodge Corrections Center.

(3) PROGRAM SUPPORT

General Fund Appropriation	\$	((13,646,000))
		<u>13,156,000</u>
General Fund—Institutional Impact Account Appropriation	\$	525,000
Total Appropriation	\$	((14,171,000))
		<u>13,681,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$500,000 is provided solely for individual legal services. There shall be no solicitation of legal action and all informal means of resolving disputes shall be utilized. These funds shall not be used to support class action litigation.

(b) \$2,902,000 is provided solely for costs directly resulting from the decision in Hoptowit v. Ray, No. 79-359 (E. D. Wash.); PROVIDED, That no expenditure of funds may be made without the signature of the agency's assistant attorney general on the authorizing document.

(c) \$1,557,000 for fiscal year 1982 and \$4,902,000 for fiscal year 1983 are provided solely to address population overrun in excess of current bed capacity. Such funds shall be released only with the approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

(d) ~~S((1,679,000))~~ 589,000 is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(4) Funds may be transferred from program support to institutional services for costs associated with Hoptowit v. Ray, No. 79-359 (E. D. Wash.), and population overruns to the extent provided for in this section.

(5) The department of corrections shall in conjunction with the office of financial management and the committees on ways and means of the senate and house of representatives develop staff-to-inmate ratios or a system of post assignment for each correctional unit by August 1, 1981. By September 1, 1981, a written report on proposed staffing levels shall be presented to the legislature comparing this staffing to prior biennial levels and discussing its programmatic and fiscal implications.

Sec. 24. Section 80, chapter 340, Laws of 1981 as last amended by section 56, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation—State	\$	((7,893,000))
		<u>7,408,000</u>
General Fund Appropriation—Federal	\$	391,000
Motor Vehicle Fund Appropriation	\$	395,000
Total Appropriation	\$	((8,679,000))
		<u>8,194,000</u>

The appropriations in this section are subject to the following condition or limitation: This 1983 act does not reduce state matching funds for the department's eight tourism regions.

Sec. 25. Section 87, chapter 340, Laws of 1981 as last amended by section 72, chapter 50, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION FORMULA FOR FISCAL YEARS 1982 AND 1983

General Fund Appropriation	\$	((2,584,868,000))
		<u>2,586,301,000</u>
General Fund—State Timber Tax Reserve Account	\$	4,000,000
Total Appropriation	\$	((2,586,868,000))
		<u>2,590,301,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of this act and compliance with chapter 16, Laws of 1981, the superintendent of public instruction shall ensure that no district provides salary and compensation increases from any fund source whatsoever in excess of those amounts for insurance benefit increases and/or for those percentages for salary increases as specified in this act and LEAP Document 4: PROVIDED, That for the 1981-82 school year, if a school district is in violation of chapter 16, Laws of 1981, or chapter 340, Laws of 1981, as now or hereafter amended, the superintendent shall withhold the lesser of five percent or an amount equal to the level of violation when applied to the district's respective basic education allocation, until such time as the school district comes into compliance: PROVIDED FURTHER, That for the 1982-83 school year, the superintendent shall withhold five percent of a district's respective basic education allocation if the school district violates any provision of this act or chapter 16, Laws of 1981 until such time as a school district comes into compliance: PROVIDED FURTHER, That provisions of any contract in force as of the effective date of chapter 16, Laws of 1981, for school years 1981-82 and 1982-83 that conflict with the provisions of this act may continue in effect and no funds shall be withheld as a result of such contracts: PROVIDED FURTHER, That provisions of a contract in compliance with chapter 16, Laws of 1981, and chapter 340, Laws of 1981, entered into prior to the effective date of this 1982 act, for the 1982-83 school year that conflicts with provisions of

this 1982 amendatory act may continue in effect and no funds shall be withheld as a result of such contracts.

(2)(a) The appropriations in this section and allocation authorized by sections 87 through 91 of this act per annual average full time equivalent student shall constitute 100% of formula as provided in RCW 28A.41.130 as now or hereafter amended.

(b) If the system-wide staff mix factor exceeds 1.6182, the superintendent of public instruction shall make such adjustments as are required to remain within the amounts generated by the staff mix assumption for the total appropriation.

(3) Formula allocation of certificated staff units shall be determined as follows:

(a) One certificated staff unit for each average annual twenty full time equivalent kindergarten, elementary, and secondary students, excluding secondary vocational full time equivalent students enrolled in a vocational program approved by the superintendent of public instruction.

(b) One certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction.

(c) For districts enrolling not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollment above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a K-8 program or 1-8 program, an additional one-half of a certificated staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW;

(vi) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a K-6 or 1-6 program, an additional one-half of a certificated staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(d) For districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students, certificated staff units shall be determined as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(4)(a) For nonemployee related costs with each certificated staff unit determined under subsection (3) (a), (c), and (d) of this section, there shall be provided a maximum of \$4,572 per staff unit in the 1981-82 school year and a maximum of \$4,966 per staff unit in the 1982-83 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (3)(b) of this section, there shall be provided a maximum of \$8,000 per staff unit in the 1981-82 school year and a maximum of \$8,641 per staff unit in the 1982-83 school year.

(5) Formula allocation of classified staff units shall be determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (3) (a), (c), and (d) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(6) The superintendent of public instruction shall distribute a maximum of \$565,000 outside of the basic education allocation to school districts for fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by RCW 52.36.020; a maximum of \$280,000 for the 1981-82 school year, and a maximum of \$285,000 for the 1982-83 school year.

(7) The general fund—state appropriation contained in this section includes all funds received by the state pursuant to Title 16, section 500, United States Code (federal forest funds) which are distributed to the general fund for the benefit of public schools in accordance with RCW 36.33.110. Within thirty days of receipt within the state treasury, the superintendent of public instruction shall distribute such federal forest funds to each eligible school district in an amount not to exceed that which the district would have received in accordance with the basic education apportionment for the previous year. Funds determined to be in excess of that amount shall be distributed to the county for distribution to the school districts within the county in accordance with RCW 36.33.110: PROVIDED, That if the amount received by any district pursuant to this appropriation is less than the basic education allocation which the district would otherwise receive, the superintendent of public instruction shall allocate from basic education funds to the district an amount equal to the difference between the amount received under this appropriation and the amount the district would otherwise receive under the basic education act.

(8) The superintendent of public instruction may distribute a maximum of \$250,000 for school district emergencies outside of the basic education allocation.

(9) Not more than ~~\$(4,518,000)~~ 5,951,000 of the appropriation contained in this section shall be expended for districts which experience an enrollment decline in the 1981-82 school year from the 1980-81 base enrollment level and in the 1982-83 school year from the 1981-82 base enrollment level. The superintendent of public instruction shall distribute funds based on certificated staff units in the 1981-82 and 1982-83 school years to such districts on the basis of current school year enrollment plus one quarter of the amount of the enrollment decline from the prior school year level. The superintendent of public instruction, in ascertaining the full time equivalent enrollment under this section for any school district declining in enrollment at a rate of at least four percent, or three hundred full time equivalent students, whichever is less, from the immediately preceding school year, shall increase the enrollment as otherwise herein computed by twenty-five percent of the full time equivalent pupil enrollment loss from the previous school year.

(10) No cash balances or cash reserves of any school district may be confiscated by the state nor used as a local revenue deduction when apportionment funds from this section are distributed to school districts.

(11) The disbursements to local school districts from the appropriations in this section are subject to reductions under section 83 of this 1982 act.

Sec. 26. Section 92, chapter 340, Laws of 1981 as last amended by section 74, chapter 50, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:

SALARY AND COMPENSATION INCREASES

General Fund Appropriation \$ 112,299,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds shall be allocated by the superintendent of public instruction as specified in this section and may be expended by school districts for any state funded activity.

(3) A maximum of \$ 54,666,000 for the 1981-83 biennium may be expended for provision of basic education state-supported certificated staff salary increases as provided in LEAP Document 2 and concomitant incremental fringe benefits. Local school district percentage salary increases under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection (7) (b) and (c) of this section, shall not exceed the percentages specified in LEAP Document 4.

(4) A maximum of \$ 12,113,000 for the 1981-83 biennium may be expended for provision of basic education state-supported classified staff salary increases as provided in LEAP Document 2 and concomitant incremental fringe benefits. Local school district percentage increases provided under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection (7)(b) of this section, shall not exceed the percentages specified in LEAP Document 4.

(5) A maximum of \$ 34,147,000 for the 1981-83 biennium may be expended for insurance benefit increases for state-supported basic education certificated and classified staff at a rate of \$26 per month per full time equivalent staff unit in 1981-82 and an additional \$16 per month in 1982-83.

(6) A maximum of \$ 10,922,000 for the 1981-83 biennium for state-supported staff salary, insurance benefit increases, and concomitant incremental fringe benefits for educational service district staff, institutional education staff (program 46), vocational-technical institutes/adult basic education (programs 47 and 48), handicapped program staff (program 21) and transportation staff (program 99), to be distributed at rates and/or percentages not exceeding those specified for the basic education certificated or classified staff, as the case may be, of a district using the pertinent program derived base salary and staff mix factor for certificated staff and average salary for classified staff. Educational service district staff shall receive salary increases funded from this appropriation at the support level provided in section 99 of this act

at a rate of 6.87% in 1981-82 and 7.35% in 1982-83, effective June 30, 1983, and insurance benefit increases at the same rate as provided in subsection (5) of this section. Educational service districts, institutional education (program 46) and vocational-technical institutes/adult basic education (programs 47 and 48) shall receive first draw from this appropriation.

(7) For purposes of chapter 16, Laws of 1981, the following conditions and limitations shall apply:

(a) Districts may provide salary and insurance benefit increases for nonstate-supported activities at rates not exceeding those specified by LEAP Document 4 for state-supported basic education certificated staff in each school year of the biennium for each district.

(b) That part of insurance benefits granted employees that are in excess of:

(i) \$121 per full time equivalent staff unit in 1981-82 shall constitute a portion of the salary increase specified in LEAP Document 4: PROVIDED, That if insurance benefits granted employees in 1980-81 were in excess of \$121 per full time equivalent staff unit then only that part granted to employees for 1981-82 in excess of the 1980-81 level shall constitute a portion of the salary increase specified in LEAP Document 4.

(ii) \$137 per full time equivalent staff unit in 1982-83 shall constitute a portion of the salary increase specified in LEAP Document 4: PROVIDED, That if insurance benefits granted employees in 1981-82 were in excess of \$137 per full time equivalent staff unit then only that part granted to employees for 1982-83 in excess of the 81-82 level shall constitute a portion of the salary increase specified in LEAP Document 4.

(c) Increments granted by school districts to certificated staff shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments which are provided pursuant to LEAP Document 1.

(8) A district shall not be in violation of this section or chapter 16, Laws of 1981, as a result of corrections to the reported staff mix data in the 1980-81, 1981-82, or 1982-83 school years as long as the average salary for the 1981-82 and 1982-83 school year, respectively, does not exceed the average salary that would have been generated through consistent application of the incorrect base salary and staff mix in the 1981-82 and 1982-83 school year, respectively.

(9) The 1982-83 salary increase shall be effective on June 30, 1983, and shall be allocated by the superintendent of public instruction as specified in LEAP Document 2.

(10) A maximum of \$451,000 shall be distributed to those school districts which after May 19, 1981, and prior to December 1, 1981, incurred a contractual obligation to pay any employee or employee group a salary increase (~~during the 1982-83 school year~~) after August 31, 1982, and prior to June 30, 1983, and such obligation cannot be revoked or otherwise avoided by unilateral action of such districts: PROVIDED, That the total salary increase obligation is within the limits prescribed by LEAP Document 2: PROVIDED FURTHER, That the portion of salary increase funds provided to each qualifying district shall be distributed in the same proportion to the total provided herein as its irrevocable salary increase obligation is in proportion to the total irrevocable salary increase obligation of all qualifying districts: PROVIDED FURTHER, That the determination of revocability or avoidability of the obligation for purposes of receipt of the funds provided under this subsection shall be the sole and final determination of the state attorney general after reviewing the contract regardless of what may be determined by an arbitrator or court as to the school district's obligation to its employees.

(11) The disbursements to local school districts from the appropriations in this section are subject to reductions under section 83 of this 1982 act.

Sec. 27, Section 16, chapter 143, Laws of 1981 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GAME

(1) Reappropriation of various 1979-81 projects which have not been completed.

	Reappropriation	Appropriation
GF, ORA—State	825,000	
GF, ORA—Federal	346,000	
Game Fund—State	837,000	
Game Fund—Federal	1,055,000	
Game Fund—Game Sp Wildlife Acct	95,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		1,799,626

(2) Relocate shop facilities from the Auburn Game Farm to the Olympia area from proceeds of the sale of the Auburn Game Farm. This appropriation is contingent on the enactment of House Bill No. 66 during the 1981 regular session of the legislature.

	Reappropriation	Appropriation
Game Fund—State		819,700
Project	Estimated	Estimated

Costs Through 6/30/81	Costs 7/1/83 and Thereafter	Total Costs
200,000		1,019,700
(3) Replace raceways and roads, South Tacoma Hatchery.		
	Reappropriation	Appropriation
Game Fund—State		133,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
67,000	200,000	400,000
(4) Emergency repair and replacement.		
	Reappropriation	Appropriation
Game Fund—State		150,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
	300,000	450,000
(5) Replace thirty-nine sets of outdoor toilets on department access areas state-wide.		
	Reappropriation	Appropriation
Game Fund—State		195,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
	400,000	595,000
(6) Repair three dikes, Skagit Wildlife Recreation Area.		
	Reappropriation	Appropriation
Game Fund—State		88,000
Game Fund—Federal		264,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
	352,000	
(7) Construct dike and water control structures, McNary Wildlife Recreation Area.		
	Reappropriation	Appropriation
Game Fund—State		17,000
Game Fund—Federal		250,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
	267,000	
(8) Replace hatchery building, South Tacoma Hatchery.		
	Reappropriation	Appropriation
Game Fund—State		227,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
	227,000	
(9) Construct new residence and upgrade domestic water supply, Ringold Rearing Pond.		
	Reappropriation	Appropriation
Game Fund—Federal		119,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
	119,000	
(10) Replace roofs on several buildings, state-wide.		
	Reappropriation	Appropriation
Game Fund—State		126,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs

	6/30/81	Thereafter	126,000
(11) ((Purchase land and construct new regional office and storage building using proceeds from sale of present regional office in downtown Seattle.)) <u>Sell existing Seattle office and purchase replacement facilities.</u>			
Game Fund—State		Reappropriation	Appropriation
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/83 and		Costs
6/30/81	Thereafter		1,081,000
(12) Replace fishing sites condemned by the Corps of Engineers near Bonneville Dam, Columbia River.			
Game Fund—Federal		Reappropriation	Appropriation
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/83 and		Costs
6/30/81	Thereafter		120,000
(13) Replace wildlife habitat lost to inundation of Snake River Canyon.			
Game Fund—Federal		Reappropriation	Appropriation
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/83 and		Costs
6/30/81	Thereafter		120,000
(14) Complete acquisition of thirty-five acres in three parcels of cooperative project with Whatcom county, Tennant Lake Wildlife Recreation Area.			
GF, ORA—State		Reappropriation	Appropriation
GF, ORA—Federal			Estimated
Project		Estimated	Total
Costs		Costs	Costs
Through	7/1/83 and		
6/30/81	Thereafter		7,440,000
(15) Complete cooperative development project with Whatcom County, Tennant Lake Wildlife Recreation Area.			
GF, ORA—State		Reappropriation	Appropriation
GF, ORA—Federal			Estimated
Project		Estimated	Total
Costs		Costs	Costs
Through	7/1/83 and		
6/30/81	Thereafter		153,000
(16) Construct fishing dock with parking and sanitary facilities, Mercer Island.			
GF, ORA—State		Reappropriation	Appropriation
GF, ORA—Federal			Estimated
Project		Estimated	Total
Costs		Costs	Costs
Through	7/1/83 and		
6/30/81	Thereafter		187,000
(17) Redevelop fishing and boating access with parking and sanitary facilities, Heller Basin—Snake River.			
GF, ORA—State		Reappropriation	Appropriation
GF, ORA—Federal			Estimated
Project		Estimated	Total
Costs		Costs	Costs
Through	7/1/83 and		
6/30/81	Thereafter		59,000
			15,000
			142,000

(18) Redevelop fishing and boating access with parking and sanitary facilities, Kenmore access—Lake Washington.

	Reappropriation	Appropriation
GF. ORA—State		17,000
GF. ORA—Federal		17,000
Project Costs	Estimated Costs	Estimated Total
Through 6/30/81	7/1/83 and Thereafter	Costs
		34,000

(19) Develop fishing and boating access with parking and sanitary facilities, city of Snohomish—Snohomish River.

	Reappropriation	Appropriation
GF. ORA—State		62,500
GF. ORA—Federal		62,500
Project Costs	Estimated Costs	Estimated Total
Through 6/30/81	7/1/83 and Thereafter	Costs
		125,000

(20) Provide fishing and launch float, Clear Lake.

	Reappropriation	Appropriation
GF. ORA—State		11,000
GF. ORA—Federal		11,000
Project Costs	Estimated Costs	Estimated Total
Through 6/30/81	7/1/83 and Thereafter	Costs
41,000		63,000

(21) Develop public fishing access with launch, parking, and sanitary facilities, Wenas Lake.

	Reappropriation	Appropriation
GF. ORA—State		35,000
GF. ORA—Federal		35,000
Game Fund—Private/Local		27,000
Project Costs	Estimated Costs	Estimated Total
Through 6/30/81	7/1/83 and Thereafter	Costs
		97,000

(22) Redevelop fishing and boating access with launch, parking, and sanitary facilities, Deep Lake.

	Reappropriation	Appropriation
GF. ORA—State		37,500
GF. ORA—Federal		37,500
Project Costs	Estimated Costs	Estimated Total
Through 6/30/81	7/1/83 and Thereafter	Costs
		75,000

(23) Redevelop fishing and boating access with launch, parking, and sanitary facilities, Jamison Lake.

	Reappropriation	Appropriation
GF. ORA—State		133,000
GF. ORA—Federal		133,000
Project Costs	Estimated Costs	Estimated Total
Through 6/30/81	7/1/83 and Thereafter	Costs
		266,000

(24) Develop fishing and boating access with launch, parking and sanitary facilities, Mitchell Access—Klickitat River.

	Reappropriation	Appropriation
GF. ORA—State		32,500
GF. ORA—Federal		32,500
Project Costs	Estimated Costs	Estimated Total
Through	7/1/83 and	Costs

	6/30/81	Thereafter	65,000
(25) Acquire fishing area for public access, Cottage Lake.			
		Reappropriation	Appropriation
GF, ORA—State			32,500
GF, ORA—Federal			32,500
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/83 and	Costs
6/30/81		Thereafter	
			65,000
(26) Acquire three public fishing easements and two parking areas between Auburn and Flaming Geyser, Green River.			
		Reappropriation	Appropriation
GF, ORA—State			42,500
GF, ORA—Federal			42,500
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/83 and	Costs
6/30/81		Thereafter	
			85,000
(27) Acquire remainder parcels between Union Gap and Zillah on I-82 for wildlife habitat and public use.			
		Reappropriation	Appropriation
GF, ORA—State			69,000
GF, ORA—Federal			69,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/83 and	Costs
6/30/81		Thereafter	
			138,000

Sec. 28. Section 42, chapter 137, Laws of 1981 as last amended by section 85, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

There is appropriated from the state general fund to the sentencing guidelines commission for the biennium ending June 30, 1983, the sum of ~~((five))~~ four hundred ~~((eighty-six))~~ fifty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

Sec. 29. Section 123, chapter 136, Laws of 1981 as last amended by section 84, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated from the general fund ~~\$(356,000))~~ 286,000 to the corrections standards board and \$4,630,000 to the department of corrections as established in this 1981 act. This appropriation shall be subject to the following conditions and limitations:

(1) For the 1981-83 biennium the department of corrections shall be authorized an additional 93 FTE staff years.

(2) These additional FTE staff years shall be in addition to the staffing level authorized in ESSB 3636. There shall be transferred to the department of corrections an amount of general fund appropriation, state and FTE staff years, the exact amount to be determined by the secretary of social and health services and the secretary of corrections subject to the approval of the director of the office of financial management.

NEW SECTION. Sec. 30. The governor shall direct each agency subject to the governor's power to revise allotments under RCW 43.88.110 to implement immediately a freeze on hiring and to further control expenditures from the state general fund by restricting out-of-state travel, restraining purchasing, and limiting the use of outside consulting services. Requests for exceptions to the hiring freeze are to be made in writing by agency directors to the director of financial management. The hiring freeze and expenditure controls shall remain in effect until July 1, 1983.

NEW SECTION. Sec. 31. Any state employee whose annual salary is \$60,000 or more shall have such salary reduced by 10 percent from the effective date of this act until June 30, 1983. Any state employee whose annual salary is at least \$55,000 but less than \$60,000 shall have such salary reduced by 8 percent from the effective date of this act until June 30, 1983. Any state employee whose annual salary is at least \$50,000 but less than \$55,000 shall have such salary reduced by 6 percent from the effective date of this act until June 30, 1983. Any state employee whose annual salary is at least \$45,000 but less than \$50,000 shall have such salary reduced by 4 percent from the effective date of this act until June 30, 1983. Any state employee whose annual salary is at least \$40,000 but less than \$45,000 shall have such salary reduced by 2 percent from the effective date of this act until June 30, 1983.

NEW SECTION. Sec. 32. (1) "Provided solely," as used in this act, means that the specified amount may be spent only for the specified purpose. Unless otherwise stated in this act, any

portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

(2) "Lapse," as used in this act, means the termination of authority to spend an appropriation or portion of an appropriation. The appropriations in sections 2 and 3 of this act shall not lapse at the conclusion of the fiscal biennium ending June 30, 1983.

NEW SECTION, Sec. 33. 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. 34. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "agencies;" strike the remainder of the title and insert "amending section 14, chapter 340, Laws of 1981 as last amended by section 11, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 84, chapter 340, Laws of 1981 as last amended by section 59, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 4, chapter 33, Laws of 1982 1st ex. sess. as amended by section 67, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 30, chapter 340, Laws of 1981 as amended by section 29, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 125, chapter 340, Laws of 1981 as last amended by section 101, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 47, chapter 340, Laws of 1981 as amended by section 41, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 48, chapter 340, Laws of 1981 as last amended by section 31, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 80, chapter 340, Laws of 1981 as last amended by section 56, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 87, chapter 340, Laws of 1981 as last amended by section 72, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 92, chapter 340, Laws of 1981 as last amended by section 74, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 16, chapter 143, Laws of 1981 (uncodified); amending section 123, chapter 136, Laws of 1981 as last amended by section 84, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 42, chapter 137, Laws of 1981 as last amended by section 85, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); creating new sections; making appropriations; and declaring an emergency."

MOTION

Senator McDermott moved that the Report of the Free Conference Committee on Engrossed Second Substitute Senate Bill No. 3100 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott,--'PROVIDED FURTHER, That \$150,000 of this amount is transferred to the organized crime prosecution revolving fund.' Do we have that fund at the present time or is it created by this bill?"

Senator McDermott: "Senator Rasmussen, I don't find it in the bill, but we do already have that fund."

Senator Rasmussen: "We just don't have any money in it?"

Senator McDermott: "This is correct."

Senator Rasmussen: "The other question for somebody that doesn't know as much as we do here on the Senate floor. It indicates that the Department of Agriculture shall not expend any state general fund moneys for the aerial spraying of hard chemicals. A hard chemical--is that something to dissolve with water or diesel fuel or is that something identified with pesticides--between hard and soft chemicals--and which is the most dangerous?"

Senator McDermott: "It is a term of art clearly understood by the Department of Agriculture and includes carbaryl, which is the main chemical that is used in fighting the gypsy moth. They understand that term."

Senator Rasmussen: "You doctors do."

Senator McDermott: "So do farmers. I see Senator Hansen with a smile on his face. He knows."

Senator Rasmussen: "The other thing is that this is only general fund money. If the federal Department of Agriculture should wish to come in and spray--I understand they are very concerned with this gypsy moth--they would be allowed to do it but not use state funds?"

Senator McDermott: "Under the new federalism, I think it is quite unlikely that the federal Department of Agriculture would begin spraying in the state of Washington."

POINT OF INQUIRY

Senator Patterson: "Senator McDermott, under section 31--'any state employee whose annual salary'--I would just like to know, by definition, what is included as a state employee under this section? In other words, would a superintendent of a school district be included?"

Senator McDermott: "The intent of this section was to deal with those employees covered by the PERS system in the general government department. We did not intend this as a school district question, since those salaries are set by boards of directors. Most of us on this side believe that local control ought to prevail in the school districts and so we did not try and overrule the decision of school districts in terms of superintendents' salaries. It is, perhaps, something we ought to look at, but not something that we intended in this section."

Senator Patterson: "That is the reason I raised the question. There is going to be a matter of interpretation if this becomes law--as to exactly the state employees that would have their salaries reduced. I think there ought to be some clarification, because if you are suggesting that a school board has jurisdiction over the salary of superintendents--and I agree with that--I would suggest that a board of regents would have jurisdiction over the salary of their president, for example, and other administrators. I raise the question only for clarification purposes. Is your interpretation that this state employee would include a president of a college whose salary might be higher than the range established here?"

Senator McDermott: "Yes."

Senator Patterson: "Even though their salaries are established by a separate board?"

Senator McDermott: "The laws governing higher education are in Title 28B, RCW, and we make the decision about what happens to salaries in those areas. We put the money out to the universities for salaries, but there is not an established legal responsibility like school districts to set salaries for superintendents, so I would think that the president would be covered by this section."

POINT OF INQUIRY

Senator Hemstad: "Senator McDermott, I am interested in the thrust and purpose of section 32. Specifically, sub (2), of section 32--in the definition of 'lapse' which then excepts from the requirement of the lapsing of funds the appropriations in sections 2 and 3. I read sections 2 and 3 and I see that they relate to the appropriations for the house and the senate. If those funds are not lapsed, by what standards, then, will those funds that are not lapsed be able to be expended?"

Senator McDermott: "Senator Hemstad, as bills come in for legislative things, whether it be for paper or paper clips--if they come in after the end of the biennium, they can be paid under this, and that is what this is really about."

Senator Hemstad: "Why wouldn't that be able to be covered in the next biennial budget?"

Senator McDermott: "Because the expenses accrued to this legislature ought to be paid out of this legislature. We will have to make another appropriation for the next biennium based upon what we expect to be spent in the next biennium."

Senator Hemstad: "Doesn't the twenty-fifth month and the opportunity for accounting back from the prior biennium cover all of that?"

Senator McDermott: "The twenty-fifth month was, basically, a revenue gimmick started in 1971. Our intention is to make the legislature solvent. This language will allow us to do that."

Senator Hemstad: "Let me speak further to the point. I don't understand why every other agency in state government appropriations will lapse, but not those of the house and senate, which I think should be considered and dealt with under the same standards as any other agency of state government."

"The only question I am left with is puzzlement as to why this specific exception for appropriations to the legislature--apparently, as I would read it then--without any standards as to how those appropriations can subsequently be used. If I am wrong in that interpretation of the meaning of this language, I would surely like to have someone clarify it for me and for anyone else that would have that same question."

POINT OF INQUIRY

Senator Talmadge: "Senator McDermott, I have a concern about the language relating to transfer authority contained in this bill. As you know, a number of us have had concerns about giving to agency heads the authority to transfer dollars between programs within that agency. Could you speak first for the reason for that transfer authority here and second, whether or not we can expect that any such transfer authority will appear here in the 1983-85 biennial budget?"

Senator McDermott: "The language appears in this bill, primarily because as we have gotten down to the last four months of this biennium, there is a little bit of money left in one program and not enough in another program and it is very difficult--in fact they are still revising the estimates on case loads in some programs in DSHS--so we gave--for this very limited four-month period--a full authority to transfer money--a very small amount of money considered the basic appropriation for the Department of Social and Health Services. There, absolutely, will not be this kind of transfer language in the next budget."

POINT OF INQUIRY

Senator Kiskaddon: "Senator McDermott, I read in the paper a while back that in California they had a med fly, and Governor Brown, at that time, sort of dragged his feet and didn't do anything about it. Finally, they ended up doing the spraying, because it was disastrous to the state. I am a little concerned as we take a look at the problem up here as to whether we may not be actually cutting off what may turn out to be something that really needs to be done in a short time.

"Could you, one hundred percent, assure me that we have alternate methods that would make sure that this problem would not get out of hand or to the point to where we are going to tie the hands of the Department and everyone to potentially use this? Are you absolutely sure that we cannot solve the problem without it?"

Senator McDermott: "I presume that is a serious question, but you know Lloyds of London wouldn't give you that kind of guarantee. There are alternative methods. I think yesterday morning's P.I. had an article about an alternative method of use of a biological agent as opposed to using the hard chemical. I think the evidence is that it is equally effective and less hazardous to human beings. I think that is the basis for this. Maybe, Senator Rinehart wants to speak on the issue. That is my basic understanding of why the people in the Ravenna area in Seattle and at least one part of Tacoma are willing to have an alternative method of use. This provision does not prevent ground spraying of hard chemicals, nor does it prevent aerial spraying of biological agents which are, apparently, equally effective on the gypsy moth."

Further debate ensued.

The President declared the question before the Senate to be the motion to adopt the Report of the Free Conference Committee on Engrossed Second Substitute Senate Bill No. 3100.

The motion by Senator McDermott carried and the Report of the Free Conference Committee was adopted.

POINT OF INQUIRY

Senator Hayner: "Senator McDermott, I am still concerned about the gypsy moth. I wonder if you consulted with the Department of Agriculture before you made this decision or was it on the basis of the editorial that appeared in the P.I.--that you made the decision as to how it could be taken care of?"

Senator McDermott: "Well, I would defer to Senator Rinehart on this issue."

Senator Rinehart: "Yes, there has been consultation with the Department of Agriculture. I have attended a number of hearings on this subject. If you will notice, those words are carefully crafted, so that there are other means of handling the problem of the gypsy moth. The body of scientific information has been presented by constituents and extracted, somewhat reluctantly, from the Department. The point of contention--that means other than the aerial spraying of densely populated areas is the most rational approach. Never before has carbaryl been sprayed from the air in a densely populated area. That has been the recommendation of the Department of Agriculture and this is a response to say that is not an

acceptable recommendation, but it does not rule out a number of other reasonable approaches to control the gypsy moth."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3100, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3100, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 28; nays, 19; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, McDermott, McManus, Owen, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Guess, Hayner, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Sellar, von Reichbauer, Warnke - 19.

Excused: Senators Haley, Jones - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3100, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 9, 1983

SB 3156 Prime Sponsor, Senator Talmadge: Establishing the Puget Sound water quality authority. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3156 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

March 8, 1983

SB 3158 Prime Sponsor, Senator Talmadge: Modifying the trade name regulation laws. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3158 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 8, 1983

SB 3382 Prime Sponsor, Senator Hemstad: Requiring intensive alcoholism treatment for persons convicted of driving while intoxicated who have serious alcohol problems. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3382 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 8, 1983

SB 3429 Prime Sponsor, Senator Talmadge: Establishing a state advisory commission on criminal justice. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3429 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 9, 1983

SB 3539 Prime Sponsor, Senator Granlund: Providing funds for jail improvement and construction. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3539 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

MOTION

At 2:59 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Friday, March 11, 1983.

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

SIXTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 11, 1983

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, Deccio, Peterson and Sellar. On motion of Senator Bluechel, Senators Benitz and Sellar were excused. On motion of Senator Vognild, Senator Peterson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Eric Larson and Rachel Raade, presented the Colors. Reverend Timothy Dolan, pastor of the Westminster United Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MOTION

Senator Metcalf moved that the Senate immediately consider Senate Bill No. 4254.

The President declared the question before the Senate to be the motion by Senator Metcalf to immediately consider Senate Bill No. 4254.

The motion by Senator Metcalf failed.

REPORTS OF STANDING COMMITTEES

March 9, 1983

SB 3101 Prime Sponsor, Senator Vognild: Modifying provisions relating to the state liquor control board. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3101 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Newhouse, Quigg, Sellar, Williams.

Passed to Committee on Rules for second reading.

March 9, 1983

SB 3768 Prime Sponsor, Senator Warnke: Modifying provisions relating to the public broadcasting commission. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3768 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, McDermott, Patterson, Warnke.

Referred to Committee on Ways and Means.

March 9, 1983

SB 3838 Prime Sponsor, Senator McManus: Providing for the licensing of social workers. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 3838 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Deccio, Granlund, Moore, Conner, Kiskaddon.

Passed to Committee on Rules for second reading.

March 9, 1983

SB 3846 Prime Sponsor, Senator Talmadge: Providing for the redemption of vehicles impounded by cities and towns. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Granlund, Guess Haley, Patterson, Vognild.

Passed to Committee on Rules for second reading.

March 9, 1983

SJM 116 Prime Sponsor, Senator Hansen: Petitioning Congress to declare July 16, 1983, as National Grand Coulee Dam day. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

March 9, 1983

SHB 43 Prime Sponsor, Committee on Social and Health Services: Modifying provisions concerning medical care services. 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 McManus, Chairman; Conner, Craswell, Deccio, Granlund, Kiskaddon, Moore.

Referred to Committee on Ways and Means.

March 10, 1983

SHB 148 Prime Sponsor, Committee on Education: Modifying procedures for school districts' budgets and funds. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman, Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Guess, Hemstad, Kiskaddon, Lee, Patterson, Warnke.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 9, 1983

GA 21 Joseph J. Thompson, to the position of Member of the State Board of Pharmacy, appointed by the Governor on April 16, 1982, for the term ending January 21, 1985, succeeding Edyrn H. Jones. Reported by Committee on Social and Health Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules.

March 9, 1983

GA 90 ARTHUR M. ZOLOTH, to the position of Member of the State Board of Pharmacy, reappointed by the Governor on January 25, 1983, for the term ending January 19, 1987. Reported by Committee on Social and Health Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McManus, Chairman; Craswell, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR
 GUBERNATORIAL APPOINTMENTS

March 10, 1983

TO THE 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 H. Stender appointed February 22, 1983, for a term ending February 21, 1986, as a member of the Apprenticeship Council.

Sincerely,
 JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

March 10, 1983

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

Ladies and Gentlemen:

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

Norman F. Richardson appointed February 25, 1983, for a term ending January 19, 1989, succeeding Martin Pedersen as a member of the State Game Commission.

Sincerely,
 JOHN SPELLMAN, Governor

Referred to Committee on Natural Resources.

March 10, 1983

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

Ladies and Gentlemen:

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

Norma Jean Watson appointed February 25, 1983, for a term ending September 30, 1984, succeeding Timothy R. Nihoul as a member of the Board of Trustees for Community College District No. 18.

Sincerely,
 JOHN SPELLMAN, Governor

Referred to Committee on Education.

March 10, 1983

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

Ladies and Gentlemen:

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

Dennis C. Le Master appointed February 10, 1983, for a term ending January 1, 1989, succeeding Robert Smart as a member of the Forest Practices Appeals Board.

Sincerely,
 JOHN SPELLMAN, Governor

Referred to Committee on Natural Resources.

MESSAGES FROM THE HOUSE

March 10, 1983

Mr. President:

The House has passed:

HOUSE BILL NO. 72.

ENGROSSED HOUSE BILL NO. 96,

ENGROSSED HOUSE BILL NO. 164,

ENGROSSED HOUSE BILL NO. 239,

ENGROSSED HOUSE BILL NO. 257,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 263,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 278,

SUBSTITUTE HOUSE BILL NO. 306,

SUBSTITUTE HOUSE BILL NO. 334,

ENGROSSED HOUSE BILL NO. 392.

ENGROSSED HOUSE BILL NO. 413,
 SUBSTITUTE HOUSE BILL NO. 488,
 HOUSE BILL NO. 524, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 9, 1983

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 289, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 72 by Representatives Grimm and Tilly (by Department of Revenue request)

Modifying miscellaneous tax provisions.

Referred to Committee on Ways and Means.

EHB 96 by Representatives Martinis, Gallagher, Egger, Charnley, Powers, Walk, Heck, Garrett, Todd, Crane, Lux, Galloway and Patrick

Requiring reflectorized whistle posts at certain railroad crossings.

Referred to Committee on Transportation.

EHB 164 by Representatives Braddock, Van Dyken, McMullen, Garrett and Vekich (by Governor Spellman request)

Creating a commission to study the feasibility and desirability of state participation in the British Columbia World Exposition of 1986.

Referred to Committee on State Government.

EHB 239 by Representatives Pruitt, Barnes, Fisch, Miller, Long, Schoon, Patrick, Fisher, Jacobsen, Zellinsky, Silver, Belcher, Isaacson, Vekich, Dellwo, Tanner, Todd, Schmidt and Crane (by Secretary of State request)

Regulating exit polling.

Referred to Committee on Judiciary.

EHB 257 by Representatives Belcher, Lux, Locke, Kreidler, Vekich, Jacobsen, D. Nelson, Charnley, P. King, Fisher, Pruitt, Brekke, Sommers, R. King, Patrick, Allen, Burns, Fisch and Garrett

Modifying exemption of certain agricultural employees from industrial insurance coverage.

Referred to Committee on Commerce and Labor.

ESHB 263 by Committee on Local Government (originally sponsored by Representatives Moon and Isaacson)

Modifying provisions relating to altering local tax rates.

Referred to Committee on Local Government.

ESHB 278 by Committee on Natural Resources (originally sponsored by Representatives Stratton, Martinis, B. Williams and Haugen)

Reorganizing the fisheries code.

Referred to Committee on Natural Resources.

SHB 306 by Committee on Higher Education (originally sponsored by Representatives Prince, Burns, Silver, McMullen, Braddock and McDonald)

Providing reciprocity for waiver of nonresident tuition between this state and Idaho and British Columbia.

Referred to Committee on Education.

SHB 334 by Committee on Higher Education (originally sponsored by Representatives Burns, Charnley, Miller, Jacobsen, McMullen, Prince, Silver, R. King, Brekke, Allen and D. Nelson)

Providing resident student status for those students so classified on May 31, 1982.

Referred to Committee on Education.

EHB 392 by Representatives Ebersole, Smitherman and Fisher

Modifying the hearing procedures for the formation of local improvement districts.

Referred to Committee on Local Government.

EHB 413 by Representatives Monohon, Vekich, Sayan, Van Dyken, Fisch and McClure

Extending the allowed duration of leases of port district property.

Referred to Committee on Local Government.

SHB 488 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Sanders, Zellinsky, P. King, Wang and Dickie)

Modifying provisions relating to health maintenance organizations.

Referred to Committee on Financial Institutions.

HB 524 by Representative Brekke

Revising eligibility for medical care services.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3266, by Senators Williams, Benitz, Talmadge, Bender, Thompson, Moore, Bauer, Woody and Hurley

Modifying requirements for WPPSS executive board membership.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3266 was substituted for Senate Bill No. 3266 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the rules were suspended. Substitute Senate Bill No. 3266 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Patterson: "Senator Williams, I notice that the executive board has already adopted this as part of their rules and operational procedures. What I am asking is whether it is necessary that we put it into law? In order for it to be effective in their behalf, I would like to know why it is necessary to put it into law?"

Senator Williams: "Senator, the reason for putting it into law is to insure that, at some future date, the board might change its mind and readopt different rules. There was a certain amount of consideration to allowing a member of the executive board to remain in spite of--perhaps losing an election or something like that. There was some consideration of that and the board finally did adopt rules like this. However, we feel that it is necessary to have legislation that states this, so that the board may not change its mind at some future time."

Senator Patterson: "May I continue then? Senator, is there anything wrong with the board that is set up outside the jurisdiction, basically of this legislative body, in changing their mind on their procedures once they find that something may or

may not be workable? Isn't that a better way--to let that agency board do their business in the most effective way--rather than having to comply with state law? This is the point I am making. I am, basically, not in opposition, but I sometimes feel that we spend too much time trying to get into the internal workings of boards and commissions and what have you, that have been set up to carry out the state's policy. That is my only comment. I would think we should have less regulation."

Senator Williams: "In responding to the question that was raised. The reason for doing this and insuring that it happens this way is that the intent of the legislature in forming that board could be for this. Right now, that board has eleven members. Five members come from the board, three members are appointed by that board, and three members are appointed by the Governor. Without this kind of rule or legislation, it is possible that five of those members--those five inside members--could--some of them could--lose an election and so forth. If the executive board continued to allow those people to sit on the board, you would then force the legislative intent that five members have to come from that board. It would reduce that number of members. So, that is why it is necessary."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3266.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3266, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 01; excused, 03.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senator Barr - 1.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, Peterson, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 3266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3276, by Senators Fleming, Bauer, McManus, Moore and Conner

Declaring economic development programs with nonprofit corporations to be a public purpose for cities and counties.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3276 was substituted for Senate Bill No. 3276 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fleming, the rules were suspended, Substitute Senate Bill No. 3276 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 Fleming--Senate Bill No. 3276--will that allow the loaning of public monies--loaning the credit of the cities and counties to these economic development programs? These are nonprofit groups, are they not?"

Senator Fleming: "These are nonprofit."

Senator Rasmussen: "That would allow the counties and cities to loan the credit?"

Senator Fleming: "The counties and cities are able to aid in financial support of various nonprofit organizations, whether it is involved in housing or whatever it is. This, specifically, will allow them to participate in economic development activities."

Senator Rasmussen: "What particular organization do you have in mind?"

Senator Fleming: "Well, for instance, Pierce County and Thurston County have just formed Economic Councils, and there is the Economic Development Council of Puget Sound--and there are about eight or nine others--county-wide or multi-county economic development nonprofit organizations that are involved in marketing to bring in new businesses in the state and to diversify the economy in those areas--just as Cowlitz County and so forth."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3276.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3276, and the bill passed the Senate by the following vote: Yeas, 42; nays, 04; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Craswell, McCaslin, Metcalf, Pullen - 4.

Excused: Senators Benitz, Peterson, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 3276, having received the constitutional 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 10:44 a.m., on motion of Senator Shinpoch, the Senate recessed until 11:30 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:30 a.m.

MOTION

At 11:30 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Monday, March 14, 1983.

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

SIXTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 14, 1983

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 Craswell, Haley, Hayner, Thompson and Vognild. On motion of Senator Zimmerman, Senator Craswell was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kari Rowley and Sean Little, presented the Colors. Reverend Lee Forstrom, senior pastor of the Westwood Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 10, 1983

SB 3053 Prime Sponsor, Senator Vognild: Authorizing the department of labor and industries to charge fees relating to contractor registration. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3053 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Moore, Newhouse, Quigg, Sellar, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

March 10, 1983

SB 3056 Prime Sponsor, Senator Vognild: Revising laws on enforcement of contractor registration. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3056 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Moore, Newhouse, Quigg, Sellar, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

March 14, 1983

SB 3189 Prime Sponsor, Senator Thompson: Modifying provisions on competitive bidding for counties. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3189 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, McCaslin, Woody.

Passed to Committee on Rules for second reading.

March 9, 1983

SB 3230 Prime Sponsor, Senator Fleming: Establishing the office of minority and women's business enterprises. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3230 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Bauer, Fleming, Hughes, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

March 9, 1983

SB 3380 Prime Sponsor, Senator McManus: Permitting hearings when a decision is made to return residents of state residential schools to the community. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 3380 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Deccio, Granlund, Conner, Craswell.

Passed to Committee on Rules for second reading.

March 10, 1983

SB 3595 Prime Sponsor, Senator Warnke: Authorizing the department of veterans affairs to contract with veterans' organizations for services. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 3595 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

March 10, 1983

SB 3622 Prime Sponsor, Senator Shinpoch: Creating the legislative facilities committee to provide legislative control over legislative buildings. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 3622 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

March 10, 1983

SB 3778 Prime Sponsor, Senator Bauer: Revising the eligibility period for education for handicapped children. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Warnke.

Referred to Committee on Ways and Means.

March 10, 1983

SB 3843 Prime Sponsor, Senator Bluechel: Establishing a Washington state board on geographic names. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Jones, McCaslin, McDermott, Zimmerman.

Passed to Committee on Rules for second reading.

March 9, 1983

SB 3847 Prime Sponsor, Senator Bender: Modifying procedures for public transportation benefit areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Granlund, Haley, Paterson, Vognild.

Passed to Committee on Rules for second reading.

March 11, 1983

HB 111 Prime Sponsor, Representative R. King: Modifying provisions relating to water and sewer district treasurers. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Clarke, Jones, Warnke.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 11, 1983

Mr. President:

The House has passed:

HOUSE BILL NO. 285, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 11, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 16, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 3100.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 16 by Committee on Ways and Means (originally sponsored by Representatives Heck, Hastings, Grimm, Patrick, Monohon, Vekich, Wang, Lewis, Wilson, G. Nelson, Rust, Garrett, Tanner, Martinis, Addison, Haugen, Ballard, Schoon, Miller, Moon, Mitchell, Nealey, Holland, Allen, Isaacson, Tilly, Todd, P. King, Ristuben, Smitherman, Zellinsky, Jacobsen, Hankins, Ellis, McMullen, Chandler, Burns and Ebersole)

Modifying the determination of school district employees' service periods under the public employees retirement system.

Referred to Committee on Ways and Means.

HB 285 by Representatives Egger, Martinis and Allen

Modifying provisions on the purposes for which motor vehicle fund distributions to cities may be used.

Referred to Committee on Transportation.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3492, by Senators Goltz, Patterson, Gaspard and Hughes

Providing reciprocity for waiver of nonresident tuition between this state and Idaho and British Columbia.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 3492 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3492.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3492, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 05; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senators Bluechel, Haley, Hayner, Thompson, Vognild - 5.

Excused: Senator Craswell - 1.

SUBSTITUTE SENATE BILL NO. 3492, having received the 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 Shinpoch, the Senate advanced to the seventh order of business.

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 3161 which was placed on third reading and deferred March 10, 1983.

THIRD READING

ENGROSSED SUBSTITUTE BILL NO. 3161, by Senators Granlund, Zimmerman and Thompson

Authorizing service districts for authorized county and road district facilities and improvements.

MOTIONS

On motion of Senator Bottiger, the rules were suspended. Engrossed Substitute Senate Bill No. 3161 was returned to second reading for the purpose of an amendment.

Senator Granlund moved adoption of the following amendment:

On page 3, line 17, after "person", strike "or business"

POINT OF INQUIRY

Senator Rasmussen: "Senator Granlund, this in effect, would take the lien off of the business, but still leaves it on the persons that were occupying?"

Senator Granlund: "No, Senator, I think that we discussed this last Thursday. This is the bill on which we have had a great deal of compromise and discussion. It had a much broader base for taxing when it was originally introduced and we now have deleted all references to the B & O tax--this is just what we are doing--cleaning up some of the language that did not get deleted."

POINT OF ORDER

Senator Rasmussen: "Mr. President, could I inquire--didn't we have a motion to refer this to the Transportation Committee--pending?"

REPLY BY THE PRESIDENT

President Cherberg: "The minutes show that there is a motion pending to refer this measure to the Transportation Committee."

Senator Rasmussen: "Which should be acted on first--the amendment or the motion that is pending?"

President Cherberg: "With the pleasure of the Senate, the President would believe, in the orderly process, that the motion to refer the bill would come first."

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Engrossed Substitute Senate Bill No. 3161 was deferred.

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3372, by Senators Vognild, Owen and Metcalf (by Department of Game request)

Implementing civil penalty system for recovery of wildlife values.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 3372 was substituted for Senate Bill No. 3372 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 3372 was advanced to third reading, the second reading considered the third, and the bill was 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. 3372.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3372, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Craswell - 1.

SUBSTITUTE SENATE BILL NO. 3372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3383, by Senators Clarke, Talmadge and Hemstad (by Secretary of State request)

Modifying the laws regulating professional corporations.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge the following Committee on Judiciary amendment was adopted:

On page 1, after line 9, insert the following:

"Sec. 1. Section 11.36.010, chapter 145, Laws of 1965 as amended by section 14, chapter 3, Laws of 1983 and RCW 11.36.010 are each amended to read as follows:

The following persons are not qualified to act as personal representatives: Corporations, minors, persons of unsound mind, or persons who have been convicted of any felony or of a misdemeanor involving moral turpitude: PROVIDED, That trust companies regularly organized under the laws of this state and national banks when authorized so to do may act as the personal representative of decedents' or incompetents' estates upon petition of any person having a right to such appointment and may act as executors or guardians when so appointed by will: PROVIDED FURTHER, That professional service corporations regularly organized under the laws of this state whose shareholder or shareholders are exclusively attorneys may act as personal representatives. ((But)) No trust company or national bank ((shall be entitled to)) may qualify as such executor or guardian under any will hereafter drawn by it((:)) or its agents or employees, and no salaried attorney of any such company ((shall)) may be allowed any attorney fee for probating any such will((:)) or in relation to the administration or settlement of any such estate, and no part of any attorney fee ((shall)) may inure, directly or indirectly, to the benefit of any trust company or national bank. ((And)) When any person to whom letters testamentary or of administration have been issued becomes disqualified to act because of becoming of unsound mind((:)) or being convicted of any crime or misdemeanor involving moral turpitude, the court having jurisdiction shall revoke his or her letters. A nonresident may be appointed to act as personal representative if he ((shall)) appoints an agent((:)) who is a resident of the county where such estate is being probated((:)) or((:)) who is an attorney of record of the estate, upon whom service of all papers may be made; such appointment to be made in writing and filed by the clerk with other papers of such estate; and, unless bond has been waived as provided by RCW 11.28.185, such nonresident personal representative shall file a bond to be approved by the court."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "corporations;" insert "amending section 11.36.010, chapter 145, Laws of 1965 as amended by section 14, chapter 3, Laws of 1983 and RCW 11.36.010."

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3383 was advanced to third reading, the second reading considered the third, and the bill was 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. 3383.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3383, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

ENGROSSED SENATE BILL NO. 3383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3412, by Senators Warnke, Newhouse and Owen (by Department of General Administration request)

Increasing the maximum amount which state agencies, colleges and universities may purchase without competition.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 3412 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3412.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3412, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

SENATE BILL NO. 3412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3413, by Senators Hughes and Lee (by Parks and Recreation Commission request)

Modifying provisions relating to nonresident camping fee surcharges at state parks.

The bill was read the second time.

MOTION

On motion of Senator Hughes, the rules were suspended, Senate Bill No. 3413 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3413.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3413, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

SENATE BILL NO. 3413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3417, by Senators Warnke, Newhouse and Owen (by Department of General Administration request)

Repealing the offshore items listing requirement.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 3417 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3417.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3417, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

SENATE BILL NO. 3417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3422, by Senators Warnke, Newhouse and Owen (by Department of General Administration request)

Adding a premium to bids from vendors whose states have an instate preference.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 3422 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 Lee: "Senator Warnke, do you have a list or are you aware of some of the states that do have such a preference clause? The reason I am asking is

because I, among others in this state, often represent firms that actually manufacture their goods outside of this state. I would be kind of curious to know how many of those of us might be affected."

Senator Warnke: "Senator Lee, I don't have that list with me, but there are twelve states that, presently, have a system of in-state bid preference equal to that amount which is levied in the state in which they are bidding."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3422.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3422, and the bill passed the Senate by the following vote: Yeas, 38; nays, 11; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 38.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Deccio, Guess, Kiskaddon, Lee, Pullen, Quigg, Sellar - 11.

SENATE BILL NO. 3422, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3442, by Senators Talmadge and Clarke (by Judicial Council request)

Providing a procedure for agreed dissolution.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Hemstad was adopted:

On page 2, line 28, strike "or" and insert "because it is"

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3442 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, does the Judicial Council study any other methods? I understand in some countries you shake hands and say good-bye and in other countries, you take your paddle and leave--and in effect, you are up the creek without a paddle. I am not opposed to the bill, but marriage is serious and should be a binding agreement. We are making it so easy that they don't even have to appear in court--just write a letter and say 'we have agreed' and the marriage is over.

"At the times when I have appeared in court--when they have had these hearings, the court commissioner can go through fifty or a hundred of them, but at least they do have to appear in court. It gives them a little sense that they are doing something serious. Some are laughing when they come into court and are laughing when they leave. Some are sad, but it has a little effect of making them think a little bit--for maybe the next time around. I don't know what the solution is, but we are making the dissolution of marriage--what should be a sacred thing--very easy. I don't know if the Judicial Council has explored that or not."

Senator Talmadge: "Senator, I detect a question in there somewhere. I think the question is--did the Judicial Council look at this with some seriousness--and, in fact, they did. They recognize the concern that many people would express that this makes the dissolution act a little bit simpler--a little bit easier to do and would somehow encourage dissolution of marriage.

"The fact of the matter is none of those things are true. I have some confidence in the Judicial Council and, certainly, Professor Rieke, who is an expert in this subject and who was the draftsman of the original dissolution act. The fact of the matter is, out there with the twenty-eight thousand to thirty thousand dissolutions filed each and every year in this state, people are going through the ritual that you are talking about in court. Whether that makes sense to continue in cases where people are in agreement, I think not.

"We are making it serious for those people, because they have to indicate that they have agreed as to the division of property--if property is at issue. They have to agree to the custody of the children--if that is at issue. They have to agree to maintenance--if that is at issue. I think that when you start looking at those kinds of issues, it is a very, very serious process. While I agree with you as to the sacredness of the marital vow, I think this is simply a recognition that we have a court system that is being inundated by these kinds of actions. This is a little bit simpler way of handling them and I don't think it makes any kind of inducement to dissolution."

MOTION

On motion of Senator Bluechel, Senator von Reichbauer was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3442.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3442, and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Craswell, Hurley - 2.

Absent: Senator Kiskaddon - 1.

Excused: Senator von Reichbauer - 1.

ENGROSSED SENATE BILL NO. 3442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Rules was relieved of further consideration of Senate Bill No. 3272.

On motion of Senator Shinpoch, Senate Bill No. 3272 was referred to the Committee on Ways and Means.

On motion of Senator Shinpoch, the Committee on State Government was relieved of further consideration of Senate Bill No. 4017.

On motion of Senator Shinpoch, Senate Bill No. 4017 was referred to the Committee on Commerce and Labor.

MOTION

At 11:11 a.m., on motion of Senator Shinpoch, 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 Hayner, Senator Barr was excused.

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 11, 1983

SB 3616 Prime Sponsor, Senator Hughes: Modifying provisions governing air pollution emissions. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3616 be substituted therefor, and the substitute bill do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hansen, Hurley, Kiskaddon, Lee, Rasmussen, Williams.

Passed to Committee on Rules for second reading.

March 10, 1983

SB 3740 Prime Sponsor, Senator Vognild: Revising laws on hazardous materials liability. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3740 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Bender, Conner, Granlund, Guess, Haley, Owen, Vognild.

Passed to Committee on Rules for second reading.

March 10, 1983

SB 3835 Prime Sponsor, Senator Peterson: Exempting nonprofit corporations providing transit services to the elderly and handicapped from motor vehicle fuel tax on fuel used for these purposes. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill 3835 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Owen, Patterson and Vognild

Passed to Committee on Rules for second reading.

March 11, 1983

SB 4022 Prime Sponsor, Senator Moore: Providing for the determination of jurisdiction of providers of health care benefits. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4022 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Clarke, Jones, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 11, 1983

TO THE 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 L. Dierdorff appointed February 25, 1983, for a term ending January 19, 1989, succeeding Tom Nelson as a member of the State Game Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to the Committee on Natural Resources.

March 14, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Cameron Sherwood appointed February 10, 1983, for a term ending July 26, 1985, succeeding John F. Gordon as a member of the Personnel Appeals Board.

Sincerely,

JOHN SPELLMAN, Governor

Referred to the Committee on State Government.

MESSAGE FROM THE HOUSE

March 14, 1983

Mr. President:

The Speaker has signed:

SECOND SUBSTITUTE SENATE BILL NO. 3100, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3074, by Senators Moore, Jones, and McManus

Requiring licensure of occupational therapists.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3074 was substituted for Senate Bill No. 3074 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 3074 was advanced to third reading, the second reading considered the third, and the bill was 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. 3074.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3074, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; absent, 03; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, Fuller, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody - 35.

Voting nay: Senators Clarke, Craswell, Guess, Haley, Hayner, McCaslin, Pullen, Quigg, Williams, Zimmerman - 10.

Absent: Senators Fleming, Hemstad, Metcalf - 3.

Excused: Senator Barr - 1.

SUBSTITUTE SENATE BILL NO. 3074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

March 14, 1983

I was unable to be present when the Senate voted on Substitute Senate Bill No. 3074, because I was meeting with a group of constituents on another matter. Had I been present, I would have voted "aye."

Dick Hemstad

SECOND READING

SENATE BILL NO. 3251, by Senators Vognild, Jones, Bottiger and Williams

Regulating portable oil-fueled heaters.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3251 was substituted for Senate Bill No. 3251 and the substitute bill was placed on second reading and read the second time.

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

On page 1, line 26, after "evaluated" insert "in accordance with the Underwriters Laboratories, Inc. standard for portable oil-fueled heaters or an equivalent standard and"

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

On page 2, line 14, after "bathrooms" insert ": PROVIDED, HOWEVER, That in B-2 occupancies, approved portable oil-fueled heaters shall only be used under permit of the fire chief"

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

On page 3, line 17, after "the" strike "sale and use" and insert "approval"

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 3251 was advanced to third reading, the second reading considered the third, and the bill was 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. 3251.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3251, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Barr - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3205, by Senators Hansen, Barr, Fuller and Zimmerman

Establishing the noxious weed control fund.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3205 was substituted for Senate Bill No. 3205 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 3205 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator Hansen, would tansy ragwort, also, be considered one of the noxious weeds?"

Senator Hansen: "Yes, tansy ragwort is a noxious weed. From the hunters that leave the coast and bring their hay over into the Blue Mountains, we now have an infestation of tansy ragwort on the east side in the Blue."

Senator Pullen: "Is it anticipated that the noxious weeds would be eradicated through spraying? Would that be the principal way?"

Senator Hansen: "Yes."

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Shinpoch, I note some language in this bill that says that this fund shall not be subject to appropriation and I am just wondering in

view of your consistent position in the past--that all monies collected for the state should be subject to appropriation for the purpose for which they were raised, do you have any problem with that section in this bill?"

Senator Shinpoch: "I always have problems with non-appropriated funds."

Senator Patterson: "But you are willing to go along with this one?"

Senator Shinpoch: "I wasn't indicating that I was going to vote for this bill."

Further debate ensued.

POINT OF INQUIRY

Senator Bender: "Senator Hansen, I would like to discuss a little bit about the policy in tracking this bill. I would like to know why Senate Bill No. 3205 didn't go to the Transportation Committee, since it deals with increasing the vehicle license fee?"

Senator Hansen: "Senator Peterson and I had a discussion and he said it was all right as it passed out of the Agriculture Committee. He had no objection to it not coming to the Transportation Committee, since it was loaded enough. I wanted to add one other thing.

"The Sportsman's Council from the King County area helped put this bill together. When they were asked to crawl underneath their vehicles and take a look at the weeds that were picked up by their vehicles to be spread to other areas, is when they became conscious of the problem and said--'yes, we have to do something.' The Sportsman's Council out of King County is backing this bill."

POINT OF INQUIRY

Senator Guess: "Senator Hansen, it does not say in here how the areas will be sprayed. Will they spray from the air?"

Senator Hansen: "It will be either air or ground spraying, whichever is most applicable to that area."

Senator Guess: "Senator Hansen, there is one other question, will they use Tordon?"

Senator Hansen: "No, they don't use Tordon."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3205.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3205, and the bill passed the Senate by the following vote: Yeas, 28; nays, 21; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Conner, Deccio, Fleming, Fuller, Goltz, Granlund, Hansen, Hayner, Jones, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Talmadge, Vognilid, Warnke, Wojahn, Woody - 28.

Voting nay: Senators Bender, Bottiger, Clarke, Craswell, Gaspard, Guess, Haley, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, Pullen, Quigg, Rasmussen, Shinpoch, Thompson, von Reichbauer, Williams, Zimmerman - 21.

SUBSTITUTE SENATE BILL NO. 3205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, Senate Bill No. 3129 was placed at the bottom of the second reading calendar.

Senator Shinpoch moved that the Senate now consider all Gubernatorial Appointments on the calendar, with the exception of Gubernatorial Appointments Nos. 39 and 40, and that the appointments be confirmed by a single roll call vote and each name recorded as if voting on each appointment separately.

The President declared the question before the Senate to be the roll call on all the Gubernatorial Appointments on the calendar, with the exception of Gubernatorial Appointments No. 39 and 40.

The motion by Senator Shinpoch carried and the following Gubernatorial Appointments were confirmed:

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Shinpoch, the appointment of Gordon C. Culp as a member of the Board of Regents for the University of Washington was confirmed.

APPOINTMENT OF GORDON C. CULP

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of George E. Mante as a member of the Board of Trustees for the Evergreen State College was confirmed.

APPOINTMENT OF GEORGE E. MANTE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of Jane G. Hughes as a member of the Board of Trustees for Peninsula Community College District No. 1 was confirmed.

APPOINTMENT OF JANE G. HUGHES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of Richard Murakami as a member of the Board of Trustees for Grays Harbor Community College District No. 2 was confirmed.

APPOINTMENT OF RICHARD MURAKAMI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of Anne S. Blair as a member of the Board of Trustees for Olympic Community College District No. 3 was confirmed.

APPOINTMENT OF ANNE S. BLAIR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of James E. Anderson as a member of the Board of Trustees for Skagit Community College District No. 4 was confirmed.

APPOINTMENT OF JAMES E. ANDERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of Barbara L. Kusler as a member of the Board of Trustees for Everett Community College District No. 5 was confirmed.

APPOINTMENT OF BARBARA L. KUSLER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of Nancy L. Weis as a member of the Board of Trustees for Everett Community College District No. 5 was confirmed.

APPOINTMENT OF NANCY L. WEIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of Cherry L. Jarvis as a member of the Board of Trustees for Shoreline Community College District No. 7 was confirmed.

APPOINTMENT OF CHERRY L. JARVIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of Patricia A. McGlashan as a member of the Board of Trustees for Bellevue Community College District No. 8 was confirmed.

APPOINTMENT OF PATRICIA A. McGLASHAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of Virginia M. Thacker as a member of the Board of Trustees for Highline Community College District No. 9 was confirmed.

APPOINTMENT OF VIRGINIA M. THACKER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of Beverly A. Schoenfeld as a member of the Board of Trustees for Green River Community College District No. 10 was confirmed.

APPOINTMENT OF BEVERLY A. SCHOENFELD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of Jack Watkins, Jr. as a member of the Board of Trustees for Fort Steilacoom Community College District No. 11 was confirmed.

APPOINTMENT OF JACK WATKINS, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of Cornelius Doelman as a member of the Board of Trustees for Centralia Community College District No. 12 was confirmed.

APPOINTMENT OF CORNELIUS DOELMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of Yvonne C. Montchalin as a member of the Board of Trustees for Clark Community College District No. 14 was confirmed.

APPOINTMENT OF YVONNE C. MONTCHALIN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of J. H. "Jack" Blosser as a member of the Board of Trustees for Wenatchee Community College District No. 15 was confirmed.

APPOINTMENT OF J. H. "JACK" BLOSSER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of Dan W. Stephens as a member of the Board of Trustees for Yakima Community College District No. 16 was confirmed.

APPOINTMENT OF DAN W. STEPHENS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of Dee McMillan as a member of the Board of Trustees for Spokane Community College District No. 17 was confirmed.

APPOINTMENT OF DEE McMILLAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

MOTION

On motion of Senator Shinpoch, the appointment of Ludwig Lobe as a member of the Health Care Facilities Authority was confirmed.

APPOINTMENT OF LUDWIG LOBE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Moore - 1.

STATEMENT FOR THE JOURNAL

March 14, 1983

Mr. President and Fellow Senators:

In the interest of making a more deliberate decision in the Senate confirmation process, I am, respectfully, requesting being excused from roll call votes on gubernatorial appointees. After we have had a reasonable period to note the performance record on the job, I am choosing to withhold my vote, perhaps until we have seen a year or thereabout, of satisfactory work by each appointee.

Ray Moore

SECOND READING

SENATE BILL NO. 3222, by Senators Rasmussen and Hughes

Modifying the disabled parking laws.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on State Government amendments were considered and adopted simultaneously:

On page 1, line 21, after "~~director~~" strike all of the material down to and including "~~bear~~" on line 24 and insert "bearing"

On page 1, line 25, after "person," insert "Whenever the vehicle for which a special decal has been issued changes ownership or ceases to be used primarily to transport such disabled person, the special decal shall be removed from the vehicle and immediately surrendered to the director with notice of transfer of interest or use in the vehicle."

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

On page 2, line 1, after "~~person~~" strike all of the material down to and including "~~person~~);" on line 5 and restore the following "The disabled person is also entitled to receive, in lieu of the decal and regular motor vehicle license plates, special license plates bearing distinguishing marks, letters, or numerals indicating that the vehicle is owned by such a disabled person."

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 3222 was advanced to third reading, the second reading considered the third, and the bill was 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. 3222.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3222, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

ENGROSSED SENATE BILL NO. 3222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, Senate Bill No. 3488, which was on the second reading calendar, was referred to the Committee on Ways and Means.

MOTION

At 2:28 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Tuesday, March 15, 1983.

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

SIXTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 15, 1983

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Deccio and Quigg.

The Sergeant at Arms Color Guard, consisting of Pages Kelly Harrington and Margaret Kollar, presented the Colors. Reverend Lee Forstrom, senior pastor of the Westwood Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 11, 1983

SB 3114 Prime Sponsor, Senator Vognild: Modifying provisions relating to gambling. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Haley, McManus, Moore, Newhouse, Quigg, Sellar.

Passed to Committee on Rules for second reading.

March 11, 1983

SB 3173 Prime Sponsor, Senator McManus: Authorizing the issuance of industrial development revenue bonds for nursing home and retirement community facilities. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3173 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Haley, McManus, Moore, Newhouse, Quigg.

Passed to Committee on Rules for second reading.

March 14, 1983

SB 3424 Prime Sponsor, Senator Newhouse: Modifying provisions relating to solemnization of marriage. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Clarke, Hayner, Hemstad, Newhouse, Williams.

Passed to Committee on Rules for second reading.

March 11, 1983

SB 3434 Prime Sponsor, Senator Peterson: Modifying definition of "member" for gambling enforcement purposes. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3434 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Haley, McManus, Moore, Quigg, Sellar, Shinpoch.

Passed to Committee on Rules for second reading.

March 10, 1983

SB 3454 Prime Sponsor, Senator Woody: Issuing provisional drivers' licenses to applicants under 18. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3454 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Granlund, Owen, Patterson, Vognild.

Passed to Committee on Rules for second reading.

March 10, 1983

SB 3641 Prime Sponsor, Senator Granlund: Modifying provisions relating to juvenile offenders. Reported by Committee on Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3641 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

March 11, 1983

SB 3760 Prime Sponsor, Senator Vognild: Modifying provisions relating to local economic development. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; McManus, Moore, Newhouse, Quigg, Sellar.

Passed to Committee on Rules for second reading.

March 14, 1983

SB 3782 Prime Sponsor, Senator Talmadge: Modifying provisions relating to firearms. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3782 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Woody.

MINORITY recommendation: That it not be substituted. Signed by Senator Williams.

Passed to Committee on Rules for second reading.

March 7, 1983

SB 3814 Prime Sponsor, Senator McDermott: Modifying provisions relating to the state lottery. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3814 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Craswell, Deccio, Hayner, Lee, Rinehart, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 11, 1983

SB 3977 Prime Sponsor, Senator Vognild: Removing certain restrictions from promotional drawings. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; McManus, Moore, Newhouse, Quigg, Sellar.

Passed to Committee on Rules for second reading.

March 11, 1983

SB 3985 Prime Sponsor, Senator Vognild: Repealing provisions relating to special taxes on coin-operated devices. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Haley, McManus, Moore, Newhouse, Quigg, Sellar.

Passed to Committee on Rules for second reading.

March 8, 1983

SB 4153 Prime Sponsor, Senator Bender: Authorizing permanently unemployable veterans to have special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Guess, Owen, Patterson.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 14, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 180,

ENGROSSED HOUSE BILL NO. 428,

ENGROSSED HOUSE BILL NO. 487, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 14, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 139,

HOUSE BILL NO. 216,

HOUSE BILL NO. 288,

HOUSE BILL NO. 374,

SUBSTITUTE HOUSE BILL NO. 547,

HOUSE BILL NO. 611, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 139 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Zellinsky, Sanders, Broback, Garrett and Johnson) (by Insurance Commissioner request)

Modifying provisions on insurance.

Referred to Committee on Financial Institutions.

EHB 180 by Representatives Stratton and Tilly (by Parks and Recreation Commission request)

Removing the termination provision for the snowmobile advisory committee.

Referred to Committee on Parks and Ecology.

HB 216 by Representatives Martinis, Garrett and Gallagher

Updating the Model Traffic Ordinance.

Referred to Committee on Transportation.

HB 288 by Representatives Wang, Padden and Armstrong

Modifying definition of corporation residence.

Referred to Committee on Judiciary.

HB 374 by Representatives Moon, G. Nelson and Haugen

Modifying certain budget and accounting procedures for school districts and other public districts.

Referred to Committee on Ways and Means.

EHB 428 by Representatives Armstrong, West, Dellwo, Wang and Niemi

Modifying certain court procedures.

Referred to Committee on Judiciary.

EHB 487 by Representative P. King

Modifying provisions relating to chattel liens.

Referred to Committee on Judiciary.

SHB 547 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux and Sanders)

Modifying provisions relating to public depositories.

Referred to Committee on Financial Institutions.

HB 611 by Representatives Fisher, Betrozoff, Ellis, Zellinsky and Ebersole

Changing the definition of "fleet" for the purposes of motor vehicle emission control.

Referred to Committee on Parks and Ecology.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3993, by Senators Lee, Shinpoch, Gaspard and Deccio (by Joint Administrative Rules Review Committee request)

Revising terms of members of the joint administrative rules review committee and insuring the vacancies are filled within a reasonable time.

The bill was read the second time.

MOTION

On motion of Senator Lee, the rules were suspended, Senate Bill No. 3993 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3993.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3993, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 02; excused, 00.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senators Barr, Quigg - 2.

SENATE BILL NO. 3993, having received the 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 Pro Tempore announced the presence in the Senate Chamber of the 1983 Wenatchee Apple Blossom Festival royalty and appointed Senators Sellar, Deccio, Newhouse, Hansen, Gaspard and Moore to escort the honored guests to the rostrum.

The President Pro Tempore turned the gavel over to Senator Sellar who introduced Queen Trina Rank and members of her court, Karyn and Kathy Birmingham.

With permission of the Senate, business was suspended to permit Queen Trina to address the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

SECOND READING

SENATE BILL NO. 3119, by Senators Thompson, Zimmerman and Bauer

Including theft and fraud by a minor child within the parent's civil liability.

The bill was read the second time.

MOTIONS

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

On page 1, line 17, after "exceed" strike "three thousand" and insert "~~((three thousand))~~
seven thousand five hundred"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3119 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3119.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3119, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Deccio - 1.

ENGROSSED SENATE BILL NO. 3119, having received the 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 Shinpoch, Senate Bill No. 3433 was moved down two bills and held its place on the second reading calendar.

On motion of Senator Shinpoch, Senate Bill No. 3231 was moved to the bottom of the second reading calendar.

SECOND READING

SENATE BILL NO. 3140, by Senators Thompson, Zimmerman and Woody

Modifying the number of required council members in code cities arising from a population change.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3140 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3140.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3140, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 02; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senators Fuller, Newhouse - 2.

SENATE BILL NO. 3140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3655, by Senators Shinpoch, Moore, Goltz, McManus, Deccio and Warnke

Modifying provisions relating to podiatry.

The bill was read the second time.

MOTION

On motion of Senator Lee, the rules were suspended, Senate Bill No. 3655 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator McDermott: "My question is a technical one. I think--'the ways fees are determined by most of the insurance carriers is on the usual and customary basis.' That is--what is the usual and customary fee in the community for a given procedure? Is it your intention, by this bill, to make the payment to podiatrists more than the usual and customary fee for the entire medical community for a given procedure?"

Senator Shinpoch: "Candidly, I never thought of the question and certainly was not my intent. I suspect that the fee is probably less from the podiatrist than it is with a medical doctor, but I am not sure of that. Having gone through a series of doctor and hospital bills the last portion of last year, I did not find any procedure in the hospital or medical doctor or a test requested by a medical doctor that was not paid for in full by the insurance companies--other than my deductible. Maybe the question by Senator Guess on why I have three policies--maybe this is one of the reasons--so that I can get my doctor's bills paid."

Senator McDermott: "Well, let me carry on. The reason that I asked the question is that philosophically, I think many of us have in the past endorsed the concept of nurses doing medical care or health care--which is a better term--and psychologists delivering mental health care and the broadening of the base from which people can receive health care--I think is a good general philosophy. The reason I asked the question is the cost question and that is--if there is no intention to raise the podiatrist's fee above what is usual and customary for an orthopedic surgeon or general surgeon and whoever might provide that same service--that ingrown toenail--the surgery you are describing, if that is not the intention, then I think this is a good bill. I will support it on that basis.

"But if the intention is to some way change the usual and customary fee that is paid for a particular procedure in the community, and require that insurance companies or physician associations or whatever to pay a higher fee, I think it would be a bad bill. On the basis of your answer, I am going to support the bill."

Further debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator McManus, you have talked about not providing services under this bill as being patently discriminatory. Well, according to my digest here--I always understood that Group Health Cooperative was a group of medical doctors--and I observed that under the terms of the bill that Group Health Cooperative is excluded from paying for this service and I wondered why?"

Senator McManus: "That's a very good question, Senator Wojahn. I struggled with that question myself. I had a long discussion with the people from Group Health to try and understand why we were accepting Group Health Cooperative. The only conclusion I could reach--and I am not firmly convinced on this one myself--is that Group Health Cooperative does represent a really totally closed plan. People who go into Group Health are going into it with the understanding that it is a kind of unique situation. They are prepared to do that--give and take. However, if I had my druthers, I would place Group Health in this position, as well."

Senator Wojahn: "I appreciate your answer, Senator McManus, but pursuing that just a little bit, because I am still a little confused. Under the medical service plans--and I presume they are included here--I am excluding the indemnity type

companies where there is a co-pay--where you share the costs before you can even get any payment at all--you pay a threshold amount and then you pay a deductible after that.

"I could understand why podiatry would fit into that. Under your medical service plans--and apparently Group Health, also--they are semi-closed and they pay all of the costs. Under medical service and the contracts that I have seen, all costs are paid, regardless, and there is no deductible and no threshold. They don't always include everything. I think some medical service does not include medicine--some do and some don't. I am still very confused by this bill and I really don't see how I can support it without those questions being answered."

MOTION

At 11:02 a.m., on motion of Senator Shipoch, the Senate recessed until 11:30 a.m.

SECOND MORNING SESSION

The President Pro Tempore called the Senate to order at 11:32 a.m.

MOTION

On motion of Senator Shipoch, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

March 15, 1983

SB 4000 Prime Sponsor, Senator McDermott: Relating to revenue and taxation.
Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4000 be moved out without recommendation. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Rinehart, Shipoch, Talmadge, Thompson, Warnke, Woody.

Hold.

MOTIONS

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 4000 was advanced to second reading and placed on the second reading calendar.

On motion of Senator McDermott, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 4000, by Senator McDermott

Relating to revenue and taxation.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4000 was substituted for Senate Bill No. 4000 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 4000 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 Talmadge: "Senator Lee, I, too, was fascinated by the Governor's proposal to switch his sales tax on professional services over to a cash accrual basis. Could you distinguish for me the difference between this proposal and a six percent B & O tax on professional services?"

Senator Lee: "The difference between a business and occupation tax and a sales tax is considerable. A sales tax is something that is added onto a bill and is paid by a consumer. In nearly all the cases--except for the one case that Senator Bottiger mentioned--which is travel agents--these are the kinds of businesses, who

in fact, bill consumers. That is a bill that goes to them and they can add on the bottom line whatever the amount of the sales tax is.

"A business and occupation tax, regardless of its rate, is something that is on the gross proceeds of a business. It is not added on as a line item, per se, to the customer. For that reason, it is something that has to come out of the overhead. If it is the kind of business, in fact, that cannot increase its prices in order to take care of that additional overhead--then, of course, we have a great problem that arises. If it can increase its prices, of course, it will do so. I think that is one of the reasons that Senator Bottiger mentioned the one that he felt was inappropriate, because it comes to a travel agent or whether it is a manufacturer's representative or anyone else--who in fact--has a commission. There isn't any way they can change that. It simply has to come out of their hide and that is always true of the business and occupation tax for that particular group of businesses."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4000.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4000, and the bill failed to pass the Senate by the following vote: Yeas, 03; nays, 45; absent, 01; excused, 00.

Voting yea: Senators Fleming, McDermott, Rinehart - 3.

Voting nay: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 4000, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Shinpoch served notice that he would, on the next working day, move to reconsider the vote by which Substitute Bill No. 4000 failed to pass the Senate.

MOTION

At 12:11 p.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President Pro Tempore called the Senate to order at 1:30 p.m.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

March 14, 1983

SB 3273 Prime Sponsor, Senator Williams: Establishing the Washington radioactive waste commission. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3273 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Goltz, McManus, Moore.

MINORITY recommendation: Do not pass and that it not be substituted. Signed by Senators Benitz, Fuller, Hemstad.

Passed to Committee on Rules for second reading.

March 15, 1983

SB 3394 Prime Sponsor, Senator McDermott: Modifying limitations on debt contracted by the state. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Fleming, Hughes, Lee, Talmadge, Thompson, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

March 11, 1983

SB 3490 Prime Sponsor, Senator Goltz: Changing the procedures for appointing the local health officer in counties with home-rule charters. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3490 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 11, 1983

SB 3504 Prime Sponsor, Senator Owen: Modifying the application procedure for current use classification of timber land. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3504 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 11, 1983

SB 3593 Prime Sponsor, Senator Rasmussen: Allowing nontreaty fishermen to harvest certain surplus salmon returning to Quinault Indian waters. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3593 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Patterson, Rasmussen, Quigg, Vognild.

Passed to Committee on Rules for second reading.

March 15, 1983

SB 4245 Prime Sponsor, Senator Goltz: Revising provisions relating to hazardous waste management. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4245 be substituted therefor, and the substitute bill do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Bluechel, Hansen, Hurley, Kiskaddon, Lee, Williams.

Passed to Committee on Rules for second reading.

March 11, 1983

SJM 121 Prime Sponsor, Senator Metcalf: Urging the President and Congress to repeal the Federal Reserve Act. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Jones, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 15, 1983

HB 441 Prime Sponsor, Representative J. King: Modifying provisions relating to liquor service at international trade expositions and receptions. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Moore, Newhouse, Quigg, Shinpoch.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION 1983-9

By Senators Rasmussen, Patterson, Fleming, Granlund, Gaspard, Newhouse, Guess, Wojahn, Rinehart, McDermott, Fuller, McManus, Benitz, Conner, von Reichbauer, Bauer, Moore, Goltz, Thompson, Barr, Pullen, Bluechel, Hurley, Warnke, Talmadge, Woody, Bender, Vognild, Williams, Shinpoch, Hansen, Jones, Metcalf and Craswell

WHEREAS, The various departments, agencies, boards, commissions, councils, bureaus, and offices of the state produce a considerable number of reports, pamphlets, manuals, and other publications; and

WHEREAS, While some of these reports, pamphlets, manuals, and publications are of value to state and local government and the public at large, a great many of those publications serve little purpose; and

WHEREAS, Only the most useful of these publications should be printed and distributed at public expense, but one report that is of considerable interest and utility to the state legislature is no longer published and distributed in a form or quantity that is useful to the Legislature; and

WHEREAS, This report is the state employee salary report of the Department of Personnel, which is now presented to the Legislature as a thick computer printout, hard to read and awkward to use instead of its previous format as a typeset volume of convenient size that was much more useable; and

WHEREAS, Only three of these computer printouts are transmitted to the Senate, making them very difficult to obtain when needed; and

WHEREAS, Fifty and four-tenths percent of all budgeted funds of state government are spent on employee salaries; and

WHEREAS, The Senate requires ready access to the information contained in the salary report of the Department of Personnel;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Department of Personnel is hereby directed to publish the salary report in typeset form in a size convenient for use by people and transmit a sufficient quantity of the report to the Senate so that the members and staff may better use the information contained in it.

MOTION

Senator Bottiger moved adoption of the following amendment to the resolution:

On line 29, after "in it" insert ": PROVIDED, That a copy may be ordered by any member of the Senate and the cost thereof charged to that member"

Debate ensued.

MOTIONS

There being no objection, on motion of Senator Bottiger the amendment was withdrawn.

Senator Bottiger moved that further consideration of Senate Resolution No. 1983-9 be delayed.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Bottiger to delay consideration of Senate Resolution 1983-9.

The motion by Senator Bottiger failed on a rising vote.

MOTIONS

Senator Rasmussen moved adoption of the following amendment to the resolution:

On page 1, line 27, after "transmit" strike "a sufficient quantity" and insert "three hundred copies"

Senator Woody moved adoption of the following amendment to the Rasmussen amendment to the resolution:

After "three hundred copies" add "or as many as necessary thereof"

Debate ensued.

MOTION

Senator Shinpoch moved that further consideration of Senate Resolution No. 1983-9 be deferred.

PARLIAMENTARY INQUIRY

Senator Jones: "Mr. President, could I have a point of parliamentary inquiry? What is the limitation on oral amendments to amendments? Is there such a limitation?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Two."

Senator Jones: "We have reached that limit?"

President Pro Tempore Goltz: "We have exceeded that limit."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Peterson: "A parliamentary inquiry, Mr. President. After the last motion, discussion has ensued. What is the procedure now? The motion by Senator Shinpoch to delay action is before us--rather than the vote on the amendment?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "That is correct."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Shinpoch to defer consideration of Senate Resolution No. 1983-9.

The motion by Senator Shinpoch failed and the Senate continued consideration of Senate Resolution No. 1983-9.

The President Pro Tempore declared the question before the Senate to be adoption of the Woody amendment to the Rasmussen amendment.

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

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Rasmussen.

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

POINT OF INQUIRY

Senator Bottiger: "Senator Rasmussen, I have just checked and the cost of three hundred copies would be \$4,000. The Department of Personnel, whose budget Senator McDermott examined--at least I am told--does not have the \$4,000. Would you object if, somehow, the legislature paid for this? I am just trying to be responsible. We may be able to scrape up the money."

Senator Rasmussen: "Senator Bottiger, in answer to your question, the date on this letter is February 16 and it was addressed to you. You have a copy of it. This indicates and I repeat the cost--'1981, \$3,038--estimated cost for this year would be \$3,500.' I move that we get on with the resolution and forget this fiddling around with a few dollars that don't amount to anything in the cost of operating the state."

The President Pro Tempore declared the question before the Senate to be adoption of Senate Resolution No. 1983-9, as amended.

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

MOTION

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3497, by Senators Vognild, Guess, Wojahn, Peterson and Bender

Requiring certain propane fueled vehicles to bear a placard to that effect.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3497 was substituted for Senate Bill No. 3497 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3497 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 Peterson, as I read this bill, it would indicate that if you were driving a taxi or driving some other vehicle that had been reworked to take propane or natural gas, that you would have to have a placard on the car."

Senator Peterson: "You are right, Senator Rasmussen. Senator Vognild, I am sure, will answer your question in presenting the bill to us, as the prime sponsor. I would prefer to defer to Senator Vognild."

Senator Rasmussen: "Well, as Chairman of the Transportation Committee, I was asking you as to what size the placard would be? You are prohibited from having them either in the rear window or windshield by the present traffic code. I am concerned with that and will move over to Senator Vognild and ask him further questions."

Senator Peterson: "Senator, this was discussed and aired in the Senate Transportation Committee. The size of the decal and the practicality will be determined by the Traffic Safety Commission."

POINT OF INQUIRY

Senator Rasmussen: "Senator Vognild, how much more dangerous are these liquids than gasoline? Most of the flaming car crashes that we have are caused by ruptured gas tanks and we have had many bad ones here just recently. I am wondering—it wouldn't seem to me that propane or natural gas would be as dangerous as gasoline. Propane, of course, sinks down. Natural gas goes up. Either one of them, in the ratings that I have read, are no more hazardous than gasoline for explosive power. Can you explain that?"

Senator Vognild: "Yes I can, Senator. The danger involved here—and the reason we are asking for these placards is not the fuel itself, but the container. A standard gasoline gas tank will not explode under virtually any circumstance—with one exception—and that being if the tank is totally empty—it will generally explode. If there are any gas fumes in it, it will not explode. The fumes will come out the top and they will burn. The problem being that when you are dealing with propane and natural gas, you are dealing with a very heavy tank, which is designed to contain pressure rather than simply liquid. Once that is exposed to heat, the entire tank is subject to explosion. A standard tank on an automobile often times ruptures and creates a fire. It is, however, a hazard that anyone approaching that vehicle can readily determine.

"When you have propane or natural gas under pressure and contained, the fire may not appear to be bad. However, if it reaches that tank and heats and explodes, you will have a fire ball that can reach, probably, fifty to sixty feet in diameter, thus killing bystanders, fire fighters and law enforcement personnel. That is the purpose of this bill. At the present time there are over eight thousand vehicles that we know of on the streets in Washington.

"You asked about the placards. We discussed that. The intent here was for the Commission on Equipment to require and put in place rules requiring the size, the type of material and design. I think it is something that they are far better equipped to do than this legislature. This is a bill that I know will, significantly, reduce the risk of injury to fire fighters and law enforcement personnel in combating fires and attempting to save lives when we do have accidents. I urge your passage of this bill."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3497.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3497, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 3497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 3655, by Senators Shinpoch, Moore, Goltz, McManus, Deccio and Warnke

Modifying provisions relating to podiatry.

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3655.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3655, and the bill passed the Senate by the following vote: Yeas, 35; nays, 14; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody - 35.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Fuller, Guess, Haley, Hayner, McCaslin, Pullen, Quigg, Sellar, Wojahn, Zimmerman - 14.

SENATE BILL NO. 3655, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 3433, by Senators Moore, Hayner, Bottiger, McManus, Deccio, McDermott, Hemstad and Hurley (by Lieutenant Governor request)

Creating the Washington higher education facilities authority to provide financing to private nonprofit higher education institutions.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3433 was substituted for Senate Bill No. 3433 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 3433 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator Moore, is the jeopardy that you spoke of related to the fact that this bill could be construed as using the credit of the state to support a religious institution?"

Senator Moore: "No, not at all. The jeopardy here is what exists in the market place in any bonds and I think that it is only fair to consider that in our thinking about passage of the bill."

Senator Pullen: "As you know, Senator Moore, our Constitution is very, very strict about the state getting involved in religious matters or helping directly or indirectly private sectarian institutions. What I was worried about was the fact that the courts could construe this in our state as an unwarranted intrusion into a religious private institution. Remember our state has constitutional protections relative to freedom of religion that are much stricter than any other state."

Senator Moore: "Well, this is always a jeopardy that one must face in any legislation. I don't think it is any greater or lesser here than in any other piece of legislation."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3433.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3433, and the bill passed the Senate by the following vote: Yeas, 43; nays, 05; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Owen, Pullen, Shinpoch, Talmadge, Woody - 5.

Absent: Senator Deccio - 1.

SUBSTITUTE SENATE BILL NO. 3433, having received the constitutional 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 2:31 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Wednesday, March 16, 1983.

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

SIXTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 16, 1983

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, Bender, Metcalf and Pullen. On motion of Senator Bluechel, Senator Pullen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Anne Moore and Mike Lorrain, presented the Colors. Reverend Lee Forstrom, senior pastor of the Westwood Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 15, 1983

SB 3044 Prime Sponsor, Senator Gaspard: Exempting military personnel and their spouses and dependent children from nonresident tuition and fee differentials. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 3044 be referred to the Committee on Ways and Means. Signed by Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Goltz, Guess, Hayner, Hurley, Jones, Newhouse, Patterson, Rasmussen, Rinehart, Sellar, Shinpoch, Wojahn, Woody.

Referred to Committee on Ways and Means.

March 15, 1983

SB 3296 Prime Sponsor, Senator Talmadge: Establishing a mental health project for elementary schools. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3296 be substituted therefor, and the substitute bill do pass and be referred to Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, Warnke.

Referred to Committee on Ways and Means.

March 15, 1983

SB 3449 Prime Sponsor, Senator Woody: Restricting statements in the candidate's pamphlet to those about the candidate. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

March 15, 1983

SB 3840 Prime Sponsor, Senator Shinpoch: Permitting employees to participate in state deferred compensation plans. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

March 14, 1983

SB 4084 Prime Sponsor, Senator Owen: Establishing a state-wide bow and arrow hunting season. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 4084 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Metcalf, Rasmussen, Quigg, Shinpoch, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 15, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 189,

SUBSTITUTE HOUSE BILL NO. 266,

HOUSE BILL NO. 531,

HOUSE JOINT RESOLUTION NO. 27, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 189 by Committee on Local Government (originally sponsored by Representatives Wang and Smitherman)

Modifying provisions for the issuance and sale of bonds by metropolitan park districts.

Referred to Committee on Local Government.

SHB 266 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Charnley, Pruitt, Barnes, Moon, Garrett, Fisch, Rust, Brekke, Sommers, Fisher, Jacobsen, Ristuben and D. Nelson)

Restricting voting devices to single precinct use.

Referred to Committee on Judiciary.

HB 531 by Representatives Hine and Charnley

Authorizing certain studies by groups of local government entities formed for joint insurance purposes.

Referred to Committee on Local Government.

HJR 27 by Representatives Locke, Allen, Pruitt, Miller, Long, Jacobsen, Tanner, Brough, Zellinsky, Haugen, Wang, Holland, Fisher, Lux and Belcher

Ratifying the U.S. constitutional amendment giving voting rights to the District of Columbia.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3674, by Senator Hughes

Relating to pollution control.

The bill was read the second time.

MOTIONS

On motion of Senator Hughes, the following Committee on Parks and Ecology amendment was adopted:

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

"Sec. 1. Section 24, chapter 13, Laws of 1967 as last amended by section 1, chapter 267, Laws of 1979 ex. sess. and RCW 90.48.260 are each amended to read as follows:

The department of ecology is hereby designated as the State Water Pollution Control Agency for all purposes of the federal (~~Water Pollution Control~~) clean water act as amended and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

(1) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: (a) Effluent treatment and limitation requirements together with timing requirements related thereto; (b) applicable receiving water quality standards requirements; (c) requirements of standards of performance for new sources; (d) pretreatment requirements; (e) termination and modification of permits for cause; (f) requirements for public notices and opportunities for public hearings; (g) appropriate relationships with the secretary of the army in the administration of his responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his duties, and with other governmental officials under the federal (~~Water Pollution Control~~) clean water act; (h) requirements for inspection, monitoring, entry, and reporting; (i) enforcement of the program through penalties, emergency powers, and criminal sanctions; (j) a continuing planning process; and (k) user charges.

(2) The power to establish and administer state programs in a manner which will insure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction, operation, and maintenance of various water pollution control facilities and works; and the administering of various state water pollution control management, regulatory, and enforcement programs.

(3) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

The governor shall have authority to perform those actions required of him or her by the federal (~~Water Pollution Control~~) clean water act.

NEW SECTION. Sec. 2. There is added to chapter 70.105 RCW a new section to read as follows:

The department of ecology is empowered to participate fully in and is empowered to administer all programs of the federal Resource Conservation and Recovery Act, as it exists on the effective date of this act (42 U.S.C. Sec. 6901 et. seq.), contemplated for participation and administration by a state under that act.

NEW SECTION. Sec. 3. There is added to chapter 43.21A RCW a new section to read as follows:

The department of ecology is authorized to participate fully in and is empowered to administer all programs of the federal Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et. seq.), as it exists on the effective date of this act, contemplated for state participation and administration under that act.

NEW SECTION. Sec. 4. There is added to chapter 43.21A RCW a new section to read as follows:

The department of ecology, the department of natural resources, the department of social and health services, and the oil and gas conservation committee are authorized to participate fully in and are empowered to administer all programs of Part C of the federal Safe Drinking Water Act (42 U.S.C. sub 300 (h) et. seq.), as it exists on the effective date of this act, contemplated for state participation in administration under the act.

The department of ecology, in the implementation of powers provided herein shall enter into agreements of administration with the departments of social and health services and natural resources and the oil and gas conservation committee to administer those portions of the state program, approved under the federal act, over which the said departments and committee have primary subject-matter authority under existing state law. The departments of social and health services and natural resources and the oil and gas conservation committee are empowered to enter into such agreements and perform the administration contained therein.

NEW SECTION. Sec. 5. The department of ecology is also authorized to participate in any future federal program established under this act providing for matching funding for planning and implementation of a sole source aquifer protection program.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Hughes, the following title amendment was adopted:

In line 1 of the title after "control" strike the period and insert "; amending section 24, chapter 13, Laws of 1967 as last amended by section 1, chapter 267, Laws of 1979 ex. sess. and RCW 90.48.260; adding a new section to chapter 70.105 RCW; and adding new sections to 43.21A RCW."

MOTION

On motion of Senator Hughes, the rules were suspended, Engrossed Senate Bill No. 3674 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3674.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3674, and the bill passed the Senate by the following vote: Yeas, 39; nays, 05; absent, 03; excused, 02.

Voting yea: Senators Bluechel, Bottiger, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Barr, Clarke, Deccio, Hayner, Patterson - 5.

Absent: Senators Bauer, Bender, Metcalf - 3.

Excused: Senators Benitz, Pullen - 2.

ENGROSSED SENATE BILL NO. 3674, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3531, by Senators Rinehart, Benitz and Goltz

Modifying procedures for refunds of college and university fees.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 3531 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3531.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3531, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Deccio, Metcalf - 2.

Excused: Senator Benitz - 1.

SENATE BILL NO. 3531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3526, by Senators Granlund, Owen and Metcalf (by Department of Corrections request)

Adopting the Interstate Corrections Compact.

The bill was read the second time.

MOTIONS

On motion of Senator Granlund, the following Committee on Institutions amendments were considered and adopted simultaneously:

On page 7, line 10, after "secretary" strike all language down to and including "are" on line 11 and insert "is"

On page 7, line 14, after "secretary" strike all the language down to and including "paroles" on line 15.

On motion of Senator Granlund, the rules were suspended, Engrossed Senate Bill No. 3526 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 Granlund, reading only the digest--the summary of the proposed amendment that we just adopted--'the Secretary of Corrections is directed to hold hearings.' Does he have any latitude, whatsoever, in this? I am thinking of a case where, maybe, three other states--and each state wanted to have thirty or forty hearings--does the Secretary of Corrections just have to hold these hearings by this law then?"

Senator Granlund: "That is correct. This is making no change, whatsoever. When the bill was drawn, it substituted the chairman of the Parole Board and it has always been the duty of the Secretary of Corrections and that is the only change that is being made."

Senator Rasmussen: "Well, it is something like extradition. You don't have to extradite a person, if you don't want to--the Governor does not have to. This says that the director has to hold a hearing. He has no alternative. Is that correct?"

Senator Granlund: "Yes."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3526.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3526, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Metcalf - 1.

Excused: Senator Benitz - 1.

ENGROSSED SENATE BILL NO. 3526, having received the constitutional 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 Shinpoch, the Senate recessed until 11:15 a.m.

SECOND MORNING SESSION

The President Pro Tempore called the Senate to order at 11:31 a.m.

SECOND READING

SENATE BILL NO. 3527, by Senators Granlund, Owen, Pullen and Metcalf (by Department of Corrections request)

Modifying provisions on the sale of perishable goods by institutional industries.

The bill was read the second time.

MOTIONS

On motion of Senator Granlund, the following Committee on Institutions amendments were considered and adopted simultaneously:

On page 2, line 10, after "state," insert "when there is no public sector market for such goods."

On page 2, beginning on line 13, after "sale" strike ", under rules prescribed by the secretary" and insert ", Surplus by-products and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations which assist the poor and infirm. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary"

On motion of Senator Granlund, the rules were suspended, Engrossed Senate Bill No. 3527 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3527.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3527, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Hemstad - 1.

ENGROSSED SENATE BILL NO. 3527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4088, by Senator Williams

Continuing the archaeological research center for an additional six years.

The bill was read the second time.

MOTIONS

On motion of Senator Williams, the rules were suspended, Senate Bill No. 4088 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senator Sellar was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4088.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4088, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Jones - 1.

Excused: Senator Sellar - 1.

SENATE BILL NO. 4088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4156, by Senators Bender, Warnke, McManus, Owen, Rinehart and Granlund

Granting free fishing licenses to wheelchair-confined persons.

The bill was read the second time.

MOTION

On motion of Senator Hughes, the rules were suspended, Senate Bill No. 4156 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4156.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4156, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Barr, Deccio - 2.

Excused: Senator Sellar - 1.

SENATE BILL NO. 4156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4237, by Senators Gaspard, Kiskaddon and Bauer (by Superintendent of Public Instruction request)

Providing for drug and alcohol abuse education.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 4237 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4237.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4237, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Conner - 1.

Excused: Senator Sellar - 1.

SENATE BILL NO. 4237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 10, 1983

SB 3068

Prime Sponsor, Senator Moore: Modifying provisions relating to the distribution of donated food to needy persons. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 3068 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Barr, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

March 14, 1983

SB 3833 Prime Sponsor, Senator Granlund: Permitting public transportation benefit areas to designate a person other than a county treasurer as the PTBA treasurer. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3833 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Vognild.

Passed to Committee on Rules for second reading.

March 14, 1983

SB 3836 Prime Sponsor, Senator Bottiger: Including local sales tax revenues of certain cities as local revenues for matching purposes of motor vehicle tax revenues. Reported by Committee on Transportation

MAJORITY recommendation: Do pass and refer to Ways and Means. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Conner, Granlund, Guess, Patterson, Vognild.

Referred to Committee on Ways and Means.

March 14, 1983

SB 3849 Prime Sponsor, Senator Warnke: Regulating conduct on buses. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3849 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Owen, Vognild.

Passed to Committee on Rules for second reading.

March 11, 1983

SB 3868 Prime Sponsor, Senator Hansen: Relating to irrigation districts. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 3868 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Barr, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

March 10, 1983

SB 4010 Prime Sponsor, Senator Goltz: Allowing the director of agriculture to establish or amend certain dairy product standards and definitions. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

MOTION

At 11:55 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

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

SECOND READING

SENATE BILL NO. 3310, by Senators Talmadge, Hemstad and Williams

Providing for conservation easements.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 3, line 16 after "effectuate" strike "it" and insert "its"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3310 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Guess, Senator Quigg was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3310.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3310, and the bill passed the Senate by the following vote: Yeas, 40; nays, 05; absent, 03; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Loe, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Voting nay: Senators Craswell, McCaslin, Newhouse, Pullen, Rasmussen - 5.

Absent: Senators McDermott, Rinehart, von Reichbauer - 3.

Excused: Senator Quigg - 1.

ENGROSSED SENATE BILL NO. 3310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3773, by Senators Gaspard, Kiskaddon, Bauer and Warnke

Modifying the laws regulating the school directors' association.

The bill was read the second time.

MOTION

On motion of Senator Kiskaddon, the following Committee on Education amendment was adopted:

On page 3, after line 10 strike all the material down to and including "43.41.150." on line 16 and insert the following:

"Sec. 3. Section 2, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.560 are each amended to read as follows:

As used in RCW 43.19.565 through 43.19.635, 43.41.130 and 43.41.140, the following definitions shall apply:

(1) "Passenger motor vehicle" means any sedan, station wagon, bus, or light truck which is designed for carrying ten passengers or less and is used primarily for the transportation of persons;

(2) "State agency" shall include any state office, agency, commission, department, or institution financed in whole or in part from funds appropriated by the legislature. It shall also include the Washington state school director's association and the state printer, but it shall not include (a) the state supreme court or any agency of the judicial branch or (b) the legislature or any of its statutory, standing, special, or interim committees, other than at the option of the judicial or legislative agency or committee concerned;

(3) "Employee commuting" shall mean travel by a state officer or employee to or from his or her official residence or other domicile to or from his or her official duty station or other place of work;

(4) "Motor vehicle transportation services" shall include but not be limited to the furnishing of motor vehicles for the transportation of persons or property, with or without drivers, and may also include furnishing of maintenance, storage, and other support services to state agencies for the conduct of official state business."

MOTIONS

On motion of Senator Talmadge, Senator Vognild was excused.

On motion of Senator Bottiger, further consideration of Senate Bill No. 3773, as amended, was deferred and the bill was placed at the bottom of the second reading calendar.

SECOND READING

SENATE BILL NO. 3094, by Senators Goltz, Zimmerman, Thompson and McCaslin

Providing for latecomer fees for street improvements which were undertaken as a prerequisite to property development.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3094 was substituted for Senate Bill No. 3094 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goltz, the rules were suspended, Substitute Senate Bill No. 3094 was advanced to third reading, the second reading considered the third, and the bill was 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. 3094.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3094, and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Graniund, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Woody, Zimmerman - 32.

Voting nay: Senators Benitz, Craswell, Deccio, Hughes, Hurley, McDermott, Metcalf, Owen, Pullen, Rasmussen, Sellar, von Reichbauer, Warnke, Williams, Wojahn - 15.

Excused: Senators Quigg, Vognild - 2.

SUBSTITUTE SENATE BILL NO. 3094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3172, by Senators Guess and Peterson

Providing for the license revocation of motorists convicted of eluding police.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3172 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senator Hayner was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3172.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3172, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Graniund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Bender, Conner - 2.

Excused: Senators Hayner, Quigg - 2.

SENATE BILL NO. 3172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3297, by Senators Hansen, Barr, Goltz and Benitz (by Department of Agriculture request)

Modifying various provisions concerning the department of agriculture.

The bill was read the second time.

MOTION

Senator Pullen moved adoption of the following amendment by Senators Pullen and Talmadge:

On page 5, strike all the underscored language on lines 16, 17, and 18.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Pullen, I am wondering if in using the two words 'peace officer,' does a peace officer, by definition have total police power?"

Senator Pullen: "That is my understanding, Senator Patterson. In other words, if he were to see a felony committed--a felony that would be a Class A, B or C felony--it might be unrelated, for example, to some of the things set forth in the section. Under state law, he would have the power to pursue, across county lines, to apprehend that person, using whatever means of violence he had at his disposal, including deadly force if he were armed with a firearm."

POINT OF INQUIRY

Senator Patterson: "Senator Talmadge, if there was any question ever raised and one of these officers performing some of the functions that are referred to in this act, could there be a question as to what powers were granted by using the words 'peace officer' versus 'police powers?'"

Senator Talmadge: "I am not terribly well versed in this, Senator, but I think not. My concern, I guess, is a bit broader one and this is that I have no quarrel with the agriculture agents enforcing the laws relating to the Department of Agriculture. But, what if you get into situations where they see other kinds of criminal violations going on? If they are peace officers, with police powers, they can make traffic infraction arrests, they can make arrests for drug abuse, they can make all the other kinds of arrests that are available under the law. My concern is that you have given that broad authority, you can get into all these other areas, where they may or may not be trained to handle them. That would be my concern, but I think the language you specifically referred to really makes no great difference."

Further debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Pullen, my understanding from the testimony in the Agriculture Committee was simply that they wanted to grant peace officer power to these agents, so that they could enforce the laws--just the laws that are provided for in this act. Would you consider it a friendly amendment if you were to--instead of deleting the underlined portion, add to the end of it 'when enforcing the provisions of this act?'"

Senator Pullen: "Well, I would consider that a friendly amendment. I think that would help a little bit, but that does not preclude them from enforcing other criminal law. You would, also, have to say that they are specifically precluded from enforcing other provisions of law.

"I guess the only other question I would have is that if they are going to have peace officer authority with regard to the limited powers of this section, I guess I would, also, like to see them have some sort of training. In other words, I would like some sort of evidence that they would have to go through the Criminal Justice Commission training procedures to make sure they are well versed in handling fire arms, arrest procedures and constitutional rights."

Senator Goltz: "Well, Senator Pullen, if this is defeated, which I hope it will be, I would want to ask your support for the oral amendment that I just suggested."

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen and Talmadge.

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

MOTIONS

On motion of Senator Shinpoch, further consideration of Senate Bill No. 3297 was deferred and the bill was placed after Senate Bill No. 3208 on the second reading calendar.

On motion of Senator Shinpoch, Senate Bill No. 3006 was placed at the bottom of the second reading calendar.

SECOND READING

SENATE BILL NO. 3097, by Senator Sellar

Increasing certain collection fees pertaining to motor vehicles.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following Committee on Transportation amendment was adopted:

On page 2, line 5, after "and" and before "cents" strike "fifty" and insert "~~((fifty))~~ seventy-five"

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 3097 was advanced to third reading, the second reading considered the third, and the bill was 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. 3097.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3097, and the bill passed the Senate by the following vote: Yeas, 46; nays, 02; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senators Pullen, Rasmussen - 2.

Excused: Senator Quigg - 1.

ENGROSSED SENATE BILL NO. 3097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3438, by Senators McDermott, Bluechel and Rinehart

Exempting property used for homeless shelters from property taxation.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendments were considered and adopted simultaneously:

On page 1, line 9, after "providing" insert "nonpermanent"

On page 1, line 9, after "to" insert "indigent"

On page 1, line 11, after "facility," insert "This exemption is subject to the administrative provisions contained in RCW 84.36.800 through 84.36.865."

On page 1, beginning on line 12, strike all of section 2.

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "exemptions;" strike all material down to and including "84.36.805;"

POINT OF INQUIRY

Senator Pullen: "Senator McDermott, on page 2, section 2, subsection (c) of the bill, which I might point out is existing language in law, it states that facilities and services are available to all regardless of race, color, national origin or ancestry. I notice missing from that shopping list is the term 'sex or gender' and also missing is 'creed and religion.' The question I have for you is--can the facilities discriminate on the basis of religion or creed or sex under the terms of this bill?"

Senator McDermott: "I think all, in the eyes of God, are equal and there will be no discrimination."

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 3438 was advanced to third reading, the second reading considered the third, and the bill was 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. 3438.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3438, and the bill passed the Senate by the following vote: Yeas, 47; nays, 01; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Quigg - 1.

ENGROSSED SENATE BILL NO. 3438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION TO LIMIT DEBATE

Senator Bottiger: "Mr. President, pursuant to Rule 29, I move that each member be limited to one three-minute speech on each subject or motion that comes before the Senate until April 1, 1983, except that the mover of the motion or the sponsor of a bill or amendment may have the privilege of closing debate.

"I further move that members be prohibited from yielding time to another member."

The motion by Senator Bottiger carried and the three-minute rule was imposed.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 14, 1983

SSB 3085 Prime Sponsor, Senator McDermott: Modifying provisions on unemployment compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Second Substitute Senate Bill No. 3085 be substituted therefor, and the second substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Newhouse, Quigg, Sellar.

Hold.

March 15, 1983

SB 3603 Prime Sponsor, Senator Gaspard: Providing earthquake inspections and standards for school buildings. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3603 be substituted therefor, and the substitute bill do pass and be referred to Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hughes, Kiskaddon, Lee, McDermott, Warnke.

Referred to Committee on Ways and Means.

March 14, 1983

SB 4069 Prime Sponsor, Senator Moore: Relating to registered securities broker dealers. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4069 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Jones, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Shinpoch, the rules were suspended. Substitute Senate Bill No. 3085 was advanced to second reading and placed on the second reading calendar.

MOTION

At 2:30 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Thursday, March 17, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SIXTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 17, 1983

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 Deccio, Hemstad, McDermott, Owen and Wojahn. On motion of Senator Vognild, Senators McDermott and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Glenn Talley and Dina Fratt, presented the Colors. Reverend Ron Marrs, pastor of the Westwood Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 16, 1983

SB 3228 Prime Sponsor, Senator Talmadge: Modifying provisions relating to childhood nutrition in the common schools. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3228 be substituted therefor, and the substitute bill do pass and be referred to Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Warnke.

Referred to Committee on Ways and Means.

March 15, 1983

SB 3519 Prime Sponsor, Senator Thompson: Increasing state power to repair damage from the eruption of Mount St. Helens. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Local Government. Signed by Senators McDermott, Chairman; Bauer, Deccio, Fleming, Lee, Rinehart, Talmadge, Thompson, Warnke, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 15, 1983

SB 3640 Prime Sponsor, Senator Moore: Modifying the residential landlord-tenant act. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3640 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 16, 1983

SB 3850 Prime Sponsor, Senator Vognild: Establishing the private sector job placement program. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Moore, Quigg.

Referred to Committee on Ways and Means.

March 16, 1983

SB 3864 Prime Sponsor, Senator Hansen: Relating to commodity commissions. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 3864 be substituted therefor, and the substitute bill do pass. Signed by Senators Goltz, Vice Chairman; Barr, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

March 16, 1983

SB 3866 Prime Sponsor, Senator Hansen: Relating to agriculture. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 3866 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

March 15, 1983

SB 4102 Prime Sponsor, Senator Gaspard: Providing tuition incentives for students studying to be math and science teachers. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4102 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, Patterson, Warnke.

Referred to Committee on Ways and Means.

MESSAGES FROM THE HOUSE

March 16, 1983

Mr. President:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 226.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 231.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 245.

SUBSTITUTE HOUSE BILL NO. 251.

HOUSE JOINT MEMORIAL NO. 15, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 16, 1983

Mr. President:

The House has passed:

SENATE JOINT MEMORIAL NO. 106, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE JOINT MEMORIAL NO. 106.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 226 by Committee on Ways and Means (originally sponsored by Representatives Ristuben, Ellis, Martinis, Tanner, Armstrong, B. Williams, Fisher, Locke, Halsan, McMullen, Fisch, R. King, Zellinsky, Smitherman, Gallagher, Todd, Haugen, Appelwick, P. King, Braddock, D. Nelson, Brekke, Vekich, Wang, Powers, Rust, Charney, Ebersole, Hine, Galloway, Isaacson, Tilly, Garrett, Holland, Lewis, Johnson, Schoon, Stratton and Brough)

Providing for the establishment of export assistance centers.

Referred to Committee on Commerce and Labor.

E2SHB 231 by Committee on Ways and Means (originally sponsored by Representatives Hine, McDonald, Prince, J. King, Allen, Wang, Pruitt, Sayan, O'Brien, Appelwick, Sutherland, Todd, Burns, Ellis, Silver, Isaacson, Dellwo, Tanner, Brekke, Holland, Powers and Garrett)

Establishing a job skill program.

Referred to Committee on Education.

E2SHB 245 by Committee on Ways and Means (originally sponsored by Representatives J. King, Sanders, Tanner, Powers, Vekich and Heck)

Modifying provisions relating to economic development.

Referred to Committee on Ways and Means.

SHB 251 by Committee on Commerce and Economic Development (originally sponsored by Representatives Sayan, Vekich, J. King, Fisch, Allen, McClure, Wang, Tanner, Haugen, Appelwick, Ellis, Fisher, Hine, Lux, Charnley, Gallagher, B. Williams, Powers, Stratton, Ristuben and Garrett)

Establishing the state employment and conservation corps.

Referred to Committee on Parks and Ecology.

HJM 15 by Representatives Garrett, Sayan, J. King, Charnley, Jacobsen, Miller and D. Nelson

Urging the establishment of a permanent civilian conservation corps.

Referred to Committee on Parks and Ecology.

MOTION

On motion of Senator Shipoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3123, by Senators Peterson, Hansen and Sellar (by Department of Licensing request)

Providing that only one transcript recording a conviction must be sent by department of licensing to hearings officers.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3123 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3123.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3123, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 04; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 43.

Absent: Senators Deccio, Hemstad, Moore, Owen - 4.

Excused: Senators McDermott, Wojahn - 2.

SENATE BILL NO. 3123, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3135, by Senators Peterson, Guess and Hansen (by Department of Licensing request)

Revising proportional vehicle registration laws.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3135 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3135.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3135 the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 46.

Absent: Senator Hemstad - 1.

Excused: Senators McDermott, Wojahn - 2.

SENATE BILL NO. 3135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3158, by Senators Talmadge, Clarke and Woody (by Department of Licensing request)

Modifying the trade name regulation laws.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3158 was substituted for Senate Bill No. 3158 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3158 was advanced to third reading, the second reading considered the third, and the bill was 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. 3158.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3158, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 46.

Absent: Senator Metcalf - 1.

Excused: Senators McDermott, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 3158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3088, by Senators Vognild, Moore, Wojahn, Barr, Patterson, Newhouse, Deccio, Bauer and Williams

Continuing state regulations of cosmetology.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3088 was substituted for Senate Bill No. 3088 and the substitute bill was placed on second reading and read the second time.

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

On page 4, beginning on line 3, strike all material through "findings." on line 14 and insert the following:

"NEW SECTION. Sec. 1. The department shall conduct a study on the level of regulation required within the cosmetology and barbering industries to protect the public. In conducting this study, the department shall also consider:

- (1) The feasibility of combining the practice of barbering and cosmetology;
- (2) The minimum education and training qualifications required to practice safely; and
- (3) The feasibility of an apprenticeship program.

The department shall meet with all interested parties in the cosmetology and barbering industries, as well as consider the concerns of the general public and the needs of consumers. The department shall report to the legislature no later than January, 1984, and prepare proposed legislation to implement its findings."

MOTION

Senator Kiskaddon moved adoption of the following amendment:

On page 7, after line 12, insert the following:

"Sec. 3. Section 2, chapter 180, Laws of 1951 as last amended by section 6, chapter 225, Laws of 1982 and RCW 18.18.050 are each amended to read as follows:

A manager operator license shall be issued to a student who: (1) Is of the age of eighteen years or over; (2) is of good moral character and temperate habits; (3) has graduated from an accredited high school or the equivalent thereof as determined by the director whose determination shall be conclusive; PROVIDED, That this subdivision shall not apply to those holding a valid operator's license or attending a recognized cosmetology school prior to June 10, 1959, but such persons shall be subject to the law in existence prior to June 10, 1959; (4) has completed a course of training of not less than ~~((two))~~ one thousand two hundred hours in a recognized cosmetology school, such training not to exceed eight hours in any one day, and has received a certificate of completion from such school; and (5) has satisfactorily passed the cosmetology examination of this state."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Jones: "Mr. President, are we operating under the Jones Rule or are we closing debate?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator Jones."

REMARKS BY SENATOR JONES

Senator Jones: "O.K., it should be the Bottiger Rule."

The President declared the question before the Senate to be adoption of the amendment by Senator Kiskaddon.

The motion of Senator Kiskaddon failed on a rising vote and the amendment was not adopted.

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 3088 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3088.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3088, and the bill passed the Senate by the following vote: Yeas, 46; nays, 02; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad,

Hughes, Hurley, Jones, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shimpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senators Haley, Kiskaddon - 2.

Excused: Senator McDermott - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3081, by Senators Vognild, Moore, Wojahn, Barr, Newhouse, Deccio, Bauer, McCaslin and Williams

Continuing state regulations of barbering.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3081 was substituted for Senate Bill No. 3081 and the substitute bill was placed on second reading and read the second time.

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

On page 4, beginning on line 28, strike all material through "findings." on page 5, line 4 and insert the following:

"NEW SECTION. Sec. 2. The department shall conduct a study on the level of regulation required within the cosmetology and barbering industries to protect the public. In conducting this study, the department shall also consider:

- (1) The feasibility of combining the practice of barbering and cosmetology;
- (2) The minimum education and training qualifications required to practice safely; and
- (3) The feasibility of an apprenticeship program.

The department shall meet with all interested parties in the cosmetology and barbering industries, as well as consider the concerns of the general public and the needs of consumers. The department shall report to the legislature no later than January, 1984, and prepare proposed legislation to implement its findings."

MOTION

Senator Kiskaddon moved adoption of the following amendment:

On page 16, beginning on line 6, strike all material through "RCW" on page 17, line 10 and insert the following:

"Sec. 15. Section 1, chapter 75, Laws of 1923 as last amended by section 1, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.010 are each amended to read as follows:

Any one or any combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, either directly or indirectly, or without payment, for the public generally upon male or female) constitutes the practice of barbering: (1) Shaving or trimming the beard or cutting the hair; (2) giving facial and scalp massage or treatments with oils, creams, lotions, or other preparations, either by hand or mechanical appliances; (3) singeing, shampooing or dyeing the hair, or applying tonics; (4) applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp, face, neck or upper part of the body; PROVIDED, That the provisions of this chapter shall not apply to any person employed in, or engaged in the operation of any beauty shop or hair dressing establishment or to persons engaged in the care or treatment of patients in health facilities or engaged in the care of residents of boarding homes and similar residential care facilities; PROVIDED, FURTHER, That a certified ((men's)) hair stylist may perform the following additional practices: (1) Hair analysis, reconditioning, and restoration procedures, as required; (2) the chemical processing of the hair, including temporary or permanent body waving, curl correction, or straightening, as well as the application of other chemicals in the process of barbering; and (3) the fitting and servicing of wigs, wefts, and hair pieces.

Sec. 16. Section 11, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.210 are each amended to read as follows:

In addition to the practice of barbering any one or any combination of the following practices when done upon the upper part of the human ((male)) body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, either directly or indirectly, or without payment constitutes the practice of ((men's)) hairstyling: Straightening, curling, temporary waving, permanent waving, bleaching, or applying chemicals as related to ((men's)) hairstyling, or doing similar work thereon by the use of the hands or any method of mechanical application or appliances.

Sec. 17. Section 12, chapter 148, Laws of 1973 1st ex. sess. as amended by section 12, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.220 are each amended to read as follows:

Any person duly licensed as a barber in this state, and who has satisfactorily completed a course of instruction in the practice of ((men's)) hairstyling as approved by the barber examining committee, shall be entitled to make application to be examined for a Washington state ((men's)) hairstyling certificate. The fee for such examination and certificate shall be determined by the director as provided in RCW 43.24.085 as now or hereafter amended; and the application and fee shall be submitted to the director at least fifteen days prior to an examination date. Any applicant for a certificate under this chapter who secures a grade in each branch of not less than seventy-five percent in his examination and who demonstrates to the satisfaction of the examining committee that he possesses the required professional skill and ability to properly perform each of the said ((men's)) hairstyling services, shall be entitled to receive, and the director shall issue to him an official Washington state ((men's)) hairstyling certificate, recognizing him as a certified ((men's)) hairstylist, and when accompanied by a current barber license of this state, shall entitle him to practice ((men's)) hairstyling.

PROVIDED, That persons engaged in the practice of ((men's)) hairstyling under this chapter are authorized to perform body waving and permanent waving to the extent necessary to style or arrange the hair ((on male patrons)), but persons engaged in the practice of ((men's)) hairstyling under this chapter are not authorized to otherwise engage in the practice of cosmetology unless such person is licensed under chapter 18.18 RCW.

Sec. 18. Section 10, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.200 are each amended to read as follows:

The legislature finds that there is a distinct difference between the practice of barbering and the practice of ((men's)) hairstyling.

The legislature further finds that it is necessary to distinguish between the two practices to enable those persons currently within the profession of barbering to advance themselves professionally to become duly certified ((men's)) hairstylists and recognized as such. Therefore, it shall be the policy of the state to make laws regulating the practice of ((men's)) hairstyling.

Sec. 19. Section 13, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.230 are each amended to read as follows:

The barber examining committee shall prescribe the curriculum and examination for a ((men's)) hairstyling certificate in accordance with the provisions of chapter 34.04 RCW.

Sec. 20. Section 14, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.240 are each amended to read as follows:

The barber examining committee shall adopt such reasonable rules and regulations as necessary to regulate the practice of ((men's)) hairstyling under this chapter pursuant to chapter 34.04 RCW."

Renumber the sections consecutively and correct any internal references accordingly.

POINT OF INQUIRY

Senator Deccio: "Senator Kiskaddon, does this now work both ways? Can men work on men and women and women can work on men and women?"

Senator Kiskaddon: "Yes, with the passage of this bill, it will be possible. It has been possible for cosmetologists--women--to work on men and women for a long time. This will make it possible for the men, also, to work on women as a hair stylist, so we are just striking the men in front of it to make that clear."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Kiskaddon.

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

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 3081 was advanced to third reading, the second reading considered the third, and the bill was 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. 3081.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3081, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansøn, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator McDermott - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3081, having received the 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 President reverted the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR
State of Washington

PROCLAMATION

WHEREAS, the State of Washington is the second largest producer of potatoes in the United States, and our state produces the highest quality potato in the world; and

WHEREAS, Washington State's potato farmers produce more potato tonnage per acre than all other potato producers; and

WHEREAS, agriculture is the backbone of our state's economy, and potatoes are a more than \$1 billion part of that industry; and

WHEREAS, potatoes are the 5th largest agricultural commodity produced in the state of Washington;

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, do hereby extend my appreciation to the potato growers of our state for producing a commodity whose quality is known throughout the United States and Canada; I also want to extend my thanks to the Washington Potato Growers Association, the Washington State Potato Commission, and the Washington Potato and Onion Shippers for their donations of potatoes and for their efforts to make March 17, 1983,

POTATO DAY

in Washington State a glorious success.

Signed, this 15th day of March, 1983
JOHN SPELLMAN, Governor

MOTION

At 11:13 a.m., on motion of Senator Shinpoch, 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 President returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

March 14, 1983
SB 3293 Prime Sponsor, Senator Vognild: Relating to the processing of timber sold from public lands. Reported by Committee on Natural Resources

MAJORITY recommendation: That Senate Bill No. 3293 be amended and referred to the Committee on Ways and Means without recommendation. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Patterson, Vognild.

Referred to Committee on Ways and Means.

March 14, 1983
SB 3605 Prime Sponsor, Senator Goltz: Modifying provisions relating to state timber sale contracts. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Metcalf, Quigg, Vognild.

Passed to Committee on Rules for second reading.

March 15, 1983
SB 3617 Prime Sponsor, Senator McManus: Providing for an alcohol awareness program. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 3617 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

March 15, 1983

SB 3739 Prime Sponsor, Senator McManus: Modifying provisions relating to day care. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 3739 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

March 17, 1983

SB 3758 Prime Sponsor, Senator Lee: Regulating excursion service companies. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3758 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, Granlund, Guess, Owen, Vognilid.

Passed to Committee on Rules for second reading.

March 15, 1983

SB 4094 Prime Sponsor, Senator McManus: Providing for the licensing of physical therapists. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4094 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

March 15, 1983

SB 4206 Prime Sponsor, Senator Talmadge: Relating to continuation of health insurance coverage for employees eligible for benefits under Title 51 RCW. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Conner, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

March 17, 1983

HB 184 Prime Sponsor, Representatives McMullen: Authorizing the DOT to make contracts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, Granlund, Guess, Haley, Owen, Vognilid.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3424, by Senators Newhouse, Thompson and Patterson
Modifying provisions relating to solemnization of marriage.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, line 15 after the comma strike all the material down to and including the period on line 17 and insert "((and)) justices of the peace within their respective counties, and municipal court judges within their respective municipalities."

Senator Talmadge moved adoption of the following Committee on Judiciary amendment:

On page 1, line 27, after "located," strike all material down to and including the colon on page 2, line 2 and insert "((PROVIDED FURTHER, That no full time district court judge shall perform any civil marriage between 8:00 a.m. and 5:00 p.m. Monday through Friday:))"

POINT OF INQUIRY

Senator Bottiger: "Senator Talmadge, when we put that language limitation in, it was because some judges were interrupting their court calendar to perform marriages. My recollection is that we said you have to do it after normal working hours. Is there a reason why we have taken that out now?"

Senator Talmadge: "Senator, we found that there was no abuse of that situation now ongoing out there. In fact, the superior court judges have no such restriction on their ability to perform marriages. It was the feeling of the committee that this kind of restrictive language was simply unnecessary and nobody indicated a problem that we needed to address with it."

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, to my knowledge, I don't think superior court judges are abusing--most of the marriages are performed by district court judges."

Senator Talmadge: "That is not my understanding, Senator. A great number of superior court judges, also, perform marriages."

Senator Rasmussen: "You are restricting the district court judges to the areas of their municipality? If I had a district court judge and wanted him to marry me and I lived outside of the city, then would he be restricted? These judges charge--I think it is twenty-five dollars--I forget what the rate is now--in the courthouse, using the courthouse facilities. If they go out to a house where the marriage is to be performed, the rate is seventy-five dollars. Now, in the case of the municipal court judge, I might like him and want him to marry me--he couldn't do that outside of the city, then?"

Senator Talmadge: "That is correct, Senator."

Senator Rasmussen: "Why?"

Senator Talmadge: "That is outside the geographical jurisdiction of that particular judge. There was some question about the validity of a marital situation where the judge was performing an action outside of his territorial jurisdiction. That is the reason that we, also, deleted the time sequence problem that Senator Bottiger referred to. There was some concern that what if a judge performed a wedding at 4:57, instead of 5:01. Did that somehow invalidate the marriage performed? I think not."

"Similarly, I think we wanted to make sure that the judge performed the marriage in the geographical area that he or she was elected from. It doesn't matter where the participants to the marriage come from, but just the geographical area in which the judge himself or herself works."

Senator Rasmussen: "Well, I was under the impression that a judge is a judge is a judge wherever he is. He may not be acting in his court, but he would be acting as a judge, just as a sea captain would be, whether he was in the Atlantic or Pacific Ocean, and performing marriages."

Senator Talmadge: "Not so with the judges of the courts of limited jurisdiction. I think their charge is somewhat more restrictive than that of superior court judges."

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the committee amendment was adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3424 was advanced to third reading, the second reading considered the third, and the bill was 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. 3424.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3424, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Barr - 1.

Excused: Senators McDermott, Owen - 2.

ENGROSSED SENATE BILL NO. 3424, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3448, by Senators Hughes and Patterson

Permitting waiver of fees for employees of the intercollegiate center for nursing education.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 3448 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3448.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3448, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Barr - 1.

Excused: Senators McDermott, Owen - 2.

SENATE BILL NO. 3448, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3009, by Senators Williams and Moore

Modifying provisions relating to the use of deadly weapons.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3009 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Williams, I don't want to be confused by what Senator Pullen says. Does it have to be one of those super models before we can convict them, or can it be just a little rubber gun that someone thought was real?"

Senator Williams: "You are the attorney. You can probably answer that better than I can."

POINT OF INQUIRY

Senator Bottiger: "Senator Talmadge, does it have to be one of those super toy guns or can it be just a regular toy gun?"

Senator Talmadge: "Senator, from the language of the bill, it states that the person has to use or threaten to use a deadly weapon or what appears to be a deadly weapon. I think it is probably a fact question as to whether or not the victim perceives that the so-called deadly weapon is or is not a real firearm. If it looks close enough, Senator, I suspect that the courts are going to say that it is what it appears to be."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3009.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3009, and the bill passed the Senate by the following vote: Yeas, 43; nays, 04; absent, 01; excused, 01:

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Haley, Hemstad, Metcalf, Newhouse - 4.

Absent: Senator Rinehart - 1.

Excused: Senator McDermott - 1.

SENATE BILL NO. 3009, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3099, by Senators Bauer, Bluechel, Hughes and Zimmerman

Modifying interest rate for back taxes on re-classified open space land.

The bill was read the second time.

MOTIONS

On motion of Senator Bauer, the following Committee on Ways and Means amendment was adopted:

On page 3, line 30, strike all of new section 2 and insert the following:

"NEW SECTION, Sec. 2. There is added to chapter 84.69 RCW a new section to read as follows:

The county legislative authority shall refund any interest paid on the additional tax provided for in RCW 84.34.108 due pursuant to chapter 322, Laws of 1981, which is in excess of that required under the provisions of this 1983 amendatory act."

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 3099 was advanced to third reading, the second reading considered the third, and the bill was 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. 3099.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3099, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator McDermott - 1.

ENGROSSED SENATE BILL NO. 3099, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3408, by Senators Wojahn and Talmadge

Modifying provisions relating to exempt property.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3408 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3408.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3408, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Paterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Granlund - 1.

Excused: Senator McDermott - 1.

SENATE BILL NO. 3408, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PRESENTATION OF IRISH SINGER

In the spirit of St. Patrick's Day, with permission of the Senate, business was suspended to permit Senator Margaret Hurley to present a member of the Senate staff, Patrick Woods, who in turn sang an Irish ballad. Senator Dianne Woody read an Irish poem and Senator Jerry Hughes joined in with additional remarks.

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege. I just want to announce that we are going to be back here on October 12, Columbus Day, and Lieutenant Governor Cherberg, who is part Italian, and Ole Scarpelli and I will have plenty of Italian songs to sing to you that day."

MOTION

At 2:27 p.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Friday, March 18, 1983.

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

SIXTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 18, 1983

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Haley, McDermott, Pullen, Thompson and Williams. On motion of Senator Bluechel, Senators Haley and Pullen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kevin Gerard and David Husseman, presented the Colors. Reverend Lee Forstrom, senior pastor of the Westwood Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 17, 1983

SB 3644 Prime Sponsor, Senator Goltz: Exempting certain institutions offering continuing education credits from the educational services registration act. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Benitz, Craswell, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Patterson.

Passed to Committee on Rules for second reading.

March 14, 1983

SB 3902 Prime Sponsor, Senator Thompson: Revising provisions relating to fire protection districts under Title 52 RCW. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 17, 1983

SB 3981 Prime Sponsor, Senator McManus: Establishing the jobs again council. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; McCaslin, McManus, Moore, Quigg, Sellar.

Passed to Committee on Rules for second reading.

March 16, 1983

SB 4092 Prime Sponsor, Senator Bender: Establishing new reporting requirements for property and casualty insurers. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4092 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Boltiger, Warnke, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Clarke, Deccio, Jones, Sellar.

Passed to Committee on Rules for second reading.

March 17, 1983

SB 4110 Prime Sponsor, Senator Vognild: Modifying various provisions regarding cemeteries. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McManus, Newhouse, Quigg, Sellar, Shinpoch, Williams.

Passed to Committee on Rules for second reading

MESSAGES FROM THE HOUSE

March 17, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 105,

ENGROSSED HOUSE BILL NO. 399, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 17, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 366,

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 19, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 17, 1983

Mr. President:

The Speaker has signed:

SENATE JOINT MEMORIAL NO. 106, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 105 by Committee on Natural Resources (originally sponsored by Representatives Martinis, B. Williams and Stratton) (by Department of Game request)

Eliminating counties' option to collect in-lieu property taxes on game department lands.

Referred to Committee on Natural Resources.

SHB 366 by Committee on Energy and Utilities (originally sponsored by Representatives Pruitt, Isaacson, D. Nelson, Miller, J. King, Charnley, Nealey, Smitherman, Zellinsky, Haugen, Braddock, Brekke, Garrett, B. Williams, Long, Todd, Wang, Van Dyken, Burns, R. King, Ebersole, Hine and Ristuben)

Permitting public entities involved in the generation, sale, or distribution of energy to provide energy conservation analyses and financing assistance for their customers.

Referred to Committee on Energy and Utilities.

EHB 399 by Representatives Sayan, Belcher and McClure

Modifying provisions relating to sales of timber from state-owned land.

Referred to Committee on Natural Resources.

SHJR 19 by Committee on Energy and Utilities (originally sponsored by Representatives Pruitt, Isaacson, D. Nelson, Miller, J. King, Charnley, Nealey, Smitherman, Zellinsky, Haugen, Braddock, Brekke, Garrett, B. Williams, Long, Todd and Wang)

Authorizing loans for energy conservation.

Referred to Committee on Energy and Utilities.

MOTION

On motion of Senator Shinpoch, the Senate reverted to the third order of business.

MESSAGE FROM LIEUTENANT GOVERNOR
APPOINTMENT

March 17, 1983

TO THE 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 A. Stablein appointed February 22, 1983, succeeding Will Wolf as Executive Director of the Data Processing Authority.

Sincerely,
JOHN A. CHERBERG, Lieutenant Governor,
and Chairman,

Washington State Data Processing Authority

Referred to the Committee on State Government.

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

SECOND READING

SENATE JOINT MEMORIAL NO. 116, by Senator Hansen

Petitioning Congress to declare July 16, 1983 as National Grand Coulee Dam day.

The memorial was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended. Senate Joint Memorial No. 116 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 116.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 116, and the memorial passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 03; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 44.

Absent: Senators McDermott, Thompson, Williams - 3.

Excused: Senators Haley, Pullen - 2.

SENATE JOINT MEMORIAL NO. 116, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3784, by Senators Vognild, Quigg and Shinpoch (by Department of Employment Security request)

Modifying period during which moneys from the federal unemployment trust fund may be used by the state.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended. Senate Bill No. 3784 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3784.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3784, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 45.

Absent: Senators McDermott, Williams - 2.

Excused: Senators Haley, Pullen - 2.

SENATE BILL NO. 3784, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3516, by Senators Talmadge and Bottiger

Modifying provisions relating to the legislative branch.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3516 was substituted for Senate Bill No. 3516 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended. Substitute Senate Bill No. 3516 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognil, Senators Williams and Fleming were excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3516.

ROLL CALL

The Secretary called the roll on final passage of Substitute Bill No. 3516, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 02; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 43.

Absent: Senators Deccio, Guess - 2.

Excused: Senators Fleming, Haley, Pullen, Williams - 4.

SUBSTITUTE SENATE BILL NO. 3516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3520, by Senators Woody, Zimmerman and Thompson

Revising procedures regarding contested elections and challenged voters.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3520 was substituted for Senate Bill No. 3520 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended. Substitute Senate Bill No. 3520 was advanced to third reading, the second reading considered the third, and the bill was 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. 3520.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3520, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Fleming, Haley, Pullen, Williams - 4.

SUBSTITUTE SENATE BILL NO. 3520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3392, by Senators McManus, Quigg and Bottiger

Modifying provisions on electrical utility installation.

The bill was read the second time.

MOTION

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

On page 1, line 14, after "RCW" strike everything down through "personnel." on line 17, and insert:

" who is prequalified by the city-owned electrical utility, to install any material or equipment in lieu of having city utility personnel perform the installation: PROVIDED, That prior to connecting any wires to the utilities distribution system the electrical contractor shall obtain written approval from the city-owned electrical utility: PROVIDED FURTHER, That nothing herein shall prevent any first class city from operating a solid waste department utilizing its own personnel.

If a customer elects to employ a private electrical contractor as provided in this section, the private electrical contractor shall be solely responsible for any damages resulting from the installation of any temporary service, permanent service, or expanded service and the city-owned electrical utility shall be immune from any tortious conduct actions."

POINT OF INQUIRY

Senator Clarke: "Thank you, Mr. President. I have some concern about the second half of the amendment as explained by Senator Bottiger. I would like to have him, perhaps, respond to this posture. I am particularly concerned with the last three lines--'and the city-owned electrical utility shall be immune from any tortious conduct actions.' Now, I can go along with that insofar as it has to do with the installation of the expanded service, but let's assume that there is a major failure and negligence on the part of the city which would result in a high voltage surge. That would damage somebody who has been connected on this extended connection.

"I think, maybe, if you put a period after service, you would accomplish what you are intending and strike 'and city-owned electrical utility shall be immune from any tortious conduct.' It seems to me that is a little too broad and would cover a situation where they permitted, through negligence, the high voltage surge, which would cause damage and maybe death to somebody who is connected up on one of these things."

Senator Bottiger: "Senator Clarke, we could set it down until we make sure that the language does what we intend or I could respond to your question by saying that the intent is that they be immune from any tortious conduct, as to that contractual hookup of the line. If the private contractor or the building owner had done something, the city has to be resolved of any liability themselves for what those other people did. Now, if you are not satisfied that that language means that, we can set it down and try and add something."

Senator Clarke: "I am just wondering whether what you and I are both intending could not be accomplished by striking those last three lines, because you already are saying that the electrical contractor shall be solely responsible for the extended service. That is what I think."

Senator Bottiger: "Senator, it was drafted by the attorneys for the city of Seattle and Tacoma and, candidly, I didn't go through and analyze it as a lawyer, myself. They were satisfied and so were the electrical contractors. Perhaps, if we moved to set the bill down two bills, we can get somebody to check that."

MOTION

On motion of Senator Bottiger, Senate Bill No. 3392 was moved down two bills on the second reading calendar.

SECOND READING

SENATE BILL NO. 3259, by Senators Williams, Shinpoch, Woody, Rinehart, Hurley and Moore

Requiring executive boards of operating agencies to file reports with the public disclosure commission.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3259 was substituted for Senate Bill No. 3259 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 3259 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Kiskaddon: "Senator Benitz, I notice that there is an emergency clause in this bill. Is there some sense that we need an immediate set of PDC reports on the people involved? I am wondering if we are worried about some misconduct by someone or what is the reason that we want to put the emergency clause on it?"

Senator Benitz: "Well, I would have to answer from my own perspective and that is the executive board that is in operation now have not had to file up to now and there are those, I imagine--the sponsors of the bill--that feel that they should file and as soon as possible. I would simply have to imagine that is the reason for the emergency clause."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3259.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3259, and the bill passed the Senate by the following vote: Yeas, 38; nays, 07; absent, 01; excused, 03.

Voting yea: Senators Brauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Loe, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 38.

Voting nay: Senators Barr, Benitz, Craswell, Deccio, Guess, Hayner, Sellar - 7.

Absent: Senator McDermott - 1.

Excused: Senators Haley, Pullen, Williams - 3.

SUBSTITUTE SENATE BILL NO. 3259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3447, by Senators Rasmussen, Talmadge, Pullen and Woody

Increasing the value of homesteads to thirty thousand dollars.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3447 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 Kiskaddon: "Senator Talmadge, if I understand this correctly, if I were a loaner of money for a house mortgage, I would have to look at--from the point of view--that if I did have to foreclose that I would be minus the thirty thousand dollars in the price of the home. Do you think that would mean that the interest rates for the potential borrower would have to be higher or that they would be asking for larger down payments to the point that a number of people that we are wanting to protect would not be able to borrow money to get into a house?"

Senator Talmadge: "I suspect not, Senator. Let me explain how a homestead works. I will use my own case as a good example. Insofar as I have not contributed, yet, thirty thousand dollars equity value to my house, I would not be protected to the thirty thousand dollar limit. It is if a person has thirty thousand dollars in equity in the house, that they would be protected by the homestead.

"You are protected only to the extent that you have equity in the house. I think this is not something that would be a bar to reasonable and proper mortgage companies or banks making loans to individuals, but rather it is a protection to creditors--at least to the extent of their equity in a piece of property. The idea of the homestead, originally, was to protect the home of people who were subject to collection of debts. We didn't want to have people be deprived of their home by virtue of the actions of a bank or mortgage company.

"It is a protection to creditors. It is a protection that we have had in our law for a long, long time. We are simply updating the value consistent with inflation. Our previous times of updating the value of the homestead, to my knowledge, have not resulted in the banks or mortgage companies being more unwilling to make loans to individuals."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3447.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3447, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 41.

Absent: Senator Newhouse - 1.

Excused: Senators Haley, Pullen, Williams - 3.

SENATE BILL NO. 3447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3585, by Senators Fleming, Hansen, Sellar, Thompson and Barr

Extending the permitted duration of harbor leases to fifty-five years.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 3585 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3585.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3585, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Deccio - 1.

Excused: Senators Haley, Pullen, Williams - 3.

SENATE BILL NO. 3585, having received the constitutional majority, 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. 441, by Representative J. King, Hankins, Stratton, Barrett, Hastings, Ellis and Miller (by Liquor Control Board request)

Modifying provisions relating to liquor service at international trade exhibitions and receptions.

The bill was read the second time.

MOTIONS

Senator Bottiger moved adoption of the following amendment:

On page 3, line 14, after "notwithstanding" insert "PROVIDED, That at such fair, show or exposition Washington dairy products must also be served without charge"

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

On line 3, strike "must" and insert "may"

Debate ensued.

POINT OF ORDER

Senator Hayner: "Mr. President, I raise the question of scope and object. I really don't have any objection to the amendment, except that if it is going to be amended in that direction, I think we ought to have bread from wheat products, and we certainly ought to have Walla Walla Sweets and we ought to have potatoes and all the rest of the products. You know, I think, this is beyond the scope and object of this bill."

MOTIONS

On motion of Senator Shinpoch, further consideration of Engrossed House Bill No. 441 was deferred.

Senator Shinpoch moved that the Senate immediately consider Senate Bill No. 3523.

On motion of Senator Pullen, consideration of Senate Bill No. 3523 was deferred and placed down two bills on the second reading calendar.

MOTIONS

On motion of Senator Shinpoch, the Senate resumed consideration of Senate Bill No. 3392 and the pending amendment by Senators Bottiger and Quigg to page 1, line 14, and the oral amendment to the amendment by Senator Clarke, deferred earlier today.

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

On the last line of the amendment, after "actions" insert "as to that installation"

On motion of Senator Clarke, and there being no objection, the oral amendment that he proposed was withdrawn.

The President declared the question before the Senate to be adoption of the amendment by Senators Bottiger and Quigg, as amended.

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

On motion of Senator Bottiger, the rules were suspended, Engrossed Senate Bill No. 3392 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognilid, Senator Woody was excused.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3392.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3392, and the bill passed the Senate by the following vote: Yeas, 38; nays, 08; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 38.

Voting nay: Senators Bender, Fleming, Hansen, Hughes, McDermott, Rinehart, Talmadge, Wojahn - 8.

Excused: Senators Haley, Williams, Woody - 3.

ENGROSSED SENATE BILL NO. 3392, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3524, by Senators Granlund, Owen, Metcalf and McCaslin (by Department of Corrections request)

Providing additional conditions for prisoners' leaves of absence.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 3524 was substituted for Senate Bill No. 3524 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the following amendments by Senators Pullen, Rasmussen, Craswell, Vognild, McCaslin, Quigg, Barr, Lee, Sellar, Metcalf, Owen, Benitz, Zimmerman, Patterson and Hurley were considered and adopted simultaneously:

On page 1, line 9, after "the" and before "supervision" insert "continuous"

On page 1, line 12, after "absence" and before the period insert "and be in visual or auditory contact with the inmate at all times"

MOTION

Senator Pullen moved the following amendments by Senators Pullen, Rasmussen, Craswell, Vognild, McCaslin, Quigg, Barr, Lee, Benitz, Zimmerman, Patterson, Sellar, Metcalf, Owen and Hurley be considered and adopted simultaneously:

On page 1, after line 12, insert:

"Nonviolent offender" means an inmate under confinement for an offense other than a violent offense defined by RCW 9.94A.030."

On page 2, lines 4 and 5, after "inmates" strike "on minimum security status" and insert "who are nonviolent offenders"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Pullen, Rasmussen, Craswell, Vognild, McCaslin, Quigg, Barr, Lee, Benitz, Zimmerman, Patterson, Sellar, Metcalf, Owen and Hurley.

The motion by Senator Pullen carried and the amendments were adopted.

MOTIONS

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

On page 2, line 5, after "projects," insert:

"Such community service work projects shall only be instigated at the request of a local community."

On motion of Senator Granlund, the rules were suspended, Engrossed Substitute Senate Bill No. 3524 was advanced to third reading, the second reading considered the third, and the bill was 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. 3524.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3524, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Haley, Williams - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3524, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed House Bill No. 441, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Hayner, the President finds that Engrossed House Bill No. 441 is a measure of limited scope which allows the donation or service of liquor without charge to delegates and guests of an international trade fair sponsored by a governmental entity or nonprofit organization.

"The amendment proposed by Senator Bottiger provides that Washington Dairy Products be served without charge at such fairs. Incorporation of this amendment into the bill would result in adding the subject of Washington Dairy Products to the title on alcohol beverage control.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Bottiger was ruled out of order.

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 441 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 441.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 441, and the bill passed the Senate by the following vote: Yeas, 42; nays, 04; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Fleming, Fuller, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody - 42.

Voting nay: Senators Bottiger, Gaspard, Lee, Zimmerman - 4.

Absent: Senator Deccio - 1.

Excused: Senators Haley, Williams - 2.

ENGROSSED HOUSE BILL NO. 441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Guess, Engrossed House Bill No. 441 was ordered immediately transmitted to the House.

SECOND READING

SENATE BILL NO. 3978, by Senators Shinpoch, McCaslin, McManus, Rinehart, Conner, Hansen, Gaspard, Barr, Hurley, Talmadge, Bender, Hayner, Hughes and Granlund

Creating the joint committee on state government organizational structure.

MOTIONS

Senator Warnke moved that Substitute Senate Bill No. 3978 be substituted for Senate Bill No. 3978 and that the substitute bill be placed on second reading and read the second time.

On motion of Senator Hayner, further consideration of Senate Bill No. 3978 was deferred.

SECOND READING

SENATE BILL NO. 3521, by Senators Jones, Warnke, Owen, Bluechel and Zimmerman.

Requiring liquor given to a minor by his parents to be consumed in the presence or on the premises of the parents.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 1, line 18, after the period, add the following:

"This section shall not be construed to authorize consumption or possession of liquor by a person under twenty-one years of age on any premises licensed under chapter 66.24 RCW."

On motion of Senator Jones, the following amendment by Senators Jones and Talmadge was adopted:

On page 1, line 5, strike all of section 1 and insert:

"Sec. 1. Section 2, chapter 70, Laws of 1955 and RCW 66.44.270 are each amended to read as follows:

Except in the case of liquor given or permitted to be given to a person under the age of twenty-one years by his or her parent or guardian while in his or her regular place of residence on a specific occasion for beverage or medicinal purposes, or administered to him or her by ~~(his)~~ a physician or dentist while in a professional office, hospital, or other health care facility on a specific occasion for medicinal purposes, no person shall give, or otherwise supply liquor to any person under the age of twenty-one years, or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control. It is unlawful for any person under the age of twenty-one years to acquire or have in his or her possession or consume any liquor except as in this section provided and except when such liquor is being used in connection with religious services.

This section shall not be construed to authorize consumption or possession of liquor by a person under twenty-one years of age on any premises licensed under chapter 66.24 RCW.

Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture, shall not be a disqualification of such person to acquire a license to sell or dispense any liquor after such person shall have attained the age of twenty-one years."

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 3521 was advanced to third reading, the second reading considered the third, and the bill was 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. 3521.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3521, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Melcail, Moore, Newhouse,

Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Bluechel - 1.

Excused: Senators Haley, Williams - 2.

ENGROSSED SENATE BILL NO. 3521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3522, by Senator Peterson

Requiring county assessors to review property tax levies for correctness, validity and legality.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3522 was substituted for Senate Bill No. 3522 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3522 was advanced to third reading, the second reading considered the third, and the bill was 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. 3522.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3522, and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators McCaslin, Pullen - 2.

Excused: Senators Haley, Williams - 2.

SUBSTITUTE BILL NO. 3522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 16, 1983

SB 3308 Prime Sponsor, Senator Goltz: Requiring health insurance plans to provide benefits for home health care services. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3308 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 15, 1983

SB 4160 Prime Sponsor, Senator Hughes: Authorizing bonds for hazardous waste investigation, clean-up, etc. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4160 be substituted therefor, and the substitute bill be referred to the Committee on Ways and Means. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hurley, Kiskaddon, Lee, McDermott, Williams.

Referred to Committee on Ways and Means.

March 17, 1983

SB 4204 Prime Sponsor. Senator Wojahn: Permitting the state board of health to exist for two additional years. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

March 17, 1983

GA 5 DAVID J. DE LAITRE, to the position of Member of the Commission for the Blind, appointed by the Governor on April 16, 1982, for the term ending September 3, 1984, succeeding Irving S. Smith. Reported by Committee on State Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman, Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules.

MOTION

At 11:02 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Monday, March 21, 1983.

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

SEVENTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 21, 1983

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 Craswell, Haley, Hemstad and Woody. On motion of Senator Bluechel, Senators Craswell and Hemstad were excused.

The Sergeant at Arms Color Guard, consisting of Pages Teresa Villa and Catherine O'Connell, presented the Colors. Reverend Ray Morrison, senior pastor of the First Church of the Nazarene of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 16, 1983

SB 3154 Prime Sponsor, Senator Thompson: Modifying provisions relating to construction of hydraulic works. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3154 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Fuller, Metcalf, Patterson, Quigg, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

March 16, 1983

SB 3311 Prime Sponsor, Senator Vognild: Modifying provisions relating to unemployment insurance. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3311 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Moore.

Passed to Committee on Rules for second reading.

March 16, 1983

SB 3491 Prime Sponsor, Senator Moore: Authorizing the interconnection with a purchase of energy from cogeneration or small power facilities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3491 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Fuller, Goltz, Hemstad, McManus, Moore.

Passed to Committee on Rules for second reading.

March 18, 1983

SB 3783 Prime Sponsor, Senator Benitz: Modifying provisions relating to wine. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 3783 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

March 15, 1983

SB 4157 Prime Sponsor, Senator Thompson: Creating a state teacher recognition incentive program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4157 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hughes, Kiskaddon, Lee, Warnke,

Referred to Committee on Ways and Means.

MESSAGES FROM THE HOUSE

March 18, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 441, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 18, 1983

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 232,

ENGROSSED HOUSE BILL NO. 269,

HOUSE BILL NO. 585,

SUBSTITUTE HOUSE BILL NO. 784,

SUBSTITUTE HOUSE BILL NO. 1038,

HOUSE JOINT MEMORIAL NO. 32, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 441.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 232 by Committee on State Government (originally sponsored by Representatives O'Brien, Hankins, Belcher, Silver, Lux, Isaacson and Johnson) (by Department of General Administration request)

Adding a premium to bids from vendors whose states have an in-state preference.

Referred to Committee on State Government.

EHB 269 by Representatives Grimm, Heck, Fiske, Addison, Cantu, Smitherman, J. King and Hine

Modifying provisions on the collection of taxes on exempt property which loses its exemption.

Referred to Committee on Ways and Means.

HB 585 by Representatives McClure, Haugen, B. Williams, Monohon, Vekich, Martinis, Fisch and D. Nelson

Revising provisions relating to salmon delivery permits.

Referred to Committee on Natural Resources.

SHB 784 by Committee on Ways and Means (originally sponsored by Representatives McDonald, Grimm, Heck, Cantu, Hine, Tilly, Sommers, G. Nelson, Barrett, Taylor, Sanders and Wang)

Establishing the economic and revenue forecasting council.

Referred to Committee on Ways and Means.

SHB 1038 by Committee on Constitution, Elections and Ethics (originally sponsored by Representative Pruitt)

Relating to congressional redistricting.

Referred to Committee on Judiciary.

HJM 32 by Representatives Addison, Fiske, Miller, Hankins, Tanner, B. Williams, Ebersole, Bond, Wilson and Sanders

Requesting steelhead be designated a national game fish.

Referred to Committee on Natural Resources.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3628, by Senator Owen

Establishing Hood Canal shrimp fishing licenses.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 3628 was substituted for Senate Bill No. 3628 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 3628 was advanced to third reading, the second reading considered the third, and the bill was 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. 3628.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3628, and the bill passed the Senate by the following vote: Yeas, 43; nays, 02; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Decchio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Rasmussen, von Reichbauer - 2.

Absent: Senators Haley, Woody - 2.

Excused: Senators Craswell, Hemstad - 2.

SUBSTITUTE SENATE BILL NO. 3628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3528, by Senators Granlund, Owen, Pullen and Metcalf (by Department of Corrections request)

Modifying provisions of the sale of products of vocational education programs.

The bill was read the second time.

MOTIONS

On motion of Senator Granlund, the rules were suspended, Senate Bill No. 3528 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senator Haley was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3528.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3528, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Decchio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen,

Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Woody - 1.

Excused: Senators Craswell, Haley, Hemstad - 3.

SENATE BILL NO. 3528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3530, by Senators Granlund, Owen, Pullen, Metcalf and Deccio (by Department of Corrections request)

Requiring that prisoners sentenced to death be confined in single cells of the segregation unit.

The bill was read the second time.

MOTIONS

On motion of Senator Granlund, the rules were suspended, Senate Bill No. 3530 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, Senator Woody was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3530.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3530, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Craswell, Haley, Hemstad, Woody - 4.

SENATE BILL NO. 3530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:27 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:45 a.m.

MOTION

At 11:45 a.m., on motion of Senator Shinpoch, 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. 3535, by Senators Hughes, Haley and Hurley

Modifying provisions relating to containers for milk-based and soy-based beverages.

The bill was read the second time.

MOTION

On motion of Senator Hughes, the rules were suspended, Senate Bill No. 3535 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 Hughes, what is a church key?"

Senator Hughes: "An opener. I was referencing your days at Gonzaga, Senator Quigg. I remember your brother referring to it as a church key on many occasions."

POINT OF INQUIRY

Senator Bottiger: "Senator Hughes, some products come with a metal foil underneath the cap. I am thinking of some diet products. Are these products exempt under this bill as well?"

Senator Hughes: "Yes, those products--that is the type of removal process they would have on these, Senator. They do not lend themselves to the pressure type situation, because of the deterioration of aluminum and the eventual contamination of the product, so they would have exactly the same type of covering on them."

MOTION

On motion of Senator Bluechel, Senator Patterson was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3535.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3535, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 05; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Absent: Senators Conner, Deccio, McManus, Sellar, von Reichbauer - 5.

Excused: Senators Craswell, Hemstad, Patterson - 3.

SENATE BILL NO. 3535, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3586, by Senators Newhouse and Thompson

Exempting port districts from the five-year prohibition against further subdivision of short subdivisions.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3586 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3586.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3586, and the bill passed the Senate by the following vote: Yeas, 43; nays, 02; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Pullen, Quigg - 2.

Absent: Senator Conner - 1.

Excused: Senators Craswell, Hemstad, Patterson - 3.

SENATE BILL NO. 3586, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 3161 and the pending motion by Senator Rasmussen to refer the bill to the Committee on Transportation and the pending amendment to page 3, line 17, by Senator Granlund, deferred March 14, 1983.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Rasmussen to refer the bill to the Committee on Transportation.

The motion by Senator Rasmussen failed and the Senate continued consideration of Engrossed Substitute Senate Bill No. 3161.

MOTIONS

On motion of Senator Granlund, and there being no objection, the amendment was withdrawn.

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

On page 3, beginning on line 2, strike all of new section 3 and renumber the remaining sections consecutively.

On page 3, line 34, after "district" strike all material down through "act."

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

On page 5, beginning on line 5, strike all of new section 6. Renumber the remaining sections consecutively and correct any internal references accordingly.

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

On page 8, line 16, after "donations," strike all material down through "services." on line 20.

MOTION

Senator Pullen moved adoption of the following amendment:

On page 8, after line 26 insert:

"Sec. 14. Section 1, chapter 25, Laws of 1971 ex. sess. as last amended by section 32, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.33.220 are each amended to read as follows:

(1) To the extent stated in subsection (2) of this section, the legislative authority of any county may budget, in accordance with the provisions of chapter 36.40 RCW, and expend ((any)) a portion of the county road property tax revenues for any service to be provided in the unincorporated area of the county notwithstanding any other provision of the law, including chapter 36.82 RCW and RCW 84.52.050 and RCW 84.52.043.

(2) The portion of the county road property tax revenues that may be budgeted and expended pursuant to subsection (1) of this section shall be limited to the following amounts:

(a) For the county's fiscal year commencing prior to December 31, 1983, any portion of the county road property tax revenues may be budgeted pursuant to subsection (1) of this section.

(b) For the county's first fiscal year commencing after December 31, 1983, sixty-seven percent of the county road property tax revenues may be budgeted pursuant to subsection (1) of this section.

(c) For the county's second fiscal year commencing after December 31, 1983, thirty-three percent of the county road property tax revenues may be budgeted pursuant to subsection (1) of this section.

(d) For the county's third fiscal year commencing after December 31, 1983, and for subsequent fiscal years, no portion of the county road property tax revenues may be budgeted pursuant to subsection (1) of this section."

Renumber the remaining sections accordingly.

POINT OF ORDER

Senator Thompson: "Thank you, Mr. President. I would like your ruling on the appropriateness of this amendment. It appears to me to exceed the scope of the bill. It deals with a separate section of code. It treats the question of the distribution of county road funds generally, whereas the bill is merely drawn to deal with a special road district."

RULING BY THE PRESIDENT

President Cherberg: "Senator Thompson has raised the point of scope and object concerning the amendment proposed by Senator Pullen.

"In ruling upon the point of order raised by Senator Thompson, the President finds that Engrossed Substitute Senate Bill No. 3161 is a measure which authorizes counties to create special service districts to provide funding for road and bridge improvements.

"The amendment proposed by Senator Pullen limits the authority of counties to spend county road property tax revenues for services in unincorporated areas.

"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 proposed by Senator Pullen was ruled out of order.

MOTION

Senator Rasmussen moved adoption of the following amendment:
On page 8, line 21, strike section 12

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen.

The motion by Senator Rasmussen failed on a rising vote and the amendment was not adopted.

MOTION

On motion of Senator Thompson, the rules were suspended, Reengrossed Substitute Senate Bill No. 3161 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3161.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 3161, and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hughes, Kiskaddon, McCaslin, McDermott, McManus, Moore, Newhouse, Peterson, Quigg, Rinehart, Talmadge, Thompson, Vogtild, Warnke, Wojahn, Woody, Zimmerman - 32.

Voting nay: Senators Clarke, Guss, Hayner, Hurley, Jones, Metcalf, Owen, Pullen, Rasmussen, Sellar, Shinpoch, von Reichbauer, Williams - 13.

Absent: Senator Lee - 1.

Excused: Senators Craswell, Hemstad, Patterson - 3.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3217, by Senators Bauer, Zimmerman and Thompson

Prohibiting commercial salmon fishing in waters connected to the Columbia river below Bonneville dam.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 3217 was substituted for Senate Bill No. 3217 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the following amendments by Senators Owen, Zimmerman and Bauer were considered and adopted simultaneously:

On page 1, line 6, after "(1)" strike the language on line 6, down through "it" and insert "It"
On page 1, line 23, strike all of subsection (3).

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 3217 was advanced to third reading, the second reading considered the third, and the bill was 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. 3217.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3217, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Metcalf - 1.

Excused: Senators Craswell, Hemstad, Patterson - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3243, by Senators Granlund, Fuller, Owen, McCaslin, Woody and Craswell

Exempting state correctional facilities from the requirements that a percentage of funds be used for public art.

The bill was read the second time.

MOTIONS

On motion of Senator Granlund, the following Committee on Institutions amendment was adopted:

On page 1, line 26, after "state" insert "adult"

On motion of Senator Granlund, the rules were suspended, Engrossed Senate Bill No. 3243 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: "It is my impression, Senator Granlund--I think I got it from the caucus--that there was a sunset on this one-half of one percent for adult correctional institutions being put aside. Is there any time when this would be restored in this bill? Or is this indefinitely affected?"

Senator Granlund: "Thank you, Senator Goltz. There was an amendment that I proposed in committee to put a sunset on the bill and it failed to pass."

Further debate ensued.

MOTION

Senator Bluechel moved that Engrossed Senate Bill No. 3243 be referred to the Committee on State Government.

Debate ensued.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

MAJORITY recommendation: That Substitute Senate Bill No. 3055 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; McCaslin, McManus, Newhouse, Quigg, Sellar.

Passed to Committee on Rules for second reading.

March 17, 1983

SB 3066 Prime Sponsor, Senator Peterson: Authorizing certain harbor lease moneys to be paid to towns. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3066 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Metcalf, Patterson, Quigg, Rasmussen, Vognild.

Passed to Committee on Rules for second reading.

March 16, 1983

SB 3614 Prime Sponsor, Senator Bauer: Permitting the department of natural resources to exchange publicly-owned lands. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3614 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Patterson, Quigg; Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

MOTION

At 2:44 p.m., on motion of Senator Shinpoch, the Senate recessed until 7:30 p.m.

EVENING SESSION

The President called the Senate to order at 7:30 p.m.

REPORTS OF STANDING COMMITTEES

March 18, 1983

SB 3143 Prime Sponsor, Senator Bottiger: Modifying provisions relating to justices of the peace. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Fleming, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 17, 1983

SB 3376 Prime Sponsor, Senator Talmadge: Modifying provisions relating to the salary of the administrator for the courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 3511 Prime Sponsor, Senator Hansen: Authorizing the creation of legal authorities to construct and operate hydroelectric facilities. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 3511 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

March 17, 1983

SB 3613 Prime Sponsor, Senator Woody: Requiring gender-neutral language in statutes, rules, and publications. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Thompson, Williams.

Passed to Committee on Rules for second reading.

March 18, 1983

SB 3742 Prime Sponsor, Senator Bender: Modifying provisions relating to precinct committeemen. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3742 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 18, 1983

SB 3763 Prime Sponsor, Senator Fuller: Modifying the income reporting requirements for guardians. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 18, 1983

SB 3815 Prime Sponsor, Senator Granlund: Establishing financial responsibility for persons in city and county jails. Reported by Committee on Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3815 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Peterson.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 3873 Prime Sponsor, Senator Hansen: Relating to water rights. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate bill No. 3873 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

March 17, 1983

SB 4082 Prime Sponsor, Senator Granlund: Revising provisions relating to prisoners. Reported by Committee on Institutions

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

March 17, 1983

SB 4086 Prime Sponsor, Senator Craswell: Prohibiting unnecessary primaries. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hayner, Thompson, Woody.

Passed to Committee on Rules for second reading.

March 18, 1983

SB 4135 Prime Sponsor, Senator Granlund: Relating to the institutional impact account. Reported by Committee on Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4135 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Peterson.

Passed to Committee on Rules for second reading.

March 18, 1983

SB 4137 Prime Sponsor, Senator Granlund: Relating to adult corrections. Reported by Committee on Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4137 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Peterson.

Passed to Committee on Rules for second reading.

March 17, 1983

SB 4214 Prime Sponsor, Senator Granlund: Providing drug and alcohol treatment programs for state offenders. Reported by Committee on Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4214 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Peterson.

Passed to Committee on Rules for second reading.

March 17, 1983

SJM 112 Prime Sponsor, Senator Quigg: Requesting the mutual bilateral elimination of trade barriers with China. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 112 be substituted therefor, and the substitute memorial do pass. Signed by Senators McCaslin, McManus, Moore, Newhouse, Quigg, Sellar.

Passed to Committee on Rules for second reading.

March 17, 1983

SJM 118 Prime Sponsor, Senator Goltz: Petitioning to have the matching local funds requirement for public television transmitters eliminated. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Benitz, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Patterson.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 21, 1983

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3108, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3108.

MOTIONS

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

On motion of Senator Shinpoch, Substitute Senate Bill No. 3151 was placed at the bottom of the second reading calendar.

SECOND READING

SENATE BILL NO. 4022, by Senator Moore (by Insurance Commissioner request)

Providing for the determination of jurisdiction of providers of health care benefits.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 4022 was substituted for Senate Bill No. 4022 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 4022 was advanced to third reading, the second reading considered the third, and the bill was 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. 4022.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4022, and the bill passed the Senate by the following vote: Yeas, 40; nays, 00; absent, 07; excused, 02.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Woody, Zimmerman - 40.

Absent: Senators Barr, Deccio, Fuller, Quigg, Sellar, Warnke, Wojahn - 7.

Excused: Senators Craswell, Hemstad - 2.

SUBSTITUTE SENATE BILL NO. 4022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3637, by Senators Thompson, Hemstad, Talmadge and Newhouse

Modifying provisions relating to declaratory judgments of bond issues.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3637 was substituted for Senate Bill No. 3637 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3637 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, Senator Wojahn was excused.

On motion of Senator Bluechel, Senators Quigg, Sellar and Deccio were excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3637.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3637, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 00; excused, 06.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 43.

Excused: Senators Craswell, Deccio, Hemstad, Quigg, Sellar, Wojahn - 6.

SUBSTITUTE SENATE BILL NO. 3637, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3647, by Senators Thompson, Fuller, Owen, Patterson, Bauer and Moore

Modifying provisions relating to the sale of surplus salmon.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the following Committee on Natural Resources amendment was adopted:

On page 1, line 28, after "that", strike "at least ten percent" and insert "a portion."

On motion of Senator Owen, the rules were suspended, Engrossed Senate Bill No. 3647 was advanced to third reading, the second reading considered the third, and the bill was 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. 3647.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3647, and the bill passed the Senate by the following vote: Yeas, 42; nays, 02; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warneke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators McCaslin, Metcalf - 2.

Excused: Senators Craswell, Deccio, Hemstad, Quigg, Sellar - 5.

ENGROSSED SENATE BILL NO. 3647, having received the 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 Shinpoch, the Senate resumed consideration of Engrossed Senate Bill No. 3243 and the pending motion by Senator Bluechel to refer the bill to the Committee on State Government, proposed earlier today.

On motion of Senator Bluechel, and there being no objection, the motion was withdrawn.

Senator Bluechel moved that Engrossed Senate Bill No. 3243 be referred to the Committee on Ways and Means.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bluechel to refer Engrossed Senate Bill No. 3243 to the Committee on Ways and Means.

The motion by Senator Bluechel failed on a rising vote and the Senate resumed consideration of Engrossed Senate Bill No. 3243.

MOTION

On motion of Senator Granlund, the rules were suspended, Engrossed Senate Bill No. 3243 was advanced to third reading, the second reading considered the third, and the bill was 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. 3243.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3243, and the bill passed the Senate by the following vote: Yeas, 29; nays, 15; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Clarke, Conner, Fuller, Gaspard, Granlund, Haley, Hansen, Hayner, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Vognild, von Reichbauer, Woody, Zimmerman - 29.

Voting nay: Senators Bluechel, Bottiger, Fleming, Goltz, Guess, Jones, McDermott, Moore, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn - 15.

Excused: Senators Craswell, Deccio, Hemstad, Quigg, Sellar - 5.

ENGROSSED SENATE BILL NO. 3243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, Senate Bill No. 3190 which was on the second reading calendar, was referred to the Committee on Rules.

SECOND READING

SENATE BILL NO. 3104, by Senators Vognild, Quigg, Woody, Moore, McManus and Guess

Authorizing public assistance payments to landlords for purpose of rent.

MOTIONS

On motion of Senator McDermott, Second Substitute Senate Bill No. 3104 was substituted for Senate Bill No. 3104 and the second substitute bill was placed on second reading and read the second time.

MOTION

Senator Shinpoch moved adoption of the following amendment by Senators Shinpoch and Fleming:

On page 1, line 21 after "otherwise," insert "Notwithstanding the terms of any lease or other rental agreement, such direct payment by the secretary shall constitute full payment of the tenant's rental obligation for the month to which such direct payment applies."

POINT OF INQUIRY

Senator Lee: "Senator Shinpoch, I am inquiring about the effect something like this might have upon the kind of situation where you have a shared rental unit. This is one of the things that we have allowed, wherein the two persons together, in fact, are renting something that is more expensive. Let's say that the rental allowance for each individual is \$125 per month--just hypothetical--and that there are two single parents who are sharing a rental unit that, in fact, costs \$200. Would this prevent the Department from being able to pay that rental fee, because it is above the amount allowed--even though it is a net saving to the Department?"

Senator Shinpoch: "Would you repeat the question?"

Senator Lee: "O.K., you just want to see if I can do it, I know. I am using a hypothetical situation of two single parents, where each family is using--hypothetically--\$125 a month allowance for rental--as far as the amount that the Department allows as a share. However, they--between the two of them--are sharing a rental unit that costs \$200. Would this kind of amendment, then, prevent those two individuals from renting something that is a higher rental than the Department would allow?"

Senator Shinpoch: "Even though you repeated the question, I am not sure--and I tried very hard--I am not sure that I followed it. I guess you have to be more definitive. These are single parents. Are there one, two or three in the family, or more? If you are one, it is \$107 apiece and if there are three in the family, it is \$168 for rent and water. There is no break-out between those two. As you were going through it--and I am not sure that I did not lose it--it sounded like the amount that the Department allowed was more than they were being charged. Did I understand you correctly?"

Senator Lee: "That is correct, when you combine the two of them, but if they are just using it for the single tenant for what they are allowing for the one group, I am wondering if we will have problems with that?"

Senator Shinpoch: "If one of those was me and my friend, then we simply would not have to enter into this agreement."

REMARKS BY SENATOR MCDERMOTT

Senator McDermott: "I think--to answer your question--right now the Department is not allowing both to collect their housing allowance if they are sharing living space. The hypothetical you posed would not occur. Only one person who is on welfare in a shared living arrangement can collect the housing allowance, so that would not occur."

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Shinpoch, at the bottom of the page, below your amendment, it says 'that the effect of this amendment would limit the tenant's rental obligation to the amount allowed for rent in the public assistance grant (e.g. \$168 for a family of three).' My question is what happens if the rent is more than \$168? What if the monthly rent were \$200?"

Senator Shinpoch: "Well, if the landlords would--out of the goodness of their hearts and feeling sorry for those poor single parents--reduce it to \$168, which is what medical doctors do and what hospitals do and what nursing homes do. I am simply trying to raise the landlord up to where they are like these other good citizens."

Senator Pullen: "At the cost of housing today, which as you know is very, very high?"

Senator Shinpoch: "It is not, in relationship, not nearly as high as medical benefits."

Senator Pullen: "That is a completely different subject. Some housing is such that you cannot rent it out for less than two or three hundred dollars, without losing money. It seems to me, that the effect of your amendment is to cause the landlord to have to eat the difference. In the long run, it is going to have the effect of limiting housing, rather than helping anyone."

Senator Shinpoch: "We have thought that for quite some time when we forced medical doctors and hospitals to accept our payments and when they were losing money doing that. We have continued to do it. We are simply trying to raise them up. Do you understand?"

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Shinpoch and Fleming.

ROLL CALL

The Secretary called the roll and the motion by Senator Shinpoch failed and the amendment was not adopted by the following vote: Yeas, 18; nays, 29; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, McDermott, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn - 18.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Deccio, Fuller, Guess, Haley, Hansen, Hayner, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Vognild, von Reichbauer, Woody, Zimmerman - 29.

Excused: Senators Craswell, Hemstad - 2.

MOTION

On motion of Senator Vognild, the rules were suspended, Second Substitute Senate Bill No. 3104 was advanced to third reading, the second reading considered the third, and the bill was 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. 3104.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3104, and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; absent, 00; excused, 02.

Voting yea: Senators Barr, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fuller, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Vognild, von Reichbauer, Warnke, Woody, Zimmerman - 35.

Voting nay: Senators Bauer, Bender, Fleming, Goltz, Hughes, McDermott, Rinehart, Shinpoch, Talmadge, Thompson, Williams, Wojahn - 12.

Excused: Senators Craswell, Hemstad - 2.

SECOND SUBSTITUTE SENATE BILL NO. 3104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Shinpoch moved that the Senate now reconsider the vote by which Substitute Senate Bill No. 4000 failed to pass the Senate on March 15, 1983.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Clarke: "I raise the point that the motion to reconsider is not timely."

REPLY BY THE PRESIDENT

President Cherberg: "Secretarial records indicate that the Senate has not reached the eighth order of business since the day notice was given. Therefore, the motion is properly before the Senate."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Shinpoch that the Senate reconsider the vote by which Substitute Senate Bill No. 4000 failed to pass the Senate.

ROLL CALL ON RECONSIDERATION

The Secretary called the roll and the motion for reconsideration by Senator Shinpoch failed by the following vote: Yeas, 22; nays, 25; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Deccio, Fuller, Guess, Haley, Hayner, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Woody, Zimmerman - 25.

Excused: Senators Craswell, Hemstad - 2.

MOTIONS

On motion of Senator Shinpoch, the Committee on Rules was relieved of further consideration of Senate Bill No. 3454.

On motion of Senator Shinpoch, Senate Bill No. 3454 was referred to the Committee on Ways and Means.

On motion of Senator Shinpoch, the Committee on State Government was relieved of further consideration of Senate Bill No. 4028.

On motion of Senator Shinpoch, Senate Bill No. 4028 was referred to the Committee on Ways and Means.

On motion of Senator Shinpoch, the Committee on Education was relieved of further consideration of Senate Bill No. 4166.

On motion of Senator Shinpoch, Senate Bill No. 4166 was referred to the Committee on Ways and Means.

On motion of Senator Shinpoch, the Committee on Education was relieved of further consideration of Senate Bill No. 3597.

On motion of Senator Shinpoch, Senate Bill No. 3597 was referred to the Committee on Ways and Means.

MOTION

Senator Peterson moved adoption of the following resolution:

SENATE RESOLUTION 1983-22

By Senators Peterson, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; and Ole Scarpelli, Sergeant at Arms

WHEREAS, The Aleutian Islands area in the waters of the Bering Sea claimed the lives of fourteen Anacortes crew members of two Anacortes-based crabbing vessels on the fourteenth of February 1983; and

WHEREAS, The families of the the crew members missing and presumed perished at sea have suffered a weight of tragic grief; and

WHEREAS, The lost crew members were aware of the dangers inherent in their chosen work and yet dedicated themselves to this honorable profession; and

WHEREAS, This type of dedication has served for many years as the foundation for the strong and united community of Anacortes; and

WHEREAS, One of the Anacortes-based vessels, the Americus, was bravely crewed by George C. Nations, the captain; Brent Boles, the relief captain; Larry Littlefield, the engineer; Paul Northcutt, the cook and deckhand; Jeff Nations, a deckhand and the captain's son; Victor Bass, a deckhand, and Richard Awes, a deckhand; and

WHEREAS, The companion-sister vessel, the Altair, was valiantly crewed by Ronald Beirnes, the captain; Jeff Martin, the engineer; Tony Vienhage, the cook and deckhand; Lark Breckenridge, a deckhand; Brad Melvin, a deckhand; Troy Gudbranson, a deckhand, and Randy Harvey, a deckhand;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in session, That we honor the memories of these fourteen courageous crew members and wish Godspeed for their families and their community in coming to live on without their loved ones; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby directed to transmit this Resolution to the families of the fourteen intrepid crew members of the Americus and the Altair.

MOTIONS

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

In paragraph 7, line 3, after "members and" strike "wish Godspeed for" and insert "offer our heartfelt sympathy to" and on the same line, after "community" strike all the material down through "ones" on line 4.

On motion of Senator Peterson, all members and the Lieutenant Governor will be added as additional sponsors to Senate Resolution No. 1983-22.

The President declared the question before the Senate to be adoption of Senate Resolution No. 1983-22, as amended.

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

MOTION

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3019, by Senators Thompson, Zimmerman and Bauer

Modifying provisions relating to hearings by local government planning agencies.

MOTIONS

On motion of Senator Thompson, Second Substitute Senate Bill No. 3019 was substituted for Senate Bill No. 3019 and the second substitute bill was placed on second reading and read the second time.

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

On page 2, beginning on line 17, strike all material down to and including line 23 and insert the following:

"(5) A vendor or seller of real property who receives a mailed notice required by this chapter shall promptly forward the notice to the purchaser of the property. Each mailed notice required by this chapter shall contain the following statement: "NOTICE TO VENDOR OR SELLER: CHAPTER 36.70 RCW REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER."

On page 3, beginning on line 32, strike all material down to and including line 2 on page 4 and insert the following:

"(5) A vendor or seller of real property who receives a mailed notice required by this chapter shall promptly forward the notice to the purchaser of the property. Each mailed notice required by this chapter shall contain the following statement: "NOTICE TO VENDOR OR SELLER: CHAPTER 35.63 RCW REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER."

On page 5, beginning on line 19, strike all material down to and including line 25 and insert the following:

"(5) A vendor or seller of real property who receives a mailed notice required by this chapter shall promptly forward the notice to the purchaser of the property. Each mailed notice required by this chapter shall contain the following statement: "NOTICE TO VENDOR OR SELLER: CHAPTER 35A.63 RCW REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER."

POINT OF INQUIRY

Senator Rasmussen: "Senator Thompson, where or how would this notice be sent? Would it be enclosed in the envelope or would it be stamped on the outside? The reason I asked that is, that you get mail that doesn't belong to you and you just pass it out to the mailman and say, 'it doesn't belong to me.'"

Senator Thompson: "Well, the mail received--as a requirement of this act--would be addressed to the name on the tax rolls. The notice would have, as a part of its message, the language of this amendment informing the recipient that if he wasn't the owner of the property to forward it to the actual owner. The form of the notification, Senator Rasmussen, could be either enclosed in an envelope or imprinted on a card."

Senator Rasmussen: "Well, I think your purpose is commendable, but if it comes in an envelope and it is sealed, a person either heaves it in the round file or else doesn't do anything with it. If you have it printed on the outside, it would be more noticeable. I don't know if they are going to send just cards or what type of notice they are going to send."

Senator Thompson: "Senator Rasmussen, I don't believe there will be any confusion, because if you were to receive one of these things, it would be addressed to you. I think its purpose would be perfectly clear to you."

POINT OF INQUIRY

Senator McCaslin: "Senator Thompson, you know that I am one hundred percent behind this bill. My question is with the terminology--'a vendor or seller.' I am a little confused on just exactly what a 'vendor' is, as it pertains to this section. I know what you are trying to do, and you are going to accomplish it, but when you mention a realtor being responsible for notifying the purchaser, I question that because in listing property, you are not always sure about what they received from the county or city. They may not have received it in selling property, so I would question putting a broker in that position."

Senator Thompson: "These amendments provide an assurance that if there is a transaction in progress, that the purchaser will understand that the property involved in the transaction may be rezoned. A 'vendor' is someone who may be handling that property."

Senator McCaslin: "Well, of course, the letter could be in the mail and although the broker owes and is obligated for full disclosure to the purchaser, he may not be

aware of this and I am afraid that might be putting the broker in a position where--"

Senator Thompson: "Senator McCaslin, the broker or vendor or whatever you may wish to call him, is in no jeopardy as a result of this requirement. It is just an instruction and if he fails to carry out the instruction, it cannot be the basis for a later action with regard to the provisions of the bill."

Senator McCaslin: "Well, let me rephrase the question. If you struck 'vendor' and said 'a seller of real property,' would that harm your amendment?"

Senator Thompson: "Well, I don't think it would improve it, Senator McCaslin. The inclusion of the term, I think, probably covers more broadly the people who might be involved."

Debate ensued.

MOTION

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

On line 5 of the amendment to page 2, line 17, strike "vendor or" and on line 12, strike "VENDOR OR"

On line 5 of the amendment to page 3, beginning on line 32, after "(5) A" strike "vendor or" and on line 12 strike "VENDOR OR"

On line 5 of the amendment to page 5, beginning on line 19, after "(5) A" strike "vendor or" and on line 12 strike "VENDOR OR"

The President declared the question before the Senate to be adoption of the Thompson amendments, as amended.

The motion by Senator Thompson carried and the amendments, as amended, were adopted.

On motion of Senator Thompson, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3019 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 Thompson, if the fiscal notes would impose upon local government a substantial additional expense to comply with the mailing provisions in this bill, would the extra cost be covered under Initiative 62 and therefore require the state legislature to pass along the costs of funding that particular requirement?"

Senator Thompson: "Senator Goltz, I honestly can't answer that question. I don't think it is possible to anticipate the expense of which local government is going to function in the planning area that would require these kinds of notifications."

Senator Goltz: "Mr. President, I believe, under my understanding of Initiative 62 and I think what Senator Barr has alluded to is correct--that there would be a very substantial extra cost to local government to make these mailings. If this is a requirement of state government, I believe Initiative 62 does apply, and if it does apply, I think we should really consider what the cost of that would be. I really think it is beneficial for people to know what local government is doing with regard to their property and I think that ought to be very clear. I do think there is a fiscal impact here and in, at least, the case of Whatcom County government officials, they are very concerned as to what this budget impact will be upon them. I think in the absence of clarification of that issue, I am going to have to vote 'no,' as well."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3019.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3019, and the bill passed the Senate by the following vote: Yeas, 41; nays, 05; absent, 01; excused, 02.

Voting yeas: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Granlund, Guess, Hansen, Hayner, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen,

Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Barr, Goltz, Haley, Hurley, Rinehart - 5.

Absent: Senator von Reichbauer - 1.

Excused: Senators Craswell, Hemstad - 2.

ENGROSSED SECOND 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. 3777, by Senators Thompson, Zimmerman and Woody

Permitting occupancy of related persons in a single residence.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Local Government amendment was adopted:

On page 1, line 21, after "chapter" strike "35.56" and insert "36.70"

On motion of Senator Thompson the following title amendment was adopted:

On line 3 of the title, after "chapter" strike "36.56" and insert "36.70"

On motion of Senator Thompson, the rules were suspended, Engrossed Senate Bill No. 3777 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator Thompson, I recognize what you purport to do with this measure. I was just wondering by reading the bill--you were speaking of senior citizens wanting this bill and so forth. I see nowhere in this bill where it is limited to senior citizens, your grandma or your mother or something like that. I am just wondering, it does cover all relatives, not just senior citizens that are your relatives, right?"

Senator Thompson: "I would have to answer 'yes' to that--relatives by blood or marriage. I guess I have already told you that we would be happy to provide a blood test, if you would like."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3777.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3777, and the bill passed the Senate by the following vote: Yeas, 39; nays, 07; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Shinpoch, Thompson, Vognild, Warnke, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Fleming, Haley, Hurley, Rinehart, Sellar, Talmadge, Williams - 7.

Absent: Senator von Reichbauer - 1.

Excused: Senators Craswell, Hemstad - 2.

ENGROSSED SENATE BILL NO. 3777, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3264, by Senators Conner, Guess, Moore, Bauer, Pullen, Bender and McCaslin

Establishing Olympic county subject to voter approval.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3264 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senator von Reichbauer was excused. Debate ensued.

POINT OF INQUIRY

Senator Jones: "Senator Conner or Senator Guess, is this all going to occur without any state expense—we won't have any expense associated with the formation of a new county? I can't believe that. I find it very difficult to believe that there would not be expense associated with it and I frankly would like to have some sort of fiscal statement. It seems to me that this is an appropriate candidate for Ways and Means.

"This bill, undoubtedly, would have an effect on state government and the forthcoming budget. I guess there is a budget coming forth and I think that the fortieth county would, undoubtedly, have some effect on state expenditures. I can't vote for this in view that there are costs associated with the measure. It would have an impact on local government. Surely, Initiative 62 is the question here. These questions just don't seem to have been answered."

Further debate ensued.

POINT OF INQUIRY

Senator Quigg: "Senator Conner, would you consider putting the western part of Jefferson County together with Clallam County, so they would have P.A. for a county seat and not have to duplicate all those county offices that Senator Moore was commenting on?"

Senator Conner: "Well, I think for western Jefferson County, it is a shorter distance by far to go to Aberdeen or the Hoquiam area. It is only about fifty miles, whereas to go to Port Townsend—their county seat—it is a hundred and eighty-five miles, so distance-wise—and that is one of the problems that those people feel they have.

"If you talk, Senator Newhouse, about the income—if you look back at least two years—from then back to twenty-one years, logging was the principal industry in that area, along, of course, with fishing, which is a major industry. That was a tremendous income—and a tremendous amount of people worked in that area in both fishing, as well as logging. As a result, there was a tremendous amount of money earned for the state of Washington, as well as the schools in the state. Those people feel that they have been overlooked by the county commissioners of both counties. They feel that it would be better to have that operation closer to them."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3264.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3264, and the bill passed the Senate by the following vote: Yeas, 39; nays, 07; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Benitz, Hughes, Hurley, Jones, Newhouse, Quigg, Sellar - 7.

Excused: Senators Craswell, Hemstad, von Reichbauer - 3.

SENATE BILL NO. 3264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:55 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Tuesday, March 22, 1983.

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

SEVENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 22, 1983

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 Conner, Craswell, Fleming, Haley, McCaslin and von Reichbauer. On motion of Senator Vognild, Senator Fleming was excused. On motion of Senator Bluechel, Senator Haley was excused. On motion of Senator Wojahn, Senator Conner was excused. On motion of Senator Zimmerman, Senators Craswell, McCaslin and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Gretchen Wegner and Jay DeBoer, presented the Colors. Reverend Ray Morrison, senior pastor of the First Church of the Nazarene of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 18, 1983

SB 3142 Prime Sponsor, Senator Thompson: Modifying financial disclosure requirements for public treasurers. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 18, 1983

SB 3395 Prime Sponsor, Senator Moore: Modifying provisions relating to water supply operators. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3395 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 18, 1983

SB 4164 Prime Sponsor, Senator Thompson: Authorizing counties to designate violation as either civil or criminal. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4164 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, Zimmerman.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 21, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 44,

ENGROSSED HOUSE BILL NO. 284,

ENGROSSED HOUSE BILL NO. 533, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 21, 1983

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 179,

ENGROSSED HOUSE BILL NO. 419, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 21, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 175,

ENGROSSED HOUSE BILL NO. 411,

SUBSTITUTE HOUSE BILL NO. 708, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 44 by Committee on Local Government (originally sponsored by Representatives P. King, Crane, Todd and Allen)

Modifying provisions relating to county-owned solid waste facilities.

Referred to Committee on Local Government.

EHB 175 by Representatives Sutherland, Todd, B. Williams, R. King, Belcher, Sayan, Gallagher, Isaacson, Zellinsky, Fisch, Powers, Charnley and Lux

Modifying the definition of "worker" as it pertains to workers compensation.

Referred to Committee on Commerce and Labor.

ESHB 179 by Committee on Judiciary (originally sponsored by Representatives Appelwick and Armstrong)

Enacting the Uniform Unclaimed Property Act.

Referred to Committee on Judiciary.

EHB 284 by Representatives Tilly, Dickie, Tanner, Egger, Fisch, Nealey, Fuhrman, Braddock and Silver

Modifying provisions relating to solemnization of marriage.

Referred to Committee on Judiciary.

EHB 411 by Representatives Monohon, Sommers and Fiske

Modifying water power license fees.

Referred to Committee on Agriculture.

EHB 419 by Representatives Niemi, Johnson and Belcher (by Cemetery Board request)

Amending procedures for the filing of reports regarding prearrangement contracts by cemeteries.

Referred to Committee on State Government.

ESHB 533 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Sanders, P. King, Broback, Tanner, Stratton and Ballard)

Defining "deadbeat list" for purposes of practices prohibited by collection agencies.

Referred to Committee on Financial Institutions.

SHB 708 by Committee on State Government (originally sponsored by Representatives Walk, Hankins, Isaacson, Johnson, Nealey, Prince, Charnley and Wilson)

Continuing the archaeological research center for an additional six years.

Referred to Committee on State Government.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3846, by Senators Talmadge, Warnke and Vognild

Providing for the redemption of vehicles impounded by cities and towns.

The bill was read the second time.

MOTION

Senator Talmadge moved adoption of the following amendment by Senators Talmadge and Peterson:

Strike everything after the enacting clause, and insert the following:

*Sec. 1. Section 7, chapter 42, Laws of 1969 ex. sess. as last amended by section 12, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.111 are each amended to read as follows:

(1) A registered disposer shall take custody of any vehicle or hulk placed in his custody by a law enforcement officer pursuant to RCW 46.61.565 or 46.52.180 and shall remove the vehicle or hulk to the established place of business of the registered disposer where the vehicle or hulk shall be stored, and the registered disposer shall have a lien upon the vehicle or hulk for services provided in the towing and storage of the vehicle or hulk, unless the impoundment is determined to have been invalid. However the lien does not apply to personal property in or upon the vehicle which personal property is not permanently attached to or is not an integral part of the vehicle. The registered disposer shall also have a claim against the last registered owner of the vehicle or hulk for services provided in the towing and storage of the vehicle or hulk, not to exceed the sum of two hundred dollars, unless the removal is determined to be invalid. A registered owner who has complied with RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

(2) Within twenty-four hours after receiving custody of the vehicle or hulk from the law enforcement officer, the registered disposer shall give notice of his custody to the department of licensing and the Washington state patrol. If a vehicle impounded from private property pursuant to this chapter is in the custody of a registered disposer and remains unclaimed after seventy-two hours, the registered disposer shall without undue delay give notice of his custody to the department. The department shall supply the last known names and addresses of registered and legal owners of the vehicles as the names and addresses appear on the records of the department to the registered disposer on request without charge in those cases where the information was not given to the registered disposer by the law enforcement officer.

(3) Within three days after receiving the names and addresses of the owners from the department or the law enforcement officer, the registered disposer shall send a notice to the registered and legal owners of the vehicle to the last known addresses of the owners as the addresses appear on the records of the department by certified or registered mail, return receipt requested. The notice shall contain a description of the vehicle or hulk including its license number and vehicle identification number and shall state the amount due the registered disposer for services in the towing and storage of the vehicle or hulk and the time and place of public sale if the amount remains unpaid or if possession of the vehicle is not otherwise regained pursuant to RCW 46.52.200. The notice shall not be sent if the registered owner has regained possession of the vehicle pursuant to RCW 46.52.200. If the vehicle is sold pursuant to this chapter, a copy of the notice with proof of mailing shall be retained in the registered disposer's files and available for inspection for a period of three years from the date of sale.

(4) The failure of the registered disposer to comply with the time limits provided in this chapter shall limit the accumulation of storage charges to five days except where delay is unavoidable. The providing of incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available.

(5) Impounded vehicles shall be redeemed only by the registered owner, a person authorized by the registered owner, or one who has purchased a vehicle from the registered owner, who produces proof of ownership or authorization and signs a receipt therefor.

(6) Any person redeeming an impounded vehicle shall pay to the towing contractor the costs of impoundment before redeeming the vehicle. However, the county, city, or town with

jurisdiction over the impoundment may authorize release before payment of the towing or impoundment fees if the owner requests a hearing as to the propriety of the impoundment. The towing contractor shall accept cash, major bank credit cards, certified bank drafts, money orders, and personal checks drawn on in-state banks in payment for these costs. If such a personal check is offered in payment, the person offering the check may be required to show evidence of his or her identity by two pieces of identification which may include a driver's license, Washington state identification card issued by the department of licensing, other credit cards, or similar forms of identification. If the contractor has reasonable cause to believe the tendered check is uncollectible under standards adopted by the county, city, or town with jurisdiction over the impoundment, acceptance of the check may be refused."

MOTION

On motion of Senator Hayner, further consideration of Senate Bill No. 3846 was deferred.

SECOND READING

SENATE BILL NO. 3741, by Senators Moore, Haley and McManus

Modifying provisions relating to health insurance.

MOTION

On motion of Senator Moore, Substitute Senate Bill No. 3741 was substituted for Senate Bill No. 3741 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 3741 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 Moore, this is any group in the insurance program?"

Senator Moore: "Yes."

Senator Guess: "I was thinking about the collective bargaining insurance programs that I have sat on--six of them. What we usually do is that we put the program out for bid on an average of every other year. If you have a three-year contract, then you do it every third year. But for instance, if the plan has been in a period of recession and people are out of work and it is used more heavily in periods of lay-offs than it is in periods of active employment--suppose that the plan is already teetering on the brink of going in the red and cannot operate otherwise. Is this going to mandate that the collective bargaining plan take up the person whose benefits have run out? If he is not employed, what is going to be the net effect on the stability of the plan?"

Senator Moore: "Well, under the testimony that was given in committee, it appeared that it is just a flat guarantee that they will be allowed to continue paying the premiums themselves and still receive the benefits under the old plan or the plan that they were under when they were in group coverage."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3741.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3741, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Excused: Senators Conner, Craswell, Fleming, Haley, McCaslin - 5.

SUBSTITUTE SENATE BILL NO. 3741, having received the constitutional 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 10:24 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:19 a.m.

MOTIONS

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

MESSAGE FROM THE HOUSE

March 18, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 103 with the following amendment:

On page 1, after line 8, strike the remainder of the joint resolution, and insert the following:

*Article II, section ____ (1) In January of each year ending in one, a commission shall be established to provide for the redistricting of state legislative and congressional districts.

(2) The commission shall be composed of five members to be selected as follows: The legislative leader of the two largest political parties in each house of the legislature shall appoint one voting member to the commission by January 15th of each year ending in one. By January 31st of each year ending in one, the four appointed members, by an affirmative vote of at least three, shall appoint the remaining member. The fifth member of the commission, who shall be nonvoting, shall act as its chairperson. If any appointing authority fails to make the required appointment by the date established by this subsection, within five days after that date the supreme court shall make the required appointment.

(3) No elected official and no person elected to legislative district, county, or state political party office may serve on the commission. A commission member shall not have been an elected official and shall not have been an elected legislative district, county, or state political party officer within two years of his or her appointment to the commission. The provisions of this subsection do not apply to the office of precinct committee person.

(4) The legislature shall enact laws providing for the implementation of this section, to include additional qualifications for commissioners and additional standards to govern the commission. The legislature shall appropriate funds to enable the commission to carry out its duties.

(5) Each district shall contain a population, excluding nonresident military personnel, as nearly equal as practicable to the population of any other district. To the extent reasonable, each district shall contain contiguous territory, shall be compact and convenient, and shall be separated from adjoining districts by natural geographic barriers, artificial barriers, or political subdivision boundaries. The commission's plan shall not provide for a number of legislative districts different than that established by the legislature. The commission's plan shall not be drawn purposely to favor or discriminate against any political party or group.

(6) The commission shall complete redistricting as soon as possible following the federal decennial census, but no later than January 1st of each year ending in two. At least three of the voting members shall approve such a redistricting plan. If three of the voting members of the commission fail to approve a plan within the time limitations provided in this subsection, the supreme court shall adopt a plan by April 30th of the year ending in two in conformance with the standards set forth in subsection (5) of this section.

(7) The legislature may amend the redistricting plan but must do so by a two-thirds vote of the legislators elected or appointed to each house of the legislature. Any amendment must have passed both houses by the end of the thirtieth day of the first session convened after the commission has submitted its plan to the legislature. After that day, the plan, with any legislative amendments, constitutes the state districting law.

(8) The legislature shall enact laws providing for the reconvening of a commission for the purpose of modifying a districting law adopted under this section. Such reconvening requires a two-thirds vote of the legislators elected or appointed to each house of the legislature. The commission shall conform to the standards prescribed under subsection (5) of this section and any other standards or procedures that the legislature may provide by law. At least three of the voting members shall approve such a modification. Any modification adopted by the commission may be amended by a two-thirds vote of the legislators elected and appointed to each house of the legislature. The state districting law shall include the modifications with amendments, if any.

(9) The legislature shall prescribe by law the terms of commission members and the method of filling vacancies on the commission.

(10) The supreme court has original jurisdiction to hear and decide all cases involving congressional and legislative redistricting.

(11) Legislative and congressional districts may not be changed or established except pursuant to this section. A districting plan and any legislative amendments to the plan are not subject to Article III, section 12 of this Constitution.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Engrossed Substitute Senate Joint Resolution No. 103.

POINT OF INQUIRY

Senator Hayner: "Senator Talmadge, I note subsection (8), as amended by the House, regarding the reconvening of the commission. It now states that 'the commission shall conform to the standards prescribed under subsection (5),' but does not refer to other subsections of this constitutional amendment. Is it intended that the other subsections, such as subsection (3), which limits by way of qualifications those who may serve, do not apply upon reconvening of the commission?"

Senator Talmadge: "No, Senator Hayner, the intent of the measure was to provide that all subsections of the constitutional amendment would have applied--in that the intention was for the reconvening of the commission that all of the procedures relating to the actual original commission would apply with equal force, including subsection (1) which relates to the reappointment, and so forth.

"The language which follows the language you cited states that the commission shall conform to 'any other standards or procedures that the legislature may provide by law.' It is intended to allow statutory provisions such as specific instructions on time periods and deadlines for action to apply as necessary in any given circumstance.

"If a given commissioner is unable to serve on the reconvened commission, subsection (9) would apply regarding the ability of the legislature to prescribe laws relating to the method of filling vacancies. Basically, the intention is to reconvene the original commission and if there is a vacancy, then the appointment of a vacancy would go along the lines that we have provided in the constitutional amendment."

Senator Hayner: "Thank you, Senator Talmadge--one further question. Is it the intent of subsection (8) that the reference to 'at least three of the voting members shall approve such a modification' refers to three of the four voting members as appointed pursuant to subsection (1)?"

Senator Talmadge: "Yes, Senator Hayner, the intent was specifically to be three of the four voting members and not include the non-voting chairman. You will note that subsection (6) uses the identical language when referring to the requirement--three of the four voting members shall approve such a plan, and that is exactly what was intended. I think, in the House amendment."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Joint Resolution No. 103, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Joint Resolution No. 103, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 42; nays, 04; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Graniund, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogmild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Bluechel, Guess, Metcalf, Pullen - 4.

Excused: Senators Craswell, Haley, McCaslin - 3.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 103, as amended by the House, having received the constitutional two-thirds majority was declared passed.

MESSAGE FROM THE HOUSE

March 18, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3112 with the following amendment:

Strike everything after the enacting clause, and insert the following:

NEW SECTION, Sec. 1. This act may be cited as the Washington State Redistricting Act.

NEW SECTION, Sec. 2. The definitions set forth in this section apply throughout this chapter, unless the context requires otherwise.

(1) "Chief election officer" means the secretary of state.

(2) "Federal census" means the decennial census required by federal law to be prepared by the United States bureau of the census in each year ending in zero.

(3) "Lobbyist" means an individual required to register with the Washington public disclosure commission pursuant to RCW 42.17.150.

(4) "Plan" means a plan for legislative and congressional redistricting mandated by Article II, section ... of the state Constitution.

NEW SECTION, Sec. 3. A redistricting commission shall be established in January of each year ending in one to accomplish state legislative and congressional redistricting. The five-member commission shall be appointed as follows:

(1) Each legislative leader of the two largest political parties in each house of the legislature shall appoint one voting member to the commission by January 15th of each year ending in one.

(2) The four legislators appointing commission members pursuant to this section shall certify their appointments to the chief election officer. If an appointing legislator does not certify an appointment by January 15th of each year ending in one, within five days the supreme court shall certify an appointment to the chief election officer.

(3) No later than January 31st of the year of their selection, the four appointed members, by an affirmative vote of at least three, shall appoint and certify to the chief election officer the nonvoting fifth member who shall act as the commission's chairperson. A vacancy on the commission shall be filled by the person who made the initial appointment, or their successor, within fifteen days after the vacancy occurs.

NEW SECTION, Sec. 4. Before serving on the commission every person shall take and subscribe an oath to faithfully perform the duties of that office. The oath shall be filed in the office of the secretary of state.

NEW SECTION, Sec. 5. No person may serve on the commission who:

(1) Is not a registered voter of the state at the time of selection; or

(2) Is or has within one year prior to selection been a registered lobbyist; or

(3) Is or has within two years prior to selection been an elected official or elected legislative district, county, or state political party officer. The provisions of this subsection do not apply to the office of precinct committee person.

NEW SECTION, Sec. 6. No member of the commission may:

(1) Campaign for elective office while a member of the commission;

(2) Actively participate in or contribute to any political campaign of any candidate for state or federal elective office while a member of the commission; or

(3) Hold or campaign for a seat in the state house of representatives, the state senate, or congress for two years after the effective date of the plan.

NEW SECTION, Sec. 7. (1) The commission may employ the services of experts, consultants, and support staff, including attorneys not employed by the attorney general, as necessary to carry out its duties pursuant to this chapter.

(2) The chief election officer, the treasurer, and the attorney general shall make available to the commission such personnel, facilities, and other assistance as the commission may reasonably request. The chief election officer shall be the official recipient of all provisional and preliminary census data and maps, and shall forward such data and maps, upon request, to the commission.

(3) The commission, upon written request by a witness and subject to rules promulgated by the commission, may reimburse witnesses for their necessary expenses incurred in appearing before the commission.

(4) The legislature shall appropriate funds to enable the commission to carry out its duties. Members shall receive one hundred dollars of compensation for each day spent in the performance of their duties. Compensation of employees shall be determined by the commission. The provisions of RCW 43.03.050 and 43.03.060 shall apply to both the members and the employees of the commission.

NEW SECTION, Sec. 8. In addition to other duties prescribed by law, the commission shall:

(1) Adopt rules pursuant to the Administrative Procedure Act, chapter 34.04 RCW, to carry out the provisions of Article II, section ___ of the state Constitution and of this chapter, which rules shall provide that three voting members of the commission constitute a quorum to do business, and that the votes of three of the voting members are required for any official action of the commission;

(2) Act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;

(3) Comply with requirements to disclose and preserve public records as specified in chapters 40.14 and 42.17 RCW;

(4) Hold open meetings pursuant to the open public meetings act, chapter 42.30 RCW;

(5) Prepare and disclose its minutes pursuant to RCW 42.32.030;

(6) Be subject to the provisions of RCW 42.17.240;

(7) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report will include but will not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the criteria used in developing the plan with a justification of any deviation in a district from the average district population; (c) a map of all the districts; and (d) the estimated cost incurred by the counties for adjusting precinct boundaries.

NEW SECTION, Sec. 9. In the redistricting plan:

(1) Districts shall have a population as nearly equal as is practicable, excluding nonresident military personnel, based on the population reported in the federal decennial census.

(2) To the extent consistent with subsection (1) of this section the commission plan should, insofar as practical, accomplish the following:

(a) District lines should be drawn so as to coincide with the boundaries of local political subdivisions and areas recognized as communities of interest. The number of counties and municipalities divided among more than one district should be as small as possible;

(b) Districts should be composed of convenient, contiguous, and compact territory. Land areas may be deemed contiguous if they share a common land border or are connected by a ferry, highway, bridge, or tunnel. Areas separated by geographical boundaries or artificial barriers that prevent transportation within a district should not be deemed contiguous; and

(c) Whenever practicable, a precinct shall be wholly within a single legislative district.

(3) In accordance with the provisions of Article II, section 6 of the state Constitution, representative districts shall be uniformly established so that if a senatorial district is divided in the formation of representative districts, all senatorial districts shall be so divided.

(4) The commission's plan shall not provide for a number of legislative districts different than that established by the legislature.

(5) The commission shall exercise its powers to provide fair and effective representation and to encourage electoral competition. The commission's plan shall not be drawn purposely to favor or discriminate against any political party or group.

NEW SECTION, Sec. 10. (1) Upon approval of a redistricting plan by three of the voting members of the commission, but not later than January 1st of the year ending in two, the commission shall submit the plan to the legislature.

(2) After submission of the plan by the commission, the legislature shall have the next thirty days during any regular or special session to amend the commission's plan. If the legislature amends the commission's plan the legislature's amendment must be approved by an affirmative vote in each house of two-thirds of the members elected or appointed thereto, and may not include more than two percent of the population of any legislative or congressional district.

(3) The plan approved by the commission, with any amendment approved by the legislature, shall be final upon approval of such amendment or after expiration of the time provided for legislative amendment by subsection (2) of this section whichever occurs first, and shall constitute the districting law applicable to this state for legislative and congressional elections, beginning with the next elections held in the year ending in two. This plan shall be in force until the effective date of the plan based upon the next succeeding federal decennial census or until a modified plan takes effect as provided in section 12(6) of this act.

(4) If three of the voting members of the commission fail to approve and submit a plan within the time limitations provided in subsection (1) of this section, the supreme court shall adopt a plan by March 1st of the year ending in two. Any such plan approved by the court is final and constitutes the districting law applicable to this state for legislative and congressional elections, beginning with the next election held in the year ending in two. This plan shall be in force until the effective date of the plan based on the next succeeding federal decennial census or until a modified plan takes effect as provided in section 12(6) of this act.

NEW SECTION, Sec. 11. (1) Following the period provided by section 10(1) of this act for the commission's adoption of a plan, the commission shall take all necessary steps to conclude its business and cease operations. The commission shall prepare a financial statement disclosing all expenditures made by the commission. The official record shall contain all relevant information developed by the commission pursuant to carrying out its duties under this chapter, maps, data collected, minutes of meetings, written communications, and other information of a

similar nature. Once the commission ceases to exist, the chief election officer shall be the custodian of the official record for purposes of reprecincting and election administration. The chief election officer shall provide for the permanent preservation of this official record pursuant to chapter 42.17 RCW and Title 40 RCW. Once the commission ceases to exist any budget surplus shall revert to the state general fund.

(2) Except as provided in section 12 of this act for a reconvened commission, the commission shall cease to exist on July 1st of each year ending in two unless the supreme court extends the commission's term.

NEW SECTION. Sec. 12. (1) If a commission has ceased to exist, the legislature may, upon an affirmative vote in each house of two-thirds of the members elected or appointed thereto, adopt legislation reconvening the commission for the purpose of modifying the redistricting plan.

(2) Section 5 of this act governs the eligibility of persons to serve on the reconvened commission. A vacancy involving a voting member of the reconvened commission shall be filled by the person who made the initial appointment, or their successor, within fifteen days after the effective date of the legislation reconvening the commission. A vacancy involving the nonvoting member of the commission shall be filled by an affirmative vote of at least three of four voting members, within fifteen days after all other vacancies are filled or, if no other vacancies exist, within fifteen days after the effective date of the legislation reconvening the commission. A subsequent vacancy on a reconvened commission shall be filled by the person or persons who made the initial appointment, or their successor, within fifteen days after the vacancy occurs. If any appointing authority fails to make a required appointment within the time limitations established by this subsection, within five days after that date the supreme court shall make the required appointment.

(3) The provisions of sections 7 and 8 of this act are applicable if a commission is reconvened under this section.

(4) The commission shall complete the modification to the redistricting plan as soon as possible, but no later than sixty days after the effective date of the legislation reconvening the commission. At least three of the voting members shall approve the modification to the redistricting plan.

(5) Following approval of a modification to the redistricting plan by the commission, the legislature has the next thirty days during any regular or special session to amend the commission's modification. Any amendment by the legislature must be approved by an affirmative vote in each house of two-thirds of the members elected or appointed thereto. No amendment by the legislature may include more than two percent of the population of any legislative or congressional district contained in the commission's modification.

(6) The commission's modification to the redistricting plan, with any amendments approved by the legislature, shall be final upon approval of the amendments or after expiration of the time provided for legislative amendment by subsection (5) of this section, whichever occurs first.

(7) Following the period provided by subsection (4) of this section for the commission's approval of a modification to the redistricting plan, the commission shall take all necessary steps to conclude its business and cease operations in accordance with section 11(1) of this act. A reconvened commission shall cease to exist ninety days after the effective date of the legislation reconvening the commission, unless the supreme court extends the commission's term.

NEW SECTION. Sec. 13. After the plan takes effect as provided in section 10 of this act, any registered voter may file a petition with the supreme court challenging the plan. After a modification to the redistricting plan takes effect as provided in section 12 of this act, any registered voter may file a petition with the supreme court challenging the amended plan. The court may consolidate any or all petitions and shall give all such petitions precedence over all other matters.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 44 RCW.

Sec. 15. Section 27, chapter 2, Laws of 1982 and RCW 29.70.100 are each amended to read as follows:

(1) It is the responsibility of each (~~local government and each~~) county, municipal corporation, and special purpose district with a governing body comprised of internal director, council, or commissioner districts not based on statutorily required land ownership (~~or residency~~) criteria to periodically redistrict its governmental unit, based on population information from the most recent federal decennial census.

(2) Within forty-five days after (~~its~~) receipt of federal decennial census information applicable to (~~the~~) a specific local area, the commission (~~or the secretary of state~~) established in section 3 of this act shall forward the census information to each (~~local government and~~) municipal corporation, county, and district charged with redistricting under this (~~chapter~~) section.

(3) No later than eight months after its receipt of federal decennial census data, the governing body of the municipal corporation, county, or district shall prepare a plan for redistricting its internal or director districts.

(4) The plan shall be consistent with the following criteria:

(a) Each internal director, council, or commissioner district shall be as nearly equal in population as possible to each and every other (~~internal director~~) such district comprising the municipal corporation, county, or special purpose district.

(b) Each district shall be as compact as possible.

(c) Each district shall (~~be comprised~~) consist of geographically contiguous area.

(d) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.

(e) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, county, or district, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(5) During the adoption of its plan, the municipal corporation, county, or district shall ensure that full and reasonable public notice of its actions is provided. The municipal corporation, county, or district shall hold at least one public hearing on the redistricting plan at least one week before adoption of the plan.

(6)(a) (~~An elected official~~) Any registered voter residing in an area affected by the (~~municipal corporation's~~) redistricting plan may request review of the adopted local plan by the (~~voting boundary commission~~) superior court of the county in which he or she resides, within forty-five days of the plan's adoption. Any request for review must specify the reason or reasons alleged why the local plan is not consistent with the applicable redistricting criteria. The municipal corporation, county, or district may be joined as respondent. The (~~voting boundary commission~~) superior court shall thereupon review the challenged plan for compliance with the applicable redistricting criteria set out in (~~RCW 29.70.030 and~~) subsection (4) of this section.

(b) If (~~within thirty days of submission of a local government plan, the commission~~) the superior court finds the plan to be consistent with the requirements of this (~~chapter or the commission fails to find that the plan is not consistent with the requirements of this chapter, the secretary of state shall certify the plan. A certified~~) section, the plan shall take effect (~~ten days after certification~~) immediately.

(c) If the (~~commission~~) superior court determines the plan does not meet the requirements of this (~~chapter~~) section, in whole or in part, it shall remand the plan for further or corrective action within a specified and reasonable time period.

(d) If the (~~commission~~) superior court finds that any request for review is frivolous or has been filed solely for purposes of harassment or delay, it may impose appropriate sanctions on the party requesting review, including payment of attorneys' fees and costs to the respondent municipal corporation, county, or district.

NEW SECTION, Sec. 16. The following acts or parts of acts are each repealed:

- (1) Section 18, chapter 2, Laws of 1982 and RCW 29.70.010;
- (2) Section 19, chapter 2, Laws of 1982 and RCW 29.70.020;
- (3) Section 20, chapter 2, Laws of 1982 and RCW 29.70.030;
- (4) Section 21, chapter 2, Laws of 1982 and RCW 29.70.040;
- (5) Section 22, chapter 2, Laws of 1982 and RCW 29.70.050;
- (6) Section 23, chapter 2, Laws of 1982 and RCW 29.70.060;
- (7) Section 24, chapter 2, Laws of 1982 and RCW 29.70.070;
- (8) Section 25, chapter 2, Laws of 1982 and RCW 29.70.080;
- (9) Section 26, chapter 2, Laws of 1982 and RCW 29.70.090;
- (10) Section 28, chapter 2, Laws of 1982 and RCW 29.70.110;
- (11) Section 29, chapter 2, Laws of 1982 and RCW 29.70.120;
- (12) Section 30, chapter 2, Laws of 1982 and RCW 29.70.130;
- (13) Section 31, chapter 2, Laws of 1982 and RCW 29.70.900; and
- (14) Section 33, chapter 2, Laws of 1982 and RCW 29.70.910.

NEW SECTION, Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 18. This act shall take effect if the proposed amendment to Article II of the state Constitution establishing a commission for state legislative and congressional redistricting is validly submitted to and is approved and ratified by the voters at a general election held in November, 1983. If the proposed amendment is not so approved and ratified, this act shall be null and void in its entirety."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Talmadge moved that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 3112.

POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, did you say that the per diem of the members was increased from fifty to a hundred dollars a day in the House amendment?"

Senator Talmadge: "That is correct."

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 3112.

The motion by Senator Talmadge carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 3112.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3112, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3112, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 04; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Bluechel, Guess, Metcalf, Pullen - 4.

Absent: Senator Deccio - 1.

Excused: Senators Craswell, Haley - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3112, 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 Shipoch, the Senate advanced to the sixth order of business.

On motion of Senator Shipoch, the Senate resumed consideration of Senate Bill No. 3978 and the pending motion by Senator Warnke to substitute the bill, deferred on March 18, 1983.

The President declared the question before the Senate to be the pending motion by Senator Warnke that Substitute Senate Bill No. 3978 be substituted for Senate Bill No. 3978 and the substitute bill be placed on second reading.

The motion by Senator Warnke carried and Substitute Senate Bill No. 3978 was read the second time.

MOTION

On motion of Senator Shipoch, the following amendments by Senator McManus were considered and adopted simultaneously:

On page 1, line 8, after "persons" insert "and two representatives of labor"

On page 1, line 12, after "persons" insert "and two representatives of labor"

On page 1, line 18, after "persons" insert "and two representatives of labor"

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

On page 1, line 12 after "party" strike ", and four business persons to serve on the committee" and insert: ". Each caucus shall nominate two business persons"

On page 1, line 18 after "party" strike ", and four business persons to serve on the committee" and insert: ". Each caucus shall nominate two business persons"

PARLIAMENTARY INQUIRY

Senator Shipoch: "Mr. President, I am not really certain how this amendment acts and reacts with the amendments that we just adopted, which inserted 'the labor people' with the language that is being struck. What I would like to know is that if we adopt this amendment, does that strike the language that we just added?"

I would like to know how these are going to work together or apart as the case may be?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Shinpoch, in reply, Senator Barr's amendments strike out the amendments that were just adopted."

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 18, 1983

SB 3499 Prime Sponsor, Senator Talmadge: Modifying provisions relating to juvenile justice. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3499 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Fleming, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 3694 Prime Sponsor, Senator Moore: Relating to insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3694 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Jones, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 3701 Prime Sponsor, Senator Moore: Relating to savings and loan associations. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3701 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 4170 Prime Sponsor, Senator Moore: Regulating insurance rates. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Clarke, Deccio, Jones, Sellar, Warnke.

Passed to Committee on Rules for second reading.

MOTION

At 11:59 a.m. on motion of Senator Shinpoch, the Senate recessed until 7:30 p.m.

EVENING SESSION

The President called the Senate to order at 7:30 p.m.

SIGNED BY THE PRESIDENT

The President has signed:

SUBSTITUTE SENATE BILL NO. 3112 and

SUBSTITUTE SENATE JOINT RESOLUTION NO. 103.

REPORTS OF STANDING COMMITTEES

March 22, 1983

SB 3027 Prime Sponsor, Senator Hurley: Requiring an environmental impact statement on the Hanford radioactive waste site. Reported by Committee on Rules

MAJORITY recommendation: That Substitute Senate Bill No. 3027 be referred to the Committee on Ways and Means. Signed by Lieutenant Governor Cherberg, Chairman; Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Goltz, Guess, Hayner, Hurley, Jones, Metcalf, Newhouse, Patterson, Rasmussen, Rinehart, Sellar, Shipoch, Wojahn, Woody.

Referred to Committee on Ways and Means.

March 18, 1983

SB 3389 Prime Sponsor, Senator Rinehart: Revising procedures for mail voting. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3389 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Thompson, Williams.

MINORITY recommendation: That the bill not be substituted. Signed by Senator Woody.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 3476 Prime Sponsor, Senator Quigg: Authorizing state agencies and local governments to regulate payment of prevailing wages under public works contracts. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended and be referred to Ways and Means Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Quigg, Williams.

Referred to Committee on Ways and Means.

March 17, 1983

SB 3494 Prime Sponsor, Senator Talmadge: Modifying the enforcement of judgments in small claims court. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3494 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 18, 1983

SB 3629 Prime Sponsor, Senator Hughes: Modifying powers and duties of the air pollution advisory council. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3629 be substituted therefor, and the substitute bill do pass. Signed by Senators Hughes, Chairman; Bluechel, Haley, Hansen, Hurley, Kiskaddon, Lee.

MINORITY recommendation: Do not pass and not be substituted. Signed by Senators Talmadge, Vice Chairman; Pullen, Williams.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 3664 Prime Sponsor, Senator Hughes: Relating to water quality. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3664 be substituted therefor, and the substitute bill do pass. Signed by Senators Hughes, Chairman; Hansen, Hurley, Lee, McDermott, Rasmussen, Williams.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Shipoch, the Senate returned to the sixth order of business.

On motion of Senator Shinpoch, the Senate resumed consideration of Senate Bill No. 3846 and the pending striking amendment by Senators Talmadge and Peterson, deferred earlier today.

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge and Peterson.

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

MOTION

On motion of Senator Talmadge, the following title amendment was adopted:

In line 1 of the title, after "and" strike the remainder of the title, and insert "amending section 7, chapter 42, Laws of 1969 ex. sess. as last amended by section 12, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.111."

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3846 was advanced to third reading, the second reading considered the third, and the bill was 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. 3846.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3846, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 04; excused, 01.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Deccio, Fleming, Newhouse, Sellar - 4.

Excused: Senator Craswell - 1.

ENGROSSED SENATE BILL NO. 3846, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4226, by Senators Hansen and Barr

Providing for sanitation programs and other programs concerning tree fruit.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 4226 was substituted for Senate Bill No. 4226 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 4226 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senator Deccio was excused.

POINT OF INQUIRY

Senator Rasmussen: "Senator Hansen, in your eloquent observations on the bill, I got the idea that you were going to have these people come in on private property and either treat it for pests or uproot the trees. Is that what the bill is intended to do?"

Senator Hansen: "I think there are a lot of homesteads down along the Columbia River where these host plants are. The Department will be going down--and I have high hopes that the Department will send people down there with a little bit of courtesy and knowledge of how to handle people. At that time, if they are not taking care of these trees, persuade them to allow the department to do away with the trees, because if they are proven to be host trees, it is absolutely necessary to keep that pest from invading the orchards--as we know them today."

Senator Rasmussen: "A further question--if this test was the gypsy moth and it was on Department of Natural Resources land, would you still be able to use the same approach by going in on the Department of Natural Resources land?"

Senator Hansen: "I think a little common sense has to be carried out. When you get bureaucrats that don't have the consideration of concerned people, it is not good public relations. I would hope that when we come to this that we have personnel that will sit down and negotiate. If we can't do it with one means, then we can do it by hand spraying. There is a way to get around everything for the consideration of the people, because whether it is gypsy moths or whatever it is, if it has to be controlled to keep in bounds--where we found the host trees--it is something that has to be done."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4226.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4226, and the bill passed the Senate by the following vote: Yeas, 42; nays, 05; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Jones, Pullen, Rasmussen, Rinehart, von Reichbauer - 5.

Excused: Senators Craswell, Deccio - 2.

SUBSTITUTE SENATE BILL NO. 4226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3026, by Senators Hurley and Bauer

Authorizing the state patrol to prohibit transportation of hazardous and radioactive wastes during adverse weather conditions.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3026 was substituted for Senate Bill No. 3026 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 3026 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3026.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3026, and the bill passed the Senate by the following vote: Yeas, 39; nays, 07; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Barr, Benitz, Bluechel, Fuller, Quigg, Sellar, von Reichbauer - 7.

Absent: Senators Guess, Newhouse - 2.

Excused: Senator Craswell - 1.

SUBSTITUTE 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.

SECOND READING

SENATE BILL NO. 4018, by Senator Moore

Altering provisions relating to credit life insurance.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 4018 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4018.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4018, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalif, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Craswell - 1.

SENATE BILL NO. 4018, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4021, by Senator Moore (by Insurance Commissioner request)

Modifying provisions on annual statements required of insurance companies.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 4021 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4021.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4021, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalif, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Craswell - 1.

SENATE BILL NO. 4021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3757, by Senators McManus, Deccio, Lee, Thompson, Conner, Hansen, Peterson, Kiskaddon, Zimmerman, Bauer, Sellar, Vognild, Guess, Pullen, Hurley, Moore, Fleming, Haley, Hayner and Granlund.

Modifying provisions relating to nursing homes.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 3757 was substituted for Senate Bill No. 3757 and the substitute bill was placed on second reading and read the second time.

Senator Fleming moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 117, Laws of 1951 as last amended by section 15, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.010 are each amended to read as follows:

(1) "Nursing home" means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons. It may also include community-based care. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this chapter: PROVIDED, That any nursing home providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW 71.12.560 and 71.12.570.

(2) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(3) "Secretary" means the secretary of the department of social and health services.

(4) "Department" means the state department of social and health services.

(5) "Community-based care" means but is not limited to the following:

(a) Home delivered nursing services;

(b) Personal care;

(c) Day care;

(d) Nutritional services, both in-home and in a communal dining setting;

(e) Habilitation care;

(f) Respite care; and

(g) Hospice care.

Sec. 2. Section 63, chapter 211, Laws of 1979 ex. sess. as amended by section 3, chapter 11, Laws of 1981 2nd ex. sess. and RCW 18.51.091 are each amended to read as follows:

The department shall make or cause to be made at least one inspection of each nursing home prior to license renewal and shall inspect community-based services as part of the licensing renewal survey. Every inspection may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply. Those nursing homes that provide community-based care shall establish and maintain separate and distinct accounting and other essential records for the purpose of appropriately allocating costs of the providing of such care. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given the applicant or licensee and the department. The notice shall describe the reasons for the facility's noncompliance. The notice shall inform the facility that it must comply with a plan of correction within a specified time, not to exceed sixty days from the date the plan of correction is approved by the department. The penalties in RCW 18.51.060 may be imposed if, after the specified period, the department determines that the facility has not complied. In life-threatening situations or situations which substantially limit the provider's capacity to render adequate care, the department may require immediate correction or proceed immediately under RCW 18.51.060. The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

NEW SECTION. Sec. 3. Nothing in this 1983 act affects the provisions of chapter 70.38 RCW."

MOTIONS

On motion of Senator Talmadge, the following amendment to the Fleming amendment was adopted:

On page 4, line 2, after "care" insert ": PROVIDED, That such costs shall not be considered allowable costs for reimbursement purposes under chapter 74.46 RCW"

Senator Wojahn moved the following amendments to the Fleming amendment be considered and adopted simultaneously:

On page 3, line 14 after "care," insert "and"

On page 3, line 15, after "care" strike everything through "care" on line 16

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Wojahn to the Fleming amendment.

The motion by Senator Wojahn carried on a rising vote and the amendments to the amendment were adopted.

The President declared the question before the Senate to be adoption of the Fleming amendment, as amended.

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

MOTION

On motion of Senator Fleming, the following title amendment was adopted:

On page 1, line 1 of the title, strike everything after "homes;" and insert "amending section 2, chapter 117, Laws of 1951 as last amended by section 15, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.010; amending section 63, chapter 211, Laws of 1979 ex. sess. as amended by section 3, chapter 11, Laws of 1981 2nd ex. sess. and RCW 18.51.091; and creating a new section."

MOTION

On motion of Senator Fleming, the rules were suspended, Engrossed Substitute Senate Bill No. 3757 was advanced to third reading, the second reading considered the third, and the bill was 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. 3757.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3757, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Craswell - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3757, having received the constitutional majority, was 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. 119, by Senators Zimmerman, Fleming, Hemstad, Fuller, Thompson, Goltz, Bluechel, Kiskaddon and Bauer (by Governor Spellman request)

Providing the means for the payment of indebtedness on public improvements.

MOTIONS

On motion of Senator Thompson, Substitute Senate Joint Resolution No. 119 was substituted for Senate Joint Resolution No. 119 and the substitute resolution was placed on second reading and read the second time.

Senator Pullen moved adoption of the following amendment:

On page 1, line 6, strike all language beginning with "in order" down through "benefited property," on line 8.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

The motion by Senator Pullen failed on a rising vote and the amendment was not adopted.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute Senate Joint Resolution No. 119 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

Senators Peterson, Talmadge and Conner demanded the previous question.

The demand for the previous question was not sustained on a rising vote.

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, eight hundred eighty-two thousand people voted against this measure and I think they will thank you for calling them stupid and ignorant folk."

Senator Bottiger: "Senator, I wasn't talking about any more than three of those people."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Joint Resolution No. 119.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Joint Resolution No. 119, and the resolution failed to pass the Senate by the following vote: Yeas, 28; nays, 20; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McManus, Moore, Owen, Patterson, Peterson, Quigg, Rinehart, Talmadge, Thompson, Warnke, Wojahn - 28.

Voting nay: Senators Barr, Clarke, Deccio, Guess, Hansen, Hughes, Hurley, McCaslin, McDermott, Metcalf, Newhouse, Pullen, Rasmussen, Sellar, Shinpoch, Vognild, von Reichbauer, Williams, Woody, Zimmerman - 20.

Excused: Senator Craswell - 1.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 119, having failed to receive the constitutional two-thirds majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Zimmerman served notice that he would, on the next working day, move to reconsider the vote by which Substitute Senate Joint Resolution No. 119 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 4112, by Senators Peterson, Patterson and Hansen

Bringing vehicle size and load restrictions into conformity with federal standards.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following Committee on Transportation amendment was adopted:

On page 4, line 14, after "than", strike "sixty-six" and insert "sixty-eight"

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 4112 was advanced to third reading, the second reading considered the third, and the bill was 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. 4112.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4112, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Craswell - 1.

ENGROSSED SENATE BILL NO. 4112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3645, by Senators McManus, Talmadge, Rinehart, Hemstad, Lee, Kiskaddon, Fleming and Moore

Modifying provisions relating to mental health insurance.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 3645 was substituted for Senate Bill No. 3645 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McManus, the rules were suspended, Substitute Senate Bill No. 3645 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Sellar: "Senator McManus, I understand that this bill deals with providing a mental health care coverage for consideration. Does this bill specify any particular level of minimum benefits? Or would the usual process of negotiations between the employer and/or union be followed?"

Senator McManus: "Senator Sellar, no. This bill does not specify minimums. We are going to leave that to the Insurance Commissioner and the Insurance Commissioner will set the minimums--whatever the prevailing minimums are for this kind of coverage."

POINT OF INQUIRY

Senator Talmadge: "Senator McManus, if the measure would require non-discrimination for reimbursement by those companies offering mental health insurance coverage at the present time, would that be the case, also, for those companies presently offering mental health coverage, as well as those companies offering mental health coverage in the future?"

Senator McManus: "Yes, it would, Senator."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3645.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3645, and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 37.

Voting nay: Senators Barr, Benitz, Clarke, Guess, Haley, Hayner, Owen, Pullen, Rasmussen, Zimmerman - 10.

Absent: Senator McDermott - 1.

Excused: Senator Craswell - 1.

SUBSTITUTE SENATE BILL NO. 3645, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3299, by Senators Moore, Sellar and Wojahn

Providing for the leasing of personal property.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3299 was substituted for Senate Bill No. 3299 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 3299 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Hemstad, are you an officer of the court?"

Senator Hemstad: "A short answer is, yes."

Senator Rasmussen: "I have never heard an officer of the court say that the Supreme Court blew a decision. I thought officers of the court were expected to honor that until a higher court reversed it. I am sorry that I don't know what you really mean, when you say 'the Supreme Court blew it.'"

Senator Hemstad: "What I mean is that I can respect the court, Senator Rasmussen, but I don't have to agree that they are always right."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3299.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3299, and the bill passed the Senate by the following vote: Yeas, 39; nays, 09; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fuller, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Bender, Fleming, Gaspard, McDermott, Rasmussen, Rinehart, Shipoch, Talmadge, Williams - 9.

Excused: Senator Craswell - 1.

SUBSTITUTE SENATE BILL NO. 3299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3589, by Senators Goltz, Metcalf, Rasmussen and Jones

Extending the tuition and fee limits for Viet Nam veterans.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3589 was substituted for Senate Bill No. 3589 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 3589 was advanced to third reading, the second reading considered the third, and the bill was 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. 3589.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3589, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator von Reichbauer - 1.

Excused: Senator Craswell - 1.

SUBSTITUTE SENATE BILL NO. 3589, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 21, 1983

SB 3748 Prime Sponsor, Senator Vognild: Imposing a tax on fire insurance premiums. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Jones, Sellar, Warnke.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 3858 Prime Sponsor, Senator Barr: Authorizing the annexation of areas outside cities and towns upon consent of the property owners. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 3982 Prime Sponsor, Senator McManus: Establishing the small business improvement council. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3982 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Newhouse, Quigg, Sellar, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

March 18, 1983

SB 3984 Prime Sponsor, Senator Talmadge: Clarifying recall procedures. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3984 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Newhouse, Thompson, Woody.

Passed to Committee on Rules for second reading.

March 18, 1983

SB 4019 Prime Sponsor, Senator Bottiger: Providing procedures for extinguishing claims to mineral interests. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 4019 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Patterson, Shinpoch, Vognild.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 4055 Prime Sponsor, Senator Peterson: Relating to transportation funding. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4055 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Owen, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 4090 Prime Sponsor, Senator Rasmussen: Strengthening the regulation of pawn brokers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4090 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Moore, Newhouse, Quigg, Sellar, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

March 22, 1983

SB 4093 Prime Sponsor, Senator Bauer: Requiring that certain categorical education programs be specifically designated when appropriations are made. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hughes, McDermott, Warnke.

MINORITY recommendation: Do not pass as amended. Signed by Senators Benitz, Guess, Hemstad, Lee, Patterson.

Passed to Committee on Rules for second reading.

March 22, 1983

SB 4103 Prime Sponsor, Senator Bauer: Revising the requirements for teachers contact hours. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Goltz, Hemstad, Hughes, Kiskaddon, McDermott, von Reichbauer, Warnke.

Passed to Committee on Rules for second reading.

March 18, 1983

SB 4111 Prime Sponsor, Senator Hughes: Changing provisions relating to sales under execution and redemption. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4111 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Clarke, Hemstad, Newhouse, Thompson, Woody.

Passed to Committee on Rules for second reading.

March 22, 1983

SB 4145 Prime Sponsor, Senator Owen: Defining financial interest with respect to alcoholic beverage manufacturers, importers, and wholesalers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; McCaslin, McManus, Moore, Newhouse, Quigg, Williams.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 4235 Prime Sponsor, Senator Williams: Restricting the destruction of historic properties. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4235 be substituted therefor, and the substitute bill do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Bluechel, Haley, Hansen, Hurley, Kiskaddon, Lee, McDermott, Williams.

Passed to Committee on Rules for second reading.

March 18, 1983

SHB 393 Prime Sponsor, Committee on Local Government: Authorizing assistance to street abutters in improving streets. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, Zimmerman.

Passed to Committee on Rules for second reading.

March 22, 1983

SHB 1038 Prime Sponsor, Committee on Constitution, Elections and Ethics: Relating to congressional redistricting. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Hold.

MOTION

On motion of Senator Shinpoch, the rules were suspended. Substitute House Bill No. 1038 was advanced to second reading and placed at the top of the second reading calendar.

MOTION

At 9:52 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Wednesday, March 23, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 23, 1983

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Todd Owen and Kim McKinley, presented the Colors. Reverend Ray Morrison, senior pastor of the First Church of the Nazarene of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 22, 1983

SB 3001 Prime Sponsor, Senator Conner: Modifying eligibility provisions for participation in elections concerning major energy project bonds. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Fuller, Hemstad, Quigg.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 3954 Prime Sponsor, Senator Thompson: Relating to local government. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3954 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 3955 Prime Sponsor, Senator Thompson: Relating to local government. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3955 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 22, 1983

SB 3991 Prime Sponsor, Senator Conner: Establishing procedures for reducing and ending tolls on the Hood Canal Bridge. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Haley, Owen, Sellar, Vognild.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 22, 1983

GA 96 VINCENT L. STEVENS, to the position of Chairman of the State Health Coordinating Council, reappointed by the Governor on January 28, 1983 for the term ending December 31, 1983. Reported by Committee on Social and Health Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund, Kiskaddon.

Passed to Committee on Rules.

March 22, 1983

GA 97 LARS HENNUM, to the position of Member of the State Board of Pharmacy, reappointed by the Governor on January 25, 1983 for the term ending January 19, 1987. Reported by Committee on Social and Health Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund, Kiskaddon.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

March 22, 1983

TO THE 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 R. Wilkerson appointed March 11, 1983, for a term ending at the Governor's pleasure, succeeding Rolland A. Schmitt as the Director of the Department of Fisheries.

Sincerely,
JOHN SPELLMAN, Governor

Referred to the Committee on Natural Resources

MESSAGES FROM THE HOUSE

March 22, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3108, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 22, 1983

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 134,

SUBSTITUTE HOUSE BILL NO. 187,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 197,

SUBSTITUTE HOUSE BILL NO. 323,

SUBSTITUTE HOUSE BILL NO. 452, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 22, 1983

Mr. President:

The House has passed:

HOUSE BILL NO. 219,

SUBSTITUTE HOUSE BILL NO. 336,

SUBSTITUTE HOUSE BILL NO. 409,

ENGROSSED HOUSE BILL NO. 412,

SUBSTITUTE HOUSE BILL NO. 434,

SUBSTITUTE HOUSE BILL NO. 439,

ENGROSSED HOUSE BILL NO. 674,

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 29, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 134 by Committee on State Government (originally sponsored by Representatives Walk, Wang, Vekich, Kreidler, Belcher, Sayan, Patrick.

O'Brien, P. King, Fisher, Ebersole, Johnson, Garrett, Lux and Ristuben)

Modifying the civil service laws for public employees.

Referred to Committee on State Government.

SHB 187 by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Lewis, Heck, Broback, Dellwo, McClure, Ballard, Wang, Niemi, Sanders, Belcher, Braddock and Patrick)

Modifying provisions concerning services for the handicapped.

Referred to Committee on Social and Health Services.

ESHB 197 by Committee on Judiciary (originally sponsored by Representatives Crane, Todd, Grimm, Tanner, Jacobsen, Armstrong, P. King, Silver, Isaacson, Halsan, Fisch, Holland, Long and Johnson)

Excusing prospective jurors who have already served twice in the last five years.

Referred to Committee on Judiciary.

HB 219 by Representatives Tanner, Holland, B. Williams, Ebersole, Ellis, J. Williams, Schoon, Silver, Powers, Miller, Long, Ristuben, Martinis, Galloway, Addison, Todd, Sayan, Schmidt and Hankins

Revising the law relating to merchandise coupons.

Referred to Committee on Commerce and Labor.

SHB 323 by Committee on Local Government (originally sponsored by Representatives Haugen, Wilson, Ballard, Sayan, McClure, Fisch, Vekich and Tanner)

Amending the provision regarding consolidation and annexation of public utility districts.

Referred to Committee on Energy and Utilities.

SHB 409 by Committee on Higher Education (originally sponsored by Representatives Tanner, Prince, Galloway, Sutherland, Heck, Grimm, Belcher, Ristuben, Monohon, J. King, Charnley and Struthers)

Providing for reciprocity between Washington and Oregon for nonresident tuition waivers.

Referred to Committee on Education.

EHB 412 by Representatives Monohon, Sommers and Fiske

Modifying fees and expenses under the water rights codes.

Referred to Committee on Agriculture.

SHB 434 by Committee on Labor (originally sponsored by Representatives R. King, Patrick, Fisher and Lux)

Modifying provisions relating to collective bargaining.

Referred to Committee on Commerce and Labor.

SHB 439 by Committee on Education (originally sponsored by Representatives Haugen, Johnson, Allen, Galloway, Moon, Ellis, Brough, Armstrong, Charnley, Taylor, Brekke, Rust, Powers and Egger)

Abolishing forty percent validation requirement for school districts in certain bond elections, but contingent upon passage of constitutional amendment.

Referred to Committee on Education.

SHB 452 by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Lewis and Mitchell)

Creating provisions relating to blind persons.

Referred to Committee on State Government.

HEB 674 by Representatives Sutherland, Tanner, J. King, B. Williams, Ristuben and Heck

Prohibiting sturgeon fishing with a set line in the Columbia River or its tributaries.

Referred to Committee on Natural Resources.

SHJR 29 by Committee on Education (originally sponsored by Representatives Haugen, Allen, Galloway, Moon, Ellis, Brough, Armstrong, Charnley, Brekke, Taylor, Rust, Powers and Johnson)

Removing forty percent validation requirement for excess levy elections.

Referred to Committee on Education.

MOTIONS

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

On motion of Senator Shinpoch, Senate Bill No. 4113 was placed at the bottom of the second reading calendar.

On motion of Senator Shinpoch, Senate Bill No. 3300, which was on the second reading calendar, was referred to the Committee on Rules.

SECOND READING

SENATE BILL NO. 3622, by Senators Shinpoch, Jones, Fleming, Bottiger, Sellar, Hayner and Clarke

Creating the legislative facilities committee to provide legislative control over legislative buildings.

MOTIONS

On motion of Senator Shinpoch, Substitute Senate Bill No. 3622 was substituted for Senate Bill No. 3622 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended, Substitute Senate Bill No. 3622 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3622.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3622, and the bill passed the Senate by the following vote: Yeas, 45; nays, 03; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 45.

Voting nay: Senators Barr, Hemstad, Zimmerman - 3.

Absent: Senator Deccio - 1.

SUBSTITUTE SENATE BILL NO. 3622, having received the constitutional 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 Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:38 a.m.

MOTION

At 11:38 a.m., on motion of Senator Shinpoch, 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. 3053, by Senators Vognild and Newhouse (by Department of Labor and Industries request)

Authorizing the department of labor and industries to charge fees relating to contractor registration.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3053 was substituted for Senate Bill No. 3053 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 3053 was advanced to third reading, the second reading considered the third, and the bill was 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. 3053.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3053, and the bill passed the Senate by the following vote: Yeas, 40; nays, 02; absent, 07; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Loe, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 40.

Voting nay: Senators Guess, Thompson - 2.

Absent: Senators Bluechel, Conner, Haley, Metcalf, Peterson, Quigg, Wojahn - 7.

SUBSTITUTE SENATE BILL NO. 3053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3068, by Senators Moore

Modifying provisions relating to the distribution of donated food to needy persons.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3068 was substituted for Senate Bill No. 3068 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 3068 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Patterson: "Senator Moore, I notice in the substitute bill that you have changed the agency as far as information from the Department of Social and Health Services to Agriculture. I just wondered what the advantages were in making that change."

Senator Moore: "Thank you, Senator, for raising that point. I am sorry that I neglected to mention it. When we had the bill, originally, in Social and Health, the Department of Social and Health Services came in with what I considered a rather

substantial fiscal note. It seemed prudent to move it to the Department of Agriculture, partly because it has to do with food and partly because they seemed receptive to the idea of picking up the reference center, where people can find out where food is available at no cost--and they so testified in the committee. That is why it is there."

Senator Patterson: "As a regulatory agency, which the Department of Agriculture is, they are taking on a little different function, as I understand it in the bill. Would they, also, be responsible for the inspection of that food and certify whether or not it was usable?"

Senator Moore: "No, they would not. They merely are a reference center, so people will know where to go to get surplus food and how to handle it and how to maintain it and that sort of thing."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3068.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3068, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 02; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Meicall, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Voguild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senators Owen, Quigg - 2.

SUBSTITUTE SENATE BILL NO. 3068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3128, by Senators Talmadge, Hemstad and Hughes

Modifying conditions under which attorneys fees and costs may be awarded in condemnation proceedings.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, 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 Barr: "Senator Talmadge, I know it is customary for attorneys to work on a percentage basis on these--win, lose or draw. If they can't do any good, they don't expect to get paid. How would this bill affect those kinds of things? Would this be in the way of this kind of deal? Would they get ten percent anyway?"

Senator Talmadge: "No, Senator, this bill has nothing to do with the contract between the person that is suing and that person's attorney. The state--and in certain states--we allow the recovery of actual reasonable attorney fees--something in the nature of an incentive to bring a lawsuit, and this is one of those lawsuits that we provide attorney's fees for--as an incentive for the state to make reasonable offers with respect to the value of the property that is being condemned.

"The bill has nothing to do with the contract for services between the attorney and the person that is suing. It simply provides for attorney's fees where the person whose property is being taken does ten percent better than the value offered to him or her by the state or the local jurisdiction."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3128.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3128, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 02; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Absent: Senators Deccio, Quigg - 2.

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.

MOTIONS

On motion of Senator Bluechel, Senator Quigg was excused.

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

On motion of Senator Shipoch, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 4160.

On motion of Senator Shipoch, Senate Bill No. 4160 was referred to the Committee on Parks and Ecology.

MOTION

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

SENATE RESOLUTION 1983-26

By Senators Rinehart, Kiskaddon, Granlund, Gaspard, McManus, Benitz, Bender, Fleming, Patterson, Barr, Bauer, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; and Ole Scarpelli, Sergeant at Arms

WHEREAS, The State of Washington seeks economic recovery and economic development through attracting new industry to the state and improving the productivity and competitiveness of existing industry; and

WHEREAS, Education and training are essential to the state's efforts to attract new employees and upgrade the efficiency and effectiveness of existing business and industry; and

WHEREAS, The Washington community college system provides the state's most extensive system of job training and retraining programs, serving more than seventy thousand vocational students, offering nine hundred entry-level vocational programs, and thousands of courses for retraining and the improvement of job skills; and

WHEREAS, The community college system is fully committed to assisting the economic recovery and development objectives of the State of Washington; and

WHEREAS, John Spellman, Governor of the State of Washington, has proclaimed March 23, 1983, as Community College Day;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington commend the Washington State community colleges for their fine efforts on behalf of economic development and job skills training objectives; and

BE IT FURTHER RESOLVED, That the Senate of the State of Washington invite the citizens of Washington to celebrate Community College Day and to support the activities commemorating the contributions of Washington community colleges; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Presidents of Washington State's community colleges.

MOTION

On motion of Senator Rinehart, all members and the Lieutenant Governor will be added as additional sponsors to Senate Resolution 1983-26.

MOTION

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

SENATE RESOLUTION 1983-24

By Senators Warnke, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; and Ole Scarpelli, Sergeant at Arms

WHEREAS, The Auburn High School Trojans captured the Class AAA girls' basketball championship by defeating the previously unbeaten Everett Seagulls by a score of 55 to 50; and

WHEREAS, The Auburn Trojans compiled a remarkable season record of twenty-seven victories and no losses; and

WHEREAS, The Auburn High School Trojans withstood the pressure of being rated number one in the state throughout the entire season and achieved that goal with dedication, determination, and competitive zeal; and

WHEREAS, The outstanding performance by the Auburn girls' basketball team demonstrates commendable dedication by the team coach, Dennis Olson, and by each member of the team, consisting of Lisa Raschkow, Denise Bruce, Tina Greenwood, Rachel Anderson, Chris Bursch, Jennifer Cortel, Julie Moberg, Michelle Tracy, Carla Curtman, Darlene Haven, April Lucht, and Jonni Mauch; and

WHEREAS, Senior team captain Lisa Raschkow led the team with seventeen points in the championship game and was voted the most valuable player in the tournament;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That our congratulations be conveyed to the team by the adoption of this resolution; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the coach and each member of the Auburn High School Trojans girls' basketball team.

MOTION

On motion of Senator Warnke, all members and the Lieutenant Governor will be added as additional sponsors to Senate Resolution 1983-24.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Zimmerman moved that the Senate now reconsider the vote by which Substitute Senate Joint Resolution No. 119 failed to pass the Senate on March 22, 1983.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Zimmerman that the Senate reconsider the vote by which Substitute Senate Joint Resolution No. 119 failed to pass the Senate.

Senator Rasmussen demanded a roll call and the demand was not sustained.

The motion by Senator Zimmerman for reconsideration of Substitute Senate Joint Resolution No. 119 carried on a rising vote.

MOTION

On motion of Senator Clarke, consideration of Substitute Senate Joint Resolution No. 119 was deferred until the next working day or such time as may be brought before the Senate by an appropriate motion.

MOTION

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1038, by Committee on Constitution, Elections and Ethics (originally sponsored by Representative Pruitt)

Relating to congressional redistricting.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended. Substitute House Bill No. 1038 was advanced to third reading, the second reading considered the third, and the bill was 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. 1038.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1038, and the bill passed the Senate by the following vote: Yeas, 44; nays, 04; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Melcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogniold, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Bluechel, Gaspard, Guess, Pullen - 4.

Excused: Senator Quigg - 1.

SUBSTITUTE HOUSE BILL NO. 1038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3297, by Senators Hansen, Barr, Goltz and Benitz (by Department of Agriculture request)

Modifying various provisions concerning the department of agriculture.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following amendment by Senators Rinehart and Warnke was adopted:

On page 3, after line 5, strike all material through "~~law~~)," on line 20 and insert the following:

~~"The director may, at his discretion, reassign any of the functions delegated to the various divisions of the department under the provisions of this chapter or any other law to any other division of the department. ((The director of agriculture may, if it will best serve the said public interest as herein described, establish when necessary additional divisions by adopting the necessary regulations in the manner provided for under chapter 34.04 RCW as enacted or hereafter amended. Such additional divisions shall have the same authority and powers as those divisions specifically named and established under the provisions of this chapter. The director may assign one or more of the various functions assigned to those divisions specifically named under the provisions of this chapter to said divisions established by regulation, or any other duties hereafter delegated to the department by law.))"~~

Senator Pullen moved adoption of the following amendment by Senators Pullen, Benitz, Talmadge and Goltz:

On page 5, line 18, after "peace officer" insert "solely for the purpose of enforcing the provisions of this chapter"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen, Benitz, Talmadge and Goltz.

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

MOTION

Senator Bottiger moved adoption of the following amendment:
On page 5, strike section 11.

POINT OF INQUIRY

Senator Bottiger: "Senator Hansen, section 11 purports to set up a certain number of positions in the Department of Agriculture that are exempt from civil service and I believe it is the director and six deputy directors, for a total of seven. I have given you a memorandum which indicates the Department currently has nine exempt positions and the question is--is it the intent of this bill to reduce from nine to seven the number of exempt positions in the Department of Agriculture?"

Senator Hansen: "I believe you are correct. I know of at least one and possibly two that will be taken out with the reorganization of the Department of Agriculture."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, based on that answer, I now move to withdraw the amendment."

REPLY BY THE PRESIDENT

President Cherberg: "If there is no objection, the amendment is withdrawn."

MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed Senate Bill No. 3297 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3297.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3297, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Quigg - 1.

ENGROSSED SENATE BILL NO. 3297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

March 23, 1983

SB 3220 Prime Sponsor, Senator Vognild: Establishing the federal interest payment fund. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Moore, Newhouse, Quigg, Sellar, Williams.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 3249 Prime Sponsor, Senator Bottiger: Establishing the boating registration and safety act of 1983. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3249 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Granlund, Guess, Owen, Patterson.

Passed to Committee on Rules for second reading.

March 18, 1983

SB 3483 Prime Sponsor, Senator Hansen: Modifying the oil and gas conservation. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3483 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Fuller, Metcalf, Patterson, Rasmussen, Quigg, Vognild.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 3534 Prime Sponsor, Senator Metcalf: Authorizing barbed hooks in the taking of salmon. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Vice Chairman; Conner, Fuller, Metcalf, Patterson, Rasmussen, Quigg, Vognild.

Passed to Committee on Rules for second reading.

March 22, 1983

SB 3660 Prime Sponsor, Senator McManus: Modifying laws governing the department of social and health services and its powers and duties. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 3660 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

March 22, 1983

SB 3766 Prime Sponsor, Senator Fleming: Prohibiting the use of choke holds by law enforcement and correctional officers. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3766 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 22, 1983

SB 3768 Prime Sponsor, Senator Warnke: Modifying provisions relating to the public broadcasting commission. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3768 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 22, 1983

SB 3817 Prime Sponsor, Senator Fleming: Restricting body searches by law enforcement agencies. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3817 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 22, 1983

SB 4101 Prime Sponsor, Senator Shinpoch: Revising provisions relating to disposition of proceeds from parimutuel machines. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4101 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Deccio, Fleming, Hayner, Hughes, Lee, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

Passed to Committee on Rules for second reading.

March 16, 1983

SB 4158 Prime Sponsor, Senator Thompson: Authorizing counties to impose an excise tax on timber. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4158 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Bauer, Fleming, Hayner, Lee, Rinehart, Shinpoch, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 4174 Prime Sponsor, Senator Owen: Revising provisions relating to salmon delivery permits. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Metcalf, Rasmussen, Quigg, Shinpoch, Vogtild.

Passed to Committee on Rules for second reading.

March 22, 1983

SB 4259 Prime Sponsor, Senator Rasmussen: Revising the laws regulating the veteran's relief fund. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 4259 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

March 22, 1983

SCR 112 Prime Sponsor, Senator Haley: Printing a study on health care cost containment. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 112 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

MOTION

At 2:35 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Thursday, March 24, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 24, 1983

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 Quigg. On motion of Senator Zimmerman, Senator Quigg was excused.

The Sergeant at Arms Color Guard, consisting of Pages Julie Craver and Cathy Krinbring, presented the Colors. Senator Sam C. Guess offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 23, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 574,

SUBSTITUTE HOUSE BILL NO. 701, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 23, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 140,

HOUSE BILL NO. 260,

SUBSTITUTE HOUSE BILL NO. 296,

ENGROSSED HOUSE BILL NO. 371,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 433,

SUBSTITUTE HOUSE BILL NO. 435,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 509, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 23, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 446, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 23, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3112,

SUBSTITUTE SENATE JOINT RESOLUTION NO. 103, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 140 by Representatives Lux, Zellinsky, Broback, Garrett, Wang, Lewis, Johnson, Isaacson, R. King, McDonald, Dellwo and Holland (by Insurance Commissioner request)

Requiring certain information to be provided to 62-year old life insurance policyowners.

Referred to Committee on Financial Institutions.

HB 260 by Representatives Haugen and Clayton (by State Patrol request)

Authorizing the state patrol to charge fees for certain criminal records.

Referred to Committee on State Government.

SHB 296 by Committee on Education (originally sponsored by Representatives Galloway and Miller) (by Superintendent of Public Instruction request)

Modifying provisions regulating school transportation.

Referred to Committee on Education.

SHB 336 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Hankins, Garrett, Crane, Broback, Galloway, J. King, Patrick, R. King, Johnson, J. Williams, P. King, Addison, Clayton, Sanders, Hine, Kreidler, Wang, Monohon, B. Williams, Padden, Holland, Dellwo, Smith, Berozoff, Powers, Miller, Isaacson and McMullen)

Providing coverage for chiropractic services under health care service contracts.

Referred to Committee on Financial Institutions.

EHB 371 by Representatives Lux and Sanders

Modifying provisions on examinations of health care service contractors and health maintenance organizations.

Referred to Committee on Financial Institutions.

ESHB 433 by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Charnley, Pruitt, Brekke, Haugen, Ebersole, Wang, Lux, Locke, D. Nelson, Lewis, Belcher, McClure, Todd, Hine, Dellwo, Fisher, Burns, Powers, Jacobsen and Stratton)

Providing for children and family services.

Referred to Committee on Institutions.

SHB 435 by Committee on Labor (originally sponsored by Representatives R. King, Patrick, Fisher, Lux and O'Brien)

Defining certain emergency medical technicians as uniformed personnel for collective bargaining purposes.

Referred to Committee on Commerce and Labor.

EHB 446 by Representatives Sayan, Dellwo, Todd, Allen, Holland, Lux, Vekich, Patrick, Crane, Brough, Ebersole, Belcher, Fisch, Fisher, Niemi, Kreidler, Berozoff, Smitherman, Zellinsky, Ristuben, Powers and Miller

Permitting access by employees to their personnel files.

Referred to Committee on Commerce and Labor.

ESHB 509 by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Lewis, Dellwo, Ballard, Wang,

B. Williams, Broback, Braddock, J. King, Stratton, Ebersole and Sommers;) (by Department of Social and Health Services request)

Modifying provisions relating to the board of health.

Referred to Committee on State Government.

EHB 574 by Representatives Hine, Van Dyken, Garrett, Isaacson, Kreidler, Haugen, Mitchell, Allen, Ballard and Broback

Authorizing the consideration by local government of local excise tax revenues arising from local purchases in awarding purchase contracts.

Referred to Committee on Local Government.

SHB 701 by Committee on Transportation (originally sponsored by Representatives Schmidt, Martinis, Wilson, Zellinsky, Brough, Smitherman, Fiske, McMullen, Schoon, Clayton, Powers and Sayan)

Defining capital expenditures and operations and maintenance expenses as applied to the state ferry system.

Referred to Committee on Transportation.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

March 22, 1983

SB 3003 Prime Sponsor, Senator Conner: Regulating amusement rides. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3003 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Moore, Newhouse, Quigg, Williams.

Passed to Committee on Rules for second reading.

March 23, 1983

SB 4167 Prime Sponsor, Senator Wojahn: Excluding weekend duty military reserve pay from the definition of remuneration for purposes of unemployment compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Quigg, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

March 22, 1983

SB 4251 Prime Sponsor, Senator Hansen: Providing for a study and interim management of the Milwaukee Road. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4251 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Newhouse.

Passed to Committee on Rules for second reading.

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

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

March 23, 1983

TO THE 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 Patrick Keefe appointed February 22, 1983, for a term ending June 30, 1987, succeeding Dick Pokornowski as a member of the Gambling Commission.

Sincerely,

JOHN SPELLMAN, Governor

Referred to the Committee on State Government

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3311, by Senators Vognild, Quigg and Wojahn (by Department of Employment Security request)

Modifying provisions relating to unemployment insurance.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3311 was substituted for Senate Bill No. 3311 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 3311 was advanced to third reading, the second reading considered the third, and the bill was 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. 3311.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3311, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Quigg - 1.

SUBSTITUTE SENATE BILL NO. 3311, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3437, by Senators Talmadge and Patterson

Modifying provisions relating to malicious prosecution.

The bill was read the second time.

MOTION

Senator Talmadge moved adoption of the following Committee on Judiciary amendment:

On page 2, line 6 after the period strike all material down to and including the period on line 8 and insert a new paragraph as follows:

"(3) No action may be brought against an attorney under this section solely because of that attorney's representation of a party in a lawsuit."

POINT OF INQUIRY

Senator Pullen: "Is there a problem, Senator Talmadge, currently with respect to attorneys representing parties in a lawsuit and then being maliciously prosecuted by someone? Has that happened before? It seems to me that this is an unusual kind of protection to write into the bill. I was wondering what the basis for it was."

Senator Talmadge: "There is a problem, Senator Pullen, and the problem is specifically this--if a party is sophisticated enough and looks at the technical nature of this malicious prosecution counterclaim--if you join the attorney as part

of the people against whom you are bringing the counterclaim--the attorney, as a party of the suit has to disqualify himself or herself. You could conceivably have an endless circle of people disqualifying themselves from participating in this never-ending circle of claims and counterclaims. It could very well present a problem. This is something that has come up in some of the cases that I am familiar with in this malicious counterclaim section. That is the reason we simply say the party that brings the counterclaim is the one that has the responsibility and not the counsel for those people."

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the committee amendment was adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill NO. 3437 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, there are some very good things in this bill. I strongly favor the provisions of the bill as they relate to law enforcement officers. I am a little bit worried, though, about the provisions of the bill that relate to the judicial officers, in that I am fearful that there could be a chilling effect insofar as citizens might want to sue judicial officers.

"For example, I understand that judicial officers are now bonded. I had a constituent in my legislative district who was trying to attach the bond of a judicial officer for what he thought was non-performance of that judicial officer's duty. Would such an action be considered malicious prosecution under terms of this bill?"

Senator Talmadge: "Senator, I suspect that would be up to the jury. In specific, I think there is already a qualified privilege with respect to a judge's decision. You can imagine the public policy consequences of having a multiplicity of lawsuits brought against judges. Each time one of us disagrees with the decision of a judge--and most often where you have a plaintiff and a defendant in a lawsuit, fifty percent of the people participating are going to be unhappy with the judge. You don't want to encourage lawsuits against the person making the decision, wherever possible."

Senator Pullen: "I agree with that. I guess the situation I was thinking of related to a citizen who thought the judicial officer was not performing his constitutional duties--instead of the judge simply making what would be construed as the judge making a bad decision."

Senator Talmadge: "If the actions were frivolous or harassing--were designed to be malicious in nature, I think the jury would probably find that that was something that could be covered by the malicious prosecution counterclaim. In a circumstance where a judicial officer has clearly violated his or her oath of office or has done something so far outside of the normal bounds of the judicial behavior, I don't think this statute affects that."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3437.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3437, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Absent: Senator Sellar - 1.

Excused: Senator Quigg - 1.

ENGROSSED SENATE BILL NO. 3437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3449, by Senators Woody, Hayner, Bottiger, Gaspard and Hemstad

Restricting statements in the candidate's pamphlet to those about the candidate.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

On page 1, line 9, after "herself" strike "that are capable of verification"

Senator Warnke moved adoption of the following Committee on State Government amendment:

On page 1, line 11, after "contains" strike "references or inferences about a candidate's opponent."

Debate ensued.

The President declared the question before the Senate to be adoption of the Committee on State Government amendment.

The motion by Senator Warnke carried and the committee amendment was adopted.

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 3449 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 Woody, beginning on line 8, it says 'that statements of the candidate's pamphlet shall be limited to those about the candidate himself or herself that are capable of verification.' Can you describe to me the process by which the verification will take place?"

Senator Woody: "Yes, Senator Guess. In committee, this language in the original proposal was modified. The first amendment that Senator Warnke proposed which has passed this body inserted a period on line 9 after 'herself.'"

POINT OF INQUIRY

Senator Pullen: "Senator Warnke, your last answers to my questions, I think, still leave the issue a little bit cloudy. We did strike the new language on lines 11 and 12, which said 'references or inferences about a candidate's opponent.' Now, by striking those words, and looking at only those words, could be construed as allowing references to the opponent. However, the positive words that are in lines 8 and 9 which says 'statements for the candidate's pamphlet shall be limited to those about the candidate, himself or herself.' That does prohibit references to the opponent. Is that correct?"

Senator Warnke: "The one sentence that you are referring to on lines 8 and 9 read by itself would only allow a statement about himself or herself. The bill read as a whole gives the authority to the Secretary of State--that is where the problem is occurring--that statements and inferences are being made about the opponents."

Senator Pullen: "Would it be proper for a candidate to put a statement in the voter's pamphlet that he, the candidate, is much better than his opponent because he, the candidate, understands the issues better? In other words, a statement like that could be construed as a statement about the candidate himself, but he is contrasting his position with that of his opponent's position."

Senator Warnke: "With the words stricken on lines 11 and 12, my assumption from the testimony and the interpretation given at the hearing is that you, now, will

be able to say anything in the voter's pamphlet that is not obscene, profane, libelous, or defamatory--period."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3449.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3449, and the bill passed the Senate by the following vote: Yeas, 46; nays, 02; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 46.

Voting nay: Senators Pullen, Zimmerman - 2.

Excused: Senator Quigg - 1.

ENGROSSED SENATE BILL NO. 3449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3640, by Senators Moore and Talmadge.

Modifying the residential landlord-tenant act.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3640 was substituted for Senate Bill No. 3640 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3640 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 Kiskaddon: "Senator Talmadge, I would like to know the logic behind--if you have property of more than one hundred dollars accumulative, then the landlord could sell it, including personal papers and family pictures and keepsakes, but if it is less than one hundred dollars, then you wouldn't be able to sell the personal papers and family pictures and keepsakes. I guess my instincts would say that having a landlord being able to sell personal papers and family pictures and keepsakes might be going too far."

Senator Talmadge: "I recognize the concern there, Senator Kiskaddon, but I think the real concern that exists from the usual landlord-tenant situation is that you have a large accumulation of material that the tenant has left in abandoning the premises. If it has a substantial value--and we have simply assigned one hundred dollars rather arbitrarily as that figure--simply get it off the premises so the premises can be cleaned up for the next series of tenants. I recognize that what you say is a concern, but we have taken that as a relatively arbitrary figure in the hopes that we can clear the premises for the next set of tenants and that the landlord can do that without fear of future recourse against him or her."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3640.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3640, and the bill passed the Senate by the following vote: Yeas, 47; nays, 01; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch,

Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Quigg - 1.

SUBSTITUTE SENATE BILL NO. 3640, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3523, by Senators Granlund, Owen and Metcalf (by Department of Corrections request)

Modifying time limits for furloughs for residents of state correctional institutions.

The bill was read the second time.

MOTIONS

On motion of Senator Pullen, the following amendment by Senators Pullen and Granlund was adopted:

On page 1, after line 15, insert the following:

*Sec. 2. Section 5, chapter 20, Laws of 1973 and RCW 72.66.016 are each amended to read as follows:

(1) A furlough shall not be granted to a resident if the furlough would commence prior to the time the resident has served the minimum amounts of time provided under this section:

((+)) (a) If his minimum term of imprisonment is longer than twelve months, he shall have served at least six months of the term;

((2)) (b) If his minimum term of imprisonment is less than twelve months, he shall have served at least ninety days and shall have no longer than six months left to serve on his minimum term;

((3)) (c) If he is serving a mandatory minimum term of confinement, he shall have served all but the last six months of such term.

(2) A person convicted and sentenced for a violent offense as defined in RCW 9.94A.030 is not eligible for furlough until the person has served at least one-half of the minimum term as established by the board of prison terms and paroles or the sentencing guidelines commission.

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

On page 1, line 1 of the title, after "corrections;" strike "and"

On page 1, line 2 of the title, after "72.66.036" and before the period insert "; and amending section 5, chapter 20, Laws of 1973 and RCW 72.66.016"

On motion of Senator Granlund, the rules were suspended, Engrossed Senate Bill No. 3523 was advanced to third reading, the second reading considered the third, and the bill was 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. 3523.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3523, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Quigg - 1.

ENGROSSED SENATE BILL NO. 3523, having received the 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 Shinpoch, Senate Bill No. 3129 was placed at the bottom of the second reading calendar.

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

On motion of Senator Shinpoch, the Committee on State Government was relieved of further consideration of Gubernatorial Appointment No. 106.

On motion of Senator Shinpoch, Gubernatorial Appointment No. 106 was referred to the Committee on Commerce and Labor.

On motion of Senator Shinpoch, the Committee on Social and Health Services was relieved of further consideration of Engrossed Substitute House Bill No. 433.

On motion of Senator Shinpoch, Engrossed Substitute House Bill No. 433 was referred to the Committee on Institutions.

MOTION

At 11:05 a.m., on motion of Senator Shinpoch, 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 President returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

March 23, 1983

SB 3021 Prime Sponsor, Senator McDermott: Regulating health studios. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3021 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

March 23, 1983

SB 3248 Prime Sponsor, Senator Lee: Requiring the salaries of persons in public employment to be adjusted to achieve comparable worth. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3248 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Hughes, Lee, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Woody.

MINORITY recommendation: That the bill not be substituted. Signed by Senators Craswell, Metcalf, Zimmerman.

Passed to Committee on Rules for second reading.

March 22, 1983

SB 3533 Prime Sponsor, Senator Kiskaddon: Modifying basic education program requirements. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Goltz, Hemstad, Hughes, Kiskaddon, Lee, Warnke.

Passed to Committee on Rules for second reading.

March 21, 1983

SB 3800 Prime Sponsor, Senator Owen: Relating to fishing licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3800 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Metcalf, Rasmussen, Quigg, Shinpoch, Vognild.

Passed to Committee on Rules for second reading.

March 23, 1983

SB 3880 Prime Sponsor, Senator Gaspard: Relating to education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3880 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, Warnke.

MINORITY recommendation: Do not pass as substituted. Signed by Senators Benitz, Craswell, Guess, Patterson.

Passed to Committee on Rules for second reading.

March 23, 1983

SB 4141 Prime Sponsor, Senator Lee: Authorizing school districts to exceed excess levy limitations under certain circumstances. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4141 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Guess, Hemstad, Lee, Patterson, Warnke.

Passed to Committee on Rules for second reading.

March 23, 1983

SJM 120 Prime Sponsor, Senator Owen: Requesting Congress to review the Boldt decision. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Patterson, Quigg, Vognild.

Passed to Committee on Rules for second reading.

PROCEDURAL INQUIRY

Senator Clarke: "A matter of procedural inquiry--is Senator Gaspard available?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Gaspard was present at the convening of the Senate this afternoon."

Senator Clarke: "Mr. President, one of the members had a question as to the status of a bill that was in his committee. I wondered if he was available on a question of status on the Reports of Standing Committees."

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3501, by Senators Talmadge and Hemstad

Providing interpreters in legal proceedings for non-English-speaking persons.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Hemstad was adopted:

On page 1, line 19 after "is deaf" delete ", deaf mute," and insert "((-deaf mute:))"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3501 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Maybe I missed this in debate. What is the cost of this? What is the fiscal note? Everything costs money and I don't imagine anybody believes in a free lunch. What is the cost?"

Senator Talmadge: "Senator, this is merely a statement of policy. It is an inducement or an encouragement to local courts to provide this kind of service. In King County, it is done voluntarily with an interpreter service and does not cost the county anything.

"The problem, in specific, Mr. President and members, in regard to Senator Pullen's remarks is that we are not talking about establishing a bilingual policy or anything else, but imagine a situation where you would have a Laotian standing before the court in King County or Pierce County, who does not understand the English language at all--does not understand anything about the proceeding that is taking place that may have an impact on his or her life. I think that it is appropriate that that person have a basic understanding of what is taking place in that court.

"I tend to agree with Senator Pullen that the English language is the language of the United States, but I think it is a matter of due process that the proceeding that affects an individual be something that he or she can understand. Every inducement that we can to have people speak English, I want to see happen, but for those people that can't, I think we have to have some mechanism like this to help them out."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3501.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3501, and the bill passed the Senate by the following vote: Yeas, 43; nays, 03; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators McCaslin, Metcalf, Pullen - 3.

Absent: Senators Conner, Newhouse - 2.

Excused: Senator Guigg - 1.

ENGROSSED SENATE BILL NO. 3501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3490, by Senators Goltz, Deccio and Granlund

Changing the procedures for appointing the local health officer in counties with home-rule charters.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3490 was substituted for Senate Bill No. 3490 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3490 was advanced to third reading, the second reading considered the third, and the bill was 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. 3490.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3490, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Guigg - 1.

SUBSTITUTE SENATE BILL NO. 3490, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3387, by Senators Moore, Jones, Goltz, Shinpoch and Talmadge

Penalizing interference with the lawful custody of a child.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3387 was substituted for Senate Bill No. 3387 and the substitute bill was placed on second reading and read the second time.

Senator Hayner moved adoption of the following amendment by Senators Hayner and Talmadge:

On page 2, line 18 after "custodian" strike everything down to and including "visitation" on page 2, line 23.

POINT OF INQUIRY

Senator Guess: "Senator Hayner, I would like to outline a situation that actually happened. This was between Christmas and New Years a year ago--now some fifteen or sixteen months. The wife had been awarded custody of the boy and the father was awarded visitation rights over certain holidays. This happened that the father came and got the boy just before Christmas and had him for a part of Christmas Day and was supposed to return him at four o'clock on Christmas Day. The child has not yet been found. The father disappeared with the boy and we traced it through the FBI--followed him down through Oregon and Idaho and down into New Mexico. Would this, in any way, help to secure the location of that child?"

Senator Hayner: "Yes, it will. That is precisely the kind of situation that the major portion of this bill deals with. It enables them to--I guess I am not sure exactly what the organization through which we work on this--but we will have a federal hookup with the finding of these children. That is precisely what we are trying to do in this bill."

The President declared the question before the Senate to be adoption of the amendment by Senators Hayner and Talmadge.

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

MOTION

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

On page 3, line 15, after "agreement," insert "The rules shall provide that the information requested be forwarded only to a person who is authorized to request such information. This information may be used solely for the purpose of aiding efforts to locate persons sought in connection with child custody and parental kidnapping cases."

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3387 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator Talmadge, I believe that the amendment that was sponsored by Senator Hayner would correct a problem that I had with the bill. I did send around a story out of a recent issue of the Tacoma News Tribune, in which a mother who had custodial rights of her child fled the state of Wisconsin, because she found out that her former husband--no, she wasn't married--the father of the child--was sexually molesting the child, and had been since the child was twenty months old.

"She could get no help in the courts, because they do not have the legislation that we have. I believe Senator Bluechel sponsored, last year, legislation which permitted a surrogate person to respond in a court in behalf of a child. Consequently, that mother who does have custodial care runs into problems of facing

extradition with the state of Wisconsin, because she has taken the child out of the state and the father has brought a court action.

"I believe that the amendment does handle it, but I wanted to know what your opinion was on it."

Senator Talmadge: "I think the amendment does address that question. I have some confidence in the Governor and his personnel in determining whether or not extradition should take place. I would also reference section four of the bill relating to the locator service which indicates that when you are looking at whether or not to honor the request—such information as whether a court order has been issued prohibiting contact between the parents, whether either parent has been convicted of the crime of domestic violence, whether either parent has been convicted of child abuse and whether any court order has been issued restricting the parental rights of either parent. I think there are protections for that kind of situation throughout the bill, Senator Wojahn. I think that Senator Hayner's amendment does address that issue."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3387.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3387, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Deccio - 1.

Excused: Senator Quigg - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF INQUIRY

Senator Craswell: "Senator Gaspard, in regard to Senate Bill No. 3514, which passed out of committee this morning, I noticed that it wasn't read in with the reports this afternoon at 1:30 p.m. I am wondering if you could tell me what the status of that bill is?"

Senator Gaspard: "Senator Craswell, according to committee rules--Senate Rule No. 45--it states that a majority of committee members must sign a bill out. As of about 1:55, we did not have a majority of signatures to put that bill out."

Senator Craswell: "It was my understanding, Senator Gaspard, that we had a roll call vote and there were nine members on the committee in favor of a 'do pass' recommendation. Are there not nine members signed on the bill at this time?"

Senator Gaspard: "Rule 45, section 5, says that it must carry the signatures of a majority of the members of a committee. There was not a majority of members of the committee to sign the bill before it was read in."

Senator Craswell: "I wonder if you could tell us, Senator Gaspard, who has signed on that bill?"

Senator Gaspard: "I couldn't tell you at this point."

Senator Craswell: "There was an official roll call vote in committee and there were nine affirmative votes at that time. It was my understanding that there were nine signatures on the bill. If someone has taken his name off, is this not public information?"

Senator Gaspard: "I believe I have answered the question according to the rules. As of about 1:55, we did not have a majority of signatures."

POINT OF INFORMATION

Senator Craswell: "Mr. President, is it not public information what signatures are on a bill?"

REPLY BY THE PRESIDENT

President Cherberg: "It is certainly public information, but no report has been turned in to the Secretary of the Senate."

Senator Craswell: "Is it true that the report has to be turned in by five o'clock tonight?"

President Cherberg: "Five o'clock tomorrow, Senator."

Senator Craswell: "Five, tomorrow morning?"

President Cherberg: "Before adjournment tomorrow, Senator."

MOTION

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

MESSAGE FROM THE HOUSE

March 24, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1038, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1038.

MOTIONS

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

Senator Shinpoch moved that the Committee on Rules be relieved of further consideration of Senate Bill No. 4141.

POINT OF INQUIRY

Senator Lee: "Senator McDermott, I understand that you made a determination that Senate Bill No. 4141 was one of the kinds of bills that would, indeed, survive our cut-off of tomorrow--in your judgment--even though I had an earlier opinion that it would not. I would just like to have your assurance that you, indeed, feel that it survives the cut-off that we have established relating to anything other than fiscal matters."

Senator McDermott: "The basic resolution says that 'budget-related matters' and certainly school finances are a budget matter, so it seems to me that an excess levy would be budget-related. I would see no problem with it surviving."

PARLIAMENTARY INQUIRY

Senator Clarke: "Mr. President, since this would have a bearing upon whether the bill is moved or not, I wonder if it would be appropriate to ask the President to rule on the question raised by Senator Lee as to whether the bill does or does not survive the cut-off."

REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "Mr. President, if the President would need some time, we could go on to a resolution that we have and we could come back to this later tonight."

President Cherberg: "Thank you, Senator Shinpoch, if that is agreeable. Thank you, Senator Clarke."

MOTION

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

SENATE RESOLUTION 1983-16

By Senators Lee, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg,

Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; and Ole Scarpelli, Sergeant at Arms

WHEREAS, The historic and heroic journey for added life and expanded medical knowledge undertaken on December 2, 1982, by Dr. Barney Clark, a Des Moines dentist, ended peacefully at two minutes after 9:00 p.m. on Wednesday, March 23, 1983 - 112 days after it began; and

WHEREAS, Dr. Clark's courageous and dramatic struggles as the first human being implanted with an artificial heart were inspirational to and touched the hearts of citizens throughout the world; and

WHEREAS, Dr. Clark's decision to make this difficult journey was in the avowed interest of and for the benefit of all mankind and was a truly magnificent gesture in behalf of all human beings; and

WHEREAS, Dr. Clark's selfless spirit has contributed enormously to the medical world's knowledge of the methods by which to sustain life by artificial means when the natural heart has so deteriorated as to promise certain death; and

WHEREAS, All of us who are alive today and generations yet unborn may benefit from the sacrifices made and the struggles willingly endured by Dr. Clark; and

WHEREAS, The citizens of Washington State are justly proud of the dedication and unselfish motivation by one among us and are deeply grieved by his passing;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extend its heartfelt condolences to Dr. Barney Clark's wife, Una Loy, and his family and friends and extend this expression of pride for the courage, determination and dedication which Dr. Clark so profoundly exhibited in his struggle to expand medical knowledge and to help all the citizens of our world; and

BE IT FURTHER RESOLVED, That the Washington State Senate extends its sincerest gratitude to Dr. William C. DeVries and his medical team, to the staff of the University of Utah Medical Center and to the creators of the Jarvik-7 artificial heart for making this 112-day journey possible; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Secretary of the Senate to Dr. Barney Clark's wife, Una Loy, to his family, and to Dr. William C. DeVries and staff.

MOTION

On motion of Senator Lee, all members and the Lieutenant Governor will be added as additional sponsors to Senate Resolution 1983-16.

There being no objection, the Senate returned to the motion made by Senator Shinpoch earlier today to relieve the Committee on Rules of further consideration of Senate Bill No. 4141.

RULING BY THE PRESIDENT

President Cherberg: "Senator Clarke, Senator Shinpoch, and other distinguished members of the Senate, the President, in reviewing Senate Bill No. 4141, finds that the measure is a budget-related matter and would be properly before the Senate on the sixth order of business anytime prior to adjourning Sine Die."

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

REPORTS OF STANDING COMMITTEES

March 23, 1983

SB 3193 Prime Sponsor, Senator Talmadge: Modifying provisions of the Washington clean air act. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3193 be substituted therefor, and the substitute bill do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hurley, Kiskaddon, Lee, Rasmussen, Williams.

Passed to Committee on Rules for second reading.

March 24, 1983

SB 3485 Prime Sponsor, Senator Gaspard: Providing for the superintendent of public instruction to be a voting member of the state board of education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, McDermott, Patterson, Warnke.

Passed to Committee on Rules for second reading.

March 23, 1983

SB 4079 Prime Sponsor, Senator Williams: Prohibiting the use of pesticides containing endrin. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hurley, Kiskaddon, Lee, McDermott, Williams.

Passed to Committee on Rules for second reading.

March 24, 1983

SB 4106 Prime Sponsor, Senator McManus: Authorizing state contracts with independent colleges and universities for instructional services. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Benitz, Craswell, Goltz, Guess, Hemstad, Hughes, Kiskaddon, McDermott, Patterson, von Reichbauer, Warnke.

Passed to Committee on Rules for second reading.

March 23, 1983

SB 4107 Prime Sponsor, Senator Moore: Revising procedures and penalties under the model litter control and recycling act. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4107 be substituted therefor, and the substitute bill do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hansen, Kiskaddon, Lee, Rasmussen, Williams.

Passed to Committee on Rules for second reading.

March 23, 1983

SB 4201 Prime Sponsor, Senator Williams: Requiring that used automotive oil be recycled. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4201 be substituted therefor, and the substitute bill do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hansen, Hurley, Kiskaddon, Lee, McDermott, Rasmussen, Williams.

Passed to Committee on Rules for second reading.

March 23, 1983

SJM 110 Prime Sponsor, Senator Zimmerman: Requesting Congress to refrain from imposing further federal control over land in the Columbia River Gorge. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Patterson, Quigg.

Passed to Committee on Rules for second reading.

March 24, 1983

SCR 116 Prime Sponsor, Senator Wojahn: Establishing a joint ad hoc legislative committee on community college financing and governance. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Craswell, Goltz, Kiskaddon, McDermott, Patterson, Warnke.

Passed to Committee on Rules for second reading.

POINT OF INQUIRY

Senator Clarke: "Senator Gaspard, we have been informed that you have the bill (Senate Bill No. 3514) in your desk and there has been an inquiry by members of the committee as to what signatures are on the bill. If you have possession of the bill, could you now give us that information, please?"

Senator Gaspard: "Mr. President, will Senator Clarke yield to a question?"

Senator Clarke: "Yes, I yield."

Senator Gaspard: "Could you tell me under what assumption you think that I have the bill in my desk?"

Senator Clarke: "I am asking you."

Senator Gaspard: "I am asking you under what assumption you think the bill is in my desk?"

Senator Clarke: "Well, because somebody thinks it is there and if that is so, you certainly should respond to a question as to whether you do or do not have possession of the bill. You are the chairman of the committee. We have been endeavoring to get information as to where the bill is and what its status is. I think we are entitled to that."

Senator Gaspard: "I have answered that question. It has been brought up by Senator Craswell, and the question to you is, why do you assume that I have the bill in my desk? Has someone been in my desk?"

MOTION

At 2:27 p.m., Senator Shipoch moved that the Senate recess until 7:30 p.m.

REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, I don't think my question has been answered as yet. While a motion is always in order, I think that a chairman of a committee has a duty to advise the body and the members of that committee as to the present status of a bill that is in his committee. He has been, obviously, avoiding answering that question."

At 2:28 p.m., the Senate recessed until 7:30 p.m.

STATEMENT FOR THE JOURNAL

STATEMENT BY SENATOR MARC GASPARD TO BE INSERTED INTO THE JOURNAL OF THE SENATE, MARCH 24, 1983

Because of Senator Clarke's persistence in asking me to yield to questions on the floor of the Senate, even after I answered similar questions by Senator Craswell, regarding the Committee Report on Senate Bill 3514, I submit this statement into the Journal of the Senate.

Since I am the Chairman of the Senate Education Committee, I wish to once again explain the situation regarding Senate Bill No. 3514.

Although Senate Bill No. 3514 was voted out of the Education Committee by a majority, Senate Rule No. 45 requires that before a bill can be moved out of committee, it "must carry the signatures of a majority of the members of the committee." Until approximately 1:55 p.m. of March 24, 1983, only eight of the 17 members of the committee had signed the bill out of committee. Since then, one member decided to change his mind, and also signed the Committee Report. After the Committee Report received the ninth signature, Senate Bill No. 3514 was handled in a normal manner as any other bill, and was reported out of committee to the Senate later in the day of March 24, 1983.

It appears to me, since I had already covered similar questions by Senator Craswell, that the questions asked by Senator Clarke were for motives other than for legitimate inquiry, which is an abuse of the question and answer process of the Senate.

Senator Clarke has yet to answer my question if he had indeed searched the papers on or in my desk.

Marcus S. Gaspard

EVENING SESSION

The President called the Senate to order at 7:30 p.m.

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

SECOND READING

SENATE BILL NO. 3758, by Senators Lee, Owen, Granlund and Patterson

Regulating excursion service companies.

MOTIONS

On motion of Senator Shinpoch, Substitute Senate Bill No. 3758 was substituted for Senate Bill No. 3758 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 3758 was advanced to third reading, the second reading considered the third, and the bill was 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. 3758.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3758, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 07; excused, 01.

Voting yea: Senators Barr, Bauer, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 41.

Absent: Senators Bender, Benitz, Gaspard, Haley, McCaslin, McManus, Warnke - 7.

Excused: Senator Quigg - 1.

SUBSTITUTE SENATE BILL NO. 3758, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3856, by Senator Talmadge

Changing provisions relating to criminal law.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3856 was substituted for Senate Bill No. 3856 and the substitute bill was placed on second reading and read the second time.

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

On page 4, line 17, delete section 10 and renumber accordingly.

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3856 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognilid, Senator Warnke was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3856.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3856, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar,

Shinpoeh, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Warnke - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3856, having received the 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 Shinpoeh, the Senate advanced to the eighth order of business.

There being no objection, the Senate resumed consideration of the pending motion by Senator Shinpoeh to relieve the Committee on Rules of further consideration of Senate Bill No. 4141, deferred earlier today.

The President declared the question before the Senate to be the motion by Senator Shinpoeh to suspend the rules and relieve the Committee on Rules of further consideration of Senate Bill No. 4141.

The motion by Senator Shinpoeh carried.

On motion of Senator Shinpoeh, Senate Bill No. 4141 was referred to the Committee on Ways and Means.

On motion of Senator Shinpoeh, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3006, by Senators Bluechel, Williams, Fuller and Hurley

Revising the state environmental policy act.

MOTIONS

On motion of Senator Hughes, Substitute Senate Bill No. 3006 was substituted for Senate Bill No. 3006 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved adoption of the following amendment:

On page 3, line 12, beginning on line 12, restore all the stricken language except "~~1983~~", and after "~~1983~~" insert "~~1989~~".

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

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

MOTIONS

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

On page 9, line 20, after "RCW.", insert "The types of actions included as categorical exemptions in the rules shall be limited to those types which are not major actions significantly affecting the quality of the environment."

Senator Talmadge moved adoption of the following amendment:

On page 10, line 17, after "population," insert "in addition as outlined in RCW 43.21C.020, this chapter is designed to recognize human dependence on physical surroundings for, among other things, cultural enrichment; and RCW 43.21C.020(c) declares that it is the continuing policy of the state of Washington to fulfill the social, economic and other requirements of Washington citizens. Therefore, where, as a result of the scoping process provided for in section 1 of this act, it appears to the responsible official that there is substantial concern on the part of those commenting on the appropriate scope of an environmental impact statement with social, cultural and economic impacts of a proposed project, an assessment of such impacts shall be included within the environmental impact statement."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Shinpoeh: "Are we still operating under the three-minute rule, one-time speech?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator Shinpoeh."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Talmadge.

ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge failed and the amendment was not adopted by the following vote: Yeas, 13; nays, 35; absent, 00; excused, 01.

Voting yea: Senators Bender, Fleming, Gaspard, Granlund, Hughes, McDermott, Moore, Rinehart, Shinpoch, Talmadge, Williams, Wojahn, Woody - 13.

Voting nay: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Thompson, Vogtild, von Reichbauer, Zimmerman - 35.

Excused: Senator Warnke - 1.

MOTION

On motion of Senator Hughes, the rules were suspended, Engrossed Substitute Senate Bill No. 3006 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 Bluechel, does the bill eliminate judicial review of categorical exemptions?"

Senator Bluechel: "No. The bill makes it clear that people can rely on a system of categorical exemptions established by the rules. A categorical exemption is a type of action which does not significantly affect the environment. The courts may still decide if a categorical exemption contained in the rules meets this criterion. The courts may also decide whether a specific proposed action actually fits within a particular categorical exemption in the rules."

Senator Bottiger: "Does the bill include analysis of the impacts of a project upon urban areas, communities and neighborhoods?"

Senator Bluechel: "Yes. The bill specifies that impacts on the 'built' environment and on the 'natural' environment must be analyzed. This includes the impacts upon, and the quality of, our physical surroundings, whether they are in wild, rural, or urban areas. The term 'socioeconomic' does not have a uniform meaning and has caused a great deal of uncertainty. Rather than using a vague and confusing term, the bill specifies the traditional areas of urban environmental concern, such as public services, transportation, environmental health, and land and shoreline use, including housing, noise, aesthetics, and so on."

Senator Bottiger: "Does the bill impose attorneys' fees in every case; what protection is there against harassment of plaintiffs; can a court award more than one thousand dollars in a lawsuit; for example, because of multiple defendants?"

Senator Bluechel: "The bill does not impose attorneys' fees. It allows a court in its discretion to award up to a maximum of one thousand dollars in fees if the court makes certain findings. The findings are findings of law, not of fact or intent; they are intended to be as objective as possible and to prevent expensive and harassing discovery of a party's motivations and group affiliation, if any. Although an award may be made at the trial court level, the total liability for attorneys' fees for a lawsuit under this act is one thousand dollars, regardless of whether there are multiple defendants or appeals."

Debate ensued.

POINT OF INQUIRY

Senator Shinpoch: "Senator Bottiger, in the exchange with Senator Bluechel on the question and answer, which I assume had a couple of purposes--one of which was to establish in the Journal the questions and answers and the other was to make us more comfortable with what was happening here--and maybe a third one to get to speak longer than three minutes. One of the answers that came back was 'significantly affect the environment.' That was the phrase that concerned me. Is there anywhere in law that 'significant' is defined?"

Senator Bottiger: "Senator, to the best of my knowledge, that is a determination made by the decision maker--the county commissioners. In many cases, they have adopted, by local regulations, the number of building permits, the number of stories, the number of square feet--that they would require before the EIS would become mandated. You can go to court on that issue and, as far as I know, this bill does not change that. You could still go to court and claim that there was a significant impact and there should be an EIS--if, say, the county commissioners or the city of Renton decided there was not. Someone could challenge them and take them to court on that issue."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3006.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3006, and the bill passed the Senate by the following vote: Yeas, 42; nays, 06; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Thompson, Vogndil, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Fleming, McDermott, Moore, Rinehart, Shipoch, Talmadge - 6.

Excused: Senator Warnke - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3006, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3151, deferred on March 10, 1983.

SECOND READING

SUBSTITUTE BILL NO. 3151, by Committee on Local Government (originally sponsored by Senators Thompson, Hayner, Bauer and Barr)

Allowing counties to employ special attorneys.

The bill was read the second time.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Clarke moved the Senate reconsider the vote by which Substitute Senate Bill No. 3151 was substituted for Senate Bill No. 3151 on March 10, 1983.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Clarke that the Senate reconsider the vote by which Substitute Senate Bill No. 3151 was substituted for Senate Bill No. 3151.

The motion by Senator Clarke failed on a rising vote and the Senate resumed consideration of Substitute Senate Bill No. 3151.

MOTIONS

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3151 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 Deccio was excused.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3151.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3151, and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Granlund, Haley, Hughes, Hurley, Jones, McCaslin, McDermott, McManus, Metcalf, Owen, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Goltz, Guess, Hansen, Hayner, Hemstad, Kiskaddon, Lee, Moore, Newhouse, Patterson, Pullen, Rasmussen, Sellar, von Reichbauer - 17.

Excused: Senators Deccio, Warnke - 2.

SUBSTITUTE SENATE BILL NO. 3151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, Senate Bill No. 3183 held its place on the second reading calendar for tomorrow.

SECOND READING

SENATE BILL NO. 3054, by Senators Vognild and Newhouse (by Department of Labor and Industries request)

Revising certification of plumbers.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3054 was substituted for Senate Bill No. 3054 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended. Substitute Senate Bill No. 3054 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Vognild, maybe in testimony in the committee, you heard the answer to this. My question is not that the plumber should be licensed so that they know what they are doing--sanitary work--but my question is why should they have to be licensed year after year? Now, we have doctors, we have lawyers, we have optometrists, we have ophthalmologists, we have all categories of people that take a license, but they don't have to be licensed every year.

"I never worked in an industry where I had to be licensed every year. It would irritate me. I know that at the fire department where you work--very important work--you don't have to be licensed every year. Is it only to keep some bureaucracy going?"

Senator Vognild: "Senator, that is an excellent question and I hope I can somewhat answer it. The bill addressed that in this way, in that we extended from one-year to two-year licensing. I don't recall the total testimony on it, but I recall having to do with the transient workers--the worker who travels around considerably--those workers who travel from state to state and sometimes are out of this state for quite some time. This requires that they maintain a current license in order to work in this state."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3054.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3054, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator von Reichbauer - 1.

Excused: Senators Deccio, Warnke - 2.

SUBSTITUTE SENATE BILL NO. 3054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3453, by Senators Goltz, Patterson and Hansen

Modifying deposition of traffic offenses on college and university campuses.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3453 was substituted for Senate Bill No. 3453 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 3453 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3453.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3453, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator von Reichbauer - 1.

Excused: Senators Deccio, Warnke - 2.

SUBSTITUTE SENATE BILL NO. 3453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3060, by Senators Lee, Talmadge, Kiskaddon, Moore and Deccio

Protecting vulnerable or dependent adults.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendments were considered and adopted simultaneously:

On page 9, line 4 after "and" strike ", upon request."

On page 9, line 4 after "report" insert "as soon as practicable"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3060 was advanced to third reading, the second reading considered the third, and the bill was 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. 3060.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3060, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Absent: Senator von Reichbauer - 1.

Excused: Senators Deccio, Warnke - 2.

ENGROSSED SENATE BILL NO. 3060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

March 24, 1983

SB 3041 Prime Sponsor, Senator Vognild: Modifying provisions relating to real estate licensure. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Newhouse, Quigg.

MINORITY recommendation: Do not pass and do not pass as amended. Signed by Senators McCaslin, Williams.

Passed to Committee on Rules for second reading.

March 24, 1983

SB 3064 Prime Sponsor, Senator Moore: Regulating taxicab companies. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3064 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; McManus, Moore, Newhouse, Quigg, Williams.

Passed to Committee on Rules for second reading.

March 24, 1983

SB 3071 Prime Sponsor, Senator Moore: Requiring identification badges for persons inspecting business establishments. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Moore, Newhouse, Quigg, Sellar, Williams.

Passed to Committee on Rules for second reading.

March 24, 1983

SB 3480 Prime Sponsor, Senator Bottiger: Authorizing certain performers to elect exemption from mandatory industrial insurance coverage. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3480 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Moore, Newhouse, Quigg, Sellar, Williams.

Passed to Committee on Rules for second reading.

March 24, 1983

SB 3514 Prime Sponsor, Senator Hemstad: Permitting children to attend church educational ministries instead of other schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Craswell, Goltz, Guess, Hemstad, Lee, Patterson, von Reichbauer, Warnke.

Passed to Committee on Rules for second reading.

March 24, 1983

SB 3761 Prime Sponsor, Senator Fuller: Establishing procedures for certain school districts to decide to elect their directors at large. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3761 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, McDermott, Patterson, von Reichbauer, Warnke.

Passed to Committee on Rules for second reading.

March 22, 1983

SB 4033 Prime Sponsor, Senator Peterson: Relating to railroads. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4033 be substituted therefor, and the substitute bill do pass and refer to Committee on Ways and Means. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, Guess, Haley, Owen, Patterson, Sellar, Vognilid.

Referred to Committee on Ways and Means.

March 23, 1983

SB 4066 Prime Sponsor, Senator Moore: Relating to consumer finance companies. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4066 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Clarke, Deccio, Jones, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 24, 1983

SB 4095 Prime Sponsor, Senator Hemstad: Authorizing parents with personal or religious beliefs to exempt their children from compulsory school attendance. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4095 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Benitz, Craswell, Goltz, Guess, Hemstad, Kiskaddon, Lee, McDermott, Patterson, von Reichbauer, Warnke.

Passed to Committee on Rules for second reading.

March 24, 1983

SB 4221 Prime Sponsor, Senator Bauer: Establishing procedures before closing a school for instructional purposes. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4221 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Patterson, von Reichbauer, Warnke.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 24, 1983

Mr. President:

The House has passed:

SENATE BILL NO. 3096, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3096.

MOTION

At 9:46 p.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Friday, March 25, 1983.

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

SEVENTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 25, 1983

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 Bender, Deccio, Kiskaddon, McCaslin, McDermott, Owen, Pullen, Rasmussen, Rinehart, Woody and Zimmerman. On motion of Senator Vognild, Senators McCaslin, McDermott, Rasmussen, Rinehart and Zimmerman (members of Committee on State Government) were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kristin Jarvis and Suzanne Jasmer, presented the Colors. Reverend Ray Morrison, senior pastor of the First Church of the Nazarene of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 23, 1983

SB 3811 Prime Sponsor, Senator Fleming: Revising the powers of housing authorities. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3811 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, Woody.

Passed to Committee on Rules for second reading.

March 23, 1983

SB 3812 Prime Sponsor, Senator Thompson: Modifying provisions on fees for filing surveys, plats, etc. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3812 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, Woody.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 24, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 538,

SUBSTITUTE HOUSE BILL NO. 539,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 546,

SUBSTITUTE HOUSE BILL NO. 552,

HOUSE BILL NO. 765,

SUBSTITUTE HOUSE BILL NO. 861, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 538 by Committee on Transportation (originally sponsored by Representatives Garrett, Charnley, Allen, Lux, Broback, Crane, Patrick, Hine, G. Nelson, Brekke, Todd, Fisher, Ebersole, Clayton, Gallagher and Powers)

Regulating conduct on buses.

Referred to Committee on Transportation.

SHB 539 by Committee on Transportation (originally sponsored by Representatives Egger, Crane, Todd, Charnley, Lux, Allen, Broback, Patrick, Mitchell, G. Nelson, Fisher, Clayton, Gallagher, Martinis, Brekke, Wilson, Jacobsen, Braddock, Johnson and Powers)

Exempting nonprofit corporations providing transit services to the elderly and handicapped from motor vehicle fuel tax on fuel used for these purposes.

Referred to Committee on Transportation.

ESHB 546 by Committee on Transportation (originally sponsored by Representatives McMullen, Schmidt, Vekich, Walk and Isaacson)

Regulating wheelchair conveyances.

Referred to Committee on Transportation.

SHB 552 by Committee on State Government (originally sponsored by Representatives Halsan, Martinis, Vander Stoep, Padden, Heck, Fiske, Grimm, Miller, Charnley, Silver, Zellinsky, Broback, Jacobsen, Brough, McMullen, Holland, Ristuben, Chandler, Egger, Ballard, Fisher, Schmidt, Ebersole, J. Williams, Powers, Allen, Smitherman, Rust, Belcher, Locke, Galloway, Appelwick, Braddock, Crane, Todd, Walk, Armstrong, P. King, Sutherland, Brekke, Kaiser, Dellwo, McClure, Vekich, O'Brien, Hine, Moon, Niemi, Johnson and Isaacson)

Permitting off-duty patrol officers to wear their uniforms while participating in public service educational programs.

Referred to Committee on State Government.

HB 765 by Representatives R. King and Clayton

Adjusting amount of workers' compensation payable to certain injured workers.

Referred to Committee on Commerce and Labor.

SHB 861 by Committee on Transportation (originally sponsored by Representatives Schmidt, Zellinsky, Powers, Smitherman, Fiske, G. Nelson, Wilson and Haugen)

Directing the department of transportation to establish duty-free shops on state ferries.

Referred to Committee on Transportation.

MOTION

On motion of Senator Shipoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3864, by Senator Hansen

Relating to commodity commissions.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3864 was substituted for Senate Bill No. 3864 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 3864 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, Senator Warnke was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3864.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3864, and the bill passed the Senate by the following vote: Yeas, 37; nays, 00; absent, 06; excused, 06.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Sellar, Shinpoch, Talmadge, Thompson, Vogniid, von Reichbauer, Williams, Wojahn - 37.

Absent: Senators Bender, Deccio, Hayner, Owen, Pullen, Woody - 6.

Excused: Senators McCaslin, McDermott, Rasmussen, Rinehart, Warnke, Zimmerman - 6.

SUBSTITUTE SENATE BILL NO. 3864, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3866, by Senator Hansen

Relating to agriculture.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3866 was substituted for Senate Bill No. 3866 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 3866 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senators Deccio and Hayner were excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3866.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3866, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senator Gaspard - 1.

Absent: Senator Peterson - 1.

Excused: Senators Deccio, Hayner, McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 3866, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:22 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:36 a.m.

SECOND READING

SENATE BILL NO. 3868, by Senator Hansen

Relating to irrigation districts.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3868 was substituted for Senate Bill No. 3868 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 3868 was advanced to third reading, the second reading considered the third, and the bill was 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. 3868.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3868, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 05; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senators Barr, Hemstad, Hurley, McDermott, Quigg - 5.

Excused: Senator Deccio - 1.

SUBSTITUTE SENATE BILL NO. 3868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3183, by Senators Moore, Hurley and Williams

Amending the regulation of attachments to utility poles.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3183 was substituted for Senate Bill No. 3183 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, the following amendment by Senators Benitz, Hemstad and Williams was adopted:

On page 1, line 29 after "RCW" strike "and any entity cooperatively organized" and insert "~~(any entity cooperatively organized)~~"

Senator Bottiger moved adoption of the following amendment:

On page 2, after line 2, insert:

NEW SECTION, Sec. 2. There is added to chapter 80.54 a new section to read as follows:

Prior to a commission hearing, utilities and other utility pole users shall submit disputes concerning attachment fees to arbitration pursuant to chapter 7.04 RCW."

POINT OF INQUIRY

Senator Clarke: "I am wondering, Senator Bottiger, whether that 'shall' should not be a 'may', which would permit them to follow this procedure without mandating it."

Senator Bottiger: "The original draft was 'may' and it was pointed out that if it was 'may', either side could say 'no' and you would be back to the U.T.C., so I switched the 'may' to 'shall' to say--first of all--if you can't agree as to what the rate ought to be, then you shall submit it to arbitration. The PUD's cannot be bound--they are a public body--and cannot be bound to an arbitrator's decision, so it is non-binding arbitration by operation of law. If they didn't agree with the arbitrator and went to the U.T.C., then they are going to pay both times.

"I think, as a practical matter, they will never get there. They will agree without even the arbitration."

POINT OF INQUIRY

Senator Hemstad: "Senator Bottiger, if the PUD's can't be bound by the decision of the arbitrator, does it follow that the cable television corporation--a private corporation--also cannot be bound or would they be bound?"

Senator Bottiger: "I don't think that follows. A private company can agree to be bound by arbitration. At least the representatives of the PUD's have indicated that there are court decisions saying that they cannot submit something involving their revenue to an arbitrator. They have to vote on it themselves."

Senator Hemstad: "Does it follow then that the arbitrator's decision would be binding on the private party, but not on the public party? In other words--for the PUD--it would be mediation and for the cable television corporation, it would be arbitration."

Senator Bottiger: "I don't think so. The representative of the cable television was satisfied. It may very well be. I still think, as a practical matter, we will never get this far, because if somebody has a process to which they can appeal, they are going to make a decision."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger.

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

MOTION

Senator Goltz moved adoption of the following amendment:

On page 3, after line 6, insert the following:

"NEW SECTION. Sec. 4. There is added to chapter 54.16 RCW a new section to read as follows:

A district may construct, purchase, condemn and purchase, acquire, add to, maintain, or conduct and operate cable communications systems within its limits for the purpose of furnishing the district and the inhabitants and any other persons including public and private corporations within its limits access to cable communications and video services for all purposes, public and private, and with full and exclusive authority to sell, regulate, and control the use, distribution, and price thereof within such district."

POINT OF ORDER

Senator Clarke: "Mr. President, I raise the point of order that the amendment increases the scope and object of the bill. The original bill is very limited and had to do solely with the proposition of the charge for attaching cable television to poles. The amendment would, in substance, permit the complete expansion and let a public utility go into the cable television business. Certainly, it was never contemplated, in the original presentation of this bill, that it would be subject to that kind of an enlargement."

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Clarke has raised the point that the proposed amendment changes the scope and object of the bill."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President, I would like to call your attention to the title of this bill, which is 'An act relating to utilities.' It has a very broad title. The subject matter of the bill is public utility district poles. All this does is allow the public district utility to have access to its own poles for the same purpose which is stated in the bill. Therefore, I do not think it expands 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 Senate Bill No. 3183 is a measure of limited scope which expands the definition of utility with regard to attachments to transmission facilities. This results in allowing the Utilities and Transportation Commission to regulate the rates charged by public utility districts, municipal utilities and others for attachments to utility poles.

"The amendment proposed by Senator Goltz would allow public utility districts to establish their own cable companies.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Goltz was ruled out of order.

MOTIONS

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

On page 1, line 4, after "80.54.010;" strike "and" and on line 5, after "030" insert "; and adding a new section to chapter 80.54 RCW"

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 3183 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3183.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3183, and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; absent, 00; excused, 01.

Voting yea: Senators Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Shinpoch, Vognild, von Reichbauer, Warnke, Williams, Woody - 35.

Voting nay: Senators Barr, Bauer, Bender, Benitz, Fuller, Pullen, Quigg, Rinehart, Sellar, Talmadge, Thompson, Wojahn, Zimmerman - 13.

Excused: Senator Deccio - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4089, by Senators Rinehart, Goltz, Fleming, Patterson, Talmadge and Metcalf

Permitting excess moneys in the institutional long term loan fund to be used for locally administered financial aid programs.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following Committee on Education amendment was adopted:

On page 3, line 12, strike "shall" and insert "may"

On motion of Senator Rinehart, the rules were suspended, Engrossed Senate Bill No. 4089 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4089.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4089, and the bill passed the Senate by the following vote: Yeas, 30; nays, 18; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Jones, McCaslin, Metcalf, Newhouse, Pullen, Quigg, Rasmussen, Sellar, Zimmerman - 18.

Excused: Senator Deccio - 1.

ENGROSSED SENATE BILL NO. 4089, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 24, 1983

SB 3160 Prime Sponsor, Senator Granlund: Limiting fund-raising activities during legislative sessions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3160 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Clarke, Hayner, Hemstad, Newhouse, Thompson, Woody.

Passed to Committee on Rules for second reading.

March 24, 1983

SB 3642 Prime Sponsor, Senator Wojahn: Modifying provisions on charitable solicitations. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3642 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

March 24, 1983

SB 4027 Prime Sponsor, Senator Owen: Providing for joint child custody. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4027 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Thompson, Williams.

Passed to Committee on Rules for second reading.

March 25, 1983

SB 4220 Prime Sponsor, Senator Wojahn: Ensuring the payment of wages in theatrical enterprises. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

MOTION

At 11:53 a.m., on motion of Senator Shinpoch, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

REPORTS OF STANDING COMMITTEES

March 25, 1983

SB 3458 Prime Sponsor, Senator Goltz: Prohibiting private benefit due to public employment. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Zimmerman.

Passed to Committee on Rules for second reading.

March 24, 1983

SB 3608 Prime Sponsor, Senator McManus: Modifying provisions relating to cultural arts, stadium and convention districts. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 3608 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McDermott.

Passed to Committee on Rules for second reading.

March 25, 1983

SB 3901 Prime Sponsor, Senator McManus: Relating to unfair business practices. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3901 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Moore, Newhouse, Quigg, Sellar, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

March 24, 1983

SB 4031 Prime Sponsor, Senator Talmadge: Revising provisions relating to community-based corrections programs. Reported by Committee on Institutions

MAJORITY recommendation: That Substitute Senate bill No. 4031 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Referred to Committee on Ways and Means.

March 24, 1983

SB 4034 Prime Sponsor, Senator Peterson: Relating to motor vehicle and special fuels. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4034 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Barr, Granlund, Guess, Haley, Patterson, Vognild.

Passed to Committee on Rules for second reading.

March 24, 1983

SB 4219 Prime Sponsor, Senator Conner: Regulating abandoned junk motor vehicles and hulks. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4219 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Barr, Bender, Granlund, Guess, Haley, Patterson, Vognild.

Passed to Committee on Rules for second reading.

March 24, 1983

SB 4247 Prime Sponsor, Senator Granlund: Modifying provisions regarding juvenile offenders and juvenile facilities. Reported by Committee on Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4247 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

March 24, 1983

SB 4252 Prime Sponsor, Senator Granlund: Revising provisions relating to children and family services. Reported by Committee on Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4252 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Peterson.

Passed to Committee on Rules for second reading.

March 17, 1983

SJR 126 Prime Sponsor, Senator Bottiger: Defining municipal indebtedness. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Jones, McDermott, Zimmerman.

Passed to Committee on Rules for second reading.

March 24, 1983

SCR 113 Prime Sponsor, Senator Warnke: Providing for a study of the benefits of in-state preference requirements in public contracts. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 113 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart.

Hold.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 113 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3843, by Senators Bluechel, Thompson and Jones

Establishing a Washington state board on geographic names.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

On page 3, line 14, after "shall" strike all of the material down to and including "duties" on line 25 and insert "be reimbursed for travel expenses as provided in RCW 43.03.050 and RCW 43.03.060."

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 3843 was advanced to third reading, the second reading considered the third, and the bill was 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. 3843.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3843, and the bill passed the Senate by the following vote: Yeas, 34; nays, 08; absent, 06; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hemstad, Hughes, Kiskaddon, McDermott, McManus, Metcalf, Newhouse, Peterson, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 34.

Voting nay: Senators Barr, Granlund, Moore, Owen, Patterson, Pullen, Rinehart, von Reichbauer - 8.

Absent: Senators Bottiger, Hayner, Hurley, Jones, Lee, McCaslin - 6.

Excused: Senator Deccio - 1.

ENGROSSED SENATE BILL NO. 3843, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4010, by Senators Goltz, Hansen, Newhouse and Benitz

Allowing the director of agriculture to establish or amend certain dairy product standards and definitions.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 4010 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, did I hear you say that they were going to adulterate milk with non-fat solids? Would you explain what type of adulteration this is?"

Senator Goltz: "It is not an adulteration, Senator Rasmussen. This is an enhancement of the quality of the milk by replacing in milk some additional non-fat solids, which had previously been evaporated out of the milk, so that we can then, in effect, get more of those solids in the milk by reconstituting whole milk."

Senator Rasmussen: "Reconstituting old milk?"

Senator Goltz: "Whole milk."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4010.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4010, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 05; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Kiskaddon, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senators Hayner, Hurley, Jones, Lee, McCaslin - 5.

Excused: Senator Deccio - 1.

SENATE BILL NO. 4010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4105, by Senator Talmadge

Removing restrictions regarding who may be subpoenaed before justices of the peace.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge the following Committee on Judiciary amendments were considered and adopted simultaneously:

On page 1, line 13 after "person" insert "residing in the county in which the court is located or within twenty miles of the court"

On page 1, line 14 after the period insert:

"Any person residing outside such county and more than twenty miles away from the court may be compelled to attend as a witness before a justice of the peace with prior approval of the court which shall consider whether the testimony could reasonably be procured through deposition."

On motion of Senator Zimmerman, Senator McCaslin was excused.

On motion of Senator Shinpoch, Senator Hurley was excused.

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 4105 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, this, in effect, gives state-wide subpoena powers?"

Senator Talmadge: "No, it doesn't, Senator."

Senator Rasmussen: "With the approval of the justice court?"

Senator Talmadge: "If there was approval on the part of the court, yes, and if, with respect to a situation of a person living outside of the county or more than twenty miles away from the county seat, they had not only the approval of the court, but they have demonstrated that alternatives such as taking of the deposition of the individual had been exhausted.

"So in other words, Senator Clarke's proposal, as you indicate, you have to demonstrate that for some reason you couldn't have taken their deposition--say you are in the King County district court--you couldn't have taken their deposition over in Spokane or Omak or Richland or someplace like that."

Senator Rasmussen: "A further question, Senator Talmadge. The reason that we have always opposed state-wide subpoena powers here is because it becomes a burden on those subpoenaed for witness, because the fees are not high enough to pay the expense of getting over and back to court. Has there been any change or improvement in that?"

Senator Talmadge: "No, there has not, Senator, but I would certainly be more than happy to help you do that. I think it is something that needs to be done. I think

with the proviso that you demonstrate that the deposition was taken--which the court approved--any subpoena that is more than twenty miles away or outside of the county, we have provided the protection for the individual who is subject to the subpoena, as you are concerned about."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4105.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4105, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Excused: Senators Deccio, Hurley, McCaslin - 3.

ENGROSSED SENATE BILL NO. 4105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4205, by Senators Warnke and Jones (by Secretary of State request)

Modifying provisions relating to the productivity board.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

On page 1, line 17, after "RCW", strike all of the material down to and including "education" on line 18.

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 4205 was advanced to third reading, the second reading considered the third, and the bill was 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. 4205.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4205, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Deccio, Hurley, McCaslin - 3.

ENGROSSED SENATE BILL NO. 4205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3782, by Senators Talmadge, McCaslin, Zimmerman, Rasmussen and Deccio

Modifying provisions relating to firearms.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3782 was substituted for Senate Bill No. 3782 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended. Substitute Senate Bill No. 3782 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator Talmadge is probably too modest, but what he has done here is really amazing--to get such different groups together--the Washington Citizens for Rational Hand Gun Control, the Washington State Sportsman's Council, the Citizens Committee for the Right to Keep and Bear Arms. I think that is nothing short of wizardry, but I would like to ask Senator Talmadge if he would yield to some questions?"

"Senator Talmadge, I have three questions for you as prime sponsor of this bill and chairman of the Judiciary Committee, to establish legislative intent.

"My first question--Section 12 of Substitute Senate Bill No. 3782 provides for Washington State's preemption of local government's ability to enact ordinances which are more restrictive than those provisions contained in this bill. As Section 12 is written, what effect would Substitute Senate Bill No. 3782 have on local governments which already have passed ordinances that are more restrictive than the provisions of this act?"

Senator Talmadge: "Senator Pullen, the intent of Section 12 of Substitute Senate Bill No. 3782, the preemption section, is to supersede all local governmental ordinances relating to firearms which are more restrictive than this act. This would include any new ordinances proposed after the effective date of this act as well as any local governmental ordinances that are currently in effect. Those ordinances currently in effect which are more restrictive than the provisions of this act will be rendered null and void."

Senator Pullen: "My second question--what is the relationship between the federal law on firearms and the provisions of this bill?"

Senator Talmadge: "Senator Pullen, although the federal law on firearms is more restrictive in some respects than the provisions of this bill, the federal government has not preempted the field, so the adoption of this bill does not conflict with federal law.

"An individual may, however, be convicted in federal court for a violation of the federal act even though the same action is not a violation of state law. That the state law is less restrictive or permits the defendant's action, such as possession of a pistol, is not a defense."

Senator Pullen: "My third and final question is--may any branch or unit of government charge any extra fees beyond those specified in Section 3 for the issuance of a license for carrying a pistol concealed?"

Senator Talmadge: "No, the fee specified in Section 3 is the only fee that the applicant must pay. No branch or unit of government may charge any extra fees connected with the application for a concealed pistol license."

POINT OF INQUIRY

Senator Fleming: "Senator Talmadge, did I hear you correctly when you were addressing Senator Pullen's question, as to whether this law would supersede any local jurisdiction laws that might be more strenuous?"

Senator Talmadge: "Senator Fleming, that is essentially correct. This was an issue that was agreed to by the people who participated in these discussions, including the city of Seattle and the legal advisor to the Chief of Police in the city of Seattle, who, I think, more than adequately represented any concern about that issue. I think, in many respects, this law is more restrictive than what exists in local government, but if local government were more stringent than what we have in state law, the state law would, in fact, supersede."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3782.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3782, and the bill passed the Senate by the following vote: Yeas, 40; nays, 07; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Wojahn, Woody, Zimmerman - 40.

Voting nay: Senators Barr, Fleming, Metcalf, Pullen, Sellar, von Reichbauer, Williams - 7.
Excused: Senators Deccio, McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 3782, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

March 25, 1983

Senate Bill No. 3782

I wish to have my 'no' vote entered on the voting record of the above bill.

Thank you,
Alex Deccio

SECOND READING

SENATE BILL NO. 3085, by Senators McDermott, Vognild, Moore, Wojahn, Shinpoch, Talmadge, Hughes and McManus

Modifying provisions on unemployment compensation.

MOTIONS

On motion of Senator Vognild, Second Substitute Senate Bill No. 3085 was substituted for Senate Bill No. 3085 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Second Substitute Senate Bill No. 3085 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3085.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3085, and the bill passed the Senate by the following vote: Yeas, 43; nays, 04; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Craswell, Shinpoch, Talmadge, Williams - 4.
Excused: Senators Deccio, McCaslin - 2.

SECOND SUBSTITUTE SENATE BILL NO. 3085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

March 26, 1983

Sid Snyder
Secretary of the Senate
Third Floor
Legislative Building

Dear Sid:

I would appreciate the Journal of the Senate for the 75th day, March 25, 1983, to reflect an error in my vote on Second Substitute Senate Bill No. 3085, unemployment compensation payments. My vote was recorded as 'nay,' when in fact I supported Second Substitute Senate Bill No. 3085 in committee and my support has not wavered.

Thank you.

Sincerely,
Al Williams, State Senator

SECOND READING

SENATE BILL NO. 3814, by Senators McDermott, Warnke, Rasmussen, Bauer, Gaspard, Woody, McManus, Bottiger, Moore and Wojahn

Modifying provisions relating to the state lottery.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3814 was substituted for Senate Bill No. 3814 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the following amendment was adopted:
On page 2, line 20, after "be" reinsert the stricken language and strike "more"

On motion of Senator McDermott, the following amendment by Senators McDermott and Gaspard was adopted:

On page 2, line 33, after "fund," insert the following "PROVIDED, That the legislature shall instruct the state treasurer to distribute biennially, one percent of the anticipated gross revenue for payment of prizes in excess of forty-five percent: PROVIDED FURTHER, That any unexpended portion of this amount shall revert to the general fund at the end of the biennium"

MOTION

Senator Hemstad moved adoption of the following amendment by Senators Hemstad, Goltz, Wojahn, McCaslin, Hayner, Metcalf, Deccio and Zimmerman:

On page 6, after line 27 insert:

NEW SECTION. Sec. 6. There is added to chapter 67.70 RCW a new section to read as follows:

Unfair or deceptive acts or practices in connection with the State Lottery are prohibited and may be enjoined.

NEW SECTION. Sec. 7. There is added to chapter 67.70 RCW a new section to read as follows:

The attorney general exclusively shall enforce section 6 of this act."

Renumber the remaining sections accordingly.

POINT OF INQUIRY

Senator Peterson: "Senator Hemstad, earlier in the session, I introduced a bill which apparently hasn't gotten very far, but I think this would cover it—that would prohibit the Lottery Commission from advertising a million dollar payoff, which, as we know, isn't exactly how it works. It is paid off in fifty thousand dollar a year installments. There was even some media coverage to the extent that the Lottery Commission, at that time, was considering dropping that type of advertising. Since then, I haven't heard anything about that, but I would presume that if this amendment is adopted that, at least, they would give some consideration to advertising a million dollar payoff."

Senator Hemstad: "It certainly, Senator Peterson, would make them think very carefully about exactly how that was being presented to the public. Some people have asked me 'well, what is wrong with saying fifty thousand dollars a year for twenty years, that is a million dollar prize.' Of course, it is a million dollar prize, but to emphasize the point, would you think it were a million dollar prize if the award were to be one dollar a year for a million years?"

"Obviously, this would not be of any benefit to receive a million dollars for a million years. Of course, a million dollars over twenty years isn't a million dollars. What the lottery does is to buy, in that situation, an annuity that costs about four hundred fifty thousand dollars and that is discounted at present market value, of the million dollar award, which seems to me if it is not unfair or deceptive, at least is misleading."

The President declared the question before the Senate to be adoption of the amendment by Senators Hemstad, Goltz, Wojahn, McCaslin, Hayner, Metcalf, Deccio and Zimmerman.

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

MOTIONS

On motion of Senator Hemstad, the following title amendment was adopted: On page 1, line 9, after "67.70.260," insert "adding new sections to chapter 67.70.RCW;"

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 3814 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, I see two gambling bills on our calendar. One-- Senate Bill No. 3434 appears to me would promote gambling and require a sixty percent constitutional majority. This bill, however, that is before us--Senate Bill No. 3814 appears to me to actually restrict gambling. On April 21, 1981, I had put into the Journal of the Senate an Attorney General's opinion indicating that if a bill contained no liberalizing amendment as far as gambling is concerned, and instead it actually restricted it or prohibited gambling activities, then it would only take a regular constitutional majority. My point of parliamentary inquiry is--I would like to know which is the required number of votes to pass this bill?"

REPLY BY THE PRESIDENT

President Cherberg: "In responding to the question raised by Senator Pullen regarding whether passage of Substitute Senate Bill No. 3814 requires a 60 percent vote, the President finds that lotteries shall be prohibited except as authorized upon the affirmative vote of 60 percent of the members of each house of the legislature.

"Substitute Senate Bill No. 3814 does not create a lottery and, in fact, restricts the operation of the existing lottery by prohibiting the use of electronic or mechanical devices or video terminals. The bill, also, reapportions the way in which the revenues are distributed, and eliminates the lottery revolving fund.

"Since Substitute Senate Bill No. 3814 does not create a new lottery or expand the manner in which the existing lottery is operated, passage of the bill only requires a constitutional majority, a minimum of 25 votes of the members elected."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3814.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3814, and the bill passed the Senate by the following vote: Yeas, 33; nays, 14; absent, 00; excused, 02.

Voting yea: Senators Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McDermott, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody, Zimmerman - 33.

Voting nay: Senators Barr, Bauer, Benitz, Fuller, Guess, Haley, Hughes, Jones, McManus, Moore, Peterson, Quigg, Vognild, von Reichbauer - 14.

Excused: Senators Deccio, McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3814, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3230, by Senators Fleming, Bluechel, Wojahn, Hemstad, Quigg, Deccio, Fuller, McManus, von Reichbauer, Granlund, Lee, Bender, Kiskaddon and Bauer (by Governor Spellman request)

Establishing the office of minority and women's business enterprises.

MOTIONS

On motion of Senator Fleming, Second Substitute Senate Bill No. 3230 was substituted for Senate Bill No. 3230 and the second substitute bill was placed on second reading and read the second time.

Senator Quigg moved adoption of the following amendment by Senators Quigg, Hayner, McManus, Pullen, Rasmussen, Newhouse, Hansen, Guess and Benitz:

On page 2, line 29, after "institutions" strike all material down through "government" on line 30.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Quigg, Hayner, McManus, Pullen, Rasmussen, Newhouse, Hansen, Guess and Benitz.

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

MOTION

Senator McDermott moved adoption of the following amendment:

On page 11, beginning on line 17, strike all of section 21 and renumber remaining sections.

POINT OF INQUIRY

Senator Rasmussen: "My question to you, Senator McDermott, if we strike this section, as I understand it, this bill has gone through the committee and then through the Ways and Means Committee--and the Ways and Means Committee approved a million one hundred thousand dollars, which seems like an exorbitant amount to put in for a new agency when we are trying to cut down on agencies and conserve money in tight circumstances. Is it your intention, Senator McDermott, if we strike this out that you will then fund it out of the Governor's Emergency Fund? It would govern my vote on this amendment."

Senator McDermott: "Your suggestion catches me off guard. I really hadn't thought of that as a source for it, but I think that we can make a more reasonable appropriation than a million one hundred thousand. I don't think we need that much money. Maybe the Governor would like to contribute his emergency fund to it."

Senator Rasmussen: "I concur. Thank you."

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott.

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

MOTIONS

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

On page 3, line 5, after "by" insert "qualified"

On page 3, line 9, after "that" insert "qualified"

On page 3, line 12, after "by" insert "qualified"

On page 3, line 15, after "by" insert "qualified"

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 12 of the title, strike "making an appropriation;"

MOTION

On motion of Senator Fleming, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3230 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 Fleming, I don't think you finished your talk, but I would like to ask you a couple of questions. One--does this legislation set up goals that contractors will have to meet?"

Senator Fleming: "What this legislation will do, Senator--and to preface my remarks--the Association of General Contractors and National Electrical Contractors, and all of those organizations are in agreement with this legislation. We worked out a compromise.

"Secondly, it would set up a plan to establish goals and expectations, not quotas--and not as a minimum--for this plan to try to shoot to alleviate some of the problems that we had."

Senator Guess: "Does this plan create a state-wide, flat-level goal or will it take into consideration the difference of eastern Washington versus the west side?"

Senator Fleming: "Senator Guess, it does not do that. What it does, it will establish goals for the different state agencies and so forth. Secondly, what will happen for instance--most of the contractors on I-90, right now are not contractors that are based in the Seattle area and western corner area. They are from all over the state, so these people will have an opportunity if there are contracts let in certain parts of the state--they have an opportunity, whether they live in Seattle or wherever it is, to bid for those.

"These are goals--not quotas--and if those agencies were not able to meet those kinds of goals after these bids were let out and so forth, then they would not be forced to do something that they couldn't do. They have to make an effort."

Senator Guess: "One more question, Senator Fleming. Will the commission, in any way, create training programs or establish curriculum that will enable the training for the establishment of minority contracting organizations over and above what they now have?"

Senator Fleming: "I don't understand what you are asking."

Senator Guess: "All right. Will they encourage the training and education of possible contractors, so that they can stay in business after they have the bid?"

Senator Fleming: "Senator, I think that could be answered two or three ways. First of all, as you know, we have in place, now, certain agencies and organizations like the Small Business Development Center and so forth--and Washington State University--that once people are in business, they are going out helping them stay out of chapter eleven and so on. They have those kinds of things now.

"Secondly, as you are well aware, one of the problems in this area has been thought of--and excuse the expression--'the good old boy network.' One person gets a contract--he subcontracts it out to a friend and so forth--and so these people never get into the mainstream. I think what will happen here is--in order for these contractors to be out there, I think many of your contractors and subcontractors will be working with them. Secondly, there is no doubt in my mind that the agencies will try and do whatever it is they can to try and help this situation go along smoothly. Now, whether that is involved in some additional types of training programs, I can't say."

POINT OF INQUIRY

Senator Kiskaddon: "Senator Fleming, on page three, subsection four, it says 'establish annual overall goals for participation by qualified minority and women-owned businesses for each state agency and educational institution to be administered on a contract-by-contract basis or on a class-of-contracts basis.' Would you explain to me what that really means?"

Senator Fleming: "I could be wrong and this is not for the record, but what I think that means--it also deals with some of the questions that Senator Guess asked. I think, when you are talking about trying to establish goals from a dollar volume and so forth, I think to give an agency the flexibility that they need, they can either do it on a contract-by-contract basis or class-of-contract. You have a certain class of contracts that go out. You could probably do it by class or you could do it by contract-by-contract basis, if it would make it a little easier to accomplish this."

POINT OF INQUIRY

Senator Bauer: "Senator Fleming, is it in your best judgment that this bill, in any way, would adversely affect public contract procurement by sheltered workshops?"

Senator Fleming: "Senator Bauer, in my opinion, that is not the intent of this measure. I think the mechanism is set up as such, now, where within the agency that deals with that, they have the mechanism and the ruling that sets aside certain dollars to be let out in terms of your sheltered workshops. I can't imagine this affecting that at all, because this is talking about goals and your over-all dollars and so it would not affect that, in my opinion."

POINT OF INQUIRY

Senator Rasmussen: "Senator Fleming, I have been on bid boards and reviewed bids. Is this bill going to make it necessary for me to put in the bid solicitation, the question--are you black--are you Chinese--are you white or are you a woman? Now, let me explain. We open up the bids and it will say Fleming & Fleming Company put this bid in. I don't have any knowledge, whether Fleming & Fleming is a minority or a woman's group or anything--just Fleming & Fleming or Jones & Jones. How am I going to determine that when I am serving on the bid board?"

Senator Fleming: "Senator, probably Senator Quigg could answer that better than anyone, because he is quite involved in that. That would not be the case, in my opinion. I think what is going to happen is you are going to have an over-all plan set up and established that will accomplish that. I think before you get to the bidding stage, it would be determined whether, in fact, you were a minority-owned or woman contractor-owned. You get certified before you even get to the point of bidding. That is part of the qualification. You would be certified well before you go out bidding on any type of contract."

Senator Rasmussen: "I don't think they certify on color or minority or women or anything. I think that they certify on the capability of the firm handling the project."

Senator Fleming: "One of the reasons that we have this measure--and I talked to you about it before--is that on the federal level and many of the local jurisdictions, there is a process of certification to make sure that if, in fact, there is a woman-owned firm, through the participation of where that person is in the firm and the daily operation and so forth, there are certain pre-qualifications to determine whether, in fact, that is a woman-owned firm or a minority-owned firm. That is way before you even get to a bidding process."

Debate ensued.

POINT OF INQUIRY

Senator Haley: "Senator Fleming, I noticed there is a price tag of one million one hundred thousand dollars on this."

Senator Fleming: "Not any more. We just took it out."

Senator Haley: "Oh, I see. What is the new price tag?"

Senator Fleming: "There is not one in there right now."

Senator Haley: "How did it get to be so high in the first place? I noticed that many of the commissions and so forth have a much lower figure."

Senator Fleming: "Well, Senator Haley, it was more than that at the Governor's request and we worked out another fiscal note. I, also, indicated to Senator McDermott that by the time this got up and going, we probably would not even need a million--somewhere less than that."

Further debate ensued.

REMARKS BY SENATOR OWEN

Senator Owen: "Thank you, Mr. President. I think Senator Quigg is right to a degree. As long as you are a new contractor, and Senator Bluechel mentioned also, it is going to give an opportunity to contractors who might not have an opportunity, that is right, if you are a woman-owned or minority-owned contractor. But, what if you are not and you are trying to get started?"

"All of a sudden we have discrimination again. I really wonder who is trying to promote or not promote. I really wonder who is and who isn't promoting discrimination. I really wonder who is and who isn't promoting equality, and how are we ever going to have it as long as we keep introducing things that set certain segments of society aside as being different."

"Well, I keep hearing about the times that people have been discriminated against and the numbers and percentages that have received contracts. We have anti-discrimination laws. We have the Constitution that is being violated, if that is the case. We should be taking these to court and we should be challenging those companies, including the state of Washington if they are, in fact, discriminating against women-owned and minority-owned contractors. I personally believe that this type of legislation is an insult to the Constitution. I believe that it is an insult to

the efforts that have been going on over the last ten or fifteen years--courts trying to create a society of equality in this nation.

"If that is, in fact, what we are trying to do, then why aren't we trying to set everybody up equal? Why aren't we trying to give everybody an equal chance at the contracts? Why are we saying that somebody else should have a better chance or a different chance or an entirely different set of criteria on receiving contracts from the state of Washington. Why should we take a company who is the lowest bidder, has the ability, has the record, has the lowest bid and is qualified, but we refuse them because they did not fit within the goals that some entity put together for accomplishing this objective of this bill. That is discrimination and that is wrong.

"As long as we do not provide everybody, regardless of race, regardless of sex, the opportunity on an equal basis, then we are discriminating. There is no other way to look at it. As long as we don't provide everybody the equal opportunity, we are discriminating, and that is in direct conflict of what the promoters of this legislation say we are trying to do.

"I adamantly oppose this legislation and any legislation that designates one segment of this country as special to any other segment of this country."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, just to wrap this up. I would suggest to the members of this body, after that last speech that we just had, that is why we need this legislation. What I am saying is, people are not really--they do not understand what is happening.

"Ninety-nine percent--ninety-nine percent of the opportunities to secure state contracts went to white males in this state in the last biennium--white male-owned firms--ninety-nine percent. Doesn't that tell you something? That somebody is not getting the opportunities? White males are not the only people that can do these jobs in the world. They are getting the opportunities, but I don't want to get into that.

"Those, like Senator Rasmussen, who are concerned about the agencies, there is a sunset clause in here. Hopefully, we will not need it in future years. They will, also, report back to the legislature and the Governor, and the Legislative Budget will, also, take a look and if we are doing some things that you are concerned about, Senator Guess, maybe those things could be corrected. We have the safeguards in here.

"Lastly, I just want to wrap this up. There is an opportunity for people. I think if you had an Asian sitting on the floor here, you could tell by that person's pigmentation that he was different than most of you here on the floor. Having a black on here, I am sure that nobody would make a mistake between me and Senator Guess or Senator Bauer. If you had Jewish people on here, you might not be able to tell, because of the pigmentation of the skin. That is one of the ways that people move into society.

"I just want to close with one thing--opportunity. Senator Pullen talks about athletes and all those basketball players, but Senator Pullen didn't mention that all of those basketball players are being coached by white coaches. Now, are you going to tell me all those guys can play basketball and they can't coach? Why aren't the percentages of the coaches like the players out there? I can go on. George Raveling is one black coach out of the nation, and I don't want to address that.

"The question is opportunity--it hasn't been there. There is prima facie evidence that it hasn't been there. That is all we are saying. If these people have the opportunity, and you have seen it with George Raveling, give us a chance and we will be good, Slim. But, if we don't get to have a chance, we will never be good.

"One quote I would like to make. When I played professional football in Canada--I got there on a team in Canada, where you would think there was no discrimination--and the members used to say 'Hey Fleming, you are going to be the first odd-ball player on this team.' I didn't know what they were talking about. I said 'What do you mean, the first odd-ball player?' This was in 1963. They said 'You normally don't make this team regardless of what your talents are if you don't have a roommate to live with when you travel on the road.' I was the first one on the Winnipeg Blue Bombers that roomed with a white player--in 1963.

"So, there are other things that are taken into consideration than one's ability. I hope that you will support this measure."

MOTION

On motion of Senator Jones, Senator Hayner was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3230.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3230, and the bill passed the Senate by the following vote: Yeas, 30; nays, 15; absent, 01; excused, 03.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Fuller, Goltz, Granlund, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 30.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Gaspard, Guess, Haley, Hansen, Hurley, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen - 15.

Absent: Senator Woody - 1.

Excused: Senators Deccio, Hayner, McCaslin - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

Senator Rasmussen moved that the remarks by Senator Owen on Engrossed Second Substitute Senate Bill No. 3230 be transcribed and inserted in the Senate Journal and copies made available to the Senators.

Senator Gaspard moved to amend the motion to include the remarks by Senator Fleming be transcribed, also, and placed in the Senate Journal.

Debate ensued.

REMARKS BY THE PRESIDENT

President Cherberg: "The President would respectfully like to suggest that both speeches be transcribed and then make any decision that you would like at that time. Is that agreeable?"

Further debate ensued.

SECOND READING

SENATE JOINT MEMORIAL NO. 121, by Senator Metcalf

Urging the President and Congress to repeal the Federal Reserve Act.

The memorial was read the second time.

MOTIONS

On motion of Senator Metcalf, the rules were suspended, Senate Joint Memorial No. 121 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

On motion of Senator Bluechel, Senators Benitz, Lee and von Reichbauer were excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 121.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 121, and the memorial passed the Senate by the following vote: Yeas, 32; nays, 08; absent, 03; excused, 06.

Voting yea: Senators Barr, Bauer, Bender, Craswell, Fleming, Fuller, Granlund, Guess, Haley, Hansen, Hurley, Jones, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 32.

Voting nay: Senators Bluechel, Bottiger, Clarke, Gaspard, Goltz, Hughes, Kiskaddon, Thompson - 8.

Absent: Senators Conner, Hemstad, Newhouse - 3.

Excused: Senators Benitz, Deccio, Hayner, Lee, McCaslin, von Reichbauer - 6.

SENATE JOINT MEMORIAL NO. 121, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3847, by Senators Bender and Bluechel

Modifying procedures for public transportation benefit areas.

The bill was read the second time.

MOTIONS

On motion of Senator Bender, the following Committee on Transportation amendment was adopted:

On page 5, line 5, after "percent" strike all the material down to and including "area" on line 7 and insert: ", or areas with a combined population of greater than twenty-five percent of the population of the existing public transportation benefit area as constituted at the last review meeting, annex to the public transportation benefit area."

On motion of Senator Zimmerman, Senator Patterson was excused.

On motion of Senator Vognild, Senator Conner was excused.

On motion of Senator Bender, the rules were suspended, Engrossed Senate Bill No. 3847 was advanced to third reading, the second reading considered the third, and the bill was 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. 3847.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3847, and the bill passed the Senate by the following vote: Yeas, 40; nays, 02; absent, 00; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 40.

Voting nay: Senators Pullen, Zimmerman - 2.

Excused: Senators Benitz, Conner, Deccio, Hayner, McCaslin, Patterson, von Reichbauer - 7.

ENGROSSED SENATE BILL NO. 3847, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3455, by Senators Gaspard, Hayner, Hurley, Bottiger, Hemstad, Bauer and Vognild

Authorizing the state board of education member representing private schools to vote.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3455 was substituted for Senate Bill No. 3455 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 3455 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3455.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3455, and the bill passed the Senate by the following vote: Yeas, 33; nays, 09; absent, 01; excused, 06.

Voting yea: Senators Barr, Bauer, Bluechel, Bottiger, Clarke, Craswell, Fleming, Fuller, Gaspard, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McDermott,

McManus, Melcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Sellar, Talmadge, Thompson, Vognild, Warnke, Wojahn, Woody, Zimmerman - 33.

Voting nay: Senators Bender, Goltz, Granlund, Lee, Owen, Rasmussen, Rinehart, Shinpoch, Williams - 9.

Absent: Senator Quigg - 1.

Excused: Senators Benitz, Conner, Deccio, Hayner, McCaslin, von Reichbauer - 6.

SUBSTITUTE SENATE BILL NO. 3455, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 25, 1983

SB 3034 Prime Sponsor, Senator Rinehart: Modifying provisions relating to consumer warranties. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3034 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

March 25, 1983

SB 3175 Prime Sponsor, Senator Vognild: Providing for collective bargaining for the Washington state patrol. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3175 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

March 24, 1983

SB 3620 Prime Sponsor, Senator Hurley: Establishing a limit for registration fees for air contaminant sources. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Hughes, Chairman; Haley, Hansen, Hurley, Kiskaddon, Lee, Pullen, Rasmussen.

MINORITY recommendation: Do not pass as amended. Signed by Senators Talmadge, Williams.

Passed to Committee on Rules for second reading.

March 23, 1983

SB 3722 Prime Sponsor, Senator Hughes: Relating to hazardous waste. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3722 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Haley, Hansen, Hurley, Kiskaddon, Lee, Rasmussen, Williams.

Referred to Committee on Ways and Means.

March 22, 1983

SB 4228 Prime Sponsor, Senator Fleming: Changing the grounds for malicious harassment. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Thompson, Williams.

Passed to Committee on Rules for second reading.

March 25, 1983

SB 4244 Prime Sponsor, Senator Guess: Establishing an advisory committee in the parks and recreation commission to study and develop a plan for the Milwaukee Road. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4244 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Haley, Hurley, McDermott, Pullen, Williams.

Referred to Committee on Ways and Means.

POINT OF INFORMATION

Senator Newhouse: "Mr. President, I rise to a point of information. The Concurrent Resolution which we passed mentioned a closing date by which bills must be read in. What was the time schedule for that today? My recollection was that it was 5:00 p.m., and we have passed 5:00 p.m."

REPLY BY THE PRESIDENT

President Cherberg: "The Secretary advises that the measures were just required to be read in today. The 5:00 p.m. applies to next Thursday, March 31, 1983."

MOTION

At 5:19 p.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Saturday, March 26, 1983.

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

SEVENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 26, 1983

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 Benitz, Bluechel, Deccio, Haley, McCaslin, Metcalf, Pullen, Quigg, Rinehart, Sellar, von Reichbauer and Warnke. On motion of Senator Zimmerman, Senators Benitz, Bluechel, Deccio, Haley, McCaslin, Metcalf, Pullen, Quigg, Sellar and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Maaren Jensen and Bill White, presented the Colors. Reverend Ray Morrison, senior pastor of the First Church of the Nazarene of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 25, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 378,

SUBSTITUTE HOUSE BILL NO. 551,

ENGROSSED HOUSE BILL NO. 570,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 793, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 25, 1983

Mr. President:

The House has passed:

HOUSE BILL NO. 59,

ENGROSSED HOUSE BILL NO. 101,

SUBSTITUTE HOUSE BILL NO. 126,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 127,

SUBSTITUTE HOUSE BILL NO. 478,

ENGROSSED HOUSE BILL NO. 534,

ENGROSSED HOUSE BILL NO. 536,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 796,

SUBSTITUTE HOUSE BILL NO. 1035, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 25, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 458, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 25, 1983

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3096, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 59 by Representatives R. King, Clayton, Grimm, Sutherland, Todd, Isaacson, Addison, Hankins, Gallagher, Lux, Dellwo, Garrett and Lewis

Repealing the provision relating to registration of apprenticeship agreements and the payment of registration fees.

Referred to Committee on Commerce and Labor.

EHB 101 by Representatives Tilly, Locke, Barnes and Miller

Amending provisions concerning primaries for nonpartisan positions.

Referred to Committee on Judiciary.

SHB 126 by Committee on Ways and Means (originally sponsored by Representatives Monohon, Grimm, Kreidler, Belcher, Walk, Vander Stoep, Halsan, Sayan, Patrick, O'Brien, P. King, Zellinsky, Powers, Fisher, Ebersole, Appelwick, Johnson, Garrett, Charnley, Lewis, Addison, Miller and Ristuben)

Extending the time period for the restoration of withdrawn retirement contributions.

Referred to Committee on Ways and Means.

ESHB 127 by Committee on Ways and Means (originally sponsored by Representatives Kreidler, Grimm, Walk, Belcher, Zellinsky and Garrett)

Modifying the manner by which travel reimbursement rates for state employees are set.

Referred to Committee on Ways and Means.

EHB 378 by Representatives Fiske, J. King, Cantu, Garrett, Hastings, B. Williams, Sommers, Stratton, Sanders, G. Nelson, Long, Holland, Bond, Lewis, Taylor, Struthers, Isaacson, Barrett, Haugen, J. Williams, Hankins, McDonald, Smith and Clayton

Authorizing a study of the printing and binding needs of state agencies.

Referred to Committee on State Government.

SHB 458 by Committee on Judiciary (originally sponsored by Representatives Armstrong, Padden, Todd, R. King, Johnson, Appelwick, Isaacson, Lewis, Ristuben, Wang, Ebersole, Braddock, Jacobsen and Haugen) (by Attorney General request)

Establishing the Antitrust/Consumer Protection Improvements Act.

Referred to Committee on Judiciary.

SHB 478 by Committee on State Government (originally sponsored by Representatives Belcher, Fisch, O'Brien, Braddock, Jacobsen and Galloway) (by Secretary of State request)

Providing methods to retrieve public records possessed without authorization.

Referred to Committee on State Government.

EHB 534 by Representatives P. King, Allen, Broback, Fisher and Gallagher

Modifying procedures for public transportation benefit areas.

Referred to Committee on Transportation.

EHB 536 by Representatives Powers, Allen, Charnley, Armstrong, Garrett, Patrick, Ebersole, Fisher, Lux, G. Nelson, Martinis and Braddock

Removing certain restrictions on the use of motor vehicle excise tax revenues for public transportation.

Referred to Committee on Transportation.

SHB 551 by Committee on State Government (originally sponsored by Representatives Nealey, Kaiser and Hastings)

Regulating the use of the state seal,

Referred to Committee on State Government.

EHB 570 by Representatives Kaiser, Smith, Egger, Nealey, Todd, Fiske, McMullen, Tilly, Belcher, Tanner, Braddock, Ellis, Smitherman, Halsan, Ballard, Miller and Isaacson

Maintaining a vocational agricultural education program.

Referred to Committee on Agriculture.

ESHB 793 by Committee on Agriculture (originally sponsored by Representative Kaiser)

Relating to agricultural commodities.

Referred to Committee on Agriculture.

ESHB 796 by Committee on State Government (originally sponsored by Representatives Walk, J. King, Hankins, B. Williams and Hine)

Creating a department of community development.

Referred to Committee on State Government.

SHB 1035 by Committee on Labor (originally sponsored by Representative R. King)

Authorizing collective bargaining for state patrol officers on nonwage issues.

Referred to Committee on Commerce and Labor.

MOTION

On motion of Senator Shipoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3309, by Senators McManus, McDermott, Talmadge, Jones and Bottiger

Modifying cigarette taxes.

The bill was read the second time.

MOTIONS

On motion of Senator McManus, the following Committee on Ways and Means amendment was adopted:

On page 1, following line 23, add the following:

"NEW SECTION, Sec. 2. This act shall take effect on July 1, 1983."

Senator Craswell moved the following amendment by Senators Haley, Craswell and Deccio be adopted:

On page 1, line 23, after "research" insert "or research concerning the effects of smoking on the cardiovascular and respiratory systems"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Haley, Craswell and Deccio.

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

MOTION

On motion of Senator McManus, the following title amendment was adopted:

On page 1, line 1 of the title, strike "and" and on line 2, after "82.24.025" insert "; and declaring an effective date"

MOTIONS

On motion of Senator McManus, the rules were suspended, Engrossed Senate Bill No. 3309 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, Senator Warnke was excused.

POINT OF INQUIRY

Senator Bender: "Senator McManus, Engrossed Senate Bill No. 3309 provides for a tax on cigarettes for cancer research. For the record, can you tell us what is meant by 'research' and specifically, could any of those monies be used for operational costs by qualifying cancer research institutions, including costs related to labor relations negotiations?"

Senator McManus: "Senator Bender, it is the intent of this legislation to provide monies on a grant basis to non-profit cancer research institutions in the state of Washington, such as the Fred Hutchinson Regional Cancer Research Center. These funds may only be used for cancer research, not for general operational costs of the management of an institution. A cancer research program authorized by the Department of Social and Health Services, under this bill, could include payments for personnel to conduct the study, necessary research equipment and materials to carry out the research, rent of working quarters, necessary travel, etc. However, as prime sponsor of this bill, it is not the intent of this legislation to provide administrative monies which could be used to either support or defend against labor negotiations or actions."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3309.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3309, and the bill passed the Senate by the following vote: Yeas, 37; nays, 03; absent, 00; excused, 09.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senators Craswell, Hansen, von Reichbauer - 3.

Excused: Senators Benitz, Bluechel, Deccio, Haley, McCaslin, Metcalf, Pullen, Quigg, Warnke - 9.

ENGGROSSED SENATE BILL NO. 3309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3395, by Senators Moore and Lee

Modifying provisions relating to water supply operators.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3395 was substituted for Senate Bill No. 3395 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3395 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3395.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3395, and the bill passed the Senate by the following vote: Yeas, 40; nays, 00; absent, 00; excused, 09.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones,

Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 40.

Excused: Senators Benitz, Bluechel, Deccio, Haley, McCaslin, Metcalf, Pullen, Quigg, Warnke - 9.

SUBSTITUTE SENATE BILL NO. 3395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3617, by Senators McManus, Metcalf, Rinehart, Bender, Owen and Goltz

Providing for an alcohol awareness program.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 3617 was substituted for Senate Bill No. 3617 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McManus, the rules were suspended, Substitute Senate Bill No. 3617 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 3617 was deferred.

SECOND READING

SENATE BILL NO. 3238, by Senators Zimmerman, Fleming and Bluechel (by Governor Spellman request)

Changing the planning and community affairs agency to the office of community programs.

The bill was read the second time.

MOTION

On motion of Senator Zimmerman, the rules were suspended, Senate Bill No. 3238 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3238.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3238, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 00; excused, 08.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 41.

Excused: Senators Benitz, Bluechel, Deccio, McCaslin, Metcalf, Pullen, Quigg, Warnke - 8.

SENATE BILL NO. 3238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4204, by Senators Wojahn, Zimmerman, Bauer, Haley, Deccio, Vognild, Warnke and Bender

Permitting the state board of health to exist for two additional years.

The bill was read the second time.

MOTION

On motion of Senator Wojahn, the rules were suspended, Senate Bill No. 4204 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4204.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4204, and the bill passed the Senate by the following vote: Yeas, 38; nays, 02; absent, 01; excused, 08.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Williams, Wojahn, Woody, Zimmerman - 38.

Voting nay: Senators Craswell, von Reichbauer - 2.

Absent: Senator Vognild - 1.

Excused: Senators Benitz, Bluechel, Decchio, McCaslin, Metcalf, Pullen, Quigg, Warnke - 8.

SENATE BILL NO. 4204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3143, by Senators Bottiger, Zimmerman and Thompson

Modifying provisions relating to justices of the peace.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, line 10 strike "~~(fifteen)~~ thirty thousand dollars" and insert: "~~(fifteen thousand dollars)~~ the maximum salary provided in RCW 3.58.020(f)"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3143 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 Talmadge, does this raise their salaries?"

Senator Talmadge: "No."

Senator Guess: "You set this, then how do they get paid? Maybe, you could educate me that way?"

Senator Talmadge: "Senator, they are paid at the present time by the counties. It is fully paid by the counties. The salaries of district court judges was set at ninety percent of the salary of superior court judges, which we set. In effect, we indirectly set the salaries of the district court judges and the counties pay for it. What this bill does is, it simply defines when someone is a full time judge and disqualified from doing anything outside the normal judicial duty and when they are part time and can, in fact, perform other legal work if they are a practicing lawyer."

POINT OF INQUIRY

Senator Goltz: "I notice that in the digest the summary refers to a thirty thousand dollar figure and the amendment is a forty thousand dollar figure. I assume that the figure at which a district judge is paid now as a full-time judge is forty thousand."

Senator Talmadge: "That is correct."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3143.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3143, and the bill passed the Senate by the following vote: Yeas, 40; nays, 00; absent, 01; excused, 08.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 40.

Absent: Senator Sellar - 1.

Excused: Senators Benitz, Bluechel, Deccio, McCaslin, Metcalf, Pullen, Quigg, Warnke - 8.

ENGROSSED SENATE BILL NO. 3143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3376, by Senators Talmadge, Clarke and Warnke

Modifying provisions relating to the salary of the administrator for the courts.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3376 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3376.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3376, and the bill passed the Senate by the following vote: Yeas, 41; nays, 01; absent, 00; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senator Hurley - 1.

Excused: Senators Benitz, Bluechel, Deccio, McCaslin, Metcalf, Pullen, Warnke - 7.

SENATE BILL NO. 3376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3494, by Senators Talmadge, Hemstad and Hughes

Modifying the enforcement of judgments in small claims courts.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3494 was substituted for Senate Bill No. 3494 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3494 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 Talmadge, most of those that are not paid is because they can't squeeze blood out a turnip. Now, you are taking a bloodless turnip and adding increased costs to that. You are not only putting a guy down once, but you are keeping him down with these increased costs. I really think, to me, it is counter-productive in this area."

Senator Talmadge: "Senator Hansen, in response to your question, I think the key thing that we tried to do was recognize that is a problem. That is why the payment plan idea is in there. It is not normal, in the law, to have what amounts to installment payments on a judgment.

"Ordinarily, your obligation is a full obligation. If it's a thousand dollar judgment, you are responsible for the thousand dollars right up front. They can do all sorts of things to get it. They can garnish your wages or they can execute on your house or whatever. By going to the idea of a payment plan--and have the judge do that with the defendant in court, we tried to make recognition of the kind of problem you are talking about--where somebody is the judgment-debtor and they have some trouble in making the payments. The court can help them out by doing this payment plan idea to meet the obligation. I think the district court judges will be flexible and they will be caring when they see that judgment-debtor before them and recognizing, at the same time, that is an obligation that they should be paying."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3494.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3494, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 00; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogniid, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 42.

Excused: Senators Benitz, Bluechel, Deccio, McCaslin, Metcalf, Pullen, Warnke - 7.

SUBSTITUTE SENATE BILL NO. 3494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3613, by Senators Woody, Jones and Lee (by Attorney General request)

Requiring gender-neutral language in statutes, rules, and publications.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3613 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 Lee, you spoke of some rule or regulation not being valid unless they complied. Would the same thing relate to our general laws?"

Senator Lee: "No, sir. What I said is--and I will read the language--it says 'no rule or publication is invalid because it does not comply with this statute.' The same thing is repeated in section two where it says 'no statute, memorial or resolution is invalid, because it does not comply with this section.' We went through all the existing statutes that we had just in order to make that kind of correction. It would not be cost-effective or even a necessary thing to do. We were just really talking about publications that take place from now on."

Senator Rasmussen: "I just wanted to make sure that you weren't taking a step on mankind that the Bible speaks of. One more question, Senator Lee. Some of these changes would require me to address the President as 'Mr. Chair', and I rather object to addressing the President as 'Mr. Chair' or even addressing any chair. Some chairs are wicker and some are solid oak and they are worth more, but the point is that I feel is it demeaning to the office to say 'Mr. Chair' or I couldn't

even say that—I could just say 'Chair.' This doesn't permit any of that terrible language to exist, does it?"

Senator Lee: "Now, we don't have any problem with that. We have been so progressive in this body that we have used gender-language for our presiding officers for years. The term 'President' and the term 'Speaker' have no gender attached to them."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3613.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3613, and the bill passed the Senate by the following vote: Yeas, 33; nays, 09; absent, 00; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 33.

Voting nay: Senators Craswell, Hurley, Moore, Newhouse, Owen, Patterson, Quigg, Rasmussen, Vognild - 9.

Excused: Senators Benitz, Bluechel, Deccio, McCaslin, Metcalf, Pullen, Warnke - 7.

SENATE BILL NO. 3613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4111, by Senators Hughes and Newhouse

Changing provisions relating to sales under execution and redemption.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4111 was substituted for Senate Bill No. 4111 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4111 was advanced to third reading, the second reading considered the third, and the bill was 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. 4111.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4111, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 00; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 42.

Excused: Senators Benitz, Bluechel, Deccio, McCaslin, Metcalf, Pullen, Warnke - 7.

SUBSTITUTE SENATE BILL NO. 4111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3267, by Senator McDermott (by Department of Revenue request)

Modifying provisions on property tax exemptions and deferrals.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3267 was substituted for Senate Bill No. 3267 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3267 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Patterson: "Senator Lee, when you make reference to 'senior citizen exemption'--and I presume that would be on your own or occupied property--your home, what is the age requirement now to be exempted under the present law?"

Senator Lee: "I am not certain, Senator Patterson, but we are not making any change in that. You are correct, it is for homeowners, strictly, and just for property that they are occupying."

Senator Patterson: "I wonder if there is anyone that can answer my question as to what age requirement. Senior citizen doesn't mean anything unless there is an age attached to it. I just wondered if someone might be familiar with that part of the law. Senator McDermott, are you?"

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "I am not a senior citizen, if that is what you are asking. I do not want to answer that question, because I do not know the specific answer to it and I do not want to get anything into the records that is incorrect."

"But, this makes no change in the actual operation of senior citizen exemptions. There is a bill in the Ways and Means Committee to raise the limit of income and so forth, but this bill does not make any change in that particular part of it."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3267.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3267, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 01; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman - 41.

Absent: Senator Williams - 1.

Excused: Senators Benitz, Bluechel, Deccio, McCaslin, Metcalf, Pullen, Warnke - 7.

SUBSTITUTE SENATE BILL NO. 3267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 113, by Senators Warnke and Vognild

Providing for a study of the benefits of in-state preference requirements in public contracts.

MOTIONS

On motion of Senator Shinpoch, Substitute Senate Concurrent Resolution No. 113 was substituted for Senate Concurrent Resolution No. 113 and the substitute resolution was placed on second reading and read the second time.

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

On page 1, line 11 after "persons" insert:

"two referred by each major political party in the Senate"

On page 1, line 15 after "persons" insert:

"two referred by each major political party in the House"

On motion of Senator Shinpoch, the rules were suspended, Engrossed Substitute Senate Concurrent Resolution No. 113 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 Zimmerman: "Senator Shinpoch, this particular committee--twenty-six members, sixteen legislators and then the eight business people--two labor--doesn't seem to include some of the folks that seemingly should be on any kind of a study program of this sort that you are going to have. In other words, shouldn't there be persons who are managers or supervisors from the state agencies, themselves? Shouldn't there be some people from the faculties and administration--the administrators and supervisors and managers out there in the biggest place we place money, which is the school system? They don't seem to be represented in here.

"Shouldn't there be some people that would represent, obviously, some facets of state government that we do not include in our present listing of those to be on this committee? It says here 'open ended'--or at least the fact that they can name any number of subcommittees.

"What would that mean in terms of the possibilities of creating around the state and creating in terms of this particular body, innumerable people participating in some way? Will they be paid on the basis of the regular committee members as far as their per diem and travel and so on? Would there be any limit to that number? Would there be any limit to where they are going to meet?

"I guess I am asking the questions and I would like some response. What will be the budgetary or the limits in terms of the financing of this committee, so that it won't be an open-ended opportunity to spend, rather than to do the job that is outlined in its purpose?"

Senator Shinpoch: "In response to Senator Zimmerman, on line 17, page 1, we set it up so that the committee--the citizen members of the committee may be paid, but we, specifically, set it up so that the subcommittees wouldn't be paid. That was brought up and was handled. The subcommittee members do not get paid. They do not even get travel or per diem. If you were going to do that, then the subcommittee members would not.

"In response to some of your other questions, we are not really putting any of the foxes in here to look at the chickens in the hen house. We are only putting outside members. We really do not want someone from inside being in there as an inside lobbyist on this committee to protect their turf. We continually want to make changes in state government and make reductions and all we can do is reduce money and that seems to always reduce service.

"As far as I know, there was only one state agency in state government, with all the cuts, that took a slice off the pyramid last time. They took managers out at all levels and went down. As far as I know, all the rest of them took the lower ones off the bottom, and I don't know very many that got reduced. One of the things that we want to do in this is to look at that span of control. I know--I don't know if it is an agency of an office or bureau--but one group of people, where there used to be one hundred and twelve--there are forty-four left--and they still have the same number of managers that they had, and they still have four levels of management.

"We can't reduce their budget and do anything about that four levels of management or the number, but if we go in with this and specify that and get directly to it and are able to do that, I think there are some things that we can do. I think we can identify overhead cost rules and those kinds of things and do some legitimate reductions in government, which isn't just a meat ax, but comes off the service area--and get rid of some of the overhead things that are burdening us."

Senator Zimmerman: "Do you feel that there are needs for any representatives, say--from the farm--eastern Washington is mostly agriculture. We don't have any one particularly listed in that. We have labor listed, but we don't have agriculture listed in any way. Is that an area that should have some representation--other than legislators?"

Senator Shinpoch: "Well, out of the two business people, if you think one of those should be a farmer, I certainly have no objection or if you think both of them should be farmers, I have no objection. As long as the people that you nominate understand something about management and control and something about cost pools and overhead and those kinds of things. I don't care what their background is. Obviously, there are a lot of farmers that know a lot about that, because they are doing very well at it and under very trying circumstances."

Senator Zimmerman: "You do not see it as just simply a means of expansion of a dog and pony show? You are not trying to deal with that in that sense and you will have limits on the expenditures? We don't put them in here. The bill was not discussed in committee and that is the reason that I am concerned about it."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Concurrent Resolution No. 113.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Concurrent Resolution No. 113, and the resolution passed the Senate by the following vote: Yeas, 29; nays, 13; absent, 00; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Haley, Hansen, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody - 29.

Voting nay: Senators Clarke, Craswell, Fuller, Guess, Hayner, Hemstad, Jones, Lee, Newhouse, Quigg, Sellar, von Reichbauer, Zimmerman - 13.

Excused: Senators Benitz, Bluechel, Deccio, McCaslin, Metcalf, Pullen, Warnke - 7.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 113, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 4110, by Senators Vognild, Sellar, Rasmussen and Wojahn (by Attorney General request)

Modifying various provisions regarding cemeteries.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendments were considered and adopted simultaneously:

On page 2, line 11, after "class" strike "B" and insert "C"

On page 5, line 1, after "class" strike "B" and insert "C"

On motion of Senator Vognild, the following Committee on Commerce and Labor amendments were considered and adopted simultaneously:

On page 2, line 19, strike "~~((Fifty))~~ Sixty-five" and insert "Fifty"

On page 2, line 25, strike "~~((fifty))~~ sixty-five" and insert "fifty"

On page 2, line 33, strike "~~((fifty))~~ sixty-five" and insert "fifty"

On page 4, line 20, strike "~~((fifty))~~ sixty-five" and insert "fifty"

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 4110 was advanced to third reading, the second reading considered the third, and the bill was 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. 4110.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4110, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 00; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 42.

Excused: Senators Benitz, Bluechel, Deccio, McCaslin, Metcalf, Pullen, Warnke - 7.

ENGROSSED SENATE BILL NO. 4110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3646, by Senator Granlund

Modifying the rights of juvenile offenders.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 3646 was substituted for Senate Bill No. 3646 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Granlund, the rules were suspended, Substitute Senate Bill No. 3646 was advanced to third reading, the second reading considered, the third, and the bill was 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. 3646.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3646, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 00; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 42.

Excused: Senators Benitz, Bluechel, Deccio, McCaslin, Metcalf, Pullen, Warnke - 7.

SUBSTITUTE SENATE BILL NO. 3646, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4082, by Senators Granlund, Deccio, Barr and Lee

Revising provisions relating to prisoners.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the rules were suspended, Senate Bill No. 4082 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4082.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4082, and the bill passed the Senate by the following vote: Yeas, 39; nays, 03; absent, 00; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody - 39.

Voting nay: Senators Rasmussen, von Reichbauer, Zimmerman - 3.

Excused: Senators Benitz, Bluechel, Deccio, McCaslin, Metcalf, Pullen, Warnke - 7.

SENATE BILL NO. 4082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3858, by Senators Barr, Thompson, Zimmerman, Bauer and Deccio

Authorizing the annexation of areas outside cities and towns upon consent of the property owners.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Local Government amendment was adopted:

On page 1, beginning on line 12, strike "~~(such territory is owned by the city or town)~~" and insert "such territory is owned by the city or town or"

On motion of Senator Thompson, the rules were suspended, Engrossed Senate Bill No. 3858 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Hughes: "Senator Barr, is it the intent of this bill or the effect of this bill, in any way, to dilute the voting rights of anybody in the affected area of annexation?"

Senator Barr: "No, this does not affect the voting rights in any way, as will be brought out in the discussion of the bill."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3858.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3858, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 00; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 42.

Excused: Senators Benitz, Bluechel, Deccio, McCaslin, Metcalf, Pullen, Warnke - 7.

ENGROSSED SENATE BILL NO. 3858, having received the constitutional majority, was 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. 112, by Senators Quigg, McManus, Bluechel, Barr, Sellar, Fuller, Metcalf, Hemstad, Bottiger and Moore

Requesting the mutual bilateral elimination of trade barriers with China.

MOTIONS

On motion of Senator Quigg, Substitute Senate Joint Memorial No. 112 was substituted for Senate Joint Memorial No. 112 and the substitute memorial was placed on second reading and read the second time.

On motion of Senator Quigg, the rules were suspended, Substitute Senate Joint Memorial No. 112 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Joint Memorial No. 112.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Joint Memorial No. 112, and the memorial passed the Senate by the following vote: Yeas, 41; nays, 01; absent, 00; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senator Guess - 1.

Excused: Senators Benitz, Bluechel, Deccio, McCaslin, Metcalf, Pullen, Warnke - 7.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 112, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3156, by Senators Talmadge, Hughes, Wojahn, Lee and von Reichbauer

Establishing the Puget Sound water quality authority.

MOTIONS

On motion of Senator Hughes, Substitute Senate Bill No. 3156 was substituted for Senate Bill No. 3156 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Lee was adopted:

On page 3, following line 2, add a new section as follows:

"NEW SECTION, Sec. 7. In order to assist in conducting the studies specified in section 2 of this act, the department of ecology and the Puget Sound water quality authority shall each apply for funds under Section 205(j) of the Federal Clean Water Act."

Renumber the remaining section accordingly.

On motion of Senator Hughes, the rules were suspended, Engrossed Substitute Senate Bill No. 3156 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3156.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3156, and the bill passed the Senate by the following vote: Yeas, 38; nays, 04; absent, 00; excused, 07.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 38.

Voting nay: Senators Barr, Guess, Haley, Newhouse - 4.

Excused: Senators Benitz, Bluechel, Deccio, McCaslin, Metcalf, Pullen, Warnke - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3742, by Senators Bender, Rinehart, Williams and Granlund

Modifying provisions relating to precinct committeemen.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3742 was substituted for Senate Bill No. 3742 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3742 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 Quigg was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3742.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3742, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 00; excused, 08.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 41.

Excused: Senators Benitz, Bluechel, Deccio, McCaslin, Metcalf, Pullen, Quigg, Warnke - 8.

SUBSTITUTE SENATE BILL NO. 3742, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3984, by Senators Talmadge and Pullen (by Secretary of State request)

Clarifying recall procedures.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3984 was substituted for Senate Bill No. 3984 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3984 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Zimmerman: "In terms of Senator Clarke's amendment on page two, where you are adding 'having knowledge of the alleged facts upon which the stated grounds for recall,' do you feel that because that is under oath and does stress actually having information beyond just believing it is true--is the main thing that would be added here, don't you feel? Is that your interpretation?"

Senator Talmadge: "Well, I think we have done a number of things that needed to be done in the recall statutes for a long time by way of clarification. I think the Secretary of State's Office has done an admirable job in that area, Senator. I suspect that the most substantive thing is the addition of this provision which requires actual knowledge, plus the belief on the part of the people submitting the petition that the charges are true."

Senator Zimmerman: "Do you see the logic of continuing efforts in this field and that there be some future study on it?"

Senator Talmadge: "Certainly, I know you have had a bill that, basically, involves the court system and the review of the charges that form the basis for the recall. It is an issue that I think we should continue to look at. I don't think we want to go, perhaps, quite so far as to have the courts become involved in assessing recall quite yet, but it is something that we will clearly be continuing to work on and certainly welcome your additional knowledge in this area."

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, page two again, lines 15 and 16, which requires 'and have knowledge of the alleged facts upon which the stated grounds for recall are based.' 'And have knowledge'--would that be from newspaper accounts or actual recordings? How would they have the actual knowledge? That bothers me a little bit. What would be assumed by the court's decision?"

Senator Talmadge: "Senator, right now the petition requires that the person make a statement under oath, that he or the organization believe that the charge or charges are true. We have added the language that says 'have knowledge of the alleged facts upon which the stated grounds for recall are based.' I think it is a well understood term in the law that when someone does something by way of affidavit upon oath, they have to have some personal acquaintance with the facts. Whether or not it would have been sufficient to have them read from a newspaper account or have read them from some other source, I don't presume to intrude on the court's decision on that. But, I think it is clear that a person has to have greater knowledge than simply a generalized belief that something may be the case."

Senator Rasmussen: "It doesn't really clear it up, but you don't specify whether legal documents or tape recordings or minutes of a meeting or whatever went on?"

Senator Talmadge: "I don't know that they would have to be that specific, Senator, but I think they have to have a greater knowledge than is now the case of the facts upon which the recall is based."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3984.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3984, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 00; excused, 08.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 41.

Excused: Senators Benitz, Bluechel, Deccio, McCaslin, Metcalf, Pullen, Quigg, Warnke - 8.

SUBSTITUTE SENATE BILL NO. 3984, having received the constitutional 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 11:59 a.m., on motion of Senator Shinpoch, 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. 3840, by Senators Shinpoch, Hemstad and Wojahn

Permitting employees to participate in state deferred compensation plans.

The bill was read the second time.

MOTIONS

On motion of Senator Shinpoch, the following Committee on State Government amendment was adopted:

On page 2, beginning on line 12, after "state" strike the balance of the paragraph down through "creditors" on line 14 and insert "and participating counties, municipalities and subdivisions ((without being restricted to the provision of benefits under the plan)) subject only to the claims of the state's and participating jurisdictions' general creditors. Participating jurisdictions shall each retain property rights separately"

On motion of Senator Shinpoch, the rules were suspended, Engrossed Senate Bill No. 3840 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senators Barr and Kiskaddon were excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3840.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3840, and the bill passed the Senate by the following vote: Yeas, 40; nays, 00; absent, 00; excused, 09.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 40.

Excused: Senators Barr, Benitz, Bluechel, Kiskaddon, McCaslin, Metcalf, Pullen, Quigg, Warnke - 9.

ENGROSSED SENATE BILL NO. 3840, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:47 p.m., on motion of Senator Shinpoch, the Senate recessed until 2:30 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 2:31 p.m.

SECOND READING

SENATE BILL NO. 4201, by Senators Williams, Fuller, Goltz, Lee and Hemstad
Requiring that used automotive oil be recycled.

MOTIONS

On motion of Senator Hughes, Substitute Senate Bill No. 4201 was substituted for Senate Bill No. 4201 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hughes, the rules were suspended, Substitute Senate Bill No. 4201 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 Hughes--'a new rule-making authority'--I am concerned with that--'The Director of the Department of Ecology shall adopt rules requiring sellers of more than 100 gallons of automotive oil annually in containers for use off the premises to post and maintain signs informing the public of the importance of proper collection and disposal of used oil.' Now, my question is, who is going to pay for those signs, who is going to determine the size and shape along with the Department?"

"Let me state why my question. The Department of Ecology, when they were audited by the LBC, they found that they had put out numerous expensive signs and then they had a beer can on it that disclosed the name of the beer, so they recalled those signs and either struck out the beer or else they did away with the signs. Now, my question is, are they going to put something on private industry that they will have to make these signs themselves, or is the Department going to furnish them?"

Senator Hughes: "Well, Senator Rasmussen, this is basically a result of a compromise between industry and the environmental community and the Department of Ecology. The industry people have indicated that they have confidence that Director Moos and the Department will allow maximum input on the part of the industry and the rules and regulations will be such that no great burden will be placed on industry. The cost will have to be picked up by the individual seller, Senator Rasmussen. There are no funds available for the state to do that. I guess I don't think that is improper. Those who sell and make a profit off the oil have a responsibility, Senator, to assure that those who purchase it will, also, deal with the product in a reasonable fashion and a fashion that doesn't endanger the environment of this state. As I stated, I didn't hear any industry opposition to it in the committee hearings."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4201.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4201, and the bill passed the Senate by the following vote: Yeas, 37; nays, 02; absent, 01; excused, 09.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senators Craswell, Haley - 2.

Absent: Senator von Reichbauer - 1.

Excused: Senators Barr, Benitz, Bluechel, Kiskaddon, McCaslin, Metcalf, Pullen, Quigg, Warnke - 9.

SUBSTITUTE SENATE BILL NO. 4201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4107, by Senators Moore, Jones, Bottiger, Rasmussen and Guess

Revising procedures and penalties under the model litter control and recycling act.

MOTIONS

On motion of Senator Hughes, Substitute Senate Bill No. 4107 was substituted for Senate Bill No. 4107 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hughes, the rules were suspended, Substitute Senate Bill No. 4107 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 Hughes, if I am driving in my pickup and something flies out of the back and I get stopped, am I going to get a fifty dollar fine and have to pick up litter along side of the road?"

Senator Hughes: "Well, Senator, right now those rules are not being enforced in that fashion. There was an act that went with this bill that would have required that you cover your pickup truck with a seal or cover, so that there would not be leaves or things of that nature falling off. We have been assured that they will not be that strict in enforcing. This deals with willful littering--and individuals casting an object upon the ground or something of that nature."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4107.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4107, and the bill passed the Senate by the following vote: Yeas, 39; nays, 00; absent, 01; excused, 09.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 39.

Absent: Senator von Reichbauer - 1.

Excused: Senators Barr, Benitz, Bluechel, Kiskaddon, McCaslin, Metcalf, Pullen, Quigg, Warnke - 9.

SUBSTITUTE SENATE BILL NO. 4107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3434, by Senators Peterson, Sellar and Vognild

Modifying definition of "member" for gambling enforcement purposes.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3434 was substituted for Senate Bill No. 3434 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3434 was advanced to third reading, the second reading considered the third, and the bill was 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. 3434.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3434, and the bill passed the Senate by the following vote: Yeas, 38; nays, 01; absent, 01; excused, 09.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 38.

Voting nay: Senator Craswell - 1.

Absent: Senator von Reichbauer - 1.

Excused: Senators Barr, Benitz, Bluechel, Kiskaddon, McCaslin, Metcalf, Pullen, Quigg, Warnke - 9.

SUBSTITUTE SENATE BILL NO. 3434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3152, by Senator Hurley

Requiring the preparation of a long-range plan for the state leased land on the Hanford reservation.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3152 was substituted for Senate Bill No. 3152 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hurley, the rules were suspended, Substitute Senate Bill No. 3152 was advanced to third reading, the second reading considered the third, and the bill was 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. 3152.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3152, and the bill passed the Senate by the following vote: Yeas, 38; nays, 00; absent, 02; excused, 09.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 38.

Absent: Senators Hayner, von Reichbauer - 2.

Excused: Senators Barr, Benitz, Bluechel, Kiskaddon, McCaslin, Metcalf, Pullen, Quigg, Warnke - 9.

SUBSTITUTE SENATE BILL NO. 3152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3382, by Senators Hemstad, Wojahn, Hayner and Deccio

Requiring intensive alcoholism treatment for persons convicted of driving while intoxicated who have serious alcohol problems.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3382 was substituted for Senate Bill No. 3382 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3382 was advanced to third reading, the second reading considered the third, and the bill was 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. 3382.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3382, and the bill passed the Senate by the following vote: Yeas, 37; nays, 01; absent, 02; excused, 09.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, Williams, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senator Sellar - 1.

Absent: Senators Hayner, von Reichbauer - 2.

Excused: Senators Barr, Benitz, Bluechel, Kiskaddon, McCaslin, Metcalf, Pullen, Quigg, Warnke - 9.

SUBSTITUTE SENATE BILL NO. 3382, having received the 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 Shinpoch, Substitute Senate Bill No. 3978, which was on the second reading calendar, was referred to the Committee on Rules.

On motion of Senator Shinpoch, Senate Bill No. 4137 was placed at the bottom of the second reading calendar.

SECOND READING

SENATE BILL NO. 3182, by Senators Bottiger and Shinpoch

Modifying provisions relating to financial institutions.

The bill was read the second time.

MOTIONS

On motion of Senator Zimmerman, Senators Hayner and von Reichbauer were excused.

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 3182 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3182.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3182, and the bill passed the Senate by the following vote: Yeas, 27; nays, 12; absent, 00; excused, 10.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Woody - 27.

Voting nay: Senators Craswell, Deccio, Fuller, Guess, Haley, Hemstad, Jones, Newhouse, Patterson, Sellar, Wojahn, Zimmerman - 12.

Excused: Senators Barr, Benitz, Bluechel, Hayner, Kiskaddon, McCaslin, Metcalf, Pullen, Quigg, von Reichbauer - 10.

SENATE BILL NO. 3182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4084, by Senators Owen, Lee and Hayner

Establishing a state-wide bow and arrow hunting season.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 4084 was substituted for Senate Bill No. 4084 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 4084 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4084.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4084, and the bill passed the Senate by the following vote: Yeas, 25; nays, 14; absent, 00; excused, 10.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, Jones, Lee, McManus, Owen, Rasmussen, Thompson, Vogtild, Warnke, Williams, Wojahn, Woody, Zimmerman - 25.

Voting nay: Senators Clarke, Fuller, Guess, Haley, Hansen, McDermott, Moore, Newhouse, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge - 14.

Excused: Senators Barr, Benitz, Bluechel, Hayner, Kiskaddon, McCaslin, Metcalf, Pullen, Quigg, von Reichbauer - 10.

SUBSTITUTE SENATE BILL NO. 4084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3154, by Senators Thompson, Moore and Sellar

Modifying provisions relating to construction of hydraulic works.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 3154 was substituted for Senate Bill No. 3154 and the substitute bill was placed on second reading and read the second time.

Senator Owen moved the following amendments be considered and adopted simultaneously.

On page 2, line 7, after "shall contain" insert "general plans for the overall project"

On page 2, line 8, after "work" strike "in or on streams, rivers, lakes, or shorelands" and insert "within the mean higher high water line in salt water or within the ordinary high water line in fresh water."

POINT OF INQUIRY

Senator Talmadge: "Senator Owen, this bill appears to require that the hydraulic permit be granted or denied within forty-five days. What if it is not denied or granted within that forty-five days?"

Senator Owen: "They have to document the reasons in writing why it is turned down. I would assume that would be grounds for appeal."

Senator Talmadge: "The other question I had, I guess, is with respect to the Department of Ecology. I understand that the Department of Ecology has had an involvement with the granting of hydraulic permits. This appears to be a situation where they are not involved."

Senator Owen: "They are not involved in the granting of hydraulic permits. That is totally the Department of Fisheries and Department of Game."

The President declared the question before the Senate to be adoption of the amendments by Senator Owen.

The motion by Senator Owen carried and the amendments were adopted.

MOTION

On motion of Senator McManus, the rules were suspended, Engrossed Substitute Senate Bill No. 3154 was advanced to third reading, the second reading considered the third, and the bill was 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. 3154.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3154, and the bill passed the Senate by the following vote: Yeas, 37; nays, 02; absent, 00; excused, 10.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Sellar, Shinpoch, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senators Rinehart, Talmadge - 2.

Excused: Senators Barr, Benitz, Bluechel, Hayner, Kiskaddon, McCaslin, Metcalf, Pullen, Quigg, von Reichbauer - 10.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3614, by Senators Bauer, Zimmerman, Owen and Thompson

Permitting the department of natural resources to exchange publicly-owned lands.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 3614 was substituted for Senate Bill No. 3614 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 3614 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Conner: "Senator Bauer, on this particular matter, I am reminded about fourteen years ago or so when we had a bill pass both houses relative to some land in Clallam County. The Legislature authorized the Department of Natural Resources to work with our county in that project, which they did. Now, the County Commissioner went ahead with a project wherein they're selling that land to the Olympic National Park without any public hearings—and I am wondering whether this is in the same category or are we going to be making the laws so that this can be done in other areas without any opportunity for people to have their say on the process?"

Senator Bauer: "I think that was the fear of Senator Owen. Senator Conner, when the bill was before him. For that reason, he tightened it up so that that couldn't happen. That is my understanding."

POINT OF INQUIRY

Senator Shinpoch: "Senator Owen, the sponsor of the bill indicated this is to take care of a problem in Clark County. My remembrance of this, when we had it in committee, was that the exchange of this land covered some sixteen thousand or so acres. Am I remembering another bill?"

Senator Owen: "I believe you are remembering another bill, possibly the transition land bill."

REMARKS BY SENATOR ZIMMERMAN

Senator Zimmerman: "Yes, this particular bill is not to any degree of that size in terms of acreage and it has been discussed for some time and they were agreed to do it, but they felt that there was logic to having it put in statute. It is equal land value. It is not to, in any way, affect the timber base of the state and, obviously, there is no way in which they are going, as far as this particular measure will allow them, to do anything that they couldn't already do, as far as otherwise trust land and so on.

"This particular matter is a matter of putting together a package whereby they are, obviously, going to help the county as far as their land base and it will likewise help the Department of Natural Resources and ultimately the citizens of the entire state for this particular exchange. Through most exchanges, they go through

quite a process. At the present time, there is another one that is going to affect some property that will be in Whatcom County, in Skamania County, and in Klickitat County--a great deal of exchange that will be taking place within a short time, if it all proceeds under normal fashion. But, in this case, it has been talked about for some time."

MOTION

On motion of Senator Vognild, Senators Hughes and McDermott were excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3614.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3614, and the bill passed the Senate by the following vote: Yeas, 36; nays, 01; absent, 00; excused, 12.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hurley, Jones, Lee, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 36.

Voting nay: Senator Rinehart - 1.

Excused: Senators Barr, Benitz, Bluechel, Hayner, Hughes, Kiskaddon, McCaslin, McDermott, Metcalf, Pullen, Quigg, von Reichbauer - 12.

SUBSTITUTE SENATE BILL NO. 3614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bottiger, Senate Bill No. 3427 was placed at the bottom of the second reading calendar.

SECOND READING

SENATE BILL NO. 3253, by Senators Rinehart, Kiskaddon, Talmadge, Bluechel, Deccio and Woody

Requiring law enforcement officers to take certain abused children into custody.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3253 was substituted for Senate Bill No. 3253 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3253 was advanced to third reading, the second reading considered the third, and the bill was 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. 3253.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3253, and the bill passed the Senate by the following vote: Yeas, 36; nays, 01; absent, 00; excused, 12.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hurley, Jones, Lee, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 36.

Voting nay: Senator Craswell - 1.

Excused: Senators Barr, Benitz, Bluechel, Hayner, Hughes, Kiskaddon, McCaslin, McDermott, Metcalf, Pullen, Quigg, von Reichbauer - 12.

SUBSTITUTE SENATE BILL NO. 3253, having received the constitutional 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 3:52 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Monday, March 28, 1983.

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

SEVENTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 28, 1983

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, Haley, Hayner and Thompson. On motion of Senator Vognild, Senator Thompson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Rachel Thomson and Susie Thomson, presented the Colors. Reverend Frank Accardy, pastor of the Emmanuel Baptist Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

March 25, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 25, 1983, Governor Spellman approved the following Senate Bill entitled:

Senate Bill No. 3096Relating to the local school district apportionment schedule.

Sincerely,

MARILYN SHOWALTER, Counsel to the Governor

MESSAGES FROM THE HOUSE

March 27, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 203,

ENGROSSED HOUSE BILL NO. 436,

ENGROSSED HOUSE BILL NO. 479,

ENGROSSED HOUSE BILL NO. 520,

ENGROSSED HOUSE BILL NO. 618,

SUBSTITUTE HOUSE BILL NO. 689,

HOUSE BILL NO. 739,

SUBSTITUTE HOUSE BILL NO. 856,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1093, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 27, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 22,

HOUSE BILL NO. 146,

SUBSTITUTE HOUSE BILL NO. 325,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 431,

SUBSTITUTE HOUSE BILL NO. 482,

SUBSTITUTE HOUSE BILL NO. 540,

HOUSE BILL NO. 569,

SUBSTITUTE HOUSE BILL NO. 603,

SUBSTITUTE HOUSE BILL NO. 646,

SUBSTITUTE HOUSE BILL NO. 719,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 740, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 26, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 9,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 309,
SUBSTITUTE HOUSE BILL NO. 328,
SUBSTITUTE HOUSE BILL NO. 390,
ENGROSSED HOUSE JOINT MEMORIAL NO. 16,
HOUSE JOINT MEMORIAL NO. 17, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 26, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 643,
ENGROSSED HOUSE BILL NO. 653,
ENGROSSED HOUSE BILL NO. 769, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 9 by Committee on Judiciary (originally sponsored by Representatives Padden, Lewis, G. Nelson, West, Egger, Stratton, McMullen, Niemi, Struthers, Miller, Broback, Mitchell, Nealey, Patrick, Isaacson, Addison, Silver, Johnson and Tilly)

Requiring notice to county law enforcement officers of the conditioned release of criminally insane persons.

Referred to Committee on Institutions.

SHB 22 by Committee on Commerce and Economic Development (originally sponsored by Representatives Stratton, Lux, B. Williams, R. King, Struthers, Lewis, Ebersole, Prince, Walk, Taylor, Wang, Grimm, Johnson, Egger and Tanner)

Modifying provisions relating to real estate licensure.

Referred to Committee on Commerce and Labor.

HB 146 by Representatives Locke, Johnson, Wang, McDonald, Brough, Allen, Burns, Jacobsen, Belcher, Ellis, Haugen, Sayan, Powers, Braddock, Egger, Vekich, Stratton, Fisher, Smitherman, Armstrong, Lux, Ristuben, Fisch, Niemi, Galloway, Dellwo, Crane, Charnley, Garrett, Heck, McClure, Hine, Todd, Pruitt, Halsan, Tanner, O'Brien, R. King, D. Nelson, Brekke, Miller, Kaiser, Appelwick, Lewis, Patrick and Rust (by Governor Spellman request)

Modifying provisions relating to the Asian-American Affairs Commission.

Referred to Committee on State Government.

EHB 203 by Representatives Lux, Sanders and Garrett

Modifying provisions on underinsured motor vehicle coverage.

Referred to Committee on Financial Institutions.

ESHB 309 by Committee on Social and Health Services (originally sponsored by Representatives J. King, Lewis, Kroidler, Fiske, Vekich, Tilly, Tanner, Wang, Miller and Isaacson)

Providing for the licensing of physical therapists.

Referred to Committee on Social and Health Services.

SHB 325 by Committee on Ways and Means (originally sponsored by Representatives Sayan, Silver and R. King) (by Office of Financial Management request)

Abolishing certain obsolete funds and accounts.

Referred to Committee on Ways and Means.

SHB 328 by Committee on Judiciary (originally sponsored by Representatives Appelwick and Dellwo)

Equalizing interest on judgments.

Referred to Committee on Judiciary.

SHB 390 by Committee on Local Government (originally sponsored by Representatives Moon, Isaacson, Haugen, Van Dyken, Hine, Brough, Appelwick, Todd, Powers, McClure, Fisher, Halsan and Ristuben)

Providing for the registration of bonds.

Referred to Committee on Local Government.

ESHB 431 by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Locke, Pruitt, Van Dyken, Brekke, Patrick, Haugen, Wang, Lux, Lewis, G. Nelson, Todd, Holland, Jacobsen, Isaacson, Miller and Schoon)

Modifying the sentencing of juvenile offenders.

Referred to Committee on Judiciary.

EHB 436 by Representatives Monohon, Vekich, Patrick, Zellinsky, Smitherman, Belcher, Sanders, McClure, Taylor, Fisch, Ristuben, Powers, Egger, Jacobsen, Stratton, Isaacson, Long, P. King and Schoon

Exempting persons over sixty-five from fees for collecting wood from state beaches and parks.

Referred to Committee on Natural Resources.

EHB 479 by Representative Appelwick

Modifying provisions on safe deposit companies.

Referred to Committee on Financial Institutions.

SHB 482 by Committee on Transportation (originally sponsored by Representatives Martinis, Wilson, Walk, Sutherland, Patrick, Burns, McMullen, Ristuben, Prince, Barrett, Hankins, Fisch, Schmidt, Smith and Betrozoff)

Establishing standards for manufacturing motor vehicle license plates.

Referred to Committee on Transportation.

EHB 520 by Representatives Hine, Barnes, Garrett and Gallagher

Authorizing special districts to modify rates and charges for low-income utility users.

Referred to Committee on Energy and Utilities.

SHB 540 by Committee on Transportation (originally sponsored by Representatives Ebersole, Allen, Fisher, G. Nelson and Gallagher)

Permitting public transportation benefit areas to designate a person other than a county treasurer as the PTBA treasurer.

Referred to Committee on Transportation.

- HB 569 by Representatives Fisher, Fisch, Tanner, Miller, Jacobsen, Smitherman, Zellinsky and Powers
Prescribing duties of county auditors or elections official handling public disclosure reports.
Referred to Committee on Judiciary.
- SHB 603 by Committee on Commerce and Economic Development (originally sponsored by Representatives Belcher, Armstrong, Niemi, Burns, Appelwick, Haugen and Lux)
Requiring real estate listing forms to explain that commissions are negotiable.
Referred to Committee on Commerce and Labor.
- EHB 618 by Representatives Belcher and Moon
Permitting employees to participate in state deferred compensation plans.
Referred to Committee on State Government.
- EHB 643 by Representatives Locke, Schmidt, Armstrong and Dellwo
Modifying the time limitation for filing insurance claims against a deceased person.
Referred to Committee on Judiciary.
- SHB 646 by Committee on Commerce and Economic Development (originally sponsored by Representatives Heck, G. Nelson, Tanner and Tilly)
Creating the public accountancy act of 1983.
Referred to Committee on Commerce and Labor.
- EHB 653 by Representatives Braddock and McMullen
Revising provisions relating to livestock markets.
Referred to Committee on Agriculture.
- SHB 689 by Committee on Commerce and Economic Development (originally sponsored by Representatives Silver, J. King, B. Williams, Tanner, Schmidt, Schoon, Brough, Padden, Johnson, Tilly, Long and Sanders)
Establishing the small business assistance coordinating council.
Referred to Committee on Commerce and Labor.
- SHB 719 by Committee on Education (originally sponsored by Representatives Galloway, Armstrong, Betzoff and Miller)
Establishing procedures before closing a school for instructional purposes.
Referred to Committee on Education.
- HB 739 by Representatives Clayton, Ellis, Wilson, Martinis, Hankins, Smith, Dickie and Barrett
Authorizing special operating permits to be granted for antique boilers.
Referred to Committee on Commerce and Labor.
- ESHB 740 by Committee on State Government (originally sponsored by Representatives Braddock, J. King, Zellinsky, Tanner, Smitherman, Ebersole, D. Nelson, Haugen and Jacobsen)
Establishing a cost control task force.
Referred to Committee on State Government.
- EHB 769 by Representatives Martinis, Wilson, Walk, Gallagher and Clayton
Bringing vehicle size and load restrictions into conformity with federal standards.
Referred to Committee on Transportation.

SHB 856 by Committee on Higher Education (originally sponsored by Representatives Addison, Ebersole, Patrick, Smitherman, Lewis and B. Williams)

Lowering the age of law enforcement and fire fighter's children exempt from college and university tuition fees.

Referred to Committee on Education.

ESHB 1093 by Committee on Local Government (originally sponsored by Representative Moon)

Funding flood control improvements.

Referred to Committee on Local Government.

EHJM 16 by Representatives Belcher, Hankins, Hine, Long, Ellis, Schmidt, Sommers, Allen, Niemi, Silver, Powers, Brough, Brekke, Miller, Rust, Fisher, Galloway, Stratton, Monohon, Haugen, Heck, G. Nelson, Wang, Schoon, Appelwick, Betrozoff, Pruitt, Johnson, Smitherman, Mitchell, Zellinsky, Vander Stoep, Burns, Patrick, Jacobsen, Ballard, D. Nelson, McDonald, Garrett, Addison, Fisch, Taylor, McMullen, Van Dyken, Vekich, Chandler, Gallagher, Tanner, Sutherland, Ristuben, Crane, Braddock, Moon, Armstrong, Lux, J. King, Todd, Kreidler, Charnley, R. King, Halsan, Locke, Martinis, Kaiser, J. Williams, Ebersole, Isaacson, Dellwo, Holland, O'Brien and Lewis

Requesting the adoption of the Economic Equity Act II.

Referred to Committee on State Government.

HJM 17 by Representatives Powers, Miller, Hine, Allen, Niemi, Brough, Ellis, Silver, Belcher, Fisher, Sommers, Hankins, Brekke, Galloway, Rust, Stratton, Monohon, Haugen, Heck, Patrick, Wang, Schoon, Appelwick, Vander Stoep, Pruitt, Betrozoff, Smitherman, Ristuben, Zellinsky, Sayan, Burns, McClure, Jacobsen, Egger, D. Nelson, Grimm, Garrett, O'Brien, Fisch, Tanner, McMullen, Crane, Vekich, Armstrong, Sutherland, Charnley, J. King, R. King, Dellwo, P. King, Lux, Braddock, Moon, Halsan, Todd, Kreidler, Locke, Prince, Martinis, Kaiser, Barrett, Isaacson, Ristuben and Lewis

Urging the passage of the Equal Rights Amendment to the U.S. Constitution.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Shipoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3003, by Senator Conner

Regulating amusement rides.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3003 was substituted for Senate Bill No. 3003 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, further consideration of Substitute Senate Bill No. 3003 was deferred.

SECOND READING

SENATE BILL NO. 3644, by Senators Goltz, Guess, Rinehart, Thompson and Gaspard

Exempting certain institutions offering continuing education credits from the educational services registration act.

The bill was read the second time.

MOTIONS

On motion of Senator Goltz, the following Committee on Education amendment was adopted:

On page 2, line 22, after "(9)" strike all the material down to and including "48.17 RCW," and insert "Educational institutions that are licensed by the state of Washington under chapter 18.15 (~~RCW and chapter~~) and 18.18 RCW.

(10) Institutions which only offer courses approved to meet the continuing education requirements for licensure under chapters 18.04, 18.78, 18.88, or 48.17 RCW.

(11) Institutions not otherwise exempt which offer only workshops or seminars lasting no longer than three calendar days and for which academic credit is not awarded."

On motion of Senator Goltz, Engrossed Senate Bill No. 3644 was advanced to third reading, the second reading considered the third, and the bill was 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. 3644.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3644, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 03; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Benitz, Haley, Hayner - 3.

Excused: Senator Thompson - 1.

ENGROSSED SENATE BILL NO. 3644, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3595, by Senator Warnke

Authorizing the department of veterans affairs to contract with veterans' organizations for services.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3595 was substituted for Senate Bill No. 3595 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, Substitute Senate Bill No. 3595 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senators Benitz, Haley and Hayner were excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3595.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3595, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Benitz, Haley, Hayner, Thompson - 4.

SUBSTITUTE SENATE BILL NO. 3595, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4066, by Senator Moore

Relating to consumer finance companies.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 4066 was substituted for Senate Bill No. 4066 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, Substitute Senate Bill No. 4066 was advanced to third reading, the second reading considered the third, and the bill was 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. 4066.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4066, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Vogniild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Benitz, Haley, Hayner, Thompson - 4.

SUBSTITUTE SENATE BILL NO. 4066, having received the 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 Shipoch, the Senate resumed consideration of Substitute Senate Bill No. 3003, deferred earlier today.

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

On page 5, line 10, after "for" strike everything through the period on line 11, and insert "bodily injury to or death of one person in any one accident arising out of the use of an amusement ride, and not less than five million dollars for bodily injury to or death of two or more persons in any one accident arising out of the use of an amusement ride."

MOTIONS

On motion of Senator Vogniild the following amendment by Senators Vogniild and Newhouse was adopted:

On page 5, after line 26, insert the following:

"Sec. 14. Section 8, chapter 169, Laws of 1935 as last amended by section 2, chapter 129, Laws of 1971 ex. sess. and RCW 19.28.210 are each amended to read as follows:

The director of labor and industries, through the inspector, assistant inspector, or deputy inspector, is hereby empowered to inspect, and shall inspect, all wiring, appliances, devices and equipment to which this chapter applies. Nothing contained in this chapter shall be construed as providing any authority for any subdivision of government to adopt by ordinance any provisions contained or provided for in this chapter 19.28 RCW except those pertaining to cities and towns. Upon request, electrical inspections will be made by the electrical inspection department within forty-eight hours, excluding holidays, Saturdays and Sundays. If, upon written request, the electrical inspector fails to make an electrical inspection within twenty-four hours, the serving utility may immediately connect thereto, providing the necessary electrical safe wiring label is displayed. Whenever the installation of any such wiring, device, appliance or equipment is not in accordance with the requirements of this chapter, or is in such a condition as to be dangerous to life or property, the person, firm, or corporation owning, using or operating the same shall be notified by the director of labor and industries and shall within fifteen days, or such further reasonable time as may upon request be granted, make such repairs and changes as are required to remove the danger therefrom to life or property and to make the same conform to the provisions of this chapter. The director of labor and industries through such inspector, assistant inspector or any deputy inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to such conductors or apparatus as is found to be in a dangerous or unsafe condition and not in accordance with the provisions of this chapter. Upon making such disconnection he shall attach thereto a notice stating that such conductors have been found dangerous to life or property or not in accordance with the

requirements of this chapter; and it shall be unlawful for any person to reconnect such defective conductors or apparatus without the approval of the director of labor and industries, and until the same have been placed in a safe and secure condition, and in such condition as to comply with the requirements of this chapter. The director of labor and industries, through the electrical inspector, assistant inspector, or any deputy inspector, shall have the right during reasonable hours to enter into and upon any building or premises in the discharge of his official duties for the purpose of making any inspection or test of the installation of new construction or altered electrical wiring, electrical devices, equipment or material contained thereon or therein. No electrical wiring or equipment subject to the requirements of this chapter shall be concealed until an inspection is applied for under this chapter and an inspection made and the work therein approved by the inspector making such inspection. It shall be the responsibility of those persons making electrical installations to obtain inspection and approval from an authorized representative of the director of labor and industries as required by this chapter, prior to requesting the electric utility to connect to said installation. Electric utilities may connect such said installations if approval is clearly indicated by certification of the safe wiring label required to be affixed to each installation or by equivalent means, except that, increased or relocated services may be reconnected immediately, at the discretion of the utility, before approval, provided a safe wiring label is displayed. The labels shall be furnished upon payment to the department of labor and industries. The director, subject to the recommendations and approval of the state electrical advisory board, shall set a schedule of license and safe wiring label fees which will cover the costs incurred by the department of labor and industries in the administration and enforcement of this chapter in accordance with the administrative procedures act, chapter 34.04 RCW; PROVIDED, That no fee shall be charged for plug-in mobile homes, recreational vehicles, or portable appliances; PROVIDED FURTHER, That the department may not charge fees in excess of ten dollars for the inspection of any single amusement ride or concession stand at an amusement facility and the total of such fees may not exceed one hundred fifty dollars for the inspection of the amusement facility, unless violations that were cited with respect to the same amusement ride or concession stand during the previous inspection of the amusement facility have continued."

Renumber the remaining section consecutively.

On motion of Senator Shinpoch, the following title amendment was adopted:

On page 1, line 1 of the title, after "rides;" insert "amending section 8, chapter 169, Laws of 1935 as last amended by section 2, chapter 129, Laws of 1971 ex. sess. and RCW 19.28.210;"

On motion of Senator Vognild, Engrossed Substitute Senate Bill No. 3003 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bluechel: "Senator Vognild, has there been wide-spread abuse and problems with the current type of regulation and who was it that instigated the bill as such? Who is the main driver behind the bill--what organization or group?"

Senator Vognild: "Senator Conner brought the bill to us and what he indicated and what the testimony indicated is that we have had sufficient problems and, fortunately, minor injuries up to this time, but the potential for major injury has been there, because the inspections are not consistent. Also, from the standpoint of the operators, they find enforcement is different in different places. Although they were not--I am not going to say they were in favor of this bill--they had some problems with it--but they did speak to the idea of the Department of Labor and Industries being an overall governing body."

Senator Bluechel: "Have there been any serious problems with the current type of regulation?"

Senator Vognild: "I think that my answer would be the same as I just gave you. There have been minor problems--nothing serious, but they could have been serious, very easily. It was a fortunate situation that a number of people were not injured. That was the testimony that we received."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3003.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3003, and the bill passed the Senate by the following vote: Yeas, 43; nays, 02; absent, 00; excused, 04.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon,

Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Barr, Bluechel - 2.

Excused: Senators Benitz, Haley, Hayner, Thompson - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3740, by Senators Vognild, Rasmussen and Peterson

Revising laws on hazardous materials liability.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3740 was substituted for Senate Bill No. 3740 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, Substitute Senate Bill No. 3740 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Patterson: "Senator Vognild, the only question that I have is, who determines who is responsible and what type of time frame is involved in this?"

Senator Vognild: "The determination of responsibility probably, eventually, would be settled in court if it has to, but initially it will fall under the federal hazardous material regulations which require that the carrier clean up the immediate spill. The time frame that you are talking of here--I'm not sure what area you are talking about."

Senator Patterson: "I am talking about determining who is responsible. There is always a question as to whether the railroad was negligent in some way or whether there was some other person or persons involved that created the situation. I am wondering, exactly, who will make that determination so that the extraordinary charges could be levied?"

Senator Vognild: "Well, that determination will be made in court, I am sure."

The President declared the question before the Senate to be the roll call on final passage of Substitute Bill No. 3740.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3740, and the bill passed the Senate by the following vote: Yeas, 43; nays, 03; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Barr, Craswell, McCaslin - 3.

Excused: Senators Haley, Hayner, Thompson - 3.

SUBSTITUTE SENATE BILL NO. 3740, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Jones: "I would like to make a request. I can't remember if it was Senator McDermott or Bottiger or Talmadge or Senator Fleming or any number of others who were concerned about hopping around on the calendar. I wondered if they would make that speech available for me, so that I could, perhaps, go through that routine. It does seem to me to be a bit of inconsistency. I heard it so many times, I should know it by memory, but if you could furnish me with those remarks, I would certainly appreciate it."

SECOND READING

SENATE BILL NO. 4202, by Senators Talmadge, Hughes, Williams, Woody, Fleming, Thompson and Hemstad.

Changing the Washington State patrol disciplinary process.

The bill was read the second time.

MOTION

Senator Talmadge moved the following Committee on Judiciary amendments be considered and adopted simultaneously.

On page 2, line 5 after the period insert "Notwithstanding the provisions of RCW 34.12.040, the decision of the administrative law judge shall be a final decision and reviewable pursuant to chapter 34.04, RCW."

On page 2, line 14 strike all of section 4 and renumber the remaining sections accordingly.

PARLIAMENTARY INQUIRY

Senator Guess: "Mr. President, a point of parliamentary inquiry. If these two amendments are adopted, then may I offer my amendments to the bill?"

REPLY BY THE PRESIDENT

President Cherberg: "The Secretary advises that it is possible."

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendments.

The motion by Senator Talmadge carried and the committee amendments were adopted.

MOTION

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

On page 1, beginning on line 19, after "demotion" strike all the material down to and including "transfer" on line 20 and insert ", and/or suspension"

On page 1, beginning on line 26, after "hearing" strike all the material down to and including "RCW" on page 2, line 5, and insert "before a trial board consisting of two Washington state patrol officers of the rank of captain, and one officer of equal rank with the officer complained of, who shall be selected by the chief of the Washington state patrol by lot from the roster of the patrol. In the case of complaint by an officer, such officer shall not be a member of the trial board"

On page 2, after line 5, insert the following:

"Sec. 3. Section 43.43.090, chapter 8, Laws of 1965 and RCW 43.43.090 are each amended to read as follows:

~~((At the hearing, the chief of the patrol shall be the presiding officer, and shall make all necessary rulings in the course of the hearing, but shall not be entitled to vote.~~

~~The complainant and the officer complained of may submit evidence, and be represented by counsel; and a full and complete record of the proceedings, and all testimony, shall be taken down by a stenographer.))~~

After hearing, the board shall make findings of ~~((the trial board shall be submitted to the chief) fact and conclusions of law in accordance with the evidence. Such findings and conclusions shall be final ((in the case of acquittal)). In the event ((of conviction)) the charges are sustained,~~ the chief may determine the proper disciplinary action and declare it by written order served upon the officer complained of."

Renumber the remaining sections consecutively.

On page 2, after line 7, strike all the material down to and including "43.43.100." on line 29 and insert:

"If as a result of any trial board hearing, or review proceeding, ~~((an officer complained of is found not guilty of the charges against him))~~ the charges against an officer are not sustained, he shall be immediately reinstated to his former position, and be reimbursed for any loss of salary suffered by reason of the previous disciplinary action."

POINT OF INQUIRY

Senator Pullen: "Senator Guess, you were referring to an inquiry board in your comments. Is that the same as the trial board?"

Senator Guess: "Yes sir, it is the board of inquiry--a formally convened board."

Senator Pullen: "I noticed in your amendment you are striking the language that says 'the chief of the patrol shall be the presiding officer.' In your amendment, does it specify who will be the presiding officer?"

Senator Guess: "One of the three members of the board shall be the presiding officer."

Senator Pullen: "One of the three members of the board?"

Senator Guess: "One of the three members of the board."

Senator Pullen: "Do they select--"

Senator Guess: "Among themselves."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, a point of parliamentary inquiry. The Guess amendment says 'on page 1, beginning on line 19, after 'demotion,' strike all the material down to and including 'transfer' on line 20 and insert and/or 'suspension.' The striking language--is that meaning to strike the underlined language? It doesn't grammatically make sense to strike all the language."

Senator Guess: "Mr. President, in answer to Senator Pullen, if he will look at the explanation that I have passed out--is the way the bill will read. What we have done is we have taken out a part of the material and then put back a part. What we took out was 'for disciplinary moves' and so it now reads--'that the state patrol may discipline, suspend or demote any Washington State Patrol officer.'"

Senator Pullen: "So you are just striking the new language--the underlined language--and replacing it with the new underlined language--and/or suspension?"

Senator Guess: "That is correct."

Further debate ensued.

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

MOTION

On motion of Senator Bluechel, Senator Quigg was excused.

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

ROLL CALL

The Secretary called the roll and the motion by Senator Guess failed and the amendments were not adopted by the following vote: Yeas, 18; nays, 27; absent, 01; excused, 03.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Sellar, Zimmerman - 18.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Woody - 27.

Absent: Senator von Reichbauer - 1.

Excused: Senators Haley, Hayner, Quigg - 3.

MOTION

On motion of Senator Talmadge, Engrossed Senate Bill No. 4202 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4202.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4202, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; absent, 01; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 35.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, McCaslin, Sellar - 10.

Absent: Senator Metcalf - 1.

Excused: Senators Haley, Hayner, Quigg - 3.

ENGROSSED SENATE BILL NO. 4202, having received the constitutional 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 11:22 a.m., on motion of Senator Shinpoch, 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. 3142, by Senators Thompson and Newhouse

Modifying financial disclosure requirements for public treasurers.

The bill was read the second time.

MOTION

On motion of Senator Thompson, Senate Bill No. 3142 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3142.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3142, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Craswell, Metcalf - 2.

Excused: Senators Hayner, Quigg - 2.

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.

SECOND READING

SENATE BILL NO. 3066, by Senator Peterson

Authorizing certain harbor lease moneys to be paid to towns.

MOTIONS

On motion of Senator Owen, 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.

On motion of Senator Owen, Substitute Senate Bill No. 3066 was advanced to third reading, the second reading considered the third, and the bill was 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. 3066.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3066, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Hayner, Quigg - 2.

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 Shinpoch, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3617, by Senators McManus, Metcalf, Rinehart, Bender, Owen and Goltz

Providing for an alcohol awareness program.

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

MOTION

On motion of Senator Vognild, Senator Hughes was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3617.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3617, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Hayner, Hughes, Quigg - 3.

SUBSTITUTE SENATE BILL NO. 3617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

SENATE JOINT RESOLUTION NO. 108, by Senators Thompson, Hemstad, Zimmerman and Granlund

Providing for a commission to promulgate alternate county home rule charters.

MOTIONS

On motion of Senator Thompson, Substitute Senate Joint Resolution No. 108 was substituted for Senate Joint Resolution No. 108 and the substitute resolution was placed on second reading and read the second time.

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

On page 1, line 11, after "without" and before "delay" insert "unreasonable"

Senator Pullen moved adoption of the following amendment by Senators Pullen, Rasmussen, Craswell, Quigg and Metcalf:

On page 2, line 15, after "be:" strike the balance of the language and replace with "Shall a new committee be established to draft alternate home rule charters for consideration and possible adoption by each county?"

POINT OF INQUIRY

Senator Thompson: "Senator Pullen, I wonder what your intent is, with the second amendment? There appears to be a relationship to the first and it might bear on my remarks in regard to the first."

Senator Pullen: "Yes, my intent and what I would prefer is to not have any ballot title in the constitutional amendment at all. So the second amendment would wipe out the ballot title. What I am now proposing should replace the ballot title that is already in Substitute Senate Joint Resolution No. 108. You have to take a perfecting amendment first. I thought it proper to try to improve on the ballot title that is already in SJR No. 108, and then if we do improve upon it, that is well and good, but we should then strike the whole thing. If I am unsuccessful in getting it stricken, at least we are left with the improved ballot title."

POINT OF INQUIRY

Senator Hemstad: "Senator Thompson, the proposed alternative language that is talked about--'should a new committee be established,' I would think would be preferable if it has said 'temporary committee.' On the second line, where it says 'alternate home rule charters,' the language in the bill, itself, talks about county charters, are you satisfied that 'home rule' is a better term than 'county charter' for this purpose?"

Senator Thompson: "Senator Hemstad, I welcome you into this process of drafting the charter. If you can think of any improvement to the charter or the title for this constitutional amendment--the ballot title--if you think it could be improved in the ways you suggested, why don't you join the process?"

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen, Rasmussen, Craswell, Quigg and Metcalf.

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

MOTION

Senator Pullen moved adoption of the following amendment by Senators Pullen, Rasmussen, Craswell, Quigg and Metcalf:

On page 2, line 14, after "state" insert a period and strike the balance of the language down and including "ballot?" on line 17.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen, Rasmussen, Craswell, Quigg and Metcalf.

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

MOTION

On motion of Senator Thompson, Engrossed Substitute Senate Joint Resolution No. 108 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Joint Resolution No. 108.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Joint Resolution No. 108, and the resolution failed to pass the Senate by the following vote: Yeas, 30; nays, 18; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, McDermott, McManus, Moore, Owen, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vogndild, Williams, Wojahn, Zimmerman - 30.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Deccio, Guess, Kiskaddon, Lee, McCasin, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Sellar, von Reichbauer, Warnke, Woody - 18.

Excused: Senator Hayner - 1.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 108, having failed to receive the required constitutional two-thirds majority was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Kiskaddon served notice that he would, on the next working day, move to reconsider the vote by which Engrossed Substitute Senate Joint Resolution No. 108 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 4153, by Senators Bender, Warnke and Conner

Authorizing permanently unemployable veterans to have special license plates.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the following Committee on Transportation amendments were considered and adopted simultaneously:

On page 1, line 23, after the semicolon strike "and in addition to this subsection, who, upon termination of said service has" and insert "~~((and in addition to this subsection, who, upon termination of said service has))~~ and received an honorable discharge"

On page 1, strike all of the material on line 25

On page 1, line 27, before the semicolon, strike "record" and insert "~~((record))~~ discharge following World War I and prior to World War II"

On page 1, strike all of line 25 and insert "~~((Received an honorable discharge; or))~~ and renumber remaining subsection.

On page 1, line 27, strike "record; or" and insert "~~((record; or))~~ and insert "discharge following World War I and prior to World War II"

On page 1, beginning on line 28, strike all the material down through "given" on page 2, line 1, and insert "~~((4) Been released from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given))~~"

MOTION

On motion of Senator Bender, the following amendment was adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 269, Laws of 1969 ex. sess. as amended by section 20, chapter 37, Laws of 1982 1st ex. sess. and RCW 41.04.005 are each amended to read as follows:

As used in RCW 41.04.005, 41.04.010, 41.16.220, and 41.20.050 "veteran" includes every person, who at the time he seeks the benefits of RCW 28B.40.361, 41.04.005, 41.04.010, 41.16.220 and 41.20.050(~~(:))~~: (1) Has served in any branch of the armed forces of the United States between World War I and World War II or during(:

(H)) any period of war and such "period of war" shall include World War I, World War II, the Korean conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. The said "Viet Nam era" shall mean the period beginning August 5, 1964, and ending on ~~((such date as shall thereafter be determined by presidential proclamation or concurrent resolution of the congress; and in addition to this subsection, who, upon termination of said service has~~

~~(2) Received an honorable discharge; or~~

~~(3)) May 7, 1975; and (2) has received an honorable discharge or received a discharge for physical reasons with an honorable record(;~~ or

~~(4) Been released from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given))~~.

Sec. 2. Section 1, chapter 178, Laws of 1949 as last amended by section 1, chapter 115, Laws of 1982 and RCW 73.04.110 are each amended to read as follows:

Any person who is a veteran as defined in RCW 41.04.005, as now or hereafter amended, who submits to the director of licensing satisfactory proof that he or she has a service connected disability rating from the veterans administration or any branch of the armed forces of the United States and has the loss of or the loss of the use of both arms or legs or one arm and one leg or a loss or use of one arm or one leg that precludes locomotion without the use of or aid of braces, crutches, canes, a wheelchair, or a permanent prosthesis for the rated disability; he or she was captured and incarcerated by an enemy of the United States during a period of conflict with the United States; he or she has become blind in both eyes as the result of military service; or he or she is rated by the veterans administration as totally and permanently disabled and is currently receiving compensation at the one hundred percent rate due to service-connected conditions, shall be entitled to have issued to him or her by the director of licensing general license plates or license plates with distinguishing marks, letters, or numerals indicating that the motor vehicle is owned by a disabled veteran or distinguishing marks, letters, or numerals indicating that the motor vehicle is owned by a former prisoner of war. This license shall be issued annually for one vehicle for personal use without the payment of any license fees or excise tax thereon. Whenever any person who has been issued license plates under the provisions of this section applies to the department for transfer of such plates to a subsequently acquired motor vehicle, a transfer fee of five dollars shall be charged in addition to all other appropriate fees.

Any person who has been issued free motor vehicle license plates under this section prior to March 31, 1982, shall continue to be eligible for the annual free license plates.

For the purposes of this section, "blind" shall mean that definition of "blind" utilized by the state of Washington in determining eligibility for financial assistance to the blind under Title 74 RCW.

Any unauthorized use of a special plate is a gross misdemeanor."

MOTION

On motion of Senator Bender, Engrossed Senate Bill No. 4153 was advanced to third reading, the second reading considered the third, and the bill was 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. 4153.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4153, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Hayner - 1.

ENGROSSED SENATE BILL NO. 4153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3308, by Senators Goltz, Deccio, Moore and Shinpoch

Requiring health insurance plans to provide benefits for home health care services.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3308 was substituted for Senate Bill No. 3308 and the substitute bill was placed on second reading and read the second time.

Senator Goltz moved the following amendments by Senators Goltz and Deccio be considered and adopted simultaneously:

On page 1, line 10, after "shall" strike "include provisions" and insert "offer optional coverage"

On page 1, line 18, after "shall" strike "include provisions" and insert "offer optional coverage"

On page 1, line 26, after "shall" strike "include provisions" and insert "offer optional coverage"

POINT OF INQUIRY

Senator Moore: "Senator Goltz, how much difference is this going to make to the consumer?"

Senator Goltz: "Are you speaking about the amendment or about the bill?"

Senator Moore: "About the amendment."

Senator Goltz: "The amendment will make this difference to the consumer. The consumer will not be required or the insurance provider will not be required to include in every insurance policy home health care and/or hospice alternative care. What they will do is simply say to every person that this kind of coverage is available if you want it. You can turn it down or you can accept it. I believe that by having the optional coverage it will be accepted by many, many people because it will be a significant reduction, I believe, in the cost of care."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Goltz and Deccio.

The motion by Senator Goltz carried and the amendments were adopted.

MOTION

Senator Goltz moved adoption of the following amendment:

On page 5 after line 29 insert:

"NEW SECTION, Sec. 11. There is added to chapter 41.05 RCW a new section to read as follows:

After the effective date of this act the board shall provide that health care benefit plans shall include provisions for home health care and hospice care for persons who are home-bound and who would otherwise require hospitalization."

POINT OF INQUIRY

Senator Hemstad: "Senator Goltz, my concern is, if in fact, this will end up requiring a higher premium cost and we are only going to appropriate a limited number of dollars for purposes of employee benefits. It will mean that there will have to be a reduction in some other area of coverage. Why wouldn't it have been better to draft this directing the board to go out with a request for a proposal so that they could see what the competitive bids would be with this included as an alternative?"

Senator Goltz: "I would be very willing to have that as an amendment. The effective date of the act is July 1 of 1984. It was my understanding that by the time we get back in 1984, we will know what kind of experience the insurance boards would have for us to wrestle with. I cannot see how you could possibly have an insurance policy which would cost more if you were offering a lesser cost service."

Senator Hemstad: "I suppose one of the concerns of the insurer is that it would increase the number of participants in the pool who would be using the service--say for longer periods of time. I suspect that the concern would be that of the insurer."

Senator Goltz: "Senator Hemstad, the protection against that, I believe, is found in the bill in the requirement that a medical doctor will always have to prescribe a plan, whereby the home health care--hospice care--will be used. There are a number of instances which come immediately to mind.

"One, of course, is the unpleasantness of dying in a hospital setting. Another one is post-surgical recovery. You know many people would much prefer to go home, because they don't need the kinds of services and attention they get in a hospital. At least in those two instances that I can think of, there would be a great saving."

Senator Hemstad: "But, in any event, we will have another chance to look at this before it would go into effect?"

Senator Goltz: "Yes, we would."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Goltz.

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

MOTIONS

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

On page 1, after line 3 insert "adding a new section to chapter 41.05 RCW:"

On motion of Senator Goltz, Engrossed Substitute Senate Bill No. 3308 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3308.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3308, and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 35.

Voting nay: Senators Barr, Clarke, Craswell, Guess, Haley, Jones, McCaslin, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar - 13.

Excused: Senator Hayner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3616, by Senators Hughes, Hansen, Quigg, Rasmussen, Fuller, Peterson and Guess

Modifying provisions governing air pollution emissions.

MOTIONS

On motion of Senator Hughes, Substitute Senate Bill No. 3616 was substituted for Senate Bill No. 3616 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hughes, Substitute Senate Bill No. 3616 was advanced to third reading, the second reading considered the third, and the bill was 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. 3616.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3616, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Hayner - 1.

SUBSTITUTE SENATE BILL NO. 3616, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3056, by Senators Vognild and Newhouse (by Department of Labor and Industries request)

Revising laws on enforcement of contractor registration.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3056 was substituted for Senate Bill No. 3056 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, Substitute Senate Bill No. 3056 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Vognild, the city has some people going around helping the poor and doing contract work. Do they have to be registered? Also I think, in the city of Seattle, they have an organization of retired electricians and plumbers and so forth, that they, too, go around and do work for either free or for a nominal sum. Do they have to be registered?"

Senator Vognild: "Senator, the contractors who work for agencies of the city or agencies of the state would have to be registered. Those people that you talk about in the retired field who do work for no benefit to themselves--perhaps they do it free or perhaps they do it for the cost of the materials--would not have to be registered."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3056.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3056, and the bill passed the Senate by the following vote: Yeas, 43; nays, 05; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shimpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Barr, Bluechel, Craswell, Guess, Haley - 5.

Excused: Senator Hayner - 1.

SUBSTITUTE SENATE BILL NO. 3056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3507, by Senators Hurley, Talmadge, Warnke and Hughes
Modifying provisions relating to gubernatorial appointments.

The bill was read the second time.

MOTION

Senator Bottiger moved adoption of the following amendment:

On page 1, line 4, strike all of section 1 and insert:

"Sec. 1. Section 2, chapter 338, Laws of 1981 and RCW 43.06.092 are each amended to read as follows:

(1) Any gubernatorial appointee subject to senate confirmation shall continue to serve unless rejected by a vote of the senate. An appointee who is not rejected by a vote of the senate shall serve for one year following appointment prior to being confirmed. Following this one-year period, any appointee not confirmed by the senate shall not continue to serve beyond the adjournment of the next regular legislative session. An appointee failing to be confirmed by the senate shall not be reappointed to the same position for a period of one year from termination of service.

(2) Any person appointed by the governor to fill the unexpired term of an appointment subject to senate confirmation must also be confirmed by the senate."

Debate ensued.

POINT OF INQUIRY

Senator Fuller: "Senator Bottiger, as your amendment reads, does this have a retrospective effect or prospective?"

Senator Bottiger: "Senator, I believe it would go into effect upon signature of the Governor and then the year would begin to run, so anybody currently serving but not confirmed would have one year and you would be into the next session. I really hadn't thought that out, Senator. I presume the normal rules would apply. It could only be prospective in nature. It couldn't be retroactive. It would be my intent that it be prospective."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger.

The motion by Senator Bottiger carried and the amendment was adopted on a rising vote.

MOTION

On motion of Senator Warnke, Engrossed Senate Bill No. 3507 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3507.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3507, and the bill passed the Senate by the following vote: Yeas, 29; nays, 19; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 29.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 19.

Excused: Senator Hayner - 1.

ENGROSSED SENATE BILL NO. 3507, having received the 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 Shinpoch, Senate Bill No. 3231, Senate Bill No. 3773, Senate Bill No. 4094, which were on the second reading calendar, were referred to the Committee on Rules.

On motion of Senator Shinpoch, Senate Bill No. 3827, which was on the second reading calendar, was referred to the Committee on Energy and Utilities.

On motion of Senator Shinpoch, Senate Bill No. 4144, which was on the second reading calendar, was referred to the Committee on Judiciary.

SECOND READING

SENATE BILL NO. 3511, by Senators Hansen, Benitz, Goltz, Barr and Hayner

Authorizing the creation of legal authorities to construct and operate hydro-electric facilities.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3511 was substituted for Senate Bill No. 3511 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, Substitute Senate Bill No. 3511 was advanced to third reading, the second reading considered the third, and the bill was 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. 3511.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3511, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Rinehart - 1.

Absent: Senator Moore - 1.

Excused: Senator Hayner - 1.

SUBSTITUTE SENATE BILL NO. 3511, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3427, by Senators Hurley, Metcalf, Craswell, Hansen and Deccio

Prohibiting state employees and officials from receiving a salary higher than the governor's.

The bill was read the second time.

MOTIONS

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

On page 1, line 10, after "010" insert ": PROVIDED, That this restriction shall not apply to salaries or compensation if approved by the Legislative Budget Committee"

On motion of Senator Warnke, Engrossed Senate Bill No. 3427 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Peterson, Hansen and Vognild 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. 3427.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3427, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Craswell, Fleming, Gaspard, Granlund, Haley, Hansen, Hughes, Hurley, Lee, McCaslin, McManus, Metcalf, Owen, Peterson, Rasmussen, Shinpoch, Vognild, von Reichbauer, Wojahn, Woody - 25.

Voting nay: Senators Benitz, Bluechel, Clarke, Deccio, Fuller, Goltz, Guess, Hemstad, Jones, Kiskaddon, McDermott, Moore, Newhouse, Patterson, Pullen, Quigg, Rinehart, Sellar, Talmadge, Thompson, Warnke, Williams, Zimmermann - 23.

Excused: Senator Hayner - 1.

ENGROSSED SENATE BILL NO. 3427, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:00 p.m., on motion of Senator Bottiger, the Senate recessed until 7:00 p.m.

EVENING SESSION

The President called the Senate to order at 7:00 p.m.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

March 28, 1983

SB 3249 Prime Sponsor, Senator Bottiger: Establishing the boating registration and safety act of 1983. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 3249 be referred to the Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Goltz, Guess, Hurley, Jones, Metcalf, Newhouse, Patterson, Rasmussen, Rinehart, Sellar, Shinpoch, Wojahn, Woody.

Referred to the Committee on Ways and Means.

March 28, 1983

SB 3815 Prime Sponsor, Senator Granlund: Establishing financial responsibility for persons in city and county jails. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 3815 be referred to the Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Goltz, Guess, Hurley, Jones, Metcalf, Newhouse, Patterson, Rasmussen, Rinehart, Sellar, Shinpoch, Wojahn, Woody.

Referred to the Committee on Ways and Means.

March 28, 1983

SB 4214 Prime Sponsor, Senator Granlund: Providing drug and alcohol treatment programs for state offenders. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 4214 be referred to the Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Goltz, Guess, Hurley, Jones, Metcalf, Newhouse, Patterson, Rasmussen, Rinehart, Sellar, Shinpoch, Wojahn, Woody.

Referred to the Committee on Ways and Means.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3480, by Senators Bottiger and Newhouse

Authorizing certain performers to elect exemption from mandatory industrial insurance coverage.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3480 was substituted for Senate Bill No. 3480 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bottiger, Substitute Senate Bill No. 3480 was advanced to third reading, the second reading considered the third, and the bill was 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. 3480.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3480, and the bill passed the Senate by the following vote: Yeas, 38; nays, 00; absent, 11; excused, 00.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Fleming, Fuller, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, Williams, Wojahn, Zimmerman - 38.

Absent: Senators Bender, Conner, Deccio, Gaspard, Goltz, Hemstad, Lee, Thompson, von Reichbauer, Warnke, Woody - 11.

SUBSTITUTE SENATE BILL NO. 3480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3483, by Senators Hansen, Deccio, Bender, Bauer, Goltz, Sellar, Benitz, Newhouse and Barr

Modifying the oil and gas conservation.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 3483 was substituted for Senate Bill No. 3483 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, Substitute Senate Bill No. 3483 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTIONS

On motion of Senator Bluechel, Senator Deccio was excused.

On motion of Senator Vognild, Senators Bender, Conner, Thompson, Warnke and Woody were excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3483.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3483, and the bill passed the Senate by the following vote: Yeas, 42; nays, 01; absent, 00; excused, 06.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senator Pullen - 1.

Excused: Senators Bender, Conner, Deccio, Thompson, Warnke, Woody - 6.

SUBSTITUTE SENATE BILL NO. 3483, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

March 28, 1983

To: Secretary of the Senate

Please register a "yes" vote on Substitute Senate Bill No. 3483 (oil and gas measure).

Alex Deccio

SECOND READING

SENATE BILL NO. 3817, by Senators Fleming, Hemstad, McDermott and Talmadge

Restricting body searches by law enforcement agencies.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3817 was substituted for Senate Bill No. 3817 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Shinpoch, further consideration of Substitute Senate Bill No. 3817 was deferred.

SECOND READING

SENATE BILL NO. 3739, by Senators McManus, Guess, Hansen and Deccio

Modifying provisions relating to day care.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 3739 was substituted for Senate Bill No. 3739 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hemstad, further consideration of Substitute Senate Bill No. 3739 was deferred.

At 7:22 p.m., on motion of Senator Shinpoch, the Senate recessed until 8:00 p.m.

SECOND EVENING SESSION

The President called the Senate to order at 8:01 p.m.

MOTION

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

MESSAGE FROM THE GOVERNOR

March 28, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 28, 1983, Governor Spellman approved the following Senate Bill entitled:

Substitute Senate Bill No. 3108

Relating to transportation.

Sincerely,

MARILYN SHOWALTER, Counsel to the Governor

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3519, by Senators Thompson, Zimmerman and Bauer (by Governor Spellman request)

Increasing state power to repair damage from the eruption of Mount St. Helens.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Local Government amendment was adopted:

On page 2, line 12, after "exchange," insert "lease."

On motion of Senator Thompson, Engrossed Senate Bill No. 3519 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Haley: "Senator Thompson, I am troubled by the expense on this bill. There is a fiscal note of five million twenty thousand dollars for the Department of Transportation from the state building construction account of the state general fund for acquisition of land and related expenses. Why does that need to be so high? What, specifically, are those monies going to be used for? Is it possible that a good amount came out in testimony that, perhaps, could be a lesser amount?"

Senator Thompson: "Senator Haley, this proposal was developed on the basis of a very detailed watershed management plan, which was developed by the Corps of Engineers and Cowlitz County. It provides for relocation costs. For instance, there are some thirteen structures from parcels they now occupy. It provides for funds for purchase and lease of a number of other sites. All of these items are based on arrangements and options that are already developed and ready to go as they necessarily have to be, because of the advance in time schedule on the need to begin dredging and begin depositing soil on sites during the period when that is possible."

POINT OF INQUIRY

Senator Patterson: "Senator Thompson, I am just interested in where the five million twenty thousand dollars--in the general fund--what generates those dollars? In other words, is there some kind of a tax out there that comes into the general fund or are these monies that are allocated out of the general resources of the state for this purpose?"

Senator Thompson: "Senator Patterson, these will be bond funds that come out of the capitol building account from proceeds of dedicated land."

Senator Patterson: "They float a bond issue?"

Senator Thompson: "That is true."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3519.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3519, and the bill passed the Senate by the following vote: Yeas, 41; nays, 08; absent, 00; excused, 00.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Owen, Peterson, Pullen, Quigg,

Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 41.

Voting nay: Senators Bottiger, Hurley, McCaslin, Moore, Newhouse, Patterson, Rasmussen, Wojahn - 8.

ENGROSSED SENATE BILL NO. 3519, having received the 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 Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 3739, deferred earlier this evening.

Senator Hemstad moved adoption of the following amendment:

On page 1, line 27 after "providers" strike "may" and insert "shall"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Hemstad.

The motion by Senator Hemstad failed on a rising vote and the amendment was not adopted.

MOTION

Senator Hemstad moved adoption of the following amendment:

On page 4, line 14, beginning with "with" strike all material down to and including "bruises," on line 15 and insert: "only with the flat of the hand on the covered buttock so as not to result in bruises, only when other methods of discipline are found to be ineffective, and"

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Hemstad, on page four, sub eleven--while it addresses the qualification for registrant and staff that is specified in this subsection, (b) states that persons on the premises shall not have been convicted of any crime, etc. So, if there is a parent that has been convicted of a crime and leaves his child there on the premises, is he in violation of the law?"

Senator Hemstad: "No."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Hemstad.

The motion by Senator Hemstad failed on a rising vote and the amendment was not adopted.

MOTIONS

On motion of Senator Woody, the following amendment by Senators Woody and Lee was adopted:

On page 5, after line 9, insert "(13) Day-care providers failing to comply with this section are guilty of a misdemeanor."

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

On page 7, line 25, after "chief" insert ", or a designee."

On motion of Senator Woody, the following amendment by Senators Woody and Pullen was adopted:

On page 8, line 13, after "a", strike "ten" and insert "twenty"

MOTION

On motion of Senator McManus, Engrossed Substitute Senate Bill No. 3739 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Peterson, Fleming and Newhouse 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. 3739.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3739, and the bill passed the Senate by the following vote: Yeas, 32; nays, 17; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Goltz, Guess, Haley, Hansen, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Thompson, Vognilid - 32.

Voting nay: Senators Bauer, Bender, Fleming, Gaspard, Granlund, Hemstad, Hughes, McDermott, Owen, Rinehart, Talmadge, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 17.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3739, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 3817, deferred earlier this evening.

On motion of Senator Fleming, the following amendments by Senators Fleming and Talmadge were considered and adopted simultaneously:

On page 4, line 10, after "has" insert "had a first court appearance." and strike remainder of subsection (4)

On page 4, following line 30, insert a new subsection as follows:

"(19) a strip search of a person housed in a holding, detention or local correctional facility to search for and seize a weapon may be conducted absent probable cause to believe the person is in fact concealing a weapon on his or her person if there arises a specific threat to institutional security which reasonably requires such a search."

MOTION

On motion of Senator Talmadge, Engrossed Substitute Senate Bill No. 3817 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Peterson, Shinpoch and Conner 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. 3817.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3817, and the bill passed the Senate by the following vote: Yeas, 45; nays, 03; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Barr, Benitz, Metcalf - 3.

Absent: Senator Guess - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3817, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3766, by Senators Fleming, Talmadge and McDermott

Prohibiting the use of choke holds by law enforcement and correctional officers.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3766 was substituted for Senate Bill No. 3766 and the substitute bill was placed on second reading and read the second time.

Senator Pullen moved adoption of the following amendment:

On page 1, line 11, after person and before the period insert: "or unless such law enforcement officer, correctional guard, or other employee of the state or a political subdivision of the state has successfully completed a course whose training standards have been approved by the Washington State Criminal Justice Training Commission. The Commission shall maintain a record of all persons who have successfully completed the course"

Debate ensued.

POINT OF INQUIRY

Senator Quigg: "Senator Fleming, I planned to vote for the bill the way it was before the amendment came up. I am a friend of the bill as it stands. I wonder what our folks are going to do if they can't do this? If you have somebody you are trying to fingerprint, and this person is not at all with the programming and he is really making life miserable for you, what are the people in those jails going to do with somebody that is big and unruly and into some drugs and has a lot of problems? What are the alternatives to what we are talking about?"

Senator Fleming: "First of all, Senator, I don't know what all those alternatives are, but the Bellevue police have said that they have been developing alternatives. They have nets--they have several kinds of things that they could do. The state patrol said that they have alternative methods that they would use.

"Secondly, in the Riley Frost case, they were trying to get his fingerprints, but the guy was supposed to be shackled and they still used it on him. Normally, in one of these situations, you are not going to have a law enforcement officer trying to do that. If they see there is a situation that is unruly, they are not going to be doing that by themselves. There will be more than one of them. What this says--some of the people have said 'let's ban it all altogether--let's not let it be used even in self defense.' That is not what we are saying here--we are saying unless there is a threat of death or serious bodily injury. So, we are banning it, with the exception of those cases.

"In the bill, which I did not necessarily agree with, but I am willing to go along with it. Senator Talmadge has a date in here of being effective January of 1984. The reason that he put that in there is to give the law enforcement officers around the state an opportunity to deal with some of those alternatives, which they said they were meeting on and in the process of doing anyway."

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

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

MOTION

On motion of Senator Talmadge, Substitute Senate Bill No. 3766 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Peterson: "Senator Talmadge, we have a situation in both our jails and prison populations now in which they are severely overcrowded. What kind of a message are we trying to send out? I realize this has an implementation date of January, 1984. I go along with the concept, but we are in a situation right now where we could have an explosion in Shelton or Walla Walla or Monroe--maybe even while we are debating this issue on the floor. Is this going to, in the interim, preclude the restraints that a prison guard or jailer would have in taking care of a situation. How can you tell what is a death threat or bodily injury? These things happen on the spur of the moment."

Senator Talmadge: "Senator, I don't think a problem is presented by the adoption of this bill. Specifically, law enforcement officers are called upon to make that kind of decision about whether or not they are in imminent peril of their own safety or someone else's safety all the time, when they have to decide whether or not to draw a weapon. In the case of correctional facilities, we are not banning the choke hold--we are not banning the sleeper hold, we are simply saying that law enforcement officers have to perceive a threat to themselves or to others and then it can be used.

"The problem is with the routine use of this type of hold. Many officers are not trained in its use and the officers that are trained find that, not in every application of it, are they able to cause the individual to subside in their unruliness. Basically, what we want to do is develop the kind of policy, I think, that the state patrol has, that King County now has, that Seattle has developed, and that many other law enforcement agencies across the state have developed. I think we will send a direct and clear message to the sheriffs and chiefs to adopt this kind of policy, too. I don't think it will impact upon legitimate and proper law enforcement techniques."

Senator Peterson: "Is it your intent then, Senator, that this, in effect--maybe not a sunset--but give us until next January to come up with a final solution?"

Senator Talmadge: "I don't think we will have to deal with it here. I would hope that we wouldn't. I would hope that the local law enforcement people would develop a policy. The state Department of Corrections has no problem with this particular bill or the policy that we are attempting to get across here."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3766.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3766, and the bill passed the Senate by the following vote: Yeas, 35; nays, 14; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Gaspard, Goitz, Granlund, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogniuld, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 35.

Voting nay: Senators Barr, Benitz, Craswell, Decchio, Fuller, Guess, Haley, Hansen, McCaslin, Metcalf, Newhouse, Owen, Patterson, Pullen - 14.

SUBSTITUTE SENATE BILL NO. 3766, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3991, by Senators Conner, Peterson and Bottiger

Establishing procedures for reducing and ending tolls on the Hood Canal Bridge.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following amendment by Senators Peterson and Conner was adopted:

On page 2, beginning on line 26 after "(5)" strike all of the material through "(6)" on line 35, and insert "Effective May 1, 1983, the transportation commission shall not establish or maintain tolls on the Hood Canal bridge for a one-way crossing for an automobile, pickup, van, or motor home licensed for less than 8,000 pounds gross weight, in excess of the following:

One one-way crossing	\$2.00
Book of twenty tickets for one-way crossing	\$32.00
Book of ten tickets for one-way crossings available only to senior citizen purchasers sixty-five years of age or older	\$16.00

The transportation commission shall establish a thirty-day period after May 1, 1983, for redemption of Hood Canal bridge toll tickets previously issued, for the cost charged for such tickets by the Washington state ferries.

(6) Nothing in subsection (5) of this section may be construed so as to violate any terms or conditions contained in the bond resolution authorizing the issuance and sale of the 1963 ferry and Hood Canal bridge refunding revenue bonds, and the limitations contained in subsection (5) of this section shall be of no effect if at any time during a biennium it appears that the projected toll revenues from the Hood Canal bridge will be less than the projected total costs of maintenance and operation of the Hood Canal bridge and the debt service on the 1963 ferry and Hood Canal bridge refunding revenue bonds for the biennium.

On motion of Senator Peterson, the following amendment by Senators Peterson and Conner was adopted:

On page 3, after line 2, insert the following:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on May 1, 1983."

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

In line 1 of the title, after "bridge;" strike "and"

In line 2 of the title, after "47.60.326" and before the period, insert "; declaring an emergency; and providing an effective date"

MOTION

On motion of Senator Peterson, Engrossed Senate Bill No. 3991 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 Peterson, we didn't take up this amendment in committee and I wonder, will this allow the commission to be able to pay off the bonds and the debts that are there in an orderly procedure or will this stretch out the length of time that they are going to have to take to pay it back?"

Senator Peterson: "To my knowledge, Senator Guess, the insurance money that was received by the commission took care of most of the extent of the bonding and this will not affect our further bonding on the bridge and it should proceed to pay them off."

Senator Guess: "But this takes the fare down on a commuter book to the 1967 prices and I don't think you can buy anything from 1967 dollars today."

Senator Peterson: "No, you probably can't, Senator Guess, but this language was drafted by the department--Mr. Garlington went through this. I assume, and I can only assume, that the bonding requirements are satisfied and would be with this fare reduction."

POINT OF INQUIRY

Senator Quigg: "Senator Peterson, on the changing of the fare to two bucks with the fare book--ticket books--and so forth, what impact does that have on the subsidies relating to the ferry system and, therefore, the gas tax subsidy for the ferry system? Will it be increased or decreased pressure on the gas tax?"

Senator Peterson: "Perhaps Senator Conner could answer that better than I. I think that is indeterminable right now, because of the federal gas tax that is coming in to the state and that is part of the subsidy. The original impact, I think, was 1.9 million dollars. Senator Conner might be able to respond better than I on that."

POINT OF INQUIRY

Senator Quigg: "Senator Conner, what is the impact of this measure, as now amended, on the gas taxpayers here in the state of Washington?"

Senator Conner: "This, according to the department, has an impact of 1.9 million dollars. I would like to say that I happened to start on this bridge project back in 1949--coming down to the legislature. We came back again and talked to different legislators and finally, it was enacted into law. That bridge more than paid for itself over the years that that toll has been on that bridge. There has been over three million dollars a year going into the ferry system and it is estimated that this reduction to the former rates will reduce the income about 1.9 million dollars."

Debate ensued.

MOTION

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

Senators Peterson, Conner and Shinpoch 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. 3991.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3991, and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Gaspard, Goltz, Hansen, Hemstad, Hughes, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody - 27.

Voting nay: Senators Benitz, Bluechel, Deccio, Fuller, Granlund, Guess, Haley, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Patterson, Quigg, Sellar, Shipoch, Vognild, Zimmerman - 20.

Absent: Senator Pullen - 1.

Excused: Senator von Reichbauer - 1.

ENGROSSED SENATE BILL NO. 3991, having received the constitutional 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 10:02 p.m., on motion of Senator Shipoch, the Senate adjourned until 9:00 a.m., Tuesday, March 29, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 29, 1983

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

The Sergeant at Arms Color Guard, consisting of Pages Michele Dawes and Joe Vozenilek, presented the Colors. Reverend Frank Accardy, pastor of the Emmanuel Baptist Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 28, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 517,

ENGROSSED HOUSE BILL NO. 683,

ENGROSSED HOUSE BILL NO. 724,

SUBSTITUTE HOUSE BILL NO. 790,

ENGROSSED HOUSE BILL NO. 804,

ENGROSSED HOUSE BILL NO. 817,

SUBSTITUTE HOUSE BILL NO. 882,

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 19, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 28, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 132,

HOUSE BILL NO. 300,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 493,

ENGROSSED HOUSE BILL NO. 606,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 620,

HOUSE BILL NO. 741,

SUBSTITUTE HOUSE BILL NO. 868,

HOUSE JOINT RESOLUTION NO. 11, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 132 by Committee on Ways and Means (originally sponsored by Representatives Monohon, Grimm, Kreidler, Belcher, Walk, Vander Stoep, Patrick, P. King, Johnson, Isaacson, Garrett, Ristuben and Halsan)

Modifying provisions relating to accrued vacation leave for public employees.

Referred to Committee on Ways and Means.

HB 300 by Representatives P. King, Dickie, Galloway, Holland, G. Nelson, Egger, Stratton, Schoon, Armstrong, Taylor, Heck, Johnson, Betrozoff, Haugen, Tanner, Sutherland, Zellinsky, Powers, Sayan, Smitherman,

Ebersole, Fisher, Ellis, Hine, Crane, Jacobsen, Halsan, Todd, Ristuben, Lux, J. Williams and Moon

Modifying the laws regulating the school directors' association.

Referred to Committee on Education.

ESHB 493 by Committee on State Government (originally sponsored by Representatives Walk, Dickie, Lewis and Armstrong) (by Joint Select Committee on Sunset request)

Providing for the termination of various state agencies and programs.

Referred to Committee on State Government.

EHB 517 by Representatives Grimm, Kreidler, Walk, Halsan and Wang

Requiring operators of carnival rides to possess liability insurance.

Referred to Committee on Financial Institutions.

EHB 606 by Representatives R. King, Patrick, Fisch, Lux, Ellis, Jacobsen and Belcher

Regulating employee-employer relationships.

Referred to Committee on Commerce and Labor.

ESHB 620 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Belcher and Kreidler) (by State Employees Insurance Board request)

Permitting the state employees' insurance fund to self-fund its insurance programs.

Referred to Committee on Financial Institutions.

EHB 683 by Representatives Vekich, Patrick, Monohon, Sayan, Fisher, Fisch, McMullen and Tanner

Providing for interest on workers compensation awards, if appealed.

Referred to Committee on Commerce and Labor.

EHB 724 by Representatives R. King and Isaacson

Restricting circumstances under which an employer may lay off injured workers.

Referred to Committee on Commerce and Labor.

HB 741 by Representatives Isaacson, Moon, Addison, Todd, Sanders, Hine and Dickie

Changing age provisions relating to the reporting of deaths by local registrars of vital statistics.

Referred to Committee on Local Government.

SHB 790 by Committee on Higher Education (originally sponsored by Representatives Sommers and Miller)

Establishing a higher education course designation and numbering system.

Referred to Committee on Education.

EHB 804 by Representatives Smitherman, Zellinsky, Tilly, Sanders, Holland, Schoon, Isaacson, Johnson, Long and Allen

Requiring agencies to prepare annual program goals and objectives.

Referred to Committee on State Government.

EHB 817 by Representatives R. King, Patrick, Lux, Brekke, J. King, Schmidt, Pruitt, Clayton, McMullen, Hankins, Fisch, Hine, Heck, Gallagher and Dickie

Authorizing injured workers to claim compensation for personal property damaged as a result of industrial accidents.

Referred to Committee on Commerce and Labor.

SHB 888 by Committee on Transportation (originally sponsored by Representatives Crane, Smitherman, Barnes, Moon, R. King, Garrett, Todd, Patrick, D. Nelson, B. Williams, Wilson, Mitchell, Schmidt, Taylor, Sanders and Halsan)

Authorizing permanently unemployed veterans to have special license plates.

Referred to Committee on Transportation.

SHB 882 by Committee on Financial Institutions and Insurance (originally sponsored by Representative Tanner)

Changing provisions relating to interest rates in the absence of an express agreement.

Referred to Committee on Financial Institutions.

SHJM 19 by Committee on Commerce and Economic Development (originally sponsored by Representatives Tilly, B. Williams, Taylor, Johnson, Barnes, Chandler, Smith, Sanders, Prince, Silver, Allen, Miller, G. Nelson, Patrick, Brough, Ballard, Wilson, J. Williams, Isaacson, Betrozoff and Lewis)

Asking Congress to adequately fund the Export Import Bank.

Referred to Committee on Commerce and Labor.

HJR 11 by Representatives Tilly, Locke and Barnes

Repealing Article IV, section 29, of the Constitution pertaining to the election of superior court judges.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 4090, by Senators Rasmussen and Metcalf

Strengthening the regulation of pawn brokers.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 4090 was substituted for Senate Bill No. 4090 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 4090 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4090.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4090, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore,

Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Haley, Rasmussen - 2.

SUBSTITUTE SENATE BILL NO. 4090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3206, by Senators Thompson, Zimmerman and Bauer

Modifying provisions on open public meetings.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3206 was substituted for Senate Bill No. 3206 and the substitute bill was placed on second reading and read the second time.

Senator Metcalf moved adoption of the following amendment:

On page 1, line 16, strike "other than courts and the Legislature"

On motion of Senator Fleming, further consideration of Substitute Senate Bill No. 3206 was deferred.

MOTION

At 9:19 a.m., on motion of Senator Fleming, the Senate was recessed until 10:30 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 10:45 a.m.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 3206 and the pending amendment by Senator Metcalf on page 1, line 16.

POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the question of scope and object on this amendment."

Debate ensued.

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. 3206 is a measure which deals primarily with practically the entire scope of the open public meetings act.

"The amendment proposed by Senator Metcalf also deals with the scope of the open public meetings act by eliminating the exemption for the courts and the Legislature.

"The President, therefore, finds that the proposed amendment does not expand the scope and object of the bill and that the point of order is not well taken."

The amendment by Senator Metcalf was ruled in order.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Metcalf.

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

MOTION

Senator Metcalf moved adoption of the following amendment:

On page 2, on line 25, strike "If, by reason" and insert: "In case", and on line 29, strike all the underlined material through line 32; on line 32, strike "notice"

POINT OF INQUIRY

Senator Guess: "Senator Thompson, in reading the underlined material--and I remember back to that fatal Monday--actually it was on Saturday or Sunday, rather--and then on Monday when the sheriff was trying to get all the people over to the courthouse, it seems to me that there was need to expedite the action of the

governing body. I wonder why in the world that they would have to provide a meeting site other than the regular meeting site. Do you want to have another meeting site to keep the people from not knowing where the meeting site is? Is that the understanding there?"

Senator Thompson: "Senator Guess, I am going to respond by saying that the language is permissive. They may move the site. The county commissioners in Cowlitz County found it very much to their advantage to have an advance field station, if you will, where they could be closer to where the action was to make decisions with regard to what's going on. That same scenario may repeat itself in other situations--both in Mount St. Helens or in flood situations or the like."

POINT OF INQUIRY

Senator Talmadge: "Senator Thompson, I guess I had the same qualms that Senator Metcalf had about this bill in this particular section. That language that refers, specifically, to fire, flood, earthquake or other emergency. When you refer to other emergencies, do you mean that it be an act of God, specifically, rather than something like, for example, the default of the Washington Public Power Supply System?"

Senator Thompson: "It is very definitely the former and not any financial emergency."

The President declared the question before the Senate to be adoption of the amendment by Senator Metcalf.

The motion by Senator Metcalf failed on a rising vote and the amendment was not adopted.

MOTION

Senator Sellar moved adoption of the following amendment:

On page 3, beginning on line 17, strike all new language down through and including "session" on line 19.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Sellar.

The motion by Senator Sellar failed on a rising vote and the amendment was not adopted.

MOTION

Senator Metcalf moved adoption of the following amendment:

On page 3, strike all underlined material on lines 13-16.

Debate ensued.

POINT OF ORDER

Senator Bottiger: "I raise the point of order that the three-minute rule has been violated by about seven minutes."

REPLY BY THE PRESIDENT

President Cherberg: "Your point is well taken."

Further debate ensued.

Senator Lee 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 Metcalf.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the amendment was not adopted by the following vote: Yeas, 19; nays, 29; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Craswell, Deccio, Fuller, Guess, Hughes, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Owen, Patterson, Pullen, Quigg, Sellar, Talmadge - 19.

Voting nay: Senators Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hurley, Jones, McDermott, McManus, Newhouse, Peterson, Rasmussen, Rinehart, Shinpoch, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 29.

Excused: Senator Haley - 1.

POINT OF INQUIRY

Senator Pullen: "Senator Thompson, on line 15, page 3, I think both you and Senator Lee, maybe, have a good point with regard to the underlined language. I guess my concern is whether that language is poorly enough drafted that it needs revision for clarification purposes. I don't object, Senator Thompson, to the language that's underlined there. I don't know if Senator Lee does or not. I don't think she does, but I think her concern was that that language was so vaguely drafted that it could have meanings other than the ones that you intend.

"For example, perhaps we could amend it by striking the words 'affect the price or other terms' and also striking the words 'to the' at the end of the line and replacing 'to the' with 'affect,' so that it would read 'to consider contract negotiations when public knowledge regarding such consideration would adversely affect the interest of the public.' It seems to me that would do what you wanted to do with that underlined language, and I think it's what Senator Lee would want to do, too. It does it in a way that is clear.

"I don't know if you or Senator Lee want to comment on that or not, but I would agree with Senator Lee that the language is, perhaps, misleading with the way it is drafted. I would, also, agree with you, Senator Thompson, that the intent of the language, or what I think is your intent, is a good intent."

Senator Thompson: "Senator Pullen, I believe that the intent will be recognized by people who apply this act and the language. The amendment has been defeated. I am comfortable that it is sufficiently explicit to carry out its intent. It was prepared by an attorney who has dealt with this act since its inception and the questions raised here have not been raised otherwise. I think that you need have no concern."

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3206 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 Williams: "Senator Thompson, the section that we've been talking about on allowing for closed meetings on the negotiation of contracts and so forth. Will this allow additional closed meetings--in particular for the WPPSS board when it comes to negotiating some of the contracts that are going now?"

Senator Thompson: "Yes, it would and will, Senator Williams, if those meetings conform to the language of this exemption or exception."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3206.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3206, and the bill failed to pass the Senate by the following vote: Yeas, 20; nays, 28; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bottiger, Fleming, Gaspard, Goltz, Granlund, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman - 20.

Voting nay: Senators Barr, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, Vognild, von Reichbauer, Williams - 28.

Excused: Senator Haley - 1.

SUBSTITUTE SENATE BILL NO. 3206, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Williams served notice that he would, on the next working day, move to reconsider the vote by which Substitute Senate Bill No 3206 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 3605, by Senators Goltz, Peterson, Vognil, Fuller, Metcalf and Conner

Modifying provisions relating to state timber sale contracts.

The bill was read the second time.

MOTIONS

Senator Owen moved adoption of the following Committee on Natural Resources amendment:

On page 2, beginning on line 2, strike all material down to and including "indicating:" on line 4 and insert the following:

"(2) The department shall approve applications for default under subsection (1) of this section if the purchaser supplies evidence indicating:"

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

On page 1, line 8, after "department" strike "shall" and insert "is authorized to"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment to the Committee on Natural Resources amendment.

The motion by Senator McDermott failed on a rising vote and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be adoption of the Committee on Natural Resources amendment.

The motion by Senator Owen carried and the committee amendment was adopted.

MOTIONS

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

On page 1, line 23, after "within" strike "ninety" and insert "thirty"

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

On page 3, line 8, after "expire" strike "on December 31, 1983" and insert "sixty days after the effective date of this act"

On motion of Senator Owen, the rules were suspended, Engrossed Senate Bill No. 3605 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

At 11:58 a.m., on motion of Senator Shinpoch, 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 Shinpoch, the Senate resumed consideration of Engrossed Senate Bill No. 3605.

Further debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Goltz, is it the intention of this bill to deal with one timber sale as far as you know?"

Senator Goltz: "I would say that is the intent. It's my intent, to be sure, that it deals with one company. There are, as I understand it, eight companies which might qualify--no more than eight. I have the list of those companies in my hand. They are all small companies and I do not know the status of those companies, whether they would qualify under the very restrictive provisions of this bill or not."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Guess, do you remember what the Supreme Court did to the relief bill for the asphalt pavement contractors?"

Senator Guess: "They turned it down."

Senator Rasmussen: "They did?"

Senator Guess: "They sure did."

Senator Rasmussen: "It was a contract. I hope the Supreme Court rules the same way on this relief bill, also."

Senator Guess: "Senator, I don't believe that the Supreme Court would pay any attention to this act because they are a humane bunch of people."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3605.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3605, and the bill passed the Senate by the following vote: Yeas, 30; nays, 19; absent, 00; excused, 00.

Voting yea: Senators Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Graniund, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McManus, Metcalf, Newhouse, Owen, Peterson, Quigg, Thompson, Vognilid, Warnke, Woody - 30.

Voting nay: Senators Barr, Bauer, Fleming, Hughes, Hurley, McCasin, McDermott, Moore, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, von Reichbauer, Williams, Wojahn, Zimmerman - 19.

ENGROSSED SENATE BILL NO. 3605, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4079, by Senators Williams, Lee and Fuller

Prohibiting the use of pesticides containing endrin.

The bill was read the second time.

MOTION

Senator Hansen moved adoption of the following amendment by Senators Hansen, Newhouse, Benitz, Sellar, Deccio and Moore:

On page 1, line 11, strike section 1.

Re-number remaining sections.

Debate ensued.

POINT OF ORDER

Senator Hurley: "Mr. President, a point of order. Would you please rule on the scope and object of the amendment? The amendment deletes the whole first section which is intended to prohibit the use of endrin and by deleting that it deletes the whole reason for the bill and would permit the use of endrin."

Further debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order proposed by Senator Hurley, the President believes that the point is not well taken, as any member of the Senate is permitted to try to perfect the bill, and the President is sure that is the opinion of the sponsors of the amendment."

Further debate ensued on the amendment by Senators Hansen, Newhouse, Benitz, Sellar, Deccio and Moore.

POINT OF INQUIRY

Senator Talmadge: "Senator Williams, do you know of any other instances besides the one in which a large number of cattle were killed where endrin was improperly used?"

Senator Williams: "Yes, Senator Talmadge, one of the members on this floor had come to me and asked about the use of endrin. He was concerned about the bill, because he was afraid some of the agriculturists in his area would be concerned about it and wanted to maintain the use of it. I perused that and found out that, in fact, it was used by these agriculturists to spread around warehouses which stored an agricultural product. I informed him that was an illegal use. The federal government has a list of nine uses that are appropriate for this. The particular use that he described to me is illegal in this state and that's what brings up the concern.

"In other words, the prevalence of this material, even though it's cited as being controlled--tightly controlled--is the fact that because it is available, it does find its way into uses that are illegal in this state. I suspect that that is just one incident of many where it is used to kill other rodents."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Hansen, Newhouse, Benitz, Sellar, Deccio and Moore.

ROLL CALL

The Secretary called the roll and the motion by Senator Hansen failed and the amendment was not adopted by the following vote: Yeas, 20; nays, 28; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Benitz, Bottiger, Conner, Craswell, Deccio, Guess, Haley, Hansen, Hayner, Jones, McCaslin, Moore, Newhouse, Patterson, Peterson, Rasmussen, Sellar, von Reichbauer - 20.

Voting nay: Senators Bender, Bluechel, Clarke, Fleming, Fuller, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Owen, Pullen, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 28.

Absent: Senator Metcalf - 1.

MOTION

Senator Hansen moved adoption of the following amendment by Senators Hansen, Newhouse, Benitz, Sellar, Deccio and Moore:

On page 3, line 16, after "rules" strike "prohibiting" and insert "regulating"

Debate ensued.

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

The President declared the question before the Senate to be adoption of the amendment by Senators Hansen, Newhouse, Benitz, Sellar, Deccio and Moore.

ROLL CALL

The Secretary called the roll and the motion by Senator Hansen failed and the amendment was not adopted by the following vote:

Yeas, 22; nays, 26; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hayner, Jones, McCaslin, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Sellar - 22.

Voting nay: Senators Bender, Bluechel, Fleming, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Pullen, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 26.

Absent: Senator Metcalf - 1.

MOTION

Senator Deccio moved the following amendments by Senators Deccio, Sellar, Hansen, Moore and Bauer be considered and adopted simultaneously:

On page 3, line 16: strike line 16 through 17 and insert "The director shall adopt rules phasing out the use of endrin over a five year period and restricting the used of endrin to only emergency situations that are specifically authorized by the director after five years."

On page 6, line 4, strike "Prohibiting" and insert "Regulating"

POINT OF INQUIRY

Senator Bluechel: "Senator Deccio, this amendment, as I read it, would allow for the use of endrin as directed by the Department of Agriculture after the five-year period, in emergency situations. Is that correct?"

Senator Deccio: "The way the amendment reads--and the reason it is there--Senator, is because that right now there is no adequate alternative in there. I would suspect that during that five years that the Department would get busy and develop alternatives to endrin, and before that five-year period was up, then we could go ahead and do what you would like to do in this bill today."

Senator Bluechel: "Senator Deccio, a further question. Isn't it true that today you really use endrin only in emergency situations--that the situation has to be critical before it is used today, so that what this amendment would do would be to carry on exactly the same procedures with the one exception of requiring the Department of Agriculture to give the permission to use it?"

Senator Deccio: "Senator Bluechel, you have answered your own question. Of course, it would allow them to continue the use, because we don't want it banned immediately. We want some time to work out an alternative method."

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Senator Bluechel, you indicated that already endrin is used in regulated kinds of situations. I guess I had thought that it was fairly freely available presently. Can you elaborate on that?"

Senator Bluechel: "Senator Woody, I'm not quite sure if you understood me. What I said was that endrin, since 1966, has come under stringent regulations to the point where in the countries of Europe--the major countries of Europe--and many of the states in this country--and in many of the federal and state agencies--they have banned entirely the use of endrin.

"The one remaining area in this state that does not ban it is the area in the Department of Agriculture, in particular under the area of orchardists. All I said was that there is an increasing awareness of the problem and, therefore, an increasing restriction in total elimination of the use of endrin. I suggested that we should take the last step and totally ban it."

MOTION

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

After "over a" strike "five" and insert "two" and after "period" insert a "." and strike the remainder of the amendment.

Debate ensued.

MOTION

Senator Woody moved that the proposed amendment to the amendment be considered as two separate amendments.

PARLIAMENTARY INQUIRY

Senator Pullen: "A point of parliamentary inquiry. I have an amendment that has been distributed to the desks, which adds a new section, section 7, which says that this act shall take effect March 1, 1985. My question is if the Kiskaddon amendment as separated out by Senator Woody would be adopted, would I be precluded from offering my amendment which would add the new section 7?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Pullen, your proposed amendment would be in order."

POINT OF INQUIRY

Senator McDermott: "Would Senator Deccio yield to a question?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Deccio declines to yield."

POINT OF INQUIRY

Senator McDermott: "Senator Sellar, my question is--in this amendment it says 'the director shall adopt rules phasing out the use of endrin.' Would you explain to me what you mean by phasing out? How you phase out the use?"

Senator Sellar: "My guess would be, Senator, that phasing out would be from the present level down to something nearly zero, if possible. A phase out is a reduction of the use of the product."

POINT OF ORDER

Senator Williams: "A point of order, Mr. President. What is the issue before the body at the moment?"

REPLY BY THE PRESIDENT

President Cherberg: "In the event that the question is divided--specifically to substitute two years from a five-year period, which if adopted would be somewhat in conflict with the other part of the proposed amendment. You might have two years in one area and five years in another."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "Senator Woody, the Secretary has just advised that Rule 1 provides that the motion to strike out and insert shall not be divided. Therefore, the question is the adoption of the Deccio amendment in its entirety."

PARLIAMENTARY INQUIRY

Senator Benitz: "Mr. President, a point of parliamentary inquiry. Is not the issue the striking of 'five' and inserting 'two'? Is that the issue before the body now?"

REPLY BY THE PRESIDENT

President Cherberg: "The question before the Senate is the adoption of the amendment to the amendment as proposed by Senator Kiskaddon."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Pullen: "A point of parliamentary inquiry. I have an amendment to the Deccio amendment which is on the desk, which says that after five years, only the Department of Agriculture may store endrin and any emergency application of endrin will be made by withdrawing endrin from the Department's supply.

"I guess I am a little worried that my amendment to the Deccio amendment may not make sense if the Kiskaddon amendment is adopted. I just wondered if there is a question of order here whether the Pullen amendment, perhaps, should be taken before the Kiskaddon amendment? I guess my question is should the Kiskaddon amendment be taken before the Pullen amendment and if so, am I precluded from offering this amendment or a very similar amendment to the Deccio amendment?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Pullen, the President believes that your amendment would be in order in any event. However, I would like to suggest that various people who are so interested in this bill get together and work it out."

MOTION

On motion of Senator Bottiger, further consideration of Senate Bill No. 4079 was deferred and made a special order of business at the evening session.

SECOND READING

SENATE BILL NO. 3873, by Senator Hansen

Relating to water rights.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3873 was substituted for Senate Bill No. 3873 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 3873 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senator Metcalf was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3873.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3873, and the bill passed the Senate by the following vote: Yeas, 42; nays, 06; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Bluechel, Hughes, Hurley, McDermott, Rinehart, Talmadge - 6.

Excused: Senator Metcalf - 1.

SUBSTITUTE SENATE BILL NO. 3873, having received the 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 Shinpoch, Senate Bill No. 3902, which was on the second reading calendar, was referred to the Committee on Ways and Means.

On motion of Senator Shinpoch, Senate Bill No. 3041 and Senate Bill No. 4167, which were on the second reading calendar, were referred to the Committee on Rules.

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

On motion of Senator Shinpoch, the Committee on Labor and Commerce was relieved of further consideration of House Bill No. 59.

On motion of Senator Shinpoch, House bill No. 59 was referred to the Committee on Ways and Means.

On motion of Senator Shinpoch, the Committee on Rules was relieved of further consideration of Senate Bill No. 3748.

On motion of Senator Shinpoch, Senate Bill No. 3748 was referred to the Committee on Ways and Means.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Kiskaddon moved that the Senate reconsider the vote by which Engrossed Substitute Senate Joint Resolution No. 108 failed to pass the Senate, March 28, 1983.

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 Kiskaddon that the Senate reconsider the vote by which Engrossed Substitute Senate Joint Resolution No. 108 failed to pass the Senate.

ROLL CALL

The Secretary called the roll and the motion for reconsideration by Senator Kiskaddon carried by the following vote: Yeas, 32; nays, 16; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McDermott,

McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 32.

Voting nay: Senators Benitz, Clarke, Craswell, Guess, Hansen, Hayner, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer - 16.

Absent: Senator Haley - 1.

MOTION

On motion of Senator Shinpoch, further consideration of Engrossed Substitute Senate Joint Resolution No. 108 was deferred.

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

SECOND READING

SENATE BILL NO. 3034, by Senator Rinehart

Modifying provisions relating to consumer warranties.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3034 was substituted for Senate Bill No. 3034 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 3034 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Rinehart, I think this is excellent legislation. This is intended for only new cars?"

Senator Rinehart: "Correct."

Senator Rasmussen: "Then, a further question that may not be--I hope you don't consider it frivolous. There have been people that, after repeated visits to the dealers and not getting satisfaction, hung a lemon sign on their cars and put the dealer's name on it and then paraded around the town. Would this give them a right to do that? I understand some of them have been sued on the basis that they were giving wrongful advertising."

Senator Rinehart: "This has no relationship, whatsoever, to either advertising or hanging signs on your car."

Senator Rasmussen: "In effect, the law, though, would give you the right to call it a lemon?"

Senator Rinehart: "Those specific words are not in the bill, Senator Rasmussen."

Senator Rasmussen: "So, they'd better be careful, then?"

Senator Rinehart: "A consumer should always be careful."

POINT OF INQUIRY

Senator Goltz: "Does this bill cover only American-made lemons or does it cover foreign-made lemons, as well?"

Senator Rinehart: "It's not discriminatory. It covers all lemons."

POINT OF INQUIRY

Senator Bottiger: "Senator Rinehart, why doesn't this bill cover my rototiller?"

Senator Rinehart: "This is the first time your rototiller problems have been brought to my attention. Perhaps, we can work things out."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3034.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3034, and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; absent, 02; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 34.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Deccio, Fuller, Guess, Hayner, McCaslin, Newhouse, Pullen, Guigg, Zimmerman - 13.

Absent: Senators Haley, Jones - 2.

SUBSTITUTE SENATE BILL NO. 3034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3389, by Senators Rinehart, Zimmerman, Thompson and Granlund (by Secretary of State request)

Revising procedures for mail voting.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3389 was substituted for Senate Bill No. 3389 and the substitute bill was placed on second reading and read the second time.

Senator Pullen moved adoption of the following amendment:

On page 1, line 23, after "~~(only)~~," strike all the remaining underlined language down through "29.04.055," on line 20.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Rinehart, I've been looking in the bill to find out how the person gets the ballot. Can you describe that to me or tell me where in the bill I might find it?"

Senator Rinehart: "Yes, Senator Guess. It is important to look at the entire procedure from the time the ballot is sent out to the time it is sent back and counted."

Senator Guess: "Wait a minute. Why do you send the ballot out--just helter skelter to everybody in the precinct?"

Senator Rinehart: "No, to registered voters."

Senator Guess: "On their request or not on their request?"

Senator Rinehart: "I think you're confusing two procedures. One is the absentee ballot where the individual registered voter requests a ballot and the other is the proposed measure here which is holding one issue--one special election by mail--at the request of the jurisdiction."

Senator Guess: "You mean he is just going to, carte blanche, send everybody in the whole precinct a ballot without request--whether they are on vacation or whether they are out of state or not?"

Senator Rinehart: "Senator Guess, I believe if you will read all of the sections describing the procedure, you will discover that it deals with small specific jurisdictions and that the step by step process where the ballots are distributed and returned leaves no room for violation, which you seem to be concerned about."

Senator Guess: Well, Senator, it says on page 2, section 2, line 14 'for any special election conducted the auditor shall send a mail ballot with a return identification envelope to each registered voter in the district.' Now, you were talking about signatures awhile ago--they were going to compare the signatures. If I don't send in a request and a signature there, how is the auditor going to have a signature to compare?"

Senator Rinehart: "When you register to vote, you sign and that signature is on file with the auditor and that is the comparison that is made for the signing of initiatives and for any question of a ballot issue. Your signature and every other registered voter's signature is already on file."

Senator Guess: "O.K., in Spokane County, then, there are in the sixth district, some 65,000 registered voters, so when it comes time for a school election or something like that, then the county auditor is going to send out, in the sixth district, 65,000 ballots. Is that right?"

Senator Rinehart: "If the jurisdiction has requested that kind of an election, then the registered voters in that jurisdiction receive those ballots. Then, if you read the rest of the bill, there is a careful procedure for monitoring the return of those ballots. There is a procedure for checking."

POINT OF INQUIRY

Senator Granlund: "Senator Woody, we've heard a lot about sending out the ballots willy nilly. Many of us have precincts in our district, for instance Anderson Island in my district, all vote by mail. Are you suggesting that, perhaps, this is an unhealthy thing and that we should change the law so that none of these district do that any longer?"

Senator Woody: "No, Senator Granlund. As I indicated, our present law does provide for small precincts where there are access problems, to be voted by mail and that does work well. That is an exception to the general election statutes which require that if you cast your ballot, you go to a polling place and do it in private at a specific and designated time and place. That was an exception to the basic rule that was made a long time ago for the specific purpose of taking care of rural areas and very small precincts and areas that are hard to access with a polling place."

POINT OF INQUIRY

Senator Gaspard: "The reason I've asked you, Senator Talmadge, is because you are the chairman of the Judiciary Committee, from which the bill was reported out. In looking at Senator Pullen's amendment, can you tell me if this expands or restricts voting by mail?"

Senator Talmadge: "Senator Gaspard, if you take a look at section one of the bill, the language that now exists in the section, absent Senator Pullen's amendment, states that at any primary, general or special election, the county auditor, in any precinct having fewer than 100 registered voters at the time of closing the voter registration as provided in RCW 29.07.160, can conduct the voting in that precinct by mail ballot. The language that then follows states that in any special election not being held in conjunction with a state primary or state general election, the county auditors can, on the request of the particular election officer of the special jurisdiction involved, conduct voting by mail ballot in any precinct or combination of precincts.

"Senator Pullen's amendment strikes that last sentence that talks about the request having to come from the special jurisdiction involved. By striking out that last sentence, it leaves in its place in the statute within that section the opportunity at any primary, general or special election, with respect to any precinct with less than 100 voters, to use the mail ballot at any time or at any place."

POINT OF INQUIRY

Senator Quigg: "Senator Talmadge, we are considering in the Energy Committee legislation about the disposition of Merwin Dam and there will be voting in Garfield County and some others--Cowlitz and Clark and so forth--presumably maybe even a special election and, of course, we've had 394 around for a while and there was a possibility that there could have been an election held at a time other than a primary or general. Would these kinds of elections be subject to mail ballot under the provisions of this bill?"

Senator Talmadge: "No, because we would be talking in the case of Initiative 394 probably as a statewide ballot. When we are talking about a special jurisdiction or a small jurisdiction in a special election ballot--if that jurisdiction requests it--the vote can be held by mail."

MOTION

On motion of Senator Bluechel, Senator Haley was excused.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Pullen.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed, the President voting nay, and the amendment was not adopted by the following vote: Yeas, 24; nays, 24; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Guess, Hansen, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Woody, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hemstad, Hughes, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn - 24.

Excused: Senator Haley - 1.

MOTION

On motion of Senator Pullen, the following amendment by Senators Pullen, Hayner and Jones was adopted:

On page 2, line 24, after "auditor" strike "may" and insert "shall"

MOTION

Senator Pullen moved adoption of the following amendment by Senators Pullen, Hayner and Jones:

On page 3, line 3, after "election," insert "Each spoiled ballot must be returned to the county auditor before a new one is issued."

POINT OF INQUIRY

Senator Rasmussen: "Senator Pullen, I haven't studied this bill. I've been working on a couple of others, but is there any provision in this bill that requires paper ballots or can they send out punch card ballots?"

Senator Pullen: "They can send out punch card ballots."

Senator Rasmussen: "That's one of the problems, of course, when you send punch card ballots out. As people get older, their hands get a little shaky and they punch the wrong hole. There is no way to get a replacement in time to get it back, so they've lost their vote."

Senator Pullen: "I think you're pointing out one of the basic problems with mail balloting."

Senator Rasmussen: "Unless it is a full paper ballot out there."

Senator Pullen: "I wouldn't object to that at all, but I think other people might have something to say on that but, I think your comments are good and you are pointing out the basic deficiency of the whole bill."

POINT OF INQUIRY

Senator Talmadge: "Senator Pullen, with respect to your amendment, is it your intent to confine it just to situations in which the ballot is spoiled and not in those situations where the ballot was destroyed, lost or not received?"

Senator Pullen: "That's absolutely correct."

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen, Hayner and Jones.

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

MOTION

Senator Pullen moved adoption of the following amendment:

On page 3, line 35, after "ballots," insert "An election inspector or judge shall be permitted to count by hand the ballots from his or her precinct."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Pullen.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hurley, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Woody, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn - 25.

Excused: Senator Haley - 1.

MOTION

Senator Pullen moved adoption of the following amendment:
On page 4, line 23, after "election);" strike "other than" and insert "including"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

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

MOTION

On motion of Senator Pullen, the following amendment by Senators Pullen, Hayner and Jones was adopted:

On page 4, line 12, after "voter." insert "The county auditor must notify both the county prosecuting attorney and the state attorney general of every instance in which a voter has voted more than once."

MOTIONS

On motion of Senator Zimmerman, Senator McCaslin was excused.

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3389 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Peterson, Woody and Shinpoch 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. 3389.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3389, and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 24; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hemstad, Hughes, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Guess, Hansen, Hayner, Hurley, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, Vognild, von Reichbauer, Woody, Zimmerman - 24.

Excused: Senators Haley, McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3389, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Vognild served notice that he would, on the next working day, move to reconsider the vote by which Engrossed Substitute Senate Bill No. 3389 failed to pass the Senate.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Woody served notice that she would, on the next working day, move to reconsider the vote by which Engrossed Senate Bill No. 3605 passed the Senate.

MOTION

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

MOTION

On motion of Senator Vognild, the following resolution was adopted:
SENATE RESOLUTION 1983-18

By Lieutenant Governor John A. Cherberg; Senators Vognild, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clark, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar,

Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody and Zimmerman; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; and Ole Scarpelli, Sergeant at Arms

WHEREAS, The State of Washington is experiencing its most severe and highest rate of unemployment since 1947; and

WHEREAS, Unemployment creates extreme hardship on the jobless and members of their communities; and

WHEREAS, Such extreme unemployment creates severe economic loss to the State of Washington; and

WHEREAS, There is a need to stimulate the interest of potential employers in creating and filling jobs; and

WHEREAS, KIRO, Inc. and the state Employment Security Department cooperated in an innovative public service effort with the business community to produce a Jobfinder Telethon on Sunday, February 20, 1983 from 3:00 to 6:00 p.m. on KIRO TV Channel 7 and KIRO News Radio; and

WHEREAS, As a result of the Jobfinder Telethon, over 1,000 jobs were pledged by the business community; and

WHEREAS, 2,107 unemployed individuals called in to the Jobfinder Telethon requesting jobs; and

WHEREAS, Within two days of the telethon, over 2,000 individuals requested referral to jobs at the three telethon job centers in King, Pierce, and Snohomish counties; and

WHEREAS, Within two days of the telethon, over 800 people were referred to participating employers for interviews; and

WHEREAS, Within two days of the telethon, over 100 unemployed individuals were placed in jobs, with more being placed each day;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that KIRO, Inc., the Employment Security Department, and the business community be commended for their extraordinary efforts to help the unemployed find jobs as a result of the Jobfinder Telethon; and

BE IT RESOLVED, That the Secretary of the Senate transmit copies of this resolution to KIRO, Inc., and the Employment Security Department.

MOTION

On motion of Senator Vognild, all members and the Lieutenant Governor will be added as additional sponsors to Senate Resolution 1983-18.

MOTION

At 5:02 p.m., on motion of Senator Rasmussen, the Senate recessed until 6:30 p.m.

EVENING SESSION

The President called the Senate to order at 6:30 p.m.

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

SECOND READING

SENATE BILL NO. 4034, by Senator Peterson

Relating to motor vehicle and special fuels.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 4034 was substituted for Senate Bill No. 4034 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 4034 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "First of all, Senator Vognild, I want to congratulate you on what appears to be a very good bill. I would simply say that that service attendant

made his fatal error when he tried to cheat Larry Vognild. But the question I have concerns subsection (2) where you say that 'the price per unit of fuel that is conditioned upon the purchase of another product, unless the conditional language, name and price of the other product are clearly expressed in the advertisement in characters at least one-half the height of the characters used to advertise the fuel price.' My question deals with the display of the fuel price. I've seen some service stations which will display the fuel price on the corner and then somewhere back near the pump or near the building, they then have some sort of qualifier. I would assume it's your intent that the characters that are one-half the height of the characters used to advertise the fuel price would be contiguous or adjacent to the fuel price, so that the consumers can see both the price and the qualifier with one flash of the eye."

Senator Vognild: "You are correct. The qualifier should be on the same sign or on the pump—one of the two."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4034.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4034, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Quigg - 1.

Excused: Senator Haley - 1.

SUBSTITUTE SENATE BILL NO. 4034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3800, by Senator Owen

Relating to fishing licenses.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 3800 was substituted for Senate Bill No. 3800 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 3800 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Zimmerman: "Senator Owen, I assume that somebody else from the committee might have brought this up, but we were talking about it earlier today and wondered if this is the steelhead poaching act of 1983--mainly that an adult is going out with his 16-year old son--obviously giving him an extra opportunity to catch fish. How do you respond to that?"

Senator Owen: "The law does not say that the person under 16 can fish without a punch card. They still must have a punch card in order to fish. They are just issued it free, as they're issued a fishing license free."

Senator Zimmerman: "You don't think there is the opportunity for abuses in terms of enforcement of it?"

Senator Owen: "Well, no more than the regular fishing license would be. That hasn't seemed to be a problem."

Senator Zimmerman: "The Game Department did not express a concern about the actual revenue involved here?"

Senator Owen: "I think the extent of the Department of Game's testimony is that they are supportive of the bill and not opposed."

Senator Zimmerman: "Taking a neutral position, but not particularly--"

Senator Owen: "I said they were supportive of the legislation."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3800.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3800, and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 45.

Voting nay: Senators Barr, Zimmerman - 2.

Absent: Senator Quigg - 1.

Excused: Senator Haley - 1.

SUBSTITUTE SENATE BILL NO. 3800, having received the 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

MOTIONS

The time having arrived, the Senate resumed consideration of Senate Bill No. 4079 and the pending amendment by Senator Deccio and the pending amendment to the Deccio amendment proposed by Senator Kiskaddon, deferred earlier today.

On motion of Senator Deccio, and there being no objection, the amendments were withdrawn.

Senator Hansen moved the following amendments by Senators Hansen and Deccio be considered and adopted simultaneously:

On page 3, line 16, strike all of lines 16 and 17 and insert "The director shall adopt rules phasing out the use of endrin over a three-year period at the rate of thirty-three percent each year from its present level."

On page 6, line 4, strike "Prohibiting" and insert "Regulating"

On page 6, following line 20, add a new section 7 as follows:

"NEW SECTION. Sec. 7. The Washington State University Department of Agriculture is directed to develop alternative biological, chemical, and/or mechanical methods of rodent control that do not require the use of endrin. A report shall be delivered to the House and Senate Agriculture and Parks and Ecology Committees during the 1985 session of the Washington State Legislature on the results of their development."

POINT OF INQUIRY

Senator Hayner: "Senator Hansen, in the new section 7, you are directing that Washington State University shall do some research on the problem of rodent control. Is it your intention that there will be some money in the budget to accomplish that?"

Senator Hansen: "Well, I think the severity of the problems that we have--yes--there will have to be money put in there for that purpose and without any money, then the agricultural society wouldn't be getting their fair shake at this."

Debate ensued.

POINT OF INQUIRY

Senator Kiskaddon: "Senator Hansen, the way this would read, then, on page 6, is that regulating the use and possession of endrin as far as adopting rules and then the other one--the first amendment says that these rules phasing out the use of endrin over a three-year period--so am I correct in that the effect of these two amendments would be that endrin would be prohibited after a period of three years?"

Senator Hansen: "That's right."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Hansen and Deccio.

The motion by Senator Hansen carried and the amendments were adopted.

MOTION

On motion of Senator Hughes, the rules were suspended, Engrossed Senate Bill No. 4079 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF ORDER

Senator Bottiger: "I don't mind Senator Newhouse debating the pros and cons of the bill, but if you want to get into a political shot, let's wait until just before 10 o'clock."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "From here on I want to talk about the bill. I don't take endrin lightly. As a matter of fact, I know it is dangerous, but it isn't nearly as dangerous as some of the other things that we use in this life. Fluorine in treating your kid's teeth--far more dangerous--and some of the things that have been mentioned before. The alternatives which have been taught in our orchards--we beat all the weeds, so there won't be any refuse for the mice to harbor in. We spray the roads to kill all the vegetative growth at the base of the trees, so that we won't have that. To those plastic guards that you talk about, don't you think a little mouse can burrow under and get up? He does. There is no easy answer. I wish you would send these kinds of bills to people that know something about them."

Further debate ensued.

POINT OF ORDER

Senator Newhouse: "A point of order. The member is reading contrary to the rules."

REPLY BY THE PRESIDENT

President Cherberg: "The point is well taken, Senator."

Further debate ensued.

PERSONAL PRIVILEGE

Senator Hurley: "I would like to make a short statement on a point of personal privilege. In response to the implication that Senator Hansen made about me--that I represent an urban area--I know nothing about farms, I know nothing about the problems of agriculture, I know nothing about apples.

"I would like to say that I was raised on a farm. My father raised apples. We raised the best apples in the state of Washington--better than Wenatchee, better than Yakima. I was raised in the Methow Valley, where the days were hot and the nights were cold. We had the reddest and the sweetest apples that you could ever imagine.

"Even though I do represent an urban area, I am concerned with the health and the environment and the interest of people. I don't talk from ignorance. I would like to make that clear."

Further debate ensued.

Senators Bottiger, Peterson and Williams 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. 4079.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4079, and the bill passed the Senate by the following vote: Yeas, 34; nays, 15; absent, 00; excused, 00.

Voting yea: Senators Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Owen, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 34.

Voting nay: Senators Barr, Bauer, Benitz, Craswell, Deccio, Guess, Haley, Hansen, Hurley, McCaslin, Moore, Newhouse, Patterson, Pullen, Sellar - 15.

ENGROSSED SENATE BILL NO. 4079, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4245, by Senators Goltz, Kiskaddon, Hurley and Williams
Revising provisions relating to hazardous waste management.

MOTIONS

On motion of Senator Hughes, Substitute Senate Bill No. 4245 was substituted for Senate Bill No. 4245 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hughes, the rules were suspended, Substitute Senate Bill No. 4245 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 Barr: "Senator Goltz, I am concerned about (a) under waste reductions on line 15 of the bill and just what that might entail, knowing full well what the Department of Ecology does to business with no regard for their well-being whatsoever. Then, of course, down below where it says 'waste reduction means that it will reduce the byproducts.' Now, in your mind, just what does this mean that the Department of Ecology could do to industry? I'm pretty concerned about that knowing how wild they get."

Senator Goltz: "Senator Barr, I think what we're trying to do here is to establish some guidelines for the Department. The first guideline is that the amount of material, which would be considered to be waste in this context, should be reduced. We use the landfill as the primary way of disposing of these materials. Landfills are limited. If you have a limited number of acres which provides a suitable landfill, one of the best ways to protect that resource is to reduce the number of cubic feet of waste that goes into that landfill.

"So, the first priority is to reduce the landfill. The second is to recycle. That is, to do as Senator Kiskaddon said--take the waste and bring it back into a useful form. Each one of these is devised to actually make it possible for the handling of this waste to be reduced and to be safely done. I'm not sure that I've answered your question completely."

Senator Barr: "I take from your answer that my concern is put to rest and that the Department of Ecology would not go into an industry and say you have to set up a different system, because you're creating unnecessary waste here and you must reduce that. Do I interpret your answer to mean that they will not go into a company and say you have to use a different process and so if that's true--"

Senator Goltz: "This bill does not give them any authority to go and tell them anything. It really expects them to go in and work with the generators to reduce the waste in a cooperative way."

Senators Bottiger, Woody and Peterson 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 Substitute Senate Bill No. 4245.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4245, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 03; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogndil, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Haley - 1.

Absent: Senators Decchio, Hansen, Newhouse - 3.

SUBSTITUTE SENATE BILL NO. 4245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4137, by Senator Granlund

Relating to adult corrections.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 4137 was substituted for Senate Bill No. 4137 and the substitute bill was placed on second reading and read the second time.

Senator Woody moved adoption of the following amendment by Senators Woody, Granlund and Pullen:

On page 4, after line 34, insert the following:

NEW SECTION Sec. 9. There is added to chapter 72.02 RCW a new section to read as follows:

(1) The legislature finds that McNeil Island offers a unique opportunity for the state to preserve a rare ecological habitat. The rare and endangered wild plant and animal communities on the island deserve the protection of the state. For this reason, and to minimize adverse impacts on surrounding cities and towns, the legislature finds it necessary to establish a limit on the inmate population at the McNeil Island correctional facility.

(2) The department of corrections shall not increase the inmate population of the McNeil Island correctional facility above one thousand inmates. However, the governor may declare an emergency and increase the population limitation by ten percent for a twelve-month period of time. In no event may the inmate population of McNeil Island exceed one thousand one hundred inmates."

Renumber the sections consecutively.

POINT OF ORDER

Senator Clarke: "Mr. President, a point of order. I raise the question of scope and object."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Clarke, the President finds that Substitute Senate Bill No. 4137 is a measure which deals with the subject of adult corrections by establishing new procedures for the handling of abandoned property of inmates and by providing for industrial insurance coverage for inmates working in institutional industries.

"The amendment proposed by Senator Woody goes beyond the limited scope of the bill by establishing a limit on the inmate population at the McNeil Island correctional facility.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and the point of order is well taken."

The amendment by Senators Woody, Granlund and Pullen was ruled out of order.

MOTION

On motion of Senator Granlund, the rules were suspended, Substitute Senate Bill No. 4137 was advanced to third reading, the second reading considered the third, and the bill was 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. 4137.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4137, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar,

Shinpoeh, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 4137, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3021, by Senator McDermott

Regulating health studios.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3021 was substituted for Senate Bill No. 3021 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3021 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 von Reichbauer: "Senator Vognild, in the course of the hearing before your committee when the Attorney General presented his evidence of cases brought before his office, was there one firm tracked more than any other, that had more complaints upon it, and if so, what broad percentages did the Attorney General's office state that represented?"

Senator Vognild: "I would say, yes, there was. I will not name the firm on the floor, because there is litigation pending from the Attorney General's office and, thus, they were not named in the committee."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3021.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3021, and the bill passed the Senate by the following vote: Yeas, 29; nays, 19; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bluechel, Boltiger, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Shinpoeh, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 29.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, McCaslin, Metcalf, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 19.

Absent: Senator Granlund - 1.

SUBSTITUTE SENATE BILL NO. 3021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3636, by Senators Vognild, Lee, Rinehart, Hurley, Hughes, Talmadge, Hemstad, Woody, Goltz and Quigg

Making certain fireworks violations gross misdemeanors.

The bill was read the second time.

MOTION

Senator Hurley moved adoption of the following amendment:

On page 1, line 15, after "the" strike everything down through "sixth" on line 16 and insert "(twenty-eighth of June to twelve o'clock noon on the sixth) third of July to twelve o'clock noon on the fifth"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Hurley.

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

MOTION

Senator Talmadge moved adoption of the following amendment by Senators Talmadge and Rinehart:

On page 2, after line 23, insert the following:

*Sec. 9. Section 13, chapter 230, Laws of 1982 and RCW 70.77.570 are each amended to read as follows:

No fireworks may be sold or offered for sale to the public as common fireworks which are classified as ~~((sky rockets))~~ aerial devices or ~~((missile-type rockets))~~ audible ground devices as defined by the United States department of transportation and the federal consumer products safety commission unless the state fire marshal has approved the type of firework so classified.

Sec. 10. Section 64, chapter 228, Laws of 1961 as amended by section 37, chapter 230, Laws of 1982 and RCW 70.77.435 are each amended to read as follows:

Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this chapter or the rules or regulations of the state fire marshal shall be subject to seizure by the state fire marshal or any deputy state fire marshal. Any fireworks seized under this section may be disposed of by the state fire marshal ~~((by summary destruction))~~ at any time subsequent to thirty days from such seizure or ten days from the final termination of proceedings under the provisions of RCW 70.77.440, whichever is later."

Renumber the sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Vognild: "Mr. President, I raise the question of scope and object."
Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Vognild, the President finds that Senate Bill No. 3636 is a measure which deals primarily with the enforcement of existing fireworks laws.

"The amendment proposed by Senators Talmadge and Rinehart excludes certain fireworks from being used in Washington State, which is, in essence, a restoration of the former 'safe and sane' fireworks standard.

"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 Talmadge and Rinehart was ruled out of order.

MOTION

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

On page 1, line 14, after "sold" strike "or discharged" and insert "~~((or discharged))~~"

On page 1, line 18, after "a.m." insert "No common fireworks may be discharged within this state except from twelve o'clock noon on the third of July to twelve o'clock noon on the fifth of July."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Hurley.

The motion by Senator Hurley failed and the amendments were not adopted.

MOTION

Senator Hurley moved adoption of the following amendment:

On page 2, after line 23, insert:

*NEW SECTION. Sec. 9. There is added to chapter 70.77 RCW a new section to read as follows:

A city, town, or county may prohibit or regulate the sale, use, and possession of fireworks within its jurisdiction if the regulation imposed is more restrictive than the provisions of this chapter, including but not limited to restrictions of one or more of the following:

- (1) The period of time during which fireworks may be sold or used;
- (2) The age of persons who may purchase fireworks; and
- (3) The types of fireworks which may be sold, offered for sale, or used."

Renumber the remaining sections consecutively and correct internal references.

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator Vognild, does regulation of the fireworks differ in terms of philosophy than gambling when it comes to local control versus state control? Because, you remember an argument on that side of it, and secondly, also, maybe you might be able to share with me something that I might not be aware of. I know they have the fireworks on the Indian reservations and they are able to do some things that we are not able to do, so, maybe, you could also address to me, if you can--shed some light--on what Senator Newhouse related to when he said 'we would let the Indians do this and maybe we could let some of our people do it.' I am wondering--because the Indians are Americans, also, and citizens, and I don't get the meaning of that. I know they have different regulations."

Senator Vognild: "Senator Fleming, there are about four questions there. I'm going to start with one and work my way backwards. I guess the question is, what can Indians do and why can't our people do it. Basically, what it amounts to is that any regulation--"

Senator Fleming: "I want you to deal with that, but I also am trying to figure out what's the difference between the Indians and our people. I don't understand that."

Senator Vognild: "Well, Senator--"

Senator Fleming: "When you said 'our people,' I am just wondering whether you are talking about Indians. Am I included in those 'our people?' I am just trying to find out."

Senator Vognild: "As much as I regret having to answer in this manner, Senator Fleming, I'm going to have to answer that because of federal law and federal applications, there is, in fact, a difference between the rights that Indians have and the rights that other citizens of the state have. It's unfortunate--I wish it wasn't there, but it is."

"What that effect is, I think, if we looked at statistics from the last year's change. In 1981--1979, 1980, 1981--right in there--the average sales subject to sales tax was \$6 million. In 1982, under the new regulations governing fireworks, that went to \$11 million sales subject to sales tax. Those sales are sales by nonprofit groups who are raising money for their causes. I guess that's kind of what you were referring to when you referred to the difference between the two."

"Indirectly, let's put the other direction on it and show that the sales in this state in 1981--not subject to sales tax--were \$8 million. In 1982, it was \$7 million. I hope that answers partially."

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Hurley.

ROLL CALL

The Secretary called the roll and the motion by Senator Hurley failed and the amendment was not adopted by the following vote: Yeas, 18; nays, 31; absent, 00; excused, 00.

Voting yea: Senators Bender, Fleming, Goltz, Granlund, Haley, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, Moore, Rasmussen, Rinehart, Shinpoch, Talmadge, Williams, Woody - 18.

Voting nay: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Guess, Hansen, Hayner, Jones, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 31.

MOTIONS

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

On page 2, after line 32, add a new section as follows:

"NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its public institutions, and shall take effect June 1, 1983."

On motion of Senator Pullen, the following title amendment was adopted:

On page 1, line 6 of the title, strike "and" and after "penalties" insert ";"; and creating an effective date"

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 3636 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3636.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3636, and the bill passed the Senate by the following vote: Yeas, 44; nays, 05; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Granlund, Haley, Metcalf, Owen, Williams - 5.

ENGROSSED SENATE BILL NO. 3636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4019, by Senators Bottiger, Shinpoch and Gaspard

Providing procedures for extinguishing claims to mineral interests.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 4019 was substituted for Senate Bill No. 4019 and the substitute bill was placed on second reading and read the second time.

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

On page 2, line 12, after "date the" strike "statement of claim" and insert "current registration of mineral interest"

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute Senate Bill No. 4019 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 Patterson: "Senator Bottiger, when we were having a discussion on this bill in the committee, a question came up as to clear title. In other words, I had a small piece of property and the comment was made that if I had mineral rights, that would be in the title. Is that true? What is the situation on that?"

Senator Bottiger: "Senator Patterson, each of our counties may handle it differently, but most of them use what is called 'title insurance.' On your deed, you may or may not have disclosed that it does not include mineral rights. If you order a title insurance policy and someplace way back when somebody reserved the mineral rights, the title insurance company will tell you that.

"Now, when we seek deeds or contracts passing back and forth between parties, sometimes it says 'reservations of record' and that will pick up all kinds of things--easements for the telephone lines, fossil mineral rights--unless you go back and research the title, you generally do not know."

Senator Patterson: "Would I have to ask for title insurance in order to get that information if I was looking for it? How would you proceed as the surface owner?"

Senator Bottiger: "Senator Patterson, in most western Washington counties, we use title insurance companies. That would be my recommendation. You could go to your attorney or your real estate agent--generally a telephone call to the title company--they will tell you. Some places where they use abstract of title, you would have to go back through each page and look and see if you found a severed mineral right. It would depend on the county you live in."

POINT OF INQUIRY

Senator Clarke: "Senator Bottiger, just out of curiosity and in researching the best method of doing this, did you give any consideration to actions to quiet title? That is the type of notice that would be given in an action to quiet title where, in substance, you are required to serve all those appearing in the title and then you publish."

Senator Bottiger: "Senator, you could do that, but then you've got the cost of the filing fee and the legal attorney's fees. We tried to find a way that was much less expensive than that. We, also, ran into a question of unknown heirs and how you publish, if you went through the quiet title process. There is a possibility of going that way and I concede that."

POINT OF INQUIRY

Senator Quigg: "Senator Bottiger, it says here 'any mineral interest'--is what we are talking about? First, we have this oil and gas bill that we have been going to school on here, for the last few weeks, for all the various kinds of mineral interest and shares and portions of mineral interest. What kind of mineral interest did you have in mind in drafting this bill?"

Senator Bottiger: "Whatever the severed mineral rights would be. Quite often, it's coal, gravel--uranium clearly falls underneath it. There is a new word that I learned the other day and I've forgotten--dealing with some kind of an alloy mineral that's, apparently, found in eastern Washington. A mineral right is generally anything that's developable and of value below the surface."

Senator Quigg: "But, then, I guess the question is what form of interest in that right. In other words--lease, royalty interest, working interests--some of these kinds of terms that have come out of the oil and gas discussion, I imagine would apply to other types of minerals that you just mentioned."

Senator Bottiger: "This bill only applies to severance of the mineral rights from the surface of the land. So, that generally is via deed or document affecting title."

Senator Quigg: "So, if someone had a working interest in a lease--in other words, the lease covers--if somebody retains the mineral rights, they then lease it to another person, who in turn splits out a working interest in the mineral, would that third party have an interest that could be held under the provision of this bill?"

Senator Bottiger: "The lessor should register--the guy that owns it--and is leasing to somebody else should register the mineral rights."

Senator Quigg: "But, the lessor would be the only one that could be a subsequent interest holder."

Senator Bottiger: "They could always do it, but I don't think the bill requires them to do it. If anybody registers the mineral rights--the surface owner or the developer--we could have someone coming in trying to develop and looking for the person to get the lease from. What we are trying to do is tell him where he lives."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4019.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4019, and the bill passed the Senate by the following vote: Yeas, 31; nays, 18; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vogtild, Williams, Wojahn, Woody, Zimmerman - 31.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Guess, Hayner, Hughes, Hurley, Jones, Moore, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Warnke - 18.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF INQUIRY

Senator Quigg: "Mr. President, a point of inquiry. I have noticed over the years that just before you rap the gavel you say 'if there is no objection, the title of the bill will stand as the title of the act.' My point of order is whether or not there can be an objection made at that point?"

REPLY BY THE PRESIDENT

President Cherberg: "The President generally hesitates slightly before tapping the gavel. You were not quick enough."

SECOND READING

SENATE BILL NO. 3642, by Senators Wojahn, Patterson, Talmadge and Warnke (by Attorney General request)

Modifying provisions on charitable solicitations.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3642 was substituted for Senate Bill No. 3642 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3642 was advanced to third reading, the second reading considered the third, and the bill was 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. 3642.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3642, and the bill passed the Senate by the following vote: Yeas, 47; nays, 01; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Absent: Senator von Reichbauer - 1.

SUBSTITUTE SENATE BILL NO. 3642, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3055, by Senators Vognild and Newhouse (by Department of Labor and Industries request)

Revising electrical construction laws.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3055 was substituted for Senate Bill No. 3055 and the substitute bill was placed on second reading and read the second time.

Senator Bender moved adoption of the following amendment by Senators Bender and Jones:

On page 18, section 14, line 5 after the word "field" delete all the new language beginning with "Persons" down through and including the word "maintenance" on line 9.

POINT OF INQUIRY

Senator Newhouse: "Senator Bender, we have understood, in committee, that there was--shall we say--a little bit of turf fight among certain unions there. I wonder if the unions involved consider this amendment acceptable to all sides at this point?"

Senator Bender: "I haven't talked to the maintenance people, but I have talked to the IBE, and they are in support of it."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Bender and Jones.

The motion by Senator Bender failed on a rising vote and the amendment was not adopted.

MOTIONS

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen and Vognild was adopted:

On page 18, line 21, after "competency," strike all material down through "competency," on line 14 and insert "~~((Any applicant who is a graduate of a trade school program in electrical construction that was established during 1946 shall be eligible to take the examination for the certificate of competency.))~~"

On motion of Senator Bluechel, Senator von Reichbauer was excused.

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 3055 was advanced to third reading, the second reading considered they third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3055.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3055, and the bill passed the Senate by the following vote: Yeas, 39; nays, 09; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bottiger, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Barr, Bluechel, Clarke, Deccio, Fleming, Hemstad, Løe, Rinehart, Shinpoch - 9.

Excused: Senator von Reichbauer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Lee served notice that she would, on the next working day, move to reconsider the vote by which Engrossed Substitute Senate Bill No. 3055 passed the Senate.

SECOND READING

SENATE JOINT MEMORIAL NO. 110, by Senators Zimmerman, Bauer, Benitz, Fuller, Conner, Owen, Sellar, Hansen, Hayner and Pullen

Requesting Congress to refrain from imposing further federal control over land in the Columbia Gorge.

The memorial was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Joint Memorial No. 110 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 110.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 110, and the memorial passed the Senate by the following vote: Yeas, 36; nays, 10; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon,

Lee, McCaslin, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Thompson, Vognild, Williams, Woody, Zimmerman - 36.

Voting nay: Senators Bluechel, Gaspard, Hughes, Jones, McDermott, Rinehart, Shipoch, Talmadge, Warnke, Wojahn - 10.

Absent: Senators Bottiger, Newhouse - 2.

Excused: Senator von Reichbauer - 1.

SENATE JOINT MEMORIAL NO. 110, having received the constitutional majority, was declared passed.

MOTION

At 9:59 p.m., on motion of Senator Shipoch, the Senate adjourned until 9:00 a.m., Wednesday, March 30, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 30, 1983

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

The Sergeant at Arms Color Guard, consisting of Pages Annemarie Hou and Jim McDermott, presented the Colors. Reverend Frank Accardy, pastor of the Emmanuel Baptist Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

March 29, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 25, 1983, Governor Spellman approved the following Senate Bill entitled:

Substitute Senate Bill No. 3112

Relating to reapportionment and redistricting.

Sincerely,

MARILYN SHOWALTER, Counsel to the Governor

MOTION

At 9:05 a.m., on motion of Senator Shinpoch, the Senate recessed until 10:00 a.m.

SECOND MORNING SESSION

The President Pro Tempore called the Senate to order at 10:00 a.m.

MESSAGES FROM THE HOUSE

March 29, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 116.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 311.

HOUSE BILL NO. 430.

ENGROSSED HOUSE BILL NO. 449.

ENGROSSED HOUSE BILL NO. 571.

HOUSE BILL NO. 787.

SUBSTITUTE HOUSE BILL NO. 954.

SUBSTITUTE HOUSE BILL NO. 1089.

HOUSE JOINT MEMORIAL NO. 31, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 29, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 305.

SUBSTITUTE HOUSE BILL NO. 476.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 480.

SUBSTITUTE HOUSE BILL NO. 661.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 667.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 685,
 ENGROSSED HOUSE BILL NO. 803,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 848,
 SUBSTITUTE HOUSE BILL NO. 1011,

HOUSE JOINT RESOLUTION NO. 35, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SCR 118 by Senators Craswell, Conner, Owen and Granlund

Establishing the Andrew W. Anderson recreational fishing area.

Referred to Committee on Natural Resources.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 116 by Committee on Judiciary (originally sponsored by Representatives P. King, Crane and Halsan)

Modifying provisions relating to offers of settlement in civil actions.

Referred to Committee on Judiciary.

EHB 305 by Representative Wang

Allowing certain licensed health care professionals to form one professional service corporation.

Referred to Committee on Social and Health Services.

ESHB 311 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Vekich, Lux, Kreidler, Garrett and Ristuben)

Establishing consumer credit reporting protections.

Referred to Committee on Financial Institutions.

HB 430 by Representatives Heck, Galloway, Burns, Dickie, Sanders, Taylor and Hine

Extending the duration of the temporary committee on educational policies, structure, and management.

Referred to Committee on Education.

EHB 449 by Representatives Belcher, Sayan, Fisher, Fisch, Patrick, Brekke, Dellwo and R. King

Regulating the use of lie detectors for employment purposes.

Referred to Committee on Commerce and Labor.

SHB 476 by Committee on Social and Health Services (originally sponsored by Representatives Kreidler and Lewis) (by Attorney General request)

Modifying procedures governing parole revocation and offenders records.

Referred to Committee on Institutions.

ESHB 480 by Committee on Natural Resources (originally sponsored by Representatives Belcher, McClure, B. Williams and Todd)

Modifying the provisions regulating surface mines.

Referred to Committee on Natural Resources.

SHB 571 by Committee on Local Government (originally sponsored by Representatives Hankins, Isaacson, Sutherland, Dickie, Stratton, Lewis, Moon, Nealey, Clayton and Van Dyken)

Specifying procedure for removal of territory from public hospital districts.

Referred to Committee on Local Government.

SHB 661 by Committee on Natural Resources (originally sponsored by Representatives Halsan and Schmidt)

Modifying provisions on forest protection.

Referred to Committee on Natural Resources.

ESHB 667 by Committee on Financial Institutions and Insurance (originally sponsored by Representative Lux) (by Insurance Commissioner request)

Modifying provisions on health service contractors and health maintenance organizations.

Referred to Committee on Financial Institutions.

ESHB 685 by Committee on Environmental Affairs (originally sponsored by Representatives Van Dyken and Moon)

Revising local government procedures concerning shoreline management.

Referred to Committee on Parks and Ecology.

HB 787 by Representatives Sayan, Appelwick, Allen, Schoon, Fisher, Vekich, Stratton, Dellwo, R. King, Holland, Johnson and Miller

Excluding weekend duty military reserve pay from the definition of remuneration for purposes of unemployment compensation.

Referred to Committee on Commerce and Labor.

EHB 803 by Representatives Charnley, Belcher and Rust

Clarifying the proper use of revenues from personalized license plates.

Referred to Committee on Natural Resources.

ESHB 848 by Committee on Higher Education (originally sponsored by Representatives Braddock, Lewis, Kaiser, Crane, Jacobsen, Gallagher, Smitherman, Moon, Garrett, Barnes, R. King, Todd, Patrick, D. Nelson, B. Williams, Wilson, Mitchell, Schmidt, Taylor, Sanders, Tanner and Addison)

Extending the tuition and fee limits for Vietnam veterans.

Referred to Committee on Education.

SHB 954 by Committee on Education (originally sponsored by Representatives Dickie, Patrick, Long, J. Williams, Schoon, B. Williams, Chandler and Sanders)

Providing for a state course of study in mathematics and science.

Referred to Committee on Education.

SHB 1011 by Committee on Rules (originally sponsored by Representative D. Nelson)

Establishing energy conservation measures for state-owned buildings.

Referred to Committee on Energy and Utilities.

SHB 1089 by Committee on Commerce and Economic Development (originally sponsored by Representatives Niemi and Johnson)

Creating a China Exhibition Council.

Referred to Committee on Commerce and Labor.

HJM 31 by Representatives Fuhrman, Sanders and Tanner

Petitioning Congress and President Reagan to make efforts to have MIAs returned.

Referred to Committee on State Government.

HJR 35 by Representatives Isaacson, Pruitt, Barnes, Fisch, Miller, Locke, Long, Jacobsen, Patrick, Charnley, Vander Stoep, Zellinsky, Schoon, Smitherman, Fisher, Sommers, Addison, Sanders and Holland

Removing an obsolete provision on presidential voters from the State Constitution.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3812, by Senator Thompson

Modifying provisions on fees for filing surveys, plats, etc.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3812 was substituted for Senate Bill No. 3812 and the substitute bill was placed on second reading and read the second time.

Senator Lee moved adoption of the following amendment:

On page 2, beginning on line 6, strike ~~"(and publications authorized by RCW 43.99.142)"~~ and insert "and publications authorized by RCW 43.99.142"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Lee.

The motion by Senator Lee failed on a rising vote and the amendment was not adopted.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3812 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3812.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3812, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 02; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Hemstad - 1.

Absent: Senators Craswell, Deccio - 2.

SUBSTITUTE SENATE BILL NO. 3812, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3007, by Senators Williams and Moore

Modifying provisions relating to sexual offenses.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3007 was substituted for Senate Bill No. 3007 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3007 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, I am going to vote in favor of this bill. There are a couple of questions I would like to ask. What provisions are there in the bill to deal with cases of spite or vengeance or retaliatory movements on the part of the wife or former wife?"

Senator Talmadge: "I think that is a serious concern and it really comes down to prosecutable discretion. If you look at the elements of the crime of rape in the first degree and rape in the second degree, there has to be substantial evidence of physical violence to the spouse. I think we, basically, leave it up to our local elected prosecutors to make that judgment. They're not going to bring cases frivolously. There is going to have to be substantial evidence to prove this kind of crime and given the concern I think that Senator Pullen and others have expressed about spite and other problems with cases of notoriety and other jurisdictions, the prosecutors will have to be very, very careful about bringing this kind of case. There will have to be substantial evidence of violence before the crime is going to be prosecuted."

Senator Deccio: "I guess my concern was that the Oregon case does present an example that prosecutors are human just like everybody else. They can make mistakes, except that this is a very delicate piece of legislation that could develop those kinds of situations. I would hope that the prosecutors would monitor these cases as they go along and perhaps come back to the legislature to see if we can't write language into the bill that would give that kind of protection."

Senator Talmadge: "I have that same concern, Senator. All I can say is that in California and Oregon since the time of the Rideout case in Oregon, there have not been those kinds of problems that we were made aware of."

Further debate ensued.

POINT OF INQUIRY

Senator Gaspard: "Senator Talmadge, because we are removing the marital offense for class one and class two rape, I think it is good that we understand what the penalties are. Class one is a Class A felony; second degree rape is a Class B felony. What are the penalties associated with those two classifications of felony?"

Senator Talmadge: "Under present law, a Class A felony provides for a maximum term of life imprisonment and a maximum fine of fifty thousand dollars. A Class B felony is up to ten years and a twenty thousand dollar fine. With the guidelines of the Sentencing Guidelines Commission, that might be different. I don't recall what those are, specifically, right off the top of my head."

Further debate ensued.

Senators Bottiger, Williams and Rasmussen demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3007.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3007, and the bill passed the Senate by the following vote: Yeas, 30; nays, 18; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Goltz, Granlund, Haley, Hemstad, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 30.

Voting nay: Senators Barr, Clarke, Craswell, Gaspard, Guess, Hansen, Hayner, Hughes, Hurley, McCaslin, Metcalf, Owen, Patterson, Peterson, Pullen, Rasmussen, Vognilid, Woody - 18.

Absent: Senator Newhouse - 1.

SUBSTITUTE SENATE BILL NO. 3007, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Williams, Substitute Senate Bill No. 3007 was ordered immediately transmitted to the House.

SECOND READING

SENATE BILL NO. 4015, by Senators Thompson, Conner, Kiskaddon and Zimmerman

Changing provisions relating to park and recreation service area levies.

MOTIONS

On motion of Senator Shinpoch, Substitute Senate Bill No. 4015 was substituted for Senate Bill No. 4015 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Shinpoch, the following amendment was adopted:
On page 2, line 31, after "equal to" strike "forty-five" and insert "fifteen"

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute Senate Bill No. 4015 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lee: "Senator Thompson, I am a friend of the bill, but there are a couple of pieces of information I would like to have. First of all, this procedure of permitting the levy for a six-year period, I recognize is not really quite like a special levy nor is it exactly like granting some of the so-called floating levies to parks and recreation districts as a right. It seems to me that it is closer to the serial levy kind of thing that the state of Oregon, in fact, permits. Are you aware of any other portion of state law that grants this kind of serial levy sort of thing to special purpose districts, other than the two-year levy that is permitted to school districts."

Senator Thompson: "I believe emergency medical services are supported by this method, Senator Lee."

Senator Lee: "How long of a levy may they request?"

Senator Thompson: "Six years as well."

Senator Lee: "They also have six years--and also that so-called floating evaluation portion?"

Senator Thompson: "They are also subject to the levy lid, as all junior taxing districts are."

POINT OF INQUIRY

Senator Newhouse: "Senator Thompson, you mentioned that the district you speak of is the junior of juniors and that they have a six-year lid and established some kind of an obligation bond or otherwise in anticipation of that. What happens if one of the senior's junior taxing districts increases its levy and squeezes down to where they don't get the fifteen cents?"

Senator Thompson: "Senator Newhouse, this source of revenue isn't suitable for bonding. It's only suitable for operational purposes. No bond purchaser would rely on such an uncertain source."

POINT OF INQUIRY

Senator Rasmussen: "Senator Thompson, are there provisions so they can not multiply and that they have to wait to the end of six years or could they put a levy on for fifteen cents for six years and then come back the following year and put another one on for fifteen cents?"

Senator Thompson: "That is definitely not permitted by the language of the bill."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4015.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4015, and the bill passed the Senate by the following vote: Yeas, 41; nays, 05; absent, 03; excused, 00.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Craswell, McCaslin, Pullen, Rasmussen, Williams - 5.

Absent: Senators Bender, Hughes, Metcalf - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4135, by Senator Granlund

Relating to the institutional impact account.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 4135 was substituted for Senate Bill No. 4135 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Granlund, the rules were suspended, Substitute Senate Bill No. 4135 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4135.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4135, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 4135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3811, by Senators Fleming, McDermott, McManus and Woody

Revising the powers of housing authorities.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3811 was substituted for Senate Bill No. 3811 and the substitute bill was placed on second reading and read the second time.

Senator Fleming moved adoption of the following amendment:

Page 4, line 16 after "space" delete ",," and insert "Commercial space shall not be exempt from the levy of taxes pursuant to chapter 84.52, RCW."

POINT OF INQUIRY

Senator Pullen: "Senator Rasmussen, I just wanted to verify that the remarks of Senator Fleming were correct and that this amendment satisfies your concerns."

Senator Rasmussen: "Senator Fleming is always correct when I can get him persuaded to put the proper amendments up."

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Fleming.

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

MOTION

On motion of Senator Fleming, the rules were suspended, Engrossed Substitute Senate Bill No. 3811 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3811.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3811, and the bill passed the Senate by the following vote: Yeas, 29; nays, 20; absent, 00; excused, 00.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Lee, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 29.

Voting nay: Senators Barr, Bender, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hurley, Jones, Kiskaddon, McCaslin, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, von Reichbauer - 20.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3811, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4145, by Senators Owen, Sellar, Hughes and McManus

Defining financial interest with respect to alcoholic beverage manufactures, importers, and wholesalers.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild the following Committee on Commerce and Labor amendment was adopted:

On page 2, line 28, after "beverages" strike "unfairly in favor of the wholesaler"

On motion of Senator Thompson, the rules were suspended, Engrossed Senate Bill No. 4145 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4145.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4145, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 02; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senators Deccio, Newhouse - 2.

ENGROSSED SENATE BILL NO. 4145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4103, by Senators Bauer, Kiskaddon and Bender

Revising the requirements for teachers contact hours.

The bill was read the second time.

MOTIONS

On motion of Senator Shinpoch, the following amendments by Senators Shinpoch, Gaspard, Bauer, McDermott, Patterson, Kiskaddon, Hemstad, Lee, Goltz and Bender were considered and adopted simultaneously:

On page 3, line 6, after "average" strike "~~((at least))~~ approximately" and insert "at least"

On page 3, line 14, following "activity," strike all the new language down to and including "audits," on line 16 and insert the following: "Implementing rules to be adopted by the state board of education pursuant to RCW 28A.58.754 (6) shall provide that direct contact hours shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required."

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 4103 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 Vognild, Senator Fleming was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4103.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4103, and the bill passed the Senate by the following vote: Yeas, 47; nays, 01; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Voting nay: Senator Hurley - 1.

Excused: Senator Fleming - 1.

ENGROSSED SENATE BILL NO. 4103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4259, by Senators Rasmussen, Conner, Zimmerman, Owen, Bauer, Sellar, Peterson, Bender, Warnke, Metcalf, Granlund and Vognild

Revising the laws regulating the veteran's relief fund.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4259 was substituted for Senate Bill No. 4259 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4259 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 Jones: "Senator Rasmussen, I would like to say that I am in support of the bill. In the substitute bill, the provisions originally, which provides a one hundred sixty percent property tax limitation, that has been deleted?"

Senator Rasmussen: "That has been deleted, yes, in the substitute bill."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4259.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4259, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Fleming - 1.

SUBSTITUTE SENATE BILL NO. 4259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3101, by Senators Vognild and Quigg (by Liquor Control Board request)

Modifying provisions relating to the state liquor control board.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3101 was substituted for Senate Bill No. 3101 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Clarke, Senator Haley was excused.

Senator Vognild moved adoption of the following amendment by Senators Vognild, Quigg, Wojahn and Newhouse:

Strike everything after the enacting clause and insert the following:

*Sec. 1. 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 are each amended to read as follows:

The board, subject to the provisions of this title and the regulations, shall

(1) determine the localities within which state liquor stores shall be established throughout the state, and the number and situation of the stores within each locality;

(2) appoint in cities and towns and other communities, in which no state liquor store is located, liquor vendors. Such liquor vendors shall be agents of the board and be authorized to sell liquor to such persons, firms or corporations as provided for the sale of liquor from a state liquor store, and such vendors shall be subject to such additional rules and regulations consistent with this title as the board may require;

(3) establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquors for the purposes of this title;

(4) provide for the leasing for periods not to exceed ten years of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the board;

(5) determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this title;

(6) execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;

(7) pay all customs, duties, excises, charges and obligations whatsoever relating to the business of the board;

(8) require bonds from all employees in the discretion of the board, and to determine the amount of fidelity bond of each such employee;

(9) perform services for the state lottery commission to such extent, and for such compensation, as may be mutually agreed upon between the board and the commission;

(10) perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor.

Sec. 2. Section 4, chapter 6, Laws of 1961 ex. sess. as amended by section 1, chapter 239, Laws of 1963 and RCW 66.08.026 are each amended to read as follows:

All administrative expenses of the board incurred on and after April 1, 1963 shall be appropriated and paid from the liquor revolving fund. These administrative expenses shall include, but not be limited to: The salaries and expenses of the board and its employees, the cost of establishing, leasing, maintaining, and operating state liquor stores and warehouses, legal services, annual or other audits, and other general costs of conducting the business of the board. The administrative expenses shall not, however, be deemed to include costs of liquor and lottery tickets purchased, the cost of transportation and delivery to the point of distribution, other costs pertaining to the acquisition and receipt of liquor and lottery tickets, packaging and repackaging of liquor, sales tax, and those amounts distributed pursuant to RCW 66.08.180, 66.08.190, 66.08.200, 66.08.210 and 66.08.220.

Sec. 3. Section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 85, Laws of 1982 and RCW 66.24.010 are each amended to read as follows:

(1) Every license shall be issued in the name of the applicant, and the holder thereof shall not allow any other person to use the license.

(2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension or revocation of any license, the liquor control board may consider any prior criminal conduct of the applicant and the provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The board may, in its discretion, grant or refuse the license applied for. No retail license of any kind may be issued to:

(a) A person who has not resided in the state for at least one month prior to making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

(b) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

(c) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

(d) A corporation, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington.

(3) The board may, in its discretion, subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be. The board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

Witnesses shall be allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.04.105, as now or hereafter amended. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension, with a memorandum of the suspension written or stamped upon the face thereof in red ink. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee may allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

~~(5) (The board shall assign to each business an expiration date for all licenses or certificates of approval covered by this title. Following the assignment, unless sooner canceled, every license or certificate of approval issued by the board shall expire at midnight of the last day of the month on the twelfth month subsequent to issue.~~

~~(a) Each business shall be assigned a license or certificate of approval expiration date according to the schedule following below in this subsection. Fees for such licenses or certificates of approval shall be charged at full annual rate as outlined in chapter 66.24 RCW. The board shall prorate license or certificate of approval fees as necessary to implement the reassignment of expiration dates and to maintain the date assignment of each:~~

~~(i) New applicants: last day of the month of approval and issuance;~~

~~(ii) Existing business: distributed evenly on a monthly basis throughout the year;~~

~~(iii) New businesses: expiration date shall be adjusted as required to conform to a date simultaneous to the majority of the applicant's business branches;~~

~~(iv) Supplemental license(s): shall expire on the same date as the master.~~

~~(b) The board will consider requests from applicants for exceptions to assigned renewal dates. Approval shall be at the discretion of the board.~~

~~(c) All applications shall be submitted with a full year's fee for the type of license or certificate of approval for which the type of application is intended:~~

~~(d) All licenses or certificates of approval presently issued and covered under this title unless sooner discontinued or canceled shall be assigned not later than July 1, 1983, a license expiration date:~~

~~(e) Licenses issued under the provisions of RCW 66.24.310, as now or hereafter amended, are excluded from provisions of this subsection and unless sooner canceled shall expire at~~

midnight of the thirtieth day of June of the fiscal year for which issued.)) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the board deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter 34.04 RCW, a system for staggering the annual renewal dates for any and all licenses authorized by this chapter. If such a system of staggered annual renewal dates is established by the board, the license fees provided by this chapter shall be appropriately prorated during the first year that the system is in effect.

(6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time.

(7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(8) Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or town, or to the county legislative authority, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town, through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, shall have the right to file with the board within twenty days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and in case written objections are filed, may request and the liquor control board may in its discretion hold a formal hearing subject to the applicable provisions of Title 34 RCW, as now or hereafter amended. Upon the granting of a license under this title the board shall send a duplicate of the license or written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(9) Before the board issues any license to any applicant, it shall give (a) due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools, and public institutions and (b) written notice by certified mail of the application to churches, schools, and public institutions within five hundred feet of the premises to be licensed. The board shall issue no beer retailer license class A, B, D, or E or wine retailer license class C or F or class H license covering any premises not now licensed, if such premises are within five hundred feet of the premises of any ~~((church, parochial, or))~~ tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the outer property line of the ~~((church or))~~ school grounds to the nearest public entrance of the premises proposed for license, and if, after receipt by the school ~~((-church;))~~ or public institution of the notice as provided in this subsection, the board receives written notice, within twenty days after posting such notice, from an official representative or representatives of the school ~~((s and/or churches))~~ within five hundred feet of said proposed licensed premises, indicating to the board that there is an objection to the issuance of such license because of proximity to a school ~~((or church))~~. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith.

(10) The restrictions set forth in the preceding subsection shall not prohibit the board from authorizing the transfer of existing licenses now located within the restricted area to other persons or locations within the restricted area: PROVIDED, Such transfer shall in no case result in establishing the licensed premises closer to a church or school than it was before the transfer."

POINT OF INQUIRY

Senator Pullen: "Senator Vognild, on page 1, line 32, subsection 9, it says 'perform services for the state lottery commission to such extent, and for such compensation, as may be mutually agreed upon between the board and the commission.' Could you give me a better idea of what kind of services we are talking about and is subsection 9 limited in any way or can it be any kind of services?"

Senator Vognild: "The services we are talking about here are the selling of lottery tickets and the redemption of the smaller amount lottery tickets. That's absolutely all it is intended to be. The Attorney General raised the question as to whether that was legal under the law and this makes it legal. That's all that is intended."

POINT OF INQUIRY

Senator Warnke: "Senator Vognild, in the lottery bill, I believe there is a five percent commission for the selling of tickets by the agents. As I read that amendment, they could go to any price that was mutually agreed to between the Lottery Commission and the Liquor Board. I have the same concern that Senator Pullen raised that once the computers are installed and whether or not there are going to

be additional services available between those two agencies of which we would have absolutely no control over the costs and the money going back and forth."

Senator Vognild: "Thank you, Senator Warnke. It is my understanding and my intention with this bill that the rules governing the lottery in regard to the commission or expenses they are allowed to pay would certainly supersede any agreement between the board and the lottery board."

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Vognild, Quigg, Wojahn and Newhouse.

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

MOTION

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 1 of the title, after "the" strike the remainder of the title and insert "powers of the state liquor control board to issue licenses and perform services for the state lottery commission; 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 4, chapter 6, Laws of 1961 ex. sess. as amended by section 1, chapter 239, Laws of 1963 and RCW 66.08.026; and amending section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 85, Laws of 1982 and RCW 66.24.010."

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 3101 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3101.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3101, and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Taimadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 36.

Voting nay: Senators Craswell, Granlund, Guess, Hayner, McDermott, Metcalf, Moore, Pullen, von Reichbauer, Warnke - 10.

Absent: Senators Quigg, Rasmussen - 2.

Excused: Senator Haley - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3101, having received the 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 President Pro Tempore returned the Senate to the third order of business.

MESSAGE FROM CONGRESSMAN SID MORRISON HOUSE OF REPRESENTATIVES WASHINGTON, D. C. 20515

March 24, 1983

Dear John and members of the Senate family:

Your flowers were an inspiration and really brightened my hospital days. This surgery was a first for me and your thoughtfulness will be long remembered.

I must tell you about my operation. A few years ago, I participated in a convention at Palm Springs, and very conscientiously got up early each morning and jogged. An airborne spore called coccidia is prominent in the southwestern states and I got it in my lungs, with a first appearance in a chest X-ray taken in late January. The minor infection caused by the spore went unnoticed, but it leaves the same evidence as a malignant growth.

The important thing was to find out what it was, and surgery provided a great answer. I only missed a few days in the office and feel like a smaller truck ran over me every day.

Your special thoughts during the heavy part of this process reminded me how special you are. Many thanks.

Sincerely,
Sid

MOTION

At 12:00 noon, on motion of Senator Shipoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President Pro Tempore called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Shipoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3194, by Senators Peterson, Guess and Hansen (by Department of Licensing request)

Revising laws of vehicle certificates of ownership.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3194 was substituted for Senate Bill No. 3194 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 3194 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senator Kiskaddon was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3194.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3194, and the bill passed the Senate by the following vote: Yeas, 43; nays, 02; absent, 03; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Lee, Pullen - 2.

Absent: Senators Hughes, McDermott, Warnke - 3.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE SENATE BILL NO. 3194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4174, by Senator Owen

Revising provisions relating to salmon delivery permits.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the following Committee on Natural Resources Committee amendment was adopted:

On page 1, line 13, after "director", insert "or his designee"

On motion of Senator Owen, the rules were suspended, Engrossed Senate Bill No. 4174 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, Senator McDermott was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4174.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4174, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 04; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Bottiger, Hayner, Hughes, Metcalf - 4.

Excused: Senator McDermott - 1.

ENGROSSED SENATE BILL NO. 4174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3537, by Senators Vognild, Lee and Woody

Requiring notices to firefighters of the presence of guard animals.

The bill was read the second time.

MOTION

Senator Vognild moved adoption of the following amendment by Senators Vognild, Bottiger and Lee:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. There is added to chapter 48.48 RCW a new section to read as follows:

(1) All premises guarded by guard animals, which are animals professionally trained to defend and protect premises or the occupants of the premises, shall be registered with the local fire department. Front entrances to residences and all entrances to business premises shall be posted in a visible location with signs approved by the state fire marshal indicating that guard animals are present.

(2) A fire fighter, who reasonably believes that his or her safety is endangered by the presence of a guard animal, may without liability: (a) Refuse to enter the premises, or (b) take any reasonable action necessary to protect himself or herself from attack by the guard animal.

(3) If the person responsible for the guard animal being on the premises does not comply with subsection (1) of this section, that person may be held liable for any injury to the fire fighter caused by the presence of the guard animal."

POINT OF INQUIRY

Senator Guess: "Senator Vognild, one of the concerns that I had in the beginning is still left in there because you say on line 18--'front entrances to residences and all entrances to business premises shall be posted in a visible location with signs approved by the state fire marshal indicating that guard animals are present.' Now, in a residential area with some very nice houses--very fine homes--what size decal are you going to think they are going to come up with?"

Senator Vognild: "Senator, we have talked with the fire marshal's office and their intentions are about a three to four-inch round decal and that's it."

Senator Guess: "I can imagine at two o'clock in the morning a fire breaks out in the house and a neighbor notifies the department and they come up there --it's pitch black dark and I just wonder what good your three-inch decal is going to do on the front of the house when their attention is glued at the farthest region on the back side of the property?"

Senator Vognild: "I could probably best answer that by saying that we have tried programs indicating with a small decal like that there are children present in a particular room or that there are handicapped individuals in a particular area of the house. If the firefighters know where that decal is going to be, then they are alert to it. Your indication here--a fire in the back of the house--I can assure you that the fire department will always approach from both sides and they do use two-way radios."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Vognild, Bottiger and Lee.

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

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 3537 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 Pullen: "Senator Vognild, I favor this bill, as I usually find myself favoring your bills, because I invariably find a good bill. The question I have about this bill deals with a similar bill that I believe we had a year or two ago. I believe we passed a similar bill that dealt with police departments, is that correct? Didn't we pass a bill that said we had to notify police departments when guard dogs or guest dogs were on hand, or am I not remembering that correctly? I want to make sure that there are no conflicts between the notification requirement for firefighters and policemen. I want to make sure there is a consistency there. Maybe I'm wrong. I thought we had passed the bill--a similar bill--dealing with police officers; perhaps we did not."

Senator Vognild: "I don't recall the bill, Senator, that you're talking about here, but I could say that the notification here and the posting will go through general dispatching which will mean that it will be easily accessible to both police and fire departments."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3537.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3537, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 03; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senator Barr - 1.

Absent: Senators Fleming, Hughes, Quigg - 3.

Excused: Senator Kiskaddon - 1.

ENGROSSED SENATE BILL NO. 3537, having received the 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 Shinpoch, the Senate advanced to the eighth order of business.

On motion of Senator Shinpoch, the Committee on Rules was relieved of further consideration of Senate Bill No. 3838.

On motion of Senator Shinpoch, Senate Bill No. 3838 was referred to the Committee on Ways and Means.

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3768, by Senators Warnke, Zimmerman, Thompson, Haley, Newhouse, Bauer, Hughes, McDermott, Patterson, and Hemstad

Modifying provisions relating to the public broadcasting commission.

MOTIONS

On motion of Senator McDermott, Second Substitute Senate Bill No. 3768 was substituted for Senate Bill No. 3768 and the second substitute bill was placed on second reading and read the second time.

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

On page 4, line 25, after "and" strike "execute" and everything through "of" on line 26, and insert "support a statewide policy furthering the goals and orderly development of public broadcasting in the state consistent with"

On motion of Senator McDermott, the rules were suspended. Engrossed Second Substitute Senate Bill No. 3768 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Bottiger, Peterson and Conner demanded the previous question.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

The motion for the demand for the previous question failed on a rising vote.

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3768.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3768, and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, McDermott, McManus, Moore, Newhouse, Patterson, Peterson, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 33.

Voting nay: Senators Barr, Benitz, Bottiger, Craswell, Guess, Hayner, Lee, McCaslin, Metcalf, Owen, Pullen, Quigg, Rasmussen, Sellar, Shinpoch - 15.

Excused: Senator Kiskaddon - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3768, having received the constitutional 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 2:42 p.m., on motion of Senator Bottiger, the Senate recessed until 2:45 p.m.

SECOND AFTERNOON SESSION

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

SECOND READING

SENATE BILL NO. 4092, by Senators Bender, Williams, Wojahn and Thompson

Establishing new reporting requirements for property and casualty insurers.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 4092 was substituted for Senate Bill No. 4092 and the substitute bill was placed on second reading and read the second time.

Senator McManus moved adoption of the following amendment by Senators McManus, Bender, Owen and Hughes:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature is concerned about the collection of loss and expense data by insurance companies. The legislature therefore establishes the joint select committee on insurance reporting. The committee shall consist of five members of the senate committee on financial institutions and five members of the house of representatives committee on financial institutions and insurance, to be appointed by the chairmen of the respective committees. In each case, three of the appointees shall be members of the majority party and two of the members shall be members of the minority party. The joint select committee shall elect a chairman from among its members.

(2) The joint select committee shall examine the collection of loss and expense data on the following types of insurance written by the insurer for both commercial and personal policies:

(a) Motor vehicle bodily injury liability insurance;

- (b) Products liability insurance;
 - (c) Medical malpractice insurance for physicians and surgeons, hospitals, other health care professions, and other health care facilities individually;
 - (d) Attorneys' malpractice insurance;
 - (e) Architects' and engineers' malpractice insurance;
 - (f) Motor vehicle personal injury protection insurance;
 - (g) Motor vehicle property damage insurance;
 - (h) Motor vehicle medical payment insurance; and
 - (i) Underinsured motorist insurance.
- (3) The committee shall examine the reporting of the following data:
- (a) Direct premiums written;
 - (b) Direct premiums earned;
 - (c) Net investment income, including net realized capital gain and losses, using appropriate estimates where necessary;
 - (d) Incurred claims, development as the sum of the following:
 - (i) Dollar amount of claims closed with payments; plus
 - (ii) Reserves for reported claims at the end of the current year; minus
 - (iii) Reserves for reported claims at the end of the previous year; plus
 - (iv) Reserves for incurred but not reported claims at the end of the current year; minus
 - (v) Reserves for incurred but not reported claims at the end of the previous year; plus
 - (vi) Reserves for loss adjustment expense at the end of the current year; minus
 - (vii) Reserves for loss adjustment expense at the end of the previous year.
 - (e) Actual incurred expenses allocated separately to loss adjustment, commissions, other acquisition costs, advertising, general office expenses, taxes, licenses and fees, and all other expenses;
 - (f) Net underwriting gain or loss;
 - (g) Net operation gain or loss, including net investment income;
 - (h) The number and dollar amount of claims closed with payment, by year incurred and the amount reserved for them; and
 - (i) The number of claims closed without payment and the dollar amount reserved for those claims.
- (4) The joint select committee shall report its findings to the legislature by January 9, 1984, on which date the committee shall cease to exist."

Debate ensued.

MOTION

On motion of Senator Zimmerman, Senator Quigg was excused.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators McManus, Bender, Owen and Hughes.

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

MOTIONS

On motion of Senator McManus, the following title amendment was adopted:

On page 1, line 1 of the title, strike "adding new sections to chapter 48.05 RCW" and insert "creating a new section"

On motion of Senator Moore, the rules were suspended, Engrossed Substitute Senate Bill No. 4092 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4092.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4092, and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Fleming, Patterson - 2.

Excused: Senators Kiskaddon, Quigg - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3901, by Senators McManus and Vognild
Relating to unfair business practices.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3901 was substituted for Senate Bill No. 3901 and the substitute bill was placed on second reading and read the second time.

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

On page 2, line 29, after "entity" insert a new subsection as follows:

"(8) 'Retailer' means any person holding a license in this state to sell malt beverage or wine at retail.

On page 5, following line 5, add new sections as follows:

NEW SECTION Sec. 7. A retailer may purchase malt beverage or wine from any wholesale distributor at that wholesaler's independently established selling price.

NEW SECTION Sec. 8. No wholesale distributor may refuse to sell to a retailer at the wholesale distributor's independently established selling price."

Renumber remaining section

MOTION

On motion of Senator McDermott, further consideration of Substitute Senate Bill No. 3901 was deferred.

SECOND READING

SENATE BILL NO. 3173, by Senators McManus, Hemstad, Talmadge, Bottiger, Zimmerman, Lee and Deccio

Authorizing the issuance of industrial development revenue bonds for nursing home and retirement community facilities.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3173 was substituted for Senate Bill No. 3173 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 3173 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Deccio: "Senator McManus, for the record, this would cover remodeling, expansion and would not necessarily mean just new construction? The other question is in the event that we phase out the certificate of need process, would you interpret this as meaning that they then would have to secure the approval of the Department of Social and Health Services to replace the certificate of need?"

Senator McManus: "The certificate of need is the kind of question that stands by itself. As we have it now, the certificate of need is in the control by the Department of Social and Health Services, so that we don't overbuild like what used to happen when I was a nursing home administrator back in the early 1960's. If we replaced a certificate of need program, I presume that there will be some kind of additional control or alternative control that would be established so we would not get into the overdevelopment or overbuilding phase that we were once in in this state."

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator McDermott, in subsection (2), is it your understanding of the language of what the performance indicated in this bill would do in terms of turning over leases, whether in fact those that are financed under this particular chapter would have any effect on a large corporation coming in and going under this particular procedure and then turning the lease over. What is your understanding of that section? Secondly, in terms of industrial revenue bonds—they talked about the rehabilitation of the mom and pop nursing homes and stuff like

that, is it your opinion that that kind of thing is quite expensive and might be difficult for the mom and pop nursing homes to get involved in that--more than likely than the big chain operation?"

Senator McDermott: "Senator Fleming, it is the legislative intent that any nursing homes built under the provisions of the act and then leased--the leased cost will not be recognized by the Department if there is any kind of roll-over. The initial cost is all that will ever be recognized and the Department will pay that. That is all that will ever be covered."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3173.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3173, and the bill failed to pass the Senate by the following vote: Yeas, 27; nays, 20; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Jones, Lee, McManus, Moore, Newhouse, Peterson, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 27.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Hayner, Hughes, Hurley, McCaslin, McDermott, Metcalf, Owen, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Williams, Wojahn, Woody - 20.

Excused: Senators Kiskaddon, Quigg - 2.

SUBSTITUTE SENATE BILL NO. 3173, having failed to receive the constitutional 60% majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Hurley served notice that she would, on the next working day, move to reconsider the vote by which Substitute Senate Bill No. 3173 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 3985, by Senators Vognild and Quigg (by Gambling Commission request)

Repealing provisions relating to special taxes on coin-operated devices.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 3985 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3985.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3985, and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Haley, Hansen, Hughes, Hurley, Jones, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 35.

Voting nay: Senators Bluechel, Craswell, Deccio, Granlund, Guess, Hayner, Hemstad, Lee, Metcalf, Pullen, Rinehart, Zimmerman - 12.

Excused: Senators Kiskaddon, Quigg - 2.

SENATE BILL NO. 3985, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3273, by Senators Williams, Hurley, Bauer and Talmadge

Establishing the Washington Radioactive waste commission.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3273 was substituted for Senate Bill No. 3273 and the substitute bill was placed on second reading and read the second time.

Senator Hurley moved adoption of the following amendment:

On page 2, after line 16, insert:

"(6) At least one member of the commission shall be from each of the state's congressional districts."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Hurley.

The motion by Senator Hurley carried on a rising vote and the amendment was adopted.

MOTION

Senator Hurley moved adoption of the following amendment:

On page 2, after line 16, insert:

"(7) Legislative members must all represent different legislative districts."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Hurley.

ROLL CALL

The Secretary called the roll and the motion by Senator Hurley carried and the amendment was adopted by the following vote: Yeas, 26; nays, 21; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Sellar, von Reichbauer, Zimmerman - 21.

Excused: Senators Kiskaddon, Quigg - 2.

MOTION

Senator Hurley moved adoption of the following amendment:

On page 2, after line 25, insert:

"NEW SECTION, Sec. 5. The commission shall from time to time hold open public meetings at locations throughout the state to solicit public input regarding the management of radioactive wastes and to improve legislative participation and consultation as provided in the federal high-level nuclear waste policy act of 1982."

Renumber the remaining sections accordingly and correct internal references.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Hurley.

ROLL CALL

The Secretary called the roll and the motion by Senator Hurley carried and the amendment was adopted by the following vote: Yeas, 25; nays, 20; absent, 02; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hemstad, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Sellar, von Reichbauer, Zimmerman - 20.

Absent: Senators Conner, Hayner - 2.

Excused: Senators Kiskaddon, Quigg - 2.

MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 3273 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3273.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3273, and the bill passed the Senate by the following vote: Yeas, 25; nays, 22; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Sellar, von Reichbauer, Zimmerman - 22.

Excused: Senators Kiskaddon, Quigg - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3273, having received the constitutional 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 4:09 p.m., on motion of Senator Shinpoch, the Senate recessed until 6:30 p.m.

EVENING SESSION

The President Pro Tempore called the Senate to order at 6:30 p.m.

SECOND READING

SENATE BILL NO. 4101, by Senators Shinpoch, McDermott, Newhouse and Deccio

Revising provisions relating to disposition of proceeds from parimutuel machines.

MOTIONS

On motion of Senator Shinpoch, Substitute Senate Bill No. 4101 was substituted for Senate Bill No. 4101 and the substitute bill was placed on second reading and read the second time.

Senator Shinpoch moved adoption of the following amendment:

On page 2, line 20, strike all of new section 2 and insert:

"NEW SECTION. Sec. 2. Any proceeds from unclaimed mutuel tickets deposited in a special trust account of the Washington state horse racing commission fund pursuant to RCW 63...(Substitute House Bill No. 179) shall be used, after appropriation by the legislature, for the health and safety of the public and of those quarter horses, standard breeds, appaloosas, and thoroughbred horses on the grounds of and competing at race tracks in this state.

Such health and safety may include but not be limited to race track security, equine research, traffic control, animal medication and facilities, and emergency medical services.

After appropriation by the legislature, the amount distributed to any one racing meet by the commission for these purposes shall equal but not exceed the amount of proceeds from the unclaimed mutuel tickets deposited in the special trust account by that racing meet.

The interest resulting from the unclaimed mutuel ticket deposited in the special trust account shall be used, after appropriation by the legislature, by the commission to administer this section.

After the effective date of this act, the commission shall promulgate rules and regulations that provide the manner in which a licensee of a race meet may apply for and receive its distributive share under the terms of this act. The commission has the authority to make such disbursement for the beneficial use by said race meet licensees and will so do within ninety days after appropriation by the legislature."

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

After "appaloosas," insert "arabians."

The President Pro Tempore declared the question before the Senate to be adoption of the amendment, as amended.

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

MOTION

On motion of Senator Shinpoch, the rules were suspended, Engrossed Substitute Senate Bill No. 4101 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 Shinpoch, I wasn't on the floor. Did you knock out of the amendment that part that says 'it was for the health and welfare of the race tracks'?"

Senator Shinpoch: "Not of the race track itself, I don't believe. It says 'health and safety may include but not be limited to race track security, equine research, traffic control, animal medication and facilities, and emergency medical services.'"

Senator Rasmussen: "You did not knock that part out?"

Senator Shinpoch: "No, I did not."

Debate ensued.

MOTION

On motion of Senator Zimmerman, Senator Metcalf was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4101.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4101, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Rasmussen - 1.

Excused: Senators Metcalf, Quigg - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4101, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3763, by Senators Fuller and McManus

Modifying the income reporting requirements for guardians.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3763 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3763.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3763, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Metcalf, Quigg - 2.

SENATE BILL NO. 3763, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3114, by Senators Vognild, Newhouse, Moore, Deccio, Sellar and Woody

Modifying provisions relating to gambling.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendments were considered and adopted simultaneously:

On page 3, line 22, after "political" strike all material through "office" on line 24 and insert "committee of a candidate as defined in RCW 42.17.020"

On page 3, line 29, after "political" strike all material through "office" on line 31 and insert "committee of a candidate as defined in RCW 42.17.020"

On page 8, line 29, after "political" strike all material through "office" on line 31 and insert "committee of a candidate as defined in RCW 42.17.020"

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

On page 3, line 22, after the period strike all the new language and reinsert the stricken language.

On page 3, line 29, after the period strike the new language.

On page 8, line 28, strike all the new language.

MOTION

Senator Shinpoch moved adoption of the following amendment:

On page 4, line 25, strike all the new language.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Shinpoch.

ROLL CALL

The Secretary called the roll and the motion by Senator Shinpoch failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 25; absent, 01; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Craswell, Gaspard, Goltz, Granlund, Hayner, Hemstad, Hurley, Lee, McCaslin, Patterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Williams, Wojahn, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Guess, Haley, Hansen, Hughes, Jones, Kiskaddon, McManus, Moore, Newhouse, Owen, Peterson, Quigg, Sellar, Vognild, von Reichbauer, Warnke, Woody - 25.

Absent: Senator McDermott - 1.

Excused: Senator Metcalf - 1.

MOTION

Senator Shinpoch moved adoption of the following amendment:

On page 12, line 34, strike ", taxes, license fees."

POINT OF INQUIRY

Senator Newhouse: "Senator Shinpoch, how much might the license fees and taxes amount to in this case--do you know?"

Senator Shinpoch: "I would suggest that you should probably direct that to Senator Vognild."

Senator Newhouse: "Might they be appreciable? Might the taxes and license fees amount to a hundred dollars or something like that?"

Senator Vognild: "Senator, in going through the bill and the taxation on that, I believe the taxation rate is at ten percent. I am not sure the license on it. I was trying to find it quickly, but I suspect that the license probably would be somewhere around fifty to a hundred as well."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Shinpoch.

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

MOTIONS

On motion of Senator Warnke, the following amendment by Senator Vognild was adopted:

On page 11, line 2, after "pull-tabs" insert "which includes coin-operated devices for dispensing pull-tabs."

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

On page 14, line 12, after "bingo" strike "~~((and))~~, raffles and punch boards and pull-tabs" and insert "and raffles"

On page 14, line 27, after "of" strike all material through "~~of~~" on line 29 and insert "punch boards and pull-tabs shall not exceed ~~((five))~~ fifteen percent of adjusted gross receipts, nor shall taxation of" and on line 29 strike "shall not"

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Senate Bill No. 3114 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, a point of parliamentary inquiry. This bill is a bill that relates to gambling, but does not, as I understand it, authorize gambling. Has the President received an opinion from the Attorney General as to whether this takes a sixty percent vote or a fifty percent vote?"

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In response to your question, Senator Bottiger, in the opinion of the President, although Senate Bill No. 3114 relates to the control of gambling, it does not purport to authorize any lotteries or other gambling activities which have not heretofore already been authorized by the Legislature in accordance with Article II, Section 24, (Amendment 56) of the Washington State Constitution.

"The President, therefore, does not believe that the sixty percent approval provision of that constitutional amendment would apply to Engrossed Senate Bill No. 3114, and that a simple majority is all that is required to pass the bill. That is based upon the Attorney General's opinion."

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, a point of parliamentary inquiry. Do you have a specific Attorney's General's opinion relative to this specific bill?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "It is relative to this specific bill--yes, Senator Pullen, although the opinion was not written on the bill, as it was amended."

Senator Pullen: "But the Attorney General's opinion did refer to Senate Bill No. 3114?"

President Pro Tempore: "That is correct."

Further debate ensued.

MOTION

Senator Pullen moved that Engrossed Senate Bill No. 3114 hold its place on the calendar for action tomorrow.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the motion by Senator Pullen to delay further consideration of Engrossed Senate Bill No. 3114 until tomorrow.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed by the following vote: Yeas, 14; nays, 33; absent, 01; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Guess, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, Pullen, Rasmussen, Zimmerman - 14.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody - 33.

Absent: Senator Jones - 1.

Excused: Senator Metcalf - 1.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3114.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3114, and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Deccio, Fleming, Fuller, Haley, Hansen, Hughes, Hurley, Jones, Kiskaddon, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Sellar, Talmadge, Vognilid, von Reichbauer, Warnke, Woody - 28.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Gaspard, Goltz, Granlund, Guess, Hayner, Hemstad, Lee, McCaslin, Pullen, Rasmussen, Rinehart, Shipoch, Thompson, Williams, Wojahn, Zimmerman - 20.

Excused: Senator Metcalf - 1.

ENGROSSED SENATE BILL NO. 3114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Guess: "A point of personal privilege. I would also ask permission to read the following from the Journal of the ninety-second day of the session, April 13, 1981:

JOURNAL OF THE SENATE

Ninety-Second Day, April 13, 1981

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, since this bill purportedly does not expand gambling, does it take a 60% constitutional majority to pass?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes it does, Senator."

FURTHER PARLIAMENTARY INQUIRY

Senator Pullen: "Well, why is that, Mr. President?"

REPLY BY PRESIDENT

President Cherberg: "Because it's a gambling bill, Senator Pullen."

FURTHER PARLIAMENTARY INQUIRY

Senator Pullen: "The Constitution, as I recall the wording, does not specify a 60% majority for all gambling bills, simply for bills that would increase gambling or establish gambling. This does neither, it simply tightens down on existing gambling."

REPLY BY THE PRESIDENT

President Cherberg: "It is still a gambling bill in the mind of the President, Senator Pullen."

Senator Pullen: "To pursue this, because it is potentially very important to some bills we may have in the future, if we were to repeal the gambling laws that are now on the books, would that require 60% majority?"

President Cherberg: "Yes, Senator Pullen."

Senator Pullen: "In other words, in your view, the so-called protection that was put into the Constitution..."

President Cherberg: "The gambling bill, Senator, will require 60%."

Senator Pullen: "...and even to repeal gambling laws that are now on the books will take a 60%..."

President Cherberg: "The question is not before the body, Senator."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Message received."

STATEMENT FOR THE JOURNAL

March 30, 1983

I disagree with the ruling of President Pro Tempore Barney Goltz that Engrossed Senate Bill No. 3114 takes only a 25 vote constitutional majority for passage. Such a ruling is inconsistent with previous Senate rulings, and I believe is inconsistent with Amendment 56 of the State Constitution, which requires a 60% constitutional majority for the passage of any bill that expands gambling, as Engrossed Senate Bill No. 3114 does.

Kent Pullen

SECOND READING

SENATE BILL NO. 4164, by Senator Thompson, Talmadge and Zimmerman

Authorizing counties to designate violation as either civil or criminal.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4164 was substituted for Senate Bill No. 4164 and the substitute bill was placed on second reading and read the second time.

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

On page 2, line 28, after "shall" reinsert "constitute" and strike the new language down through "as" on line 29.

On page 2, line 29, after "misdemeanor" strike all new language through "dollars" on line 31.

On page 2, line 31, after ":" insert "PROVIDED, That any violation of such regulations, ordinances, codes, compilations or resolutions may be designated by the county legislative authority as a civil violation subject to a monetary penalty not to exceed one thousand dollars."

POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, how does this bill affect the right to a jury trial?"

Senator Talmadge: "Senator, it is my understanding that this has nothing to do with that issue. But you might want to ask Senator Thompson that one. It originated in his Local Government Committee."

Senator Pullen: "Perhaps, Senator Thompson would yield. I just got a note passed to me which indicates that this bill may take away the right to a jury trial. I am wondering if that's correct or if you could elaborate on that question?"

Senator Thompson: "This bill will provide county legislative authorities with some latitude to decide whether or not they want certain of their ordinances to be subject to civil or criminal penalties. The idea originated with a prosecutor in one of the smaller counties who was formerly president of the Prosecuting Association and who brought it to my attention and subsequently received the support of the Washington Association of Counties and the Prosecuting Association. It addresses a number of problems and one of them is court congestion. Presently, there are so many criminal sanctions for what essentially--I think even you would agree--are non-criminal activities, but are simply infractions of local ordinances and regulations that don't involve acts of violence or things that one normally thinks of in a criminal context, but might have to do with land use and the like. In fact, we even had testimony in favor of this concept from the people in the field of development--realtors--and the like. The limit is low. It is not anticipated, nor could it be applied to those areas that are normally considered in criminal context."

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute Senate Bill No. 4164 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 Vognild, Senator Granlund was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4164.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4164, and the bill passed the Senate by the following vote: Yeas, 41; nays, 06; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Craswell, Guess, Hurley, McCaslin, Pullen, Rasmussen - 6.

Excused: Senators Granlund, Metcalf - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3262, by Senator McDermott (by Department of Revenue request)

Modifying provisions on property taxation.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 1, line 27, after the words "direct" insert "PROVIDED: The duplicate copies of these annual reports shall not be due until such time as they are due to the stockholders or commissioners"

On motion of Senator Bottiger, the following amendment was adopted:
On page 1, line 21 strike "thirty" and insert "sixty"

On motion of Senator Bottiger, the following amendment was adopted:
On page 2, line 3 after "to" insert "materially"

On motion of Senator Bottiger, the following amendment was adopted:
On page 2, line 6 change "twenty" to "ten"

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 3262 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3262.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3262, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Metcalf - 1.

ENGROSSED SENATE BILL NO. 3262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3857, by Senator Talmadge

Exempting used cars sold by a dealer from emission control testing.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3857 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3857.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3857, and the bill passed the Senate by the following vote: Yeas, 44; nays, 02; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Bluechel, Lee - 2.

Absent: Senators Guess, Jones - 2.

Excused: Senator Metcalf - 1.

SENATE BILL NO. 3857, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bottiger, Senate Bill No. 3458 was placed at the bottom of the supplemental calendar.

SECOND READING

SENATE BILL NO. 3629, by Senators Hughes, Lee, Hansen, Quigg, Fuller, Rasmussen, Peterson and Guess

Modifying powers and duties of the air pollution advisory council.

MOTIONS

On motion of Senator Hughes, Substitute Senate Bill No. 3629 was substituted for Senate Bill No. 3629 and the substitute bill was placed on second reading and read the second time.

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

On page 2, line 29, after "council" strike "shall" and insert "may"

On page 2, line 32, strike "This" and insert "Any such"

On page 3, line 2, after "council" strike "shall" and insert "may"

On page 3, line 5, after "evaluations" insert ", if any,"

On page 3, line 11, after "evaluations" strike everything down through "select" on line 15 and insert "may include but shall not be limited to the following"

POINT OF INQUIRY

Senator Quigg: "Senator Hughes, you told us about a church key last week. What's a hook?"

Senator Hughes: "This time it is a term that Senator Talmadge explained to me that attorneys use for grasping onto an issue to bring in front of a court. I hate to use legalese like that, but I was quoting directly from Senator Talmadge."

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendments by Senator Hughes.

ROLL CALL

The Secretary called the roll and the motion by Senator Hughes carried and the amendments were adopted by the following vote: Yeas, 24; nays, 23; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody - 24.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Absent: Senator Wojahn - 1.

Excused: Senator Metcalf - 1.

MOTION

On motion of Senator Hughes, the rules were suspended, Engrossed Substitute Senate Bill No. 3629 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3629.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3629, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 25; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bottiger, Conner, Craswell, Fleming, Gaspard, Goltz, Granlund, Haley, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McManus, Pullen, Rasmussen, Sellar, Thompson, Warnke, Zimmerman - 22.

Voting nay: Senators Barr, Bender, Benitz, Bluechel, Clarke, Deccio, Fuller, Guess, Hansen, Hayner, Lee, McDermott, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Woody - 25.

Absent: Senator Wojahn - 1.

Excused: Senator Metcalf - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3629, having failed to receive the constitutional majority, was declared lost.

MOTION

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

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Williams moved the Senate reconsider the vote by which Substitute Bill No. 3206 failed to pass the Senate on March 29, 1983.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Williams that the Senate reconsider the vote by which Substitute Senate Bill No. 3206 failed to pass the Senate.

The motion by Senator Williams carried and the Senate began consideration of Substitute Bill No. 3206, on reconsideration.

MOTIONS

On motion of Senator Thompson, the rules were suspended, Substitute Bill No. 3206 was returned to second reading for purpose of an amendment.

Senator Lee moved adoption of the following amendment by Senators Lee, Bluechel, Thompson and von Reichbauer:

On page 3, line 13, after "price," strike "to consider contract negotiations when public knowledge regarding such consideration would affect the price or other terms adversely to the interests of the public;" and insert "to consider negotiations on the performance of publicly-bid contracts when publicity regarding such consideration would cause a likelihood of increased costs;"

POINT OF INQUIRY

Senator McDermott: "Senator Lee, usually when there is an amendment to a bill it is intended to correct something. In this instance, I would like to know what is the problem that we are trying to fix with this amendment as it was in the bill

before you began your amendment. What is the situation or what is the meeting that has been closed and should have been opened or what was the situation that brought this whole issue to the legislature?"

Senator Lee: "I will attempt to answer that and then maybe someone who wants could add to that particular answer. I will answer the reasons for the amendment, primarily. I felt, as did some others, that the amendment as it came before us originally, was a far too broad reason for being able to close meetings. The amendment that we are proposing, now, would narrow that substantially. The additional reason for closing--having a closed meeting--is much, much narrower than it was before.

"From what I am able to understand, the other two corrections or changes that are being made in the act, which in fact opened some sections to public scrutiny that had not been opened before, sometimes involved a kind of contract negotiation, wherein a sub-committee of a group was discussing how they were going to get a contract to complete their work and what kind of steps they were going to take and that if the contractor, indeed, had to be present to hear that, that they would be losing some of their bargaining points. That was the information that was relayed to me, so it is all of a piece."

Senator McDermott: "Is it your belief that it has to do with WPPSS contracts? Is that what, originally, brought this to our attention or is it some other particular situation?"

Senator Lee: "I really don't know the answer to that, Senator McDermott. One of the things that I am going to do after this amendment, if it passes or doesn't pass, I am going to give the body a chance to strike this completely if they feel they should do that."

POINT OF INQUIRY

Senator McDermott: "Senator Thompson, maybe you have a little more information, because I really don't know what this is about."

Senator Thompson: "Senator McDermott, this language does, indeed, relate to the WPPSS situation, because another portion of the bill that Senator Lee alluded to, brings committees of governing bodies under the effect of the open meetings act, which is substantial in its effect on WPPSS operations, because they have organized into committees. The executive board is organized into committees and as I understand it, they are substantially conducting their business in that manner. This has caused some concern, because an LBC auditor was even prevented from attending some of those sessions, even though he was under instruction to do so. It does, indeed, apply to the WPPSS situation."

POINT OF INQUIRY

Senator Quigg: "Senator Thompson, could you explain how this applies to the WPPSS executive board sub-committees?"

Senator Thompson: "The WPPSS people, of course, object to their inclusion of this act, and finally narrowed their objection down to this one situation where they felt they would be at a disadvantage in terms of the public interest as reflected in their decision making, if they weren't able to hold some executive sessions at the conclusion of contracts, so they could strategize the settlement of contracts, the performance of contracts and close them out. There are, indeed, price considerations in that transaction."

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Lee, Bluechel, Thompson and von Reichbauer.

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

MOTION

Senator Lee moved adoption of the following amendment:

On page 3, line 13, after "price;" strike:

"to consider contract negotiations when public knowledge regarding such consideration would affect the price or other terms adversely to the interests of the public;"

Debate ensued.

POINT OF ORDER

Senator Lee: "Mr. President, a point of order. If I recall, the rules do require that we first attempt to perfect and then to strike. So, we have proposed an amendment that is a perfecting amendment and it did pass, does that, thereby, prevent the option of removing any additional language from that section?"

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "I believe, Senator Lee, that if I understand your intent correctly, you could have offered this as an amendment to the amendment, but since we adopted the amendment--your previous amendment--it has been perfected and, therefore, this amendment would not be in order."

There being no objection, Senator Lee withdrew the amendment.

MOTIONS

On motion of Senator Thompson, the following amendment by Senators Thompson and Zimmerman was adopted:

On page 3, line 18, strike "deliberating the selection of" and insert "interviewing of proposed"

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen and Pullen:

After the word "statute" insert "period" and strike the words "other than courts and legislature"

POINT OF ORDER

Senator Bottiger: "Mr. President, a point of order. This amendment was considered and rejected the previous time that the bill was before us."

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "It is my understanding that when you reconsider the bill that a motion that had been previously made may be made again under reconsideration and, therefore, the amendment is in order."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Rasmussen and Pullen.

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

MOTION

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

On page 2, line 2, after "thereof" strike all the material down through "comment" on line 4 and insert "when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment"

MOTION

Senator Lee moved adoption of the following amendment:

On page 3, line 3, strike all of "Sec. 3" through line 28

Debate ensued.

POINT OF ORDER

Senator Lee: "A point of order. It is my understanding that when we move to strike a portion of a bill in which an amendment is being made, that the only thing actually being struck is the amended language."

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Your point is well taken, Senator Lee. By your amendment, the language which is in the bill would not be struck, but only that new language which was in the section."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Lee.

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

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute Senate Bill No. 3206 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3206, on reconsideration.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3206, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 41; nays, 05; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 41.

Voting nay: Senators Barr, Craswell, Deccio, Guess, Vognild - 5.

Absent: Senators Moore, Wojahn - 2.

Excused: Senator Metcalf - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3206, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate reverted to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE JOINT RESOLUTION NO. 119, by Committee on Local Government (originally sponsored by Senators Zimmerman, Fleming, Hemstad, Fuller, Thompson, Goltz, Bluechel, Kiskaddon and Bauer)(by Governor Spellman request)

Providing the means for the payment of indebtedness on public improvements.

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Joint Resolution No. 119.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Joint Resolution No. 119, and the resolution passed the Senate by the following vote: Yeas, 33; nays, 13; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Quigg, Rinehart, Talmadge, Thompson, Vognild, Warnke, Woody, Zimmerman - 33.

Voting nay: Senators Benitz, Clarke, Craswell, Guess, Hughes, Hurley, McCaslin, Newhouse, Pullen, Rasmussen, Sellar, von Reichbauer, Williams - 13.

Absent: Senators Shinpoch, Wojahn - 2.

Excused: Senator Metcalf - 1.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 119, having received the constitutional two-thirds majority, was declared passed.

MOTION

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3664, by Senator Hughes

Relating to water quality.

MOTIONS

On motion of Senator Hughes, Substitute Senate Bill No. 3664 was substituted for Senate Bill No. 3664 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hughes, the rules were suspended, Substitute Senate Bill No. 3664 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 Newhouse: "Senator Hughes, I take it that you are trying to establish some higher priority than some other parts of the state for Referendum 39 funds. How would you rank the single-source aquifer areas in relation to other parts of the state if this language passes?"

Senator Hughes: "Well, first of all, Senator Newhouse, I won't rank it. The Director will--the Department will. As I stated, in conversations with Director Moos, he stated that there are many necessary areas that have to be addressed with Referendum 39. He did feel, and and it is the policy of the Department, that sole-source aquifer protection should be high. This is simply a statement to the people of Whidbey and Camano and Spokane that their concerns will be looked at when it comes to the allocation of Referendum 39 dollars."

Further debate ensued.

POINT OF INQUIRY

Senator Hughes: "Senator Barr, I find it rather interesting that you would make comments like that in light of an amendment that you presented to this body and then withdrew. Would you like to explain the effect of your amendment?"

Senator Barr: "Yes, thank you for the opportunity to get on my feet and expound on this situation again. I did intend to mention why I withdrew the amendment. When I got some staff help, after I wrote it out myself--what I really asked them was when the state drinking water act was instituted and in that discussion I discovered the way that this is worded now, we chop it off. If somebody else wanted to be so smart to designate a fictitious sole-source in the future--next year, then they couldn't get in on it. You are chopping everybody else off, so I decided that it was a worse bill this way without my amendment, so I withdrew it."

Further debate ensued.

MOTION

On motion of Senator Bluechel, Senator von Reichbauer was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3664.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3664, and the bill passed the Senate by the following vote: Yeas, 26; nays, 20; absent, 01; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Guess, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Pullen, Quigg, Sellar, Zimmerman - 20.

Absent: Senator Wojahn - 1.

Excused: Senators Metcalf, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 3664, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3660, by Senators McManus and Kiskaddon (by Department of Social and Health Services request)

Modifying laws governing the department of social and health services and its powers and duties.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 3660 was substituted for Senate Bill No. 3660 and the substitute bill was placed on second reading and read the second time.

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

On page 6, line 16, after "shall" strike everything down through the period on line 19 and insert "deposit the moneys derived from the sale of items from workshops under this section in a special trust account in the general fund."

On page 6, line 20, after "moneys" insert "after appropriation by the legislature"

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendments by Senator Bottiger.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried and the amendments were adopted by the following vote: Yeas, 24; nays, 21; absent, 02; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 24.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Pullen, Quigg, Sellar, Zimmerman - 21.

Absent: Senators Peterson, Rasmussen - 2.

Excused: Senators Metcalf, von Reichbauer - 2.

POINT OF ORDER

Senator Newhouse: "A point of order, Mr. President. I would like to cite rule 15. It is now 10:00 p.m."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. It is now ten o'clock. Do you know where your Senator is?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "It would still require a motion, Senator Newhouse."

MOTION

Senator Bauer moved the following amendments by Senators Bauer, Zimmerman, Thompson and Deccio be considered and adopted simultaneously:

On page 11, line 10, after "superintendent.", insert "This section, however, shall not apply to RCW 72.40.020."

On page 14, beginning on line 6, strike all of sections 18 and 19

Renumber the remaining sections consecutively.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senators Bauer, Zimmerman, Thompson and Deccio.

The motion by Senator Bauer carried on a rising vote and the amendments were adopted.

MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, beginning on line 24 of the title, after "72.33.040;" strike all material through "72.42.040;" on line 28

On motion of Senator McManus, the rules were suspended. Engrossed Substitute Senate Bill No. 3660 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, Senator Wojahn was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3660.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3660, and the bill passed the Senate by the following vote: Yeas, 42; nays, 04; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody, Zimmerman - 42.

Voting nay: Senators McCaslin, McDermott, Pullen, Rasmussen - 4.

Excused: Senators Metcalf, von Reichbauer, Wojahn - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3660, having received the constitutional 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 10:14 p.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Thursday, March 31, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 31, 1983

The Senate was called to order at 9:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Benitz. On motion of Senator Hayner, Senator Benitz was excused.

The Sergeant at Arms Color Guard, consisting of Pages Steve Lovaas and Kristy Emanuel, presented the Colors. Reverend Dwane C. Shockley, General Director of the Conservative Baptist Association in Kent, Washington, offered the prayer.

MOTION

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

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3608, by Senators McManus, Zimmerman, Woody and Bender
Modifying provisions relating to cultural arts, stadium and convention districts.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3608 was substituted for Senate Bill No. 3608 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the following amendments by Senators McManus, Zimmerman and Woody were considered and adopted simultaneously:

On page 2, line 33, after "~~general~~)" strike "an" and insert "a special or general"

On page 2, beginning on line 34, after "resolution," strike all the material down through "resolution." on page 3, line 2.

Senator Warnke moved that the rules be suspended and that Engrossed Substitute Senate Bill No. 3608 be advanced to third reading, the second reading considered the third, and that the bill be placed on final passage.

MOTION

At 9:13 a.m., on motion of Senator Shinpoch, the Senate recessed until 9:45 a.m.

SECOND MORNING SESSION

The President Pro Tempore called the Senate to order at 10:00 a.m.

MOTION

At 10:03 a.m., on motion of Senator Fleming, the Senate was declared to be at ease.

The President Pro Tempore called the Senate to order at 10:28 a.m.

There being no objection, the President Pro Tempore announced that the Senate would resume consideration of Engrossed Substitute Senate Bill No. 3608 and the pending motion by Senator Warnke to advance the bill to third reading and final passage.

Debate ensued.

Senator Bottiger demanded a roll call on the motion by Senator Warnke to suspend the rules and advance Engrossed Substitute Senate Bill No. 3608 to third reading and final passage, and the demand was sustained.

Further debate ensued.

POINT OF ORDER

Senator Newhouse: "The motion before us is suspension of the rules and remarks by one person on each side--Senator Bottiger and Senator Clarke have given those remarks."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Your remarks are well taken. Senator Newhouse."

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Warnke to suspend the rules and advance Engrossed Substitute Senate Bill No. 3608 to third reading and final passage.

ROLL CALL

The Secretary called the roll and the motion by Senator Warnke failed to receive the constitutional two-thirds majority by the following vote: Yeas, 26; nays, 22; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3608 was referred to the Committee on Rules for third reading.

SECOND READING

SENATE BILL NO. 3380, by Senators McManus, Talmadge, Deccio, Kiskaddon and Moore

Permitting hearings when a decision is made to return residents of state residential schools to the community.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 3380 was substituted for Senate Bill No. 3380 and the substitute bill was placed on second reading and read the second time.

Senator McManus moved adoption of the following amendment by Senators McManus and Talmadge:

Strike everything after the enacting clause and insert the following:

"Sec. 1, Section 2, chapter 166, Laws of 1981 and RCW 72.33.161 are each amended to read as follows:

Whenever in the judgment of the secretary, the treatment and training of any resident of a state residential school has progressed to the point that it is deemed advisable to return such resident to the community, the secretary may grant placement on such terms and conditions as the secretary may deem advisable after reasonable notice to and consultation with the resident, and with any available parent, guardian, or other court-appointed personal representative of such person.

If the resident, parent of a resident who is a minor, or guardian or other court-appointed personal representative of the resident believes that the specific placement decision is not in the best interests of the resident, he or she may request a hearing before an administrative law judge appointed under chapter 34.12 RCW. A hearing before an administrative law judge under this section shall be conducted as a contested case under chapter 34.04 RCW. At the hearing, the administrative law judge shall make an initial decision determining whether the specific placement decision is in the best interests of the resident and was otherwise proper. The burden of proof shall be on the department to show that the specific placement decision is in the best interests of the resident. Any review of the administrative law judge's initial decision by the secretary when he or she makes the final decision shall be done on the same basis as specified under RCW 34.04.130 (5) and (6) for superior court review of an administrative decision and in addition findings and inferences to be sustained must be supported by substantial evidence. The secretary cannot delegate the authority to make the final decision. Any person aggrieved by the final administrative decision is entitled to judicial review in accordance with the provisions of chapter 34.04 RCW governing judicial review in a contested case except that if substantial rights have been prejudiced, administrative findings, inferences, conclusions or

decisions may be reversed, modified, or remanded if not supported by substantial evidence rather than requiring them to be arbitrary or capricious.

A placement decision shall not be implemented at any level during any period during which an appeal can be taken or while an appeal is pending and undecided, unless authorized by court order so long as the appeal is being diligently pursued.

The department of social and health services shall periodically evaluate at reasonable intervals the adjustment of the resident to the specific placement to determine whether the resident should be continued in the placement or returned to the institution or given a different placement.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators McManus and Talmadge.

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

MOTION

On motion of Senator McManus, the rules were suspended, Engrossed Substitute Senate Bill No. 3380 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3380.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3380, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtnid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4093, by Senators Bauer, Warnke, Fleming, Hughes, Thompson, Moore, Gaspard, Bender and Talmadge

Requiring that certain categorical education programs be specifically designated when appropriations are made.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 13 after "including" insert "but not limited to"

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 21 after "with" strike "chapters" and insert "chapter"

Senator Lee moved the following amendments by Senators Lee and Kiskaddon be considered and adopted simultaneously:

On page 1, line 10, after "the" insert: "total"

On page 1, line 11, after "for" strike "each of"

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senators Lee and Kiskaddon.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendments were not adopted by the following vote: Yeas, 22; nays, 26; absent, 00; excused, 01.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Excused: Senator Benitz - 1.

MOTION

Senator Lee moved the following amendment by Senators Lee and Kiskaddon: On page 1, line 24; after "legislature," insert the following:

PROVIDED, HOWEVER, That school districts shall have the authority to transfer funds from one categorical program to another in concert with the districts needs, aims and objectives."

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators Lee and Kiskaddon.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendment was not adopted by the following vote: Yeas, 19; nays, 27; absent, 02; excused, 01.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, von Reichbauer, Zimmerman - 19.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 27.

Absent: Senators Haley, Sellar - 2.

Excused: Senator Benitz - 1.

MOTIONS

On motion of Senator Bluechel, Senator Haley was excused.

Senator Lee moved adoption of the following amendment by Senators Lee and Kiskaddon:

On page 2, line 1, after "programs," add the following:

"Any funds appropriated by the legislature for any categorical or special program contained in this section, or created pursuant to this section, shall be classified as an extraordinary contribution and in no way shall constitute a recognition of any such program as part of the states responsibility to fund basic education."

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

On the last line of the amendment to page 2, line 1, strike "states" and insert "state's"

Debate ensued.

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

Further debate ensued.

Senators Peterson, Hansen and Bender demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment, as amended, by Senators Lee and Kiskaddon.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendment, as amended, was not adopted by the following vote: Yeas, 22; nays, 25; absent, 00; excused, 02.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Excused: Senators Benitz, Haley - 2.

MOTION

Senator Gaspard moved that the rules be suspended and that Senate Bill No. 4093 be advanced to third reading, the second reading considered the third, and that the bill be placed on final passage.

Senator Clarke demanded a roll call on the motion by Senator Gaspard to suspend the rules and advance Senate Bill No. 4093 to third reading and final passage, and the demand was sustained.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Gaspard to suspend the rules and advance Senate Bill No. 4093 to third reading and final passage.

ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard failed to receive the constitutional two-thirds majority by the following vote: Yeas, 26; nays, 21; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 21.

Excused: Senators Benitz, Haley - 2.

SENATE BILL NO. 4093 was referred to the Committee on Rules for third reading.

SECOND READING

SENATE BILL NO. 3694, by Senator Moore

Relating to insurance.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3694 was substituted for Senate Bill No. 3694 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 3694 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 Lee: "Senator Warnke, what I really wanted to know and I think you answered it partially, but I think it is very important for the record. In the bill is the phrase, 'and occasionally used for other purposes.' I wonder who defines that and what you would consider--and if there is no one to actually define it--what you would consider would fit in that kind of category?"

Senator Warnke: "As it was defined to me, I think it is left to the insurance companies to decide in case there is a liable accident--whether or not it was an occasional use or whether it was used on business or whatever. As it was portrayed to me by those people that used their vehicles on occasion, they may be in a parade and they don't wish to trailer their car to a parade or that sort of thing or on a Sunday, they may want to drive to Mount Rainier and back. That is an occasional use.

"The theory behind it is that if you have primary vehicles and if you have an antique, the antique is usually in the garage when you are driving your primary vehicle. When you are driving your antique, the primary vehicle was home and parked. That is the theory behind this--the insurance."

MOTION

At 12:00 noon, on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President Pro Tempore called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Shinpoch, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

March 30, 1983

Mr. President:

The House has passed:

HOUSE BILL NO. 138,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 307,

ENGROSSED HOUSE BILL NO. 432,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 448,

SUBSTITUTE HOUSE BILL NO. 475,

SUBSTITUTE HOUSE BILL NO. 498,

SUBSTITUTE HOUSE BILL NO. 522,

HOUSE BILL NO. 555,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 579,

SUBSTITUTE HOUSE BILL NO. 700,

HOUSE BILL NO. 747,

SUBSTITUTE HOUSE BILL NO. 749,

ENGROSSED HOUSE BILL NO. 860,

SUBSTITUTE HOUSE BILL NO. 888,

ENGROSSED HOUSE BILL NO. 919,

SUBSTITUTE HOUSE BILL NO. 1017, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 30, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 270,

HOUSE BILL NO. 417,

ENGROSSED HOUSE BILL NO. 511,

SUBSTITUTE HOUSE BILL NO. 548,

SUBSTITUTE HOUSE BILL NO. 576,

ENGROSSED HOUSE BILL NO. 756,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 816,

SUBSTITUTE HOUSE BILL NO. 855,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 865,

ENGROSSED HOUSE BILL NO. 905,

HOUSE BILL NO. 911,

HOUSE BILL NO. 925,

HOUSE BILL NO. 939,

HOUSE JOINT MEMORIAL NO. 30, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 30, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 753,

ENGROSSED HOUSE BILL NO. 872,

ENGROSSED SUBSTITUTE NO. 906, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 138 by Representatives Armstrong, Padden, Schmidt, Wilson, G. Nelson, Tilly, J. Williams, Ristuben, Struthers, Lewis, Brough, McMullen, Monohon, Patrick, Johnson, Isaacson, Silver, Clayton, Sanders, West, Broback, Haugen, Ballard, McDonald, Hastings, Taylor, Halsan, Allen, Dellwo, Holland, Schoon, Cantu, Miller, Bond and Locke

Awarding reasonable costs, including attorneys' fees, to prevailing parties in frivolous actions or defenses.

Referred to Committee on Judiciary.

EHB 270 by Representatives Dellwo, Lewis, Stratton, Patrick, Charnley, Mitchell, Wang, Fiske, McClure, Tilly, Holland, Sanders, Silver, Brough, Ellis, Jacobsen, Todd and Isaacson

Providing for treatment and services for developmentally disabled persons.

Referred to Committee on Social and Health Services

ESHB 307 by Committee on Judiciary (originally sponsored by Representatives Moon, Powers, Tanner, Taylor, Appelwick, Zellinsky, Lewis, Sayan, Mitchell, Miller, Haugen, Smitherman, Ebersole, Isaacson, Fisher, Jacobsen, Todd, Ristuben, Long, Lux, Locke, Braddock and P. King)

Requiring the department of corrections to give notice to certain people of the disposition of inmates convicted of violent offenses.

Referred to Committee on Institutions.

HB 417 by Representatives G. Nelson and B. Williams

Providing for adult offender community service insurance funds and modifying provisions concerning juvenile offender community service funds.

Referred to Committee on Local Government.

EHB 432 by Representatives Dellwo, Patrick, Smitherman and Armstrong

Prohibiting law enforcement personnel from being required to submit to lie detector tests.

Referred to Committee on Judiciary.

ESHB 448 by Committee on Social and Health Services (originally sponsored by Representatives Todd, Addison, Belcher, Lewis, D. Nelson, McDonald, Mitchell, Brekke, Ballard, Johnson, Crane, Lux, Charnley, McMullen, Fisher, Ebersole, Holland, Wang, Patrick, Garrett, Taylor, Jacobsen, Miller, Silver and Brough)

Modifying the disabled parking laws.

Referred to Committee on State Government.

SHB 475 by Committee on Environmental Affairs (originally sponsored by Representatives Rust and Patrick) (by Department of Ecology request)

Modifying provisions on waste discharge permits.

Referred to Committee on Parks and Ecology.

SHB 498 by Committee on Judiciary (originally sponsored by Representatives Crane, Armstrong, Padden, Jacobsen, Appelwick, Todd, Isaacson, Silver, Schoon, Holland and Johnson)

Modifying provisions relating to driving while intoxicated.

Referred to Committee on Judiciary.

- EHB 511 by Representatives Garrett, Isaacson, Patrick, Fisher and Hine
Adding certain aquatic programs to the local improvement powers of cities and towns.
Referred to Committee on Local Government.
- SHB 522 by Committee on Judiciary (originally sponsored by Representatives Locke, Padden, Crane, Prince, Halsan, Brough, O'Brien, Addison, Burns, Charnley, Lewis, Appelwick, Belcher, D. Nelson, Lux, Allen, Tilly, P. King, Smitherman, Dellwo, Moon and Niemi)
Requiring an advisement on deportation consequences prior to acceptance of a guilty plea.
Referred to Committee on Judiciary.
- SHB 548 by Committee on Local Government (originally sponsored by Representatives Ballard and Miller)
Modifying provisions relating to water supply operations.
Referred to Committee on Local Government.
- HB 555 by Representatives Locke, Padden, Smitherman, Belcher, Allen, Fisher, Brough, Lux, Miller, Brekke, Niemi, Egger, Burns, Dellwo, Monohon, Powers, Wang, Charnley and Jacobsen
Revising provisions relating to discrimination.
Referred to Committee on Judiciary.
- SHB 576 by Committee on State Government (originally sponsored by Representatives Kaiser, Gallagher, Mitchell, Lewis, Lux, Johnson, Hine, Vekich, Crane, Struthers, Schmidt, Tilly, Miller, Ebersole and Isaacson)
Revising the laws regulating the veterans' relief fund.
Referred to Committee on State Government.
- ESHB 579 by Committee on Social and Health Services (originally sponsored by Representatives Tanner, Patrick, Egger, Allen, Powers, Barrett, Smitherman, J. King, Monohon, Braddock, Broback, Brekke, Van Dyken, Miller, Brough, Haugen, Long and Holland)
Studying the feasibility of establishing prison work programs to operate automated data input and retrieval systems for departments of state government.
Referred to Committee on Institutions.
- SHB 700 by Committee on Judiciary (originally sponsored by Representatives Locke, Lewis, Belcher, Niemi, Wang and Brough)
Modifying provisions relating to rape.
Referred to Committee on Judiciary.
- HB 747 by Representative Armstrong (by Uniform Legislation Commission request)
Revising provisions of the uniform limited partnership act.
Referred to Committee on Judiciary.
- SHB 749 by Committee on Local Government (originally sponsored by Representatives Charnley and Ebersole)
Providing procedures for municipalities to prequalify contractors.
Referred to Committee on Local Government.
- EHB 753 by Representative Moon
Modifying provisions concerning local improvements.
Referred to Committee on Local Government.

EHB 756 by Representatives Brekke and Hankins

Permitting the appropriate directors to name designees to be members of the interagency committee for outdoor recreation.

Referred to Committee on Parks and Ecology.

ESHB 816 by Committee on Local Government (originally sponsored by Representatives Charnley, O'Brien, Hine, Locke, Brough, Sommers, McDonald, Niemi and Johnson)

Revising the powers of housing authorities.

Referred to Committee on Local Government.

SHB 855 by Committee on Social and Health Services (originally sponsored by Representatives Ballard, Kreidler, Ellis, Brough, Wang, Patrick, Lewis and Holland)

Changing provisions on emergency medical services.

Referred to Committee on Social and Health Services.

EHB 860 by Representatives Jacobsen, Fisher, McClure, Belcher, Niemi, Burns and Appelwick

Requiring notification of condominium associations before condominium sales are closed.

Referred to Committee on Judiciary.

ESHB 865 by Committee on Local Government (originally sponsored by Representatives Ebersole, Dellwo, Niemi, D. Nelson, Smitherman, Jacobsen, Zellinsky, Fisher and Broback)

Requiring approval for contractual expenditures by cities or districts.

Referred to Committee on Local Government.

EHB 872 by Representatives J. King, G. Nelson, R. King and Tanner

Limiting deductions from payments to employers under certain industrial insurance group plans.

Referred to Committee on Ways and Means.

SHB 888 by Committee on Judiciary (originally sponsored by Representatives Ebersole, Jacobsen, Wang and Dellwo)

Revising provisions relating to criminal sentencing.

Referred to Committee on Judiciary.

EHB 905 by Representatives Dellwo and Stratton

Revising the determination of eligibility for certain group training homes.

Referred to Committee on Social and Health Services.

ESHB 906 by Committee on Social and Health Services (originally sponsored by Representative Kreidler)

Modifying provisions regarding developmentally disabled juveniles living in out-of-home placements.

Referred to Committee on Social and Health Services.

HB 911 by Representative Barrett

Authorizing an additional method of county road improvement district formation.

Referred to Committee on Local Government.

EHB 919 by Representative R. King

Authorizing self-insurers to provide assignments of account as security for industrial insurance payments.

Referred to Committee on Commerce and Labor.

HB 925 by Representatives McMullen and Armstrong

Enacting the Uniform Conflict of Laws--Limitations Act.

Referred to Committee on Judiciary.

HB 939 by Representatives Appelwick and Hine

Modifying modification and enforcement procedures used by municipalities regarding uninhabitable dwellings.

Referred to Committee on Local Government.

SHB 1017 by Committee on Education (originally sponsored by Representative Galloway)

Changing the axle requirements for school buses.

Referred to Committee on Education.

HJM 30 by Representatives D. Nelson and Isaacson

Petitioning Congress to designate the Hanford Reservation as a National Energy Center.

Referred to Committee on Energy and Utilities.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the seventh order of business and resumed consideration of Substitute Senate Bill No. 3694, which was placed on third reading and final passage earlier today.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3694.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3694, and the bill passed the Senate by the following vote: Yeas, 27; nays, 18; absent, 02; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Jones, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 27.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Fuller, Guess, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer - 18.

Absent: Senators Deccio, Thompson - 2.

Excused: Senators Benitz, Haley - 2.

SUBSTITUTE SENATE BILL NO. 3694, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3880, by Senator Gaspard

Relating to education.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3880 was substituted for Senate Bill No. 3880 and the substitute bill was placed on second reading and read the second time.

Senator Hemstad moved adoption of the following amendment by Senators Hemstad and Lee:

On page 2, line 17, after "employees" insert ". If established, such attendance incentive program may but is not required to be implemented"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Hemstad and Lee.

The motion by Senator Hemstad failed on a rising vote and the amendment was not adopted.

MOTION

Senator Patterson moved adoption of the following amendment:
On page 3, line 35, after "exceed" strike "twelve" and insert: "nine"

POINT OF INQUIRY

Senator Owen: "Senator Patterson, how would this work if a teacher worked the nine months and then worked summer school?"

Senator Patterson: "As I understand it--unfortunately, the only place where I can bring up the point--if they were in summer school, obviously, I would want them to accumulate during that month a day of sick leave if they were sick or not sick. I am talking about the majority of teachers in our school system. I don't know what percentage of our teachers are in a summer school program. I would like to recognize that, but Senator, there wasn't any other place in the bill that I could address the point that I am trying to make on it."

Senator Owen: "So regardless, it would be 'nine' for the school year whether they worked nine months or twelve months. The other question that I have is that just for certified or is that also for non-certified employees?"

Senator Patterson: "Unfortunately, once again, it is in that section that falls in behind the non-certs and the certified. I suppose if we were really going to perfect it, we would have to address the two questions. As I say, it is the only place that I could raise the point as far as the certified--the teachers--are concerned. I certainly think that the non-certs--people that are employed on a twelve-month basis--should be able to accumulate on twelve months, if they are on duty and then they become sick."

PARLIAMENTARY INQUIRY

Senator Gaspard: A point of parliamentary inquiry. When was the amendment handed in to the desk?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "It was handed in just before it was read."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Patterson.

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

MOTION

Senator Gaspard moved that the rules be suspended and that Substitute Senate Bill No. 3880 be advanced to third reading, the second reading considered the third, and that the bill be placed on final passage.

Senator Clarke demanded a roll call on the motion by Senator Gaspard to suspend the rules and advance Substitute Senate Bill No. 3880 to third reading and final passage, and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Gaspard to suspend the rules and advance Substitute Senate Bill No. 3880 to third reading and final passage.

ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard failed to receive the constitutional two-thirds majority by the following vote: Yeas, 28; nays, 18; absent, 01; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Vognild, Warnke, Williams, Wojahn, Woody - 28.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Jones, Lee, McCaslin, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 18.

Absent: Senator Thompson - 1.

Excused: Senators Benitz, Haley - 2.

SUBSTITUTE SENATE BILL NO. 3880 was referred to the Committee on Rules for third reading.

MOTION

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

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Hurley moved that the Senate reconsider the vote by which Substitute Senate Bill No. 3173 failed to pass the Senate on March 30, 1983.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hurley that the Senate reconsider the vote by which Substitute Senate Bill No. 3173 failed to pass the Senate.

The motion by Senator Hurley carried and the Senate resumed consideration of Substitute Senate Bill No. 3173, on reconsideration.

Debate ensued.

MOTION

On motion of Senator Shinpoch, further consideration of Substitute Senate Bill No. 3173, on reconsideration, was deferred.

PARLIAMENTARY INQUIRY

Senator Pullen: "A point of parliamentary inquiry. I was wondering if that bill is exempt from our cut-off?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "I will be able to give you an answer to that in a few moments."

MOTION

At 2:09 p.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Friday, April 1, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 1, 1983

The Senate was called to order at 10:00 a.m. by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Christine Nelson and Mike Rogers, presented the Colors. Reverend Frank Accardy, senior pastor of the Emmanuel Baptist Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 31, 1983

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 240.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 426.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 463.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 864, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 31, 1983

Mr. President:

The House has passed:

HOUSE BILL NO. 89.

SUBSTITUTE HOUSE BILL NO. 383.

ENGROSSED HOUSE BILL NO. 387.

SUBSTITUTE HOUSE BILL NO. 583.

ENGROSSED HOUSE BILL NO. 596.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 608.

HOUSE BILL NO. 710.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 726.

SUBSTITUTE HOUSE BILL NO. 806.

ENGROSSED HOUSE BILL NO. 839.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 863.

ENGROSSED HOUSE BILL NO. 867.

SUBSTITUTE HOUSE BILL NO. 1016, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 89 by Representatives D. Nelson, Niemi, Lux, Isaacson, Rust, Haugen, Hankins, Johnson, Tanner and Brekke

Relieving counties and cities from an obligation to include nuclear attack evacuation plans in their emergency services plans.

Referred to Committee on State Government.

ESHB 240 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Heck, Vander Stoep, J. King, Lewis, Brekke, Patrick, Fisch, Fisher, Zellinsky, Pruitt, Barnes, Miller, Long,

Jacobsen, Tanner, Johnson, Ristuben and Garrett) (by Secretary of State request)

Revising procedures for mail voting.

Referred to Committee on Judiciary.

SHB 383 by Committee on Judiciary (originally sponsored by Representatives Rust, Mitchell and Fiske)

Modifying the standard of care of health care providers in negligence actions.

Referred to Committee on Judiciary.

EHB 387 by Representatives Rust, Mitchell, Fiske and Dellwo

Creating a medical disciplinary account.

Referred to Committee on Judiciary.

ESHB 426 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Pruitt, Patrick, R. King, Moon, Miller, Armstrong, Lux, Hine, Garrett, Brekke, Ellis, Long, Wang, Powers, Holland, Ristuben and Ebersole)

Revising the regulation of political activity by public employees.

Referred to Committee on Local Government.

ESHB 463 by Committee on Judiciary (originally sponsored by Representatives Dellwo, Locke, Padden and Niemi)

Modifying definition of full-time judges of courts of limited jurisdiction.

Referred to Committee on Judiciary.

SHB 583 by Committee on Agriculture (originally sponsored by Representatives Kaiser and Smith)

Modifying the duties of the department of ecology under the state reclamation act.

Referred to Committee on Agriculture.

EHB 596 by Representatives Todd, Isaacson, D. Nelson, Long, Gallagher and Miller

Modifying provisions on the state building code.

Referred to Committee on State Government.

ESHB 608 by Committee on Agriculture (originally sponsored by Representatives Kaiser, Smith, Pruitt, Stratton, Van Dyken, Todd, Egger, Braddock and Jacobsen)

Prohibiting the intentional undisclosed substitution of food products in food service establishments.

Referred to Committee on Agriculture.

HB 710 by Representatives D. Nelson, Miller, Braddock and Todd

Authorizing municipal corporations to develop electrical generation facilities.

Referred to Committee on Energy and Utilities.

ESHB 726 by Committee on State Government (originally sponsored by Representatives West, Barrett, Bond, Stratton and Isaacson)

Defining electrical terms and amending the provision relating to the appointment of state electrical inspectors.

Referred to Committee on State Government.

SHB 806 by Committee on Local Government (originally sponsored by Representatives McClure, Fisch, Sayan and Vekich)

Relating to cities and towns.

Referred to Committee on Local Government.

EHB 839 by Representatives Fisch, Brekke, Jacobsen, D. Nelson and R. King

Prohibiting fees for employment applications.

Referred to Committee on Commerce and Labor.

ESHB 863 by Committee on Environmental Affairs (originally sponsored by Representatives Lux, Rust, D. Nelson, Garrett, Armstrong, Brekke, Burns, Dellwo, Belcher, Isaacson and Wang)

Requiring employers to warn employees working with hazardous substances.

Referred to Committee on Parks and Ecology.

ESHB 864 by Committee on State Government (originally sponsored by Representatives Sayan, Fiske, Fisher, Grimm, Patrick, Ballard, J. King, Walk and Holland)

Providing for management reviews of state agencies.

Referred to Committee on State Government.

EHB 867 by Representatives O'Brien, Niemi, Wilson, Miller, Brough, Allen, D. Nelson, Galloway, Isaacson, Charnley and Crane (by Washington State Arts Commission request)

Revising the public arts program.

Referred to Committee on State Government.

SHB 1016 by Committee on Education (originally sponsored by Representative Galloway)

Providing for teacher education.

Referred to Committee on Education.

MOTION

At 10:09 a.m., on motion of Senator Bottiger, the Senate adjourned until 11:00 a.m., Monday, April 4, 1983.

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

EIGHTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 4, 1983

The Senate was called to order at 11:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, Hughes, McDermott, Patterson, Quigg, Sellar and Zimmerman. On motion of Senator Vognild, Senators Bauer, Hughes and McDermott were excused. On motion of Senator Jones, Senator Quigg was excused. On motion of Senator Bluechel, Senators Patterson, Sellar and Zimmerman were excused.

The Sergeant at Arms Color Guard, consisting of Pages Lora Lee and William Fox, presented the Colors. Reverend Arla J. Elston, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 1, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ronald S. Jones appointed March 17, 1983, for a term ending June 30, 1985, succeeding Wallace R. Edwards as a member of the Gambling Commission.

Sincerely,

JOHN SPELLMAN, Governor

Referred to the Committee on Commerce and Labor

April 1, 1983

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:

Daniel J. Evans reappointed March 14, 1983, for a term ending January 15, 1986, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,

JOHN SPELLMAN, Governor

Referred to the Committee on Energy and Utilities

APPOINTMENT OF SPECIAL COMMITTEE

The President Pro Tempore announced the presence in the Senate Chamber of Queen Jeanene Dryer and Princess Stephanie Sasaki of the Daffodil Festival Court and appointed Senators Bottiger, Wojahn, Rasmussen, Haley, Gaspard and Rinehart to escort the honored guests to the Senate Rostrum.

The royalty was introduced by President Pro Tempore Goltz and with permission of the Senate, business was suspended to permit Queen Jeanene and Princess Stephanie to address the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Judiciary was relieved of further consideration of Substitute House Bill No. 888.

On motion of Senator Shinpoch, Substitute House Bill No. 888 was referred to the Committee on Institutions.

On motion of Senator Shinpoch, the Committee on Judiciary was relieved of further consideration of House Bill No. 432.

On motion of Senator Shinpoch, House Bill No. 432 was referred to the Committee on Commerce and Labor.

Senator Shinpoch moved that the following bills on the calendar of March 30, 1983, as listed on the hand-out dated April 4, 1983, and on the members' desks, be referred to the Committee on Rules, with the exception of Substitute Senate Bill No. 3173 and Senate Bill No. 3760, both dealing with industrial revenue bonds, which survived the cut-off and will remain on the calendar:

BILLS ON CALENDAR OF MARCH 30, 1983
APRIL 4, 1983

Senate Bills - Third Reading

ESSJR 108

Senate Bills - Second Reading

SB 3129,

SSB 3173*,

SB 3193,

SB 3265,

SB 3415,

SB 3429,

SB 3458,

SB 3491,

SB 3499,

SB 3593,

SB 3639,

SB 3641,

SB 3760*,

SB 3783,

SB 3813,

SB 3890,

SSB 3901,

SB 3977,

SB 4095,

SB 4106,

SB 4113,

SB 4219,

SB 4220,

SB 4247,

SJM 120.

* Survived cut-off

POINT OF INQUIRY

Senator Pullen: "Mr. President and members of the Senate. I don't object to that motion. I just want to make sure that by accepting this motion and by having it pass, we are not precluded from challenging the idea that Substitute Senate Bill No. 3173 and Senate Bill No. 3760 do escape the cut-off.

"I personally feel that they are both dead under the terms of the cut-off and I might like to challenge that at some time in the future. I just want to make sure that by the passage of this motion I am not precluded in so challenging the fact that those bills might be considered alive."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In response to your inquiry, I believe Senator Pullen, that you will have the opportunity to challenge those other two bills, if you so desire, at a future date."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Shinpoch to refer the bills on the calendar of March 30, 1983, with the exception of Substitute Senate Bill No. 3173 and Senate Bill No. 3760, to the Committee on Rules.

The motion by Senator Shinpoch carried and the bills on the calendar of March 30, 1983, were referred to the Committee on Rules.

PARLIAMENTARY INQUIRY

Senator Metcalf: "Could you tell me what was the specific parliamentary effect of the motion that we passed relative to the bills back to Rules?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "The parliamentary impact of that is simply that those bills have been taken off the calendar of the Senate and have been put back in the Rules Committee."

MOTION

At 11:24 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Tuesday, April 5, 1983.

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

EIGHTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 5, 1983

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Haley, Quigg, Sellar and Warnke. On motion of Senator Vognild, Senator Warnke was excused. On motion of Senator Bluechel, Senators Haley, Quigg and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Aaron Mason and Christy Marble, presented the Colors. Reverend Arla J. Elston, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 4, 1983

HB 25 Prime Sponsor, Representative R. King: Clarifying the requirements for vocational rehabilitation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Newhouse, Shinpoch.

Passed to Committee on Rules for second reading.

April 1, 1983

SHB 99 Prime Sponsor, Committee on Judiciary: Modifying the procedures governing defendants acquitted by reasons of insanity. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Fleming, Hemstad, Newhouse, Thompson, Woody.

Passed to Committee on Rules for second reading.

April 4, 1983

HB 136 Prime Sponsor, Representative R. King: Imposing a time limit on filing certain unfair labor practice complaints. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Newhouse, Shinpoch

Passed to Committee on Rules for second reading.

April 1, 1983

HB 174 Prime Sponsor, Representative Armstrong: Requiring information about money judgments to be filed with the court clerk. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Fleming, Hemstad, Newhouse, Thompson, Woody.

Passed to Committee on Rules for second reading.

April 4, 1983

HB 288 Prime Sponsor, Representative Wang: Modifying definition of corporation residence. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hemstad, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

April 4, 1983

SHB 297 Prime Sponsor, Committee on Judiciary: Approving the sentencing guidelines and prosecuting standards of the sentencing guidelines commission. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman, Hughes, Vice Chairman; Clarke, Hayner, Hemstad, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

April 1, 1983

HB 348 Prime Sponsor, Representative Armstrong: Modifying the corporation laws. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Fleming, Hemstad, Newhouse, Thompson, Woody.

Passed to Committee on Rules for second reading.

April 4, 1983

HB 487 Prime Sponsor, Representative P. King: Modifying provisions relating to chattel liens. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hemstad, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

April 4, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Marc Wheeler appointed January 28, 1983, for a term ending September 30, 1984, succeeding William H. Lawrence, Ph.D., as a member of the Board of Trustees for Community College District No. 12.

Sincerely,
JOHN SPELLMAN, Governor

Referred to the Committee on Education

MOTION

At 10:09 a.m., on motion of Senator Shinpoch, the Senate recessed until 10:45 a.m.

SECOND MORNING SESSION

The President Pro Tempore called the Senate to order at 10:45 a.m.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 112, by Senators Haley, McManus and Deccio

Printing a study on health care cost containment.

MOTIONS

On motion of Senator Shinpoch, Substitute Senate Concurrent Resolution No. 112 was substituted for Senate Concurrent Resolution No. 112 and the substitute resolution was placed on second reading and read the second time.

On motion of Senator McManus, the rules were suspended, Substitute Senate Concurrent Resolution No. 112 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Concurrent Resolution No. 112.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Concurrent Resolution No. 112, and the resolution passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Deccio - 1.

Excused: Senators Haley, Quigg, Sellar, Warnke - 4.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 112, having received the constitutional majority, was declared passed.

MOTION

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

MOTION

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

SENATE RESOLUTION 1983-31

By Senators Fuller, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, Von Reichbauer, Warnke, Williams, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; and Ole Scarpelli, Sergeant at Arms

WHEREAS, The Onalaska High School Loggers captured the Class B State Boys Basketball Championship on March 5, 1983 in Spokane; and

WHEREAS, The Onalaska Loggers compiled an unprecedented season record of twenty-eight victories and no losses, and displayed the highest standards of sportsmanship and good conduct in their victories; and

WHEREAS, The Onalaska High School Basketball Team withstood the pressure of being rated number one in the state, and won the Central "B" League championship, the Southwest Washington District championship, and defeated the Naselle Comets, another quality Southwest Washington basketball team, by a score of 59 to 50 in the state championship game; and

WHEREAS, The outstanding performance by the Onalaska boys basketball team demonstrated commendable dedication, inspiring effort, unselfish teamwork, superior coaching, and admirable community spirit and support; and

WHEREAS, Coach Gil Coleman, Assistant Coaches Greg Bluhm and Mel Jorgensen, Team members Ron Wetzel, Tony Brown, Skeeter Stanley, Butch Wieher, Scot Nissell, Rick Kaut, Rich Ree, Randy Kaut, John Sachs, Mike Campfield, Ron VanderSchaas, and Manager Steve Edwards brought pride and recognition to Onalaska High School, the citizens of Onalaska, and Southwest Washington;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That our congratulations be conveyed to the team and the community by the adoption of this resolution; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the coach and each member of the Onalaska High School boys basketball team.

MOTION

On motion of Senator Fuller, all members and the Lieutenant Governor will be added as additional sponsors to Senate Resolution 1983-31.

The President Pro Tempore introduced the members of the Onalaska boys basketball team and their coaches who were seated in the gallery.

MOTION

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

HOUSE BILL NO. 256, by Representative Charnley, Tilly, Brough, Martinis, Todd, D. Nelson, Addison, Jacobsen, Miller, Moon, G. Nelson, Sanders, Taylor, Silver, Isaacson and Barrett

Deleting the penalty tax when changing land classified under chapter 84.34 RCW to tax exempt status for conservation purposes.

The bill was read the second time.

MOTION

Senator Shinpoch moved adoption of the following amendment by Senators Shinpoch, Hansen and Newhouse:

On page 3, line 31, after "(g)" strike "Acquisitions of property interests by" and insert "Gifts of property interests to"

POINT OF INQUIRY

Senator Bluechel: "Senator Shinpoch, this amendment deals with nature conservancy. Many times, nature conservancy--if the local government is trying to acquire a piece of property for future permanent use or the right, such as the conservation future or the rights to the property--many times nature conservancy will buy and pay money for this property in a holding position until the local government then comes along later and buys it. That is the purpose of the nature conservancy organization.

"Would your amendment preclude that taking place? I have a suspicion that what you do is nullify that exchange in the use of nature conservancy. Nature conservancy is not a permanent holding organization. It merely holds it until the local government can pick up the property."

Senator Shinpoch: "Maybe I can answer your question in a round-about way. We found no way of determining whether the buyer or the seller was benefited by forgiveness of the taxes and the penalties under the law as it exists. If it was the buyer that was benefiting, then possibly that what you proposed to do, as far as sales were concerned, would be considered legitimate. However, some of us think that it is going to be for the benefit of the seller.

"If it is a gift, then we did not think the seller should be penalized. However, if it is a sale, then we did not think the seller should gain that bit. I know that you can make the point that the sale is going to be less. I suspect that you will have problems documenting that and for that reason I proposed, with others, this amendment."

Debate ensued.

POINT OF INQUIRY

Senator Newhouse: "Senator Bluechel, I wanted to ask a question. I understand that the bill may be set down, but I have one question I would like to get cleared up. From my background as prime sponsor of the Open Space Law way back when, I cannot understand the need for this bill. If nature conservancy is to acquire land presently in open space and it is to be retained for public use--obviously in open space--what is the need for a change in classification that would require the payment of any back taxes or penalty?"

Senator Bluechel: "Senator Newhouse, you have asked a fairly complicated question. In order to explain it, I will have to explain the open space bill and what nature conservancy does.

"Open space sets aside land from the current taxation--from highest and best use to current use--for a contract period of ten years or three years longer than the notice of getting out of that contract is. If you get out of that contract in open space before that time, you pay a penalty. You pay back the differential in back taxes,

plus, I believe, twenty percent interest. Now, the reason to go into open space is to retain the land in its present use.

"The Open Space Law is a temporary holding action until one of two things happens. One, either the use is determined that it shouldn't be that use and it goes into a higher and current use such as industrial or residential or whatever. Most of this is used on agricultural or open land to start with. The second reason is to retain the land on a permanent basis with that open space or natural characteristic. The only way you can do that is either to buy the land outright or to buy at less than fee interest--what is called a conservation future, according to our RCW.

"Now, when that happens, usually it is the city or county or some group that has to buy it. It has to be taken into public ownership. Many times the public ownership--the city or county--does not have the money to pay that right away and yet they want to keep this thing in a permanent open space usage, so they turn to an entity such as nature conservancy and it buys it on a temporary basis. It buys the right. It may buy the whole land. In some cases, it may buy the development rights. It holds that until the county gets enough money to turn around and buy the thing.

"What you do here with this amendment, you simply charge the county more money. It pays more money, which is the penalty and the back taxes. It is paying for the taxes that it is charging, so it is a merry-go-round. It doesn't make sense."

MOTION

On motion of Senator Shinpoch, further consideration of House Bill No. 256 was deferred and the bill was placed on the second reading calendar for tomorrow.

SECOND READING

SENATE BILL NO. 3539, by Senators Granlund, McDermott and Owen

Providing funds for jail improvement and construction.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 3539 was substituted for Senate Bill No. 3539 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Granlund, the rules were suspended. Substitute Senate Bill No. 3539 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Granlund, my specific concern is with the duration of the contract between the Department of Corrections and Spokane County for the handling of state prisoners. In the Ways and Means Committee, my recollection was that Spokane County indicated that the state would recoup its investment in a period of five point something years.

"The question that I had was, specifically, what is the anticipated duration of the contract for the housing of state prisoners between the Department of Corrections and Spokane County in this new facility?"

Senator Granlund: "Senator Talmadge, I personally cannot answer that. Perhaps, Senator Hughes could answer that. That is his amendment that was put on this bill in committee and I don't know what the duration is."

REMARKS BY SENATOR HUGHES

Senator Hughes: "In the committee, when Senator Talmadge asked that question, the commissioners indicated that they would be willing to sign any lease that would satisfy the interests of the state and I am sure that is the case. I don't think there will be any problem. The state intends to and will benefit directly from this and the commissioners have agreed that they will sign a contract that will meet the state's interest."

POINT OF INQUIRY

Senator Barr: "Senator Granlund, you indicated in your other remarks that this was for the other jails and indicated that it would be to finish up the jails throughout the state. Now, will this be enough money to finish up those that are requested?"

Senator Granlund: "In consultation with George Edensword-Breck who is the Director of the Jail Commission, he assures me that ten million dollars will do that. The projects that are not funded are small projects, but much needed projects. So, yes, it is our belief that the ten million dollars will cover that."

Senator Barr: "Even though the Skagit County project and the Spokane County project takes the bulk of it--the remainder, is it ten million--the Spokane project would be above the ten million, wouldn't it?"

Senator Granlund: "Yes, the amendment that was put on in committee for Spokane was three point eight million dollars, added to the ten million dollars."

Senator Barr: "Thank you. I wanted to make that point clear, so that the difference between the Skagit project and the ten million would perhaps, and as you have indicated, would finish up other projects around the state."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3539.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3539, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogndild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator McDermott - 1.

Excused: Senators Quigg, Sellar, Warnke - 3.

SUBSTITUTE SENATE BILL NO. 3539, having received the constitutional 60% majority, 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. 111, by Representatives R. King, Isaacson, Miller and Hine

Modifying provisions relating to water and sewer district treasurers.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Financial Institutions amendments were considered and adopted simultaneously:

On page 2, line 7, strike "a commissioner or employee" and insert "by resolution some other person having experience in financial or fiscal matters"

On page 2, line 13, after "dollars." insert "Approval by the county treasurer authorizing such a sewer district to designate its treasurer shall not be arbitrarily or capriciously withheld."

On page 3, line 4, strike "a commissioner or employee" and insert "by resolution some other person having experience in financial or fiscal matters"

On page 3, line 10, after "dollars." insert "Approval by the county treasurer authorizing such a water district to designate its treasurer shall not be arbitrarily or capriciously withheld."

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 111, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "In the committee amendments that were adopted--for example in the second committee amendment on page 2, line 13, after dollars, the amendment said 'insert "Approval by the county treasurer authorizing such a sewer district to designate its treasurer shall not be arbitrarily or capriciously withheld." I interpret that particular amendment that was adopted to mean that there

is friction somewhere and that there have been problems or difficulties involving the county treasurer and the local district. Perhaps you could elaborate on whether that is the case or not."

Senator Moore: "Well, inevitably, you know there occur turf fights periodically and nobody likes to lose any authority. You know the county treasurers have fought to keep control of all the money as it was originally prescribed by law. We are merely trying to give more local control and say so and what they do with their money."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 111, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 111, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 06; absent, 02; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Fleming, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody - 38.

Voting nay: Senators Craswell, Fuller, Goltz, Pullen, Rasmussen, Zimmerman - 6.

Absent: Senators Bottiger, Deccio - 2.

Excused: Senators Quigg, Sellar, Warnke - 3.

HOUSE BILL NO. 111, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 116, by Senators Wojahn Rasmussen, Patterson and Haley

Establishing a joint ad hoc legislative committee on community college financing and governance.

The resolution was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendments were considered and adopted simultaneously:

On page 1, line 1, strike "boards of trustees" and insert "school district boards of directors"

On page 1, line 4, strike "board of trustees" and insert "school district boards of directors"

On motion of Senator Gaspard, the following Committee on Education amendment was not adopted:

On page 2, line 5, after "reported to" insert "the temporary committee on educational policies, structure and management and"

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

On page 1, line 20, after "that" strike all the material down to and including "financing" on line 27, and insert "the Temporary Committee on Educational Policies, Structure and Management, as created by chapter 33, Laws of 1982, 1st extraordinary session (SB 3609), be directed to".

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Concurrent Resolution No. 116 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Concurrent Resolution No. 116.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Concurrent Resolution No. 116, and the resolution passed the Senate by the following vote: Yeas, 42; nays, 04; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen,

Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Barr, Bluechel, Fuller, Patterson - 4.

Excused: Senators Quigg, Sellar, Warnke - 3.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 116, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 4, 1983

SHB 47 Prime Sponsor, Committee on Local Government: Extending and modifying the municipal research council. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1983

HB 77 Prime Sponsor, Representatives Martinis: Permitting a longer time period for the acquisition of property by port districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1983

HB 78 Prime Sponsor, Representatives Miller: Modifying contracting procedures of water and sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1983

SHB 114 Prime Sponsor, Committee on Energy & Utilities: Regulating district heating system services. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Benitz, Fuller, Goltz, Hemstad, McManus, Moore.

Passed to Committee on Rules for second reading.

April 4, 1983

SHB 143 Prime Sponsor, Committee on Transportation: Revising payment of vehicle license fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Owen, Vognild.

Passed to Committee on Rules for second reading.

April 4, 1983

HB 144 Prime Sponsor, Representatives Martinis: Changing various provisions concerning license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Owen, Vognild.

Passed to Committee on Rules for second reading.

April 4, 1983

HB 216 Prime Sponsor, Representatives Martinis: Updating the Model Traffic Ordinance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Owen, Vognild.

Passed to Committee on Rules for second reading.

April 4, 1983

HB 285 Prime Sponsor, Representatives Egger: Modifying provisions on the purposes for which motor vehicle fund distributions to cities may be used. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Owen, Vognild.

Passed to Committee on Rules for second reading.

April 4, 1983

SHB 366 Prime Sponsor, Committee on Energy and Utilities: Permitting public entities involved in the generation, sale, or distribution of energy to provide energy conservation analyses and financing assistance for their customers. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Fuller, Goltz, Hemstad, McManus, Moore.

Passed to Committee on Rules for second reading.

April 4, 1983

HB 413 Prime Sponsor, Representatives Monohon: Extending the allowed duration of leases of port district property. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1983

SHB 482 Prime Sponsor, Committee on Transportation: Establishing standards for manufacturing motor vehicle license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, Granlund, Guess, Haley, Owen.

Passed to Committee on Rules for second reading.

MOTION

At 12:03 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Wednesday, April 6, 1983.

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

EIGHTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 6, 1983

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, Deccio, Haley, McDermott and Wojahn. On motion of Senator Vognild, Senators Bauer, McDermott and Wojahn were excused. On motion of Senator Bluechel, Senators Deccio and Haley were excused.

The Sergeant at Arms Color Guard, consisting of Pages Renee Siegfried and Mark Carlson, presented the Colors. Reverend Arla J. Elston, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 5, 1983

SHB 24 Prime Sponsor, Committee on Labor: Allowing the department to take disciplinary action against self-insured employers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Moore, Newhouse, Shinpoch.

Passed to Committee on Rules for second reading.

April 5, 1983

HB 83 Prime Sponsor, Representative Sayan: Permitting certain HEP board meetings and hearings to be held at locations other than colleges. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott.

Passed to Committee on Rules for second reading.

April 5, 1983

HB 102 Prime Sponsor, Representative R. King: Defining application of chapter on vocational rehabilitation for injured workers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Moore, Newhouse, Shinpoch.

Passed to Committee on Rules for second reading.

April 5, 1983

HB 145 Prime Sponsor, Representative Galloway: Revising certain laws regulating common schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott.

Passed to Committee on Rules for second reading.

April 5, 1983

HB 219 Prime Sponsor, Representative Tanner: Revising the law relating to merchandise coupons. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Moore, Newhouse, Shinpoch.

Passed to Committee on Rules for second reading.

April 5, 1983

SHB 241 Prime Sponsor, Committee on Education: Providing education programs for juveniles and juvenile offenders. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Guess, Hemstad, Kiskaddon, McDermott.

Passed to Committee on Rules for second reading.

April 5, 1983

SHB 323 Prime Sponsor, Committee on Local Government: Amending the provision regarding consolidation and annexation of public utility districts. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Fuller, Goltz, McManus.

Passed to Committee on Rules for second reading.

April 6, 1983

SHB 336 Prime Sponsor, Committee on Financial Institutions and Insurance: Providing coverage for chiropractic services under health care services contracts. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Warnke.

Passed to Committee on Rules for second reading.

April 6, 1983

SHB 488 Prime Sponsor, Committee on Financial Institutions and Insurance: Modifying provisions relating to health maintenance organizations. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Jones, Warnke.

Passed to Committee on Rules for second reading.

April 4, 1983

HB 520 Prime Sponsor, Representative Hine: Authorizing special districts to modify rates and charges for low-income utility users. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Fuller, Goltz, McManus.

Passed to Committee on Rules for second reading.

April 6, 1983

SHB 533 Prime Sponsor, Committee on Financial Institutions and Insurance: Defining "deadbeat list" for purposes of practices prohibited by collection agencies. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Clarke, Deccio, Jones, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

April 6, 1983

SHB 547 Prime Sponsor, Committee on Financial Institutions and Insurance: Modifying provisions relating to public depositories. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Jones, Warnke.

Passed to Committee on Rules for second reading.

April 5, 1983

HB 787 Prime Sponsor, Representative Sayan: Excluding weekend duty military reserve pay from the definition of remuneration for purposes of unemployment compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Moore, Newhouse, Shinpoch.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

April 5, 1983

Mr. President:

The House has passed:

HOUSE BILL NO. 725, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 725 by Representative Grimm (by Code Reviser request)

Appropriating funds for the publication of the session laws.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3981, by Senators McManus, Vognild, Conner, Hansen and Warnke

Establishing the jobs again council.

The bill was read the second time.

MOTION

On motion of Senator McManus, the rules were suspended, Senate Bill No. 3981 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3981.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3981, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 01; excused, 05.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 43.

Absent: Senator Quigg - 1.

Excused: Senators Bauer, Deccio, Haley, McDermott, Wojahn - 5.

SENATE BILL NO. 3981, having received the constitutional majority, 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. 207, by Committee on Transportation (originally sponsored by Representatives Stratton, Egger, Dellwo, Barrett, Lewis, Garrett, J. Williams, Martinis, Gallagher, Sanders, Clayton, Wilson, Betrozoff and Patrick)

Revising regulations of signs near railroad grade crossings.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 207 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 207.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 207, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Rinehart - 1.

Excused: Senators Deccio, Haley, McDermott - 3.

SUBSTITUTE HOUSE BILL NO. 207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 32, by Representative Lux

Modifying provisions regarding credit union regulation.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Financial Institutions amendment was adopted:

On page 7, after line 25, insert the following:

***NEW SECTION.** Sec. 10. There is added to chapter 31.12 RCW a new section to read as follows:

(1) Any administrative hearing provided in section 6 of this act may be held at such place as is designated by the supervisor and shall be conducted in accordance with chapter 34.04 RCW. The hearing shall be private unless the supervisor determines that a public hearing is necessary to protect the public interest after fully considering the views of the party afforded the hearing.

Within sixty days after the hearing, the supervisor shall render a decision which shall include findings of fact upon which the decision is based and the supervisor shall issue and serve upon each party to the proceeding an order or orders consistent with section 6 of this act.

Unless a petition for review is timely filed in the superior court of the county of the principal place of business of the affected association under subsection (2) of this section and until the record in the proceeding has been filed as therein provided, the supervisor may at any time modify, terminate, or set aside any order upon such notice and in such manner as the supervisor deems proper. Upon filing the record, the supervisor may modify, terminate, or set aside any order only with permission of the court.

The judicial review provided in this section for an order shall be exclusive.

(2) Any party to the proceeding or any person required by an order issued under sections 6, 7, or 9 of this act to refrain from any of the violations or practices stated therein may obtain a review of any order served under subsection (1) of this section other than one issued upon consent by filing in the superior court of the county of the principal place of business of the affected association within ten days after the date of service of the order a written petition praying that the order of the supervisor be modified, terminated, or set aside. A copy of the petition shall be immediately served upon the supervisor and the supervisor shall then file in the court the record of the proceeding. The court shall have jurisdiction upon the filing of the

petition, which jurisdiction shall become exclusive upon the filing of the record to affirm, modify, terminate, or set aside in whole or in part the order of the supervisor except that the supervisor may modify, terminate, or set aside an order with the permission of the court. The judgment and decree of the court shall be final, except that it is subject to appellate review under the rules of court.

(3) The commencement of proceedings for judicial review under subsection (2) of this section shall not operate as a stay of any order issued by the supervisor unless specifically ordered by the court.

(4) Service of any notice or order required to be served under sections 6 or 7 of this act shall be accomplished in the same manner as required for the service of process in civil actions in superior courts of this state."

Renumber the sections consecutively and correct any internal references.

On motion of Senator Moore, the following Committee on Financial Institutions amendment was adopted:

On page 7, line 31, after "7," strike "and" and insert "or"

On motion of Senator Moore, the following Committee on Financial Institutions amendment was adopted:

On page 8, line 1, strike "section 8" and insert "sections 8 and 10"

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 32, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 32, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 32, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Deccio, Haley, McDermott - 3.

ENGROSSED HOUSE BILL NO. 32, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 118, by Senator Goltz

Petitioning to have the matching local funds requirement for public television transmitters eliminated.

The memorial was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Joint Memorial No. 118 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 118.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 118, and the memorial passed the Senate by the following vote: Yeas, 44; nays, 02; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Craswell, McCaslin - 2.

Excused: Senators Deccio, Haley, McDermott - 3.

SENATE JOINT MEMORIAL NO. 118, having received the constitutional majority, was declared passed.

SECOND READING

SENATE JOINT MEMORIAL NO. 120, by Senators Owen, Metcalf and Vognild
Requesting Congress to review the Boldt decision.

The memorial was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended. Senate Joint Memorial No. 120 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 120.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 120, and the memorial passed the Senate by the following vote: Yeas, 41; nays, 05; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Barr, Fleming, Rinehart, Shinpoch, Talmadge - 5.

Excused: Senators Deccio, Haley, McDermott - 3.

SENATE JOINT MEMORIAL NO. 120, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 184, by Representatives McMullen, Clayton and Sutherland (by Department of Transportation request)

Authorizing the DOT to make contracts.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following amendment was adopted:
On page 1, line 15, after "department" insert ", in the exercise of any of its powers."

On motion of Senator Peterson, the rules were suspended, Engrossed House Bill No. 184, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 184, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 184, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 03; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 42.

Voting nay: Senators Hughes, Hurley, Pullen - 3.

Absent: Senator Zimmerman - 1.

Excused: Senators Deccio, Haley, McDermott - 3.

ENGROSSED HOUSE BILL NO. 184, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3760, by Senators Vognild, Hurley, Guess and Hughes

Modifying provisions relating to local economic development.

The bill was read the second time.

MOTION

Senator Vognild moved adoption of the following Committee on Commerce and Labor amendment:

On page 2, beginning on line 34, strike all of section 2.

POINT OF ORDER

Senator Pullen: "A point of order, Mr. President. It appears to me that Senate Bill No. 3760 is dead, because it has not met our cut-off. If I might elaborate a little bit--according to Senate Concurrent Resolution No. 103, which was our cut-off resolution, we stated that after March 31--the 81st day of the session--we would not be considering bills except those which met rather stringent requirements.

"Looking over the requirements, I cannot see that Senate Bill No. 3760 meets any of the requirements. By some stretch of the imagination, someone might claim that it is a revenue bill. It certainly is not. I suppose someone might claim that it is an economic recovery measure, but it really doesn't have anything to do with that either. It would seem to me that this particular bill is dead by not having met our cut-off date successfully."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. Speaking to the point of order--the cut-off resolution very clearly covers this bill in two aspects. First of all, it is revenue, and the bill decidedly applies to a revenue source--a tax. In addition, it pertains to economic recovery--industrial development facilities, which are economic recovery matters and the subject matter of many pieces of legislation before the Senate on that subject."

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling on the point of order raised by Senator Pullen as to whether Senate Bill No. 3760 is a measure which can be considered by the Senate pursuant to Senate Concurrent Resolution No. 103, the President finds that Senate Bill No. 3760 is a measure which deals with the subject of economic recovery by authorizing the issuance of industrial development revenue bonds for research and industrial parks.

"The President, therefore, finds that Senate Bill No. 3760 is a measure which may be considered by the Senate at this time."

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendment.

The motion by Senator Vognild carried and the committee amendment was adopted.

MOTION

Senator Metcalf moved adoption of the following amendment:

On page 1, line 24, after "means" insert: "anything you want to spend the money on, including but not limited to"

Debate ensued.

Senators Bottiger, Vognild and Peterson demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Metcalf.

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

MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:
On page 1, line 2 of the title, strike "; and declaring an emergency"

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 3760 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Guess, I may not have read this bill carefully enough. The reasons you gave for the research and development down at WSU are very logical, but does this just apply to WSU or does this open to the whole state and everything else that we have been talking about, or is this just specifically limited to things you mentioned at WSU?"

Senator Guess: "No, Senator, it applies to the entire state. It does not just apply to WSU."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3760.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3760, and the bill passed the Senate by the following vote: Yeas, 37; nays, 11; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senators Barr, Clarke, Craswell, Haley, McCastlin, Metcalf, Pullen, Rinehart, Sellar, Shinpoch, Williams - 11.

Excused: Senator Deccio - 1.

ENGROSSED SENATE BILL NO. 3760, having received the constitutional 60% majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, Engrossed Senate Bill No. 3760 was immediately transmitted to the House.

MOTION TO LIMIT DEBATE

Senator Bottiger: "Mr. President, pursuant to Rule 29, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time.

"This motion shall be in effect through Monday, April 18, 1983.

"This is the Jones amendment that was placed before the Senate two years ago with which I then agreed as a way of concluding our affairs. We have very little time between now and the cut-off for considering bills between the House and the Senate. We have seven days after that that I have excluded from the motion, which would be the concurrences back and forth between the House and Senate and, also, the large revenue and tax measures, which I intentionally excluded.

"I think it is orderly debate. I am sure that almost everybody down here knows that most of these measures have been discussed thoroughly in caucus, in committee, and that very few minds are changed on the floor."

MOTION

Senator Pullen: "Yes, I would move an amendment to the Bottiger motion and move that 'one opponent also be allowed to speak twice.' The reason that I make that motion is that frequently the proponent gets to make the motion and then make a big speech, and then there may be limited debate, particularly when we are in a hurry--getting close to the cut-off.

"Then the proponent gets to conclude one more time and that seems to be weighed to the advantage of the bill getting passed or the amendment getting adopted. The founding fathers of our nation, particularly, were concerned about bills getting passed, because they didn't want to be doing things to the people.

"It seems to me, frequently, killing a bad amendment or killing a bad bill is more important than getting a good one through. For that reason, to be fair and to allow the other side to have equal time, it is only fair to allow one opponent to speak twice, too. That allows one proponent to speak twice and one opponent to speak twice. I think that is a fair way to handle it."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the Pullen amendment to the motion of limited debate by Senator Bottiger.

The motion by Senator Pullen failed on a rising vote and the amendment to the Bottiger motion was not adopted.

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion for limited debate by Senator Bottiger.

The motion by Senator Bottiger carried and the three-minute rule was imposed.

MOTIONS

On motion of Senator Shinpoch, the Senate advanced to the seventh order of business.

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 3173, on reconsideration, deferred on March 31, 1983.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3173, by Committee on Commerce and Labor (originally sponsored by Senators McManus, Hemstad, Talmadge, Bottiger, Zimmerman, Lee and Deccio)

Authorizing the issuance of industrial development revenue bonds for nursing home and retirement community facilities.

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3173, on reconsideration.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3173, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 34; nays, 14; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Fuller, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 34.

Voting nay: Senators Clarke, Craswell, Fleming, Goltz, McCaslin, McDermott, Metcalf, Pullen, Rinehart, Sellar, Shinpoch, Williams, Wojahn, Woody - 14.

Excused: Senator Deccio - 1.

SUBSTITUTE SENATE BILL NO. 3173, on reconsideration, having received the constitutional 60% majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McManus, Substitute Senate Bill No. 3173 was ordered immediately transmitted to the House.

MOTIONS

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

On motion of Senator Shinpoch, the Senate resumed consideration of House Bill No. 256 and the pending amendment by Senators Shinpoch, Hansen and Newhouse, deferred April 5, 1983.

On motion of Senator Shinpoch, and there being no objection, the pending amendment by Senators Shinpoch, Hansen and Newhouse was withdrawn.

On motion of Senator Shinpoch, the following amendment by Senators Shinpoch, Hansen and Newhouse was adopted:

On page 3, line 33, after "section" insert " PROVIDED, That at such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (3) shall be imposed"

MOTION

Senator Zimmerman moved adoption of the following amendment by Senators Zimmerman, Bauer and Patterson:

On page 3, following line 33, add a new subsection as follows:

"(h) A return of the property to the tax rolls by the original owner who shall be a nonprofit child care group home dedicated to providing shelter for children, where the property will continue to be owned by the nonprofit organization, though leased to another person."

POINT OF ORDER

Senator Shinpoch: "Mr. President, I would ask for a ruling on the scope and object of the proposed amendment."

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling on the point of order raised by Senator Shinpoch, the President finds that House Bill 256 is a measure of limited scope which allows the transfer of lands classified as open space, agricultural or timber to a government entity or nonprofit organization for conservation purposes without requiring payment of any back taxes.

"The amendment proposed by Senators Zimmerman, Bauer and Patterson creates an entirely different exemption from the payment of back taxes for property owned by a nonprofit child care group home and leased to another.

"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 proposed by Senators Zimmerman, Bauer and Patterson was ruled out of order.

MOTION

On motion of Senator Shinpoch, the rules were suspended, House Bill No. 256 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 McCaslin: "Senator Bluechel, if a thousand acres of open space is turned over to the state and it is maintained under open space, but later on--let's say ten years later--the state trades that land for other land, what about those taxes then?"

Senator Bluechel: "If it is turned over to the state as open space and it retains its open space categorization, there is no triggering mechanism whatsoever for back taxes. If the category changes up to a higher use, the taxes--what you are asking is--would the state be required to pay back taxes if it changed it back to a higher use after the property was taken over for open space?"

Senator McCaslin: "Yes, that is correct."

Senator Bluechel: "I can't answer that particular question. I don't know. I don't think that has ever happened or was ever even contemplated. This isn't what the bill does or even refers to."

Senator McCaslin: "No, but you know the Department of Natural Resources occasionally comes to this body requesting bills to trade land or to sell land and buy other land and this is a concern I have. If they sell this land that they take in--that has been under open space, then there is a tax question, I think. My concern, who would pay those taxes? Would the state pay them?"

Senator Bluechel: "Senator McCaslin, I am not sure that the Department of Natural Resources classifies its own land as open space. That is a classification for private land to go into an open space usage. It goes with a contract along with it that when the private owner decides to use it for a higher use that he will pay the differential in back taxes, plus the interest penalty. The existing land that is zoned as

open space--or unzoned--doesn't fall under the contract for open space, so I don't think it would apply. There would be no contract for open space, at the present time, of the land you are talking about."

POINT OF INQUIRY

Senator Zimmerman: "Senator Gaspard, we have heard a lot about this bill and we just lost a major amendment to it and there is a bill that is somewhat similar to it--Senate Bill No. 3300--that has gone through the Ways and Means Committee. Do you think that there is a likelihood, Senator Gaspard, that we will have an opportunity to consider that measure beyond the point where it is at the present time--in the Rules Committee?"

Senator Gaspard: "Senator Zimmerman, being a member of the Ways and Means Committee--as you are--there is certainly a likelihood. I am not going to commit for the chairman of the Ways and Means. You, as an individual member, can urge and support and do all that you can to convince the chairman to hear the bill."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 256, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 256, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 08; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Voting nay: Senators Barr, Benitz, Craswell, Hayner, McCaslin, Metcalf, Newhouse, Pullen - 8.

Excused: Senator Deccio - 1.

HOUSE BILL NO. 256, as amended by the Senate, having received the 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 President returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

April 5, 1983

HB 35 Prime Sponsor, Representative Kaiser: Authorizing cities or towns to receive payment from state agencies for fire protection services. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 5, 1983

HB 63 Prime Sponsor, Representative Kreidler: Modifying the regulation of licensed practical nurses. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

April 5, 1983

SHB 187 Prime Sponsor, Committee on Social and Health Services: Modifying provisions concerning services for the handicapped. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

April 5, 1983

SHB 189 Prime Sponsor, Committee on Local Government: Modifying provisions for the issuance and sale of bonds by metropolitan park districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman, Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 5, 1983

HB 198 Prime Sponsor, Representative Pruitt: Modifying laws regulating fitting and dispensing hearing aids. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

April 5, 1983

SHB 309 Prime Sponsor, Committee on Social and Health Services: Providing for the licensing of physical therapists. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

April 5, 1983

SB 3244 Prime Sponsor, Senator Thompson: Modifying provisions on excise taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3244 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Craswell, Fleming, Hayner, Lee, Metcalf, Rinehart, Talmadge, Thompson, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

April 5, 1983

GA 104 RICHARD A. STABLEIN, to the position of Executive Director of the Data Processing Authority, appointed by the Lieutenant Governor on February 22, 1983, succeeding Will Wolfe. Reported by Committee on State Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules.

April 5, 1983

GA 103 CAMERON SHERWOOD, to the position of Member of the Personnel Appeals Board, appointed by the Governor on February 10, 1983, for the term ending July 26, 1985, succeeding John F. Gordon. Reported by Committee on State Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules.

April 5, 1983

GA 20 PAUL MACK, to the position of Member/Chairman of the State Lottery Commission appointed by the Governor on August 3, 1982, for the term ending August 2, 1988. Reported by Committee on State Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules.

MOTION

At 12:03 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Thursday, April 7, 1983.

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

EIGHTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 7, 1983

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 Pullen.

The Sergeant at Arms Color Guard, consisting of Pages Jim Caviezel and Thomas Talley, presented the Colors. Reverend Arla J. Elston, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 5, 1983

SSB 3272 Prime Sponsor, Committee on Ways and Means: Establishing the Coroners' System Improvement Act. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3272 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Metcalf, Rinehart, Talmadge, Thompson, Wojahn, Woody, Zimmerman.

Passed to Committee on rules for second reading.

April 5, 1983

SHB 37 Prime Sponsor, Committee on Agriculture: Modifying the regulation of the size and weight of bread loaves. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

April 5, 1983

HB 87 Prime Sponsor, Representative Charnley: Modifying metropolitan municipal corporation council membership. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 5, 1983

HB 112 Prime Sponsor, Representative Rust: Modifying procedures for complaints against water well contractors. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Benitz, Gaspard.

Passed to Committee on Rules for second reading.

April 5, 1983

SHB 118 Prime Sponsor, Committee on Agriculture: Adjusting certain agricultural fees. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

April 6, 1983

E2SHB 231 Prime Sponsor, Committee on Ways and Means: Establishing a job skill program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hughes, Kiskaddon, Lee, McDermott, Warnke.

Referred to Committee on Ways and Means.

April 5, 1983

ESHB 263 Prime Sponsor, Committee on Local Government: Modifying provisions relating to altering local tax rates. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 5, 1983

EHB 357 Prime Sponsor, Representative Kaiser: Modifying provisions relating to the veterinary board of governors and animal technicians. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

April 6, 1983

SHB 409 Prime Sponsor, Committee on Higher Education: Providing for reciprocity between Washington and Oregon for nonresident tuition waivers. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Hughes, Kiskaddon, Lee, Patterson.

Passed to Committee on Rules for second reading.

April 6, 1983

HB 430 Prime Sponsor, Representative Heck: Extending the duration of the temporary committee on educational policies, structure, and management. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Guess, Hughes, Kiskaddon, Lee, Patterson, Warnke.

Passed to Committee on Rules for second reading.

April 5, 1983

EHB 570 Prime Sponsor, Representative Kaiser: Maintaining a vocational agricultural education program. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Barr, Benitz, Newhouse.

Passed to Committee on Rules for second reading.

April 5, 1983

SHCR 2 Prime Sponsor, Committee on Local Government: Calling for an interim study of the need for legislation regarding city-county consolidation. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

April 6, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 234.

SUBSTITUTE HOUSE BILL NO. 235, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 6, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 410, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 6, 1983

Mr. President:

The House has passed:

SENATE BILL NO. 3198, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 6, 1983

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 495, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3198.

INTRODUCTION AND FIRST READING

SCR 119 by Senators Thompson, McDermott, Hurley, Hughes, Barr, Bauer, Fleming, Bender, Guess, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody and Zimmerman

Requesting federal assistance to repair the damage to the Pend Oreille railroad.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 119 was advanced to second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 119 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be adoption of Senate Concurrent Resolution No. 119.

SENATE CONCURRENT RESOLUTION NO. 119, having received the constitutional majority, was adopted.

MOTION

On motion of Senator Thompson, all members and the Lieutenant Governor will be added as additional sponsors of Senate Concurrent Resolution No. 119.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 234 by Committee on Transportation (originally sponsored by Representatives Martinis and Isaacson) (by Governor Spellman request)

Adopting the transportation budget.

Referred to Committee on Transportation.

SHB 235 by Committee on Transportation (originally sponsored by Representative Martinis) (by Governor Spellman request)

Modifying gas tax provisions ('83-'85 Biennium).

Referred to Committee on Transportation.

SHB 410 by Committee on Environmental Affairs (originally sponsored by Representatives Monohon, Sommers and Fiske)

Authorizing fees to be charged by the department of ecology.

Referred to Committee on Parks and Ecology.

ESHB 495 by Committee on Ways and Means (originally sponsored by Representatives Grimm, Monohon, Miller, R. King, Brough, Egger, Fiske, Charnley, Holland, Garrett, Van Dyken, Ebersole, Patrick, Jacobsen, Struthers, Zellinsky, Tilly, Dellwo, Vander Stoep, Heck, Ristuben, Powers, Halsan, Todd, Pruitt, Appelwick, Fisch, Fisher, Crane, D. Nelson, Tanner, Wang, Walk, McClure, Hine, Gallagher, Martinis, Kreidler, Burns, Niemi, Locke, Isaacson, Vekich, Kaiser, McMullen, Lux, Braddock, Rust, Brekke, B. Williams, Belcher, Moon, Sutherland, O'Brien, Lewis, Armstrong and Johnson)

Providing post-retirement adjustments for public retirement systems.

Referred to Committee on Ways and Means.

MOTION

At 10:21 a.m., on motion of Senator Shipoch, the Senate recessed until 11:15 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:25 a.m.

MOTION

On motion of Senator Shipoch, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3608, by Committee on State Government (originally sponsored by Senators McManus, Zimmerman, Woody and Bender)

Modifying provisions relating to cultural arts, stadium and convention districts.

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

POINT OF INQUIRY

Senator Goltz: "Senator McManus, in addition to the bill qualities that you have described, the bill also has within it the repeal of the permissive three percent hotel/motel tax for cities between twenty-five thousand and four hundred thousand. I was wondering what is the rationale for repealing that tax, if in fact, the bill is designed to do a little bit of business stimulation?"

Senator McManus: "Thank you, Senator Goltz. I will try and answer that. In the Snohomish County area, we have never levied that three percent tax, so that the revenue from that tax is not existent and there is no plan, at this time, to levy that three percent tax.

"It becomes, at least in Snohomish County, an academic matter. I have discussed this thoroughly with the local people and groups who are behind the

establishment of this cultural arts and convention center. Both the start-up financing and the ongoing operational funding for this center will not have to come from the receipts of the three percent tax on hotel/motel rooms. It is being done in other ways--ways that are much more stable and much more significant than what little amount of money a tax like that would even bring.

"As I recall, in this particular district, we are talking, at the most, fourteen hundred rooms, so we don't have a lot of these kinds of large hotel facilities in our area. I hope that answers your question."

POINT OF ORDER

Senator Metcalf: "I would like to raise a point of order that this bill is not properly before us. I would like to speak on the point of order."

"Thank you, Mr. President and members of the Senate. We have Senate rules that provide that certain bills survive the cut-off. I have no strong feelings on this bill, but I do have very strong feelings on the proper order and respect for the ground rules."

"I think the rules don't mean anything if they are not respected. There has to be a basic trust that rules are being followed. This bill deals with a local tax that has nothing to do with the state budget, nothing to do with any of the points that are made in the cut-off resolution. If this bill were to be ruled to survive the cut-off, then there was no bill on the calendar last week that wouldn't survive a cut-off."

"I raise the point of order that this bill--if it is a question that the majority just says the bill is before us--and you know, if they are not going to follow the rules and just not do it, well fine, just tell us and do it. I don't see that this bill is properly before us in any way."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, speaking on the point of order. The Director of the Department of Commerce and Economic Development keeps assuring me that there is a multiplier of seven for every tourist or convention that we can bring in here, so under the section of the cut-off resolution pertaining to economic development--assuming Mr. Schrock is correct--this is clearly an economic development bill. It helps local units of government create convention and trade centers."

REMARKS BY SENATOR WARNKE

Senator Warnke: "Speaking to the point of order, also, and Senator Bottiger is right. I would remind the Senator that Engrossed House Bill No. 1156, which was the act which passed the bill that this act is amending, was passed after the cut-off dates in the session of 1982."

RULING BY THE PRESIDENT

President Cherberg: "In ruling on the point of order raised by Senator Metcalf as to whether Engrossed Substitute Senate Bill No. 3608 is a measure which can be considered by the Senate pursuant to Senate Concurrent Resolution No. 103, the President finds that Engrossed Substitute Senate Bill No. 3608 is a measure which deals with the subject of revenue by repealing the law allowing certain cities to levy a hotel/motel tax for the funding of convention or trade facilities."

"The President, therefore, finds that Engrossed Substitute Senate Bill No. 3608 is a measure that may be considered by the Senate at this time."

Debate ensued.

POINT OF INQUIRY

Senator Hemstad: "Senator Warnke, I am confused, or at least uncertain about the relationship between this three cents or three percent tax and the two percent tax. What does the two percent tax do and can that be used to build or is that only for operational purposes or what?"

Senator Warnke: "A local authority may levy a five-cent tax on hotel/motels. Two cents of that--almost every city, I think, now has levied a two-cent hotel/motel tax for general fund purposes or for operation, if they have a center, for the operation of that center. This three cents that is imposed is imposed only for the development and building of the facility--not for the operation."

"This bill does not repeal the two cents that is presently being used by many cities. It does repeal the three cents and places--if it is truly a public facility--it places the funding of that facility to the general public at a vote of the electorate to decide whether or not they wish that facility--to build it.

"Secondly, it takes away the direct competition. There is something truly unfair in that three cents that you levy--that three cents to the person that you are going to be in direct competition with--with the public facility that takes money away from that facility to fund your own in the public arena. There is something basically wrong in my mind in that, also, but that is not the real reason. The real reason is that those facilities, in most cities, there is no possible way that three cents can even be raised. There are not enough hotel/motel rooms. But the two cents is not touched."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3608.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3608, and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; absent, 01; excused, 00.

Voting yea: Senators Barr, Bender, Benitz, Bottiger, Clarke, Conner, Deccio, Fleming, Gaspard, Guess, Haley, Hansen, Hemstad, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 35.

Voting nay: Senators Bauer, Bluechel, Craswell, Fuller, Goltz, Granlund, Hayner, Hughes, McCaslin, Metcalf, Rinehart, Thompson, Zimmerman - 13.

Absent: Senator Moore - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Warnke, Engrossed Substitute Senate Bill No. 3608 was ordered immediately transmitted to the House.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3880, by Committee on Education (originally sponsored by Senator Gaspard)

Continuing the sick leave buy back program for school employees.

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

POINT OF ORDER

Senator Hayner: "Mr. President, I raise the question of whether Substitute Senate Bill No. 3880 is properly before us. In the cut-off resolution, it states that we may consider--after the cut-off--matters dealing with the budget--that is the budget of the state of Washington--budget-related matters and, of course, since we haven't seen a budget yet, we really don't know what budget-related matters are--and things having to do with redistricting and economic recovery.

"This bill, obviously, is permissive to school districts to bargain sick leave buy back. It has absolutely nothing to do with the budget or budget-related matters or economic recovery. I would suggest that this is beyond the scope of our consideration today."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. The question of funding of substitute teachers is, obviously, in the budget. Of the sick leave buy back program, which was enacted, it has been shown in many school districts to have a substantial effect on the number of substitute teachers that have to be hired. It has proved to be a very worthy program in many districts in the state. It saves money for the school districts; which is money we don't have to send them. Therefore, it is very clearly budget related."

RULING BY THE PRESIDENT

President Cherberg: "In ruling on the point of order raised by Senator Hayner as to whether Substitute Senate Bill No. 3880 is a measure which can be considered by the Senate pursuant to Senate Concurrent Resolution No. 103, the President finds that Substitute Senate Bill No. 3880, is a budget-related measure which deals with the continuation of the sick leave buy back program for school employees.

"The President, therefore, finds that Substitute Senate Bill No. 3880 may be considered by the Senate at this time."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3880.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3880, and the bill passed the Senate by the following vote: Yeas, 37; nays, 12; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Deccio, Guess, Haley, Hansen, Hayner, McCaslin, Newhouse, Patterson - 12.

SUBSTITUTE SENATE BILL NO. 3880, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 4, 1983

SB 3722 Prime Sponsor, Senator Hughes: Relating to hazardous waste. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3722 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

April 6, 1983

SHB 22 Prime Sponsor, Committee on Commerce and Economic Development: Modifying provisions relating to real estate licensure. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Newhouse, Quigg, Shinpoch.

Passed to Committee on Rules for second reading.

April 6, 1983

ReHB 36 Prime Sponsor, Representative Hastings: Modifying provisions relating to the formation of sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1983

SHB 44 Prime Sponsor, Committee on Local Government: Modifying provisions relating to county-owned solid waste facilities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 6, 1983

EHB 74 Prime Sponsor, Representative Moon: Raising limits on local government contracts that may benefit local officers. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 6, 1983

HB 76 Prime Sponsor, Representative Moon: Extending the use of cumulative reserve funds by cities and towns. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Barr, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

April 7, 1983

HB 106 Prime Sponsor, Representative Sommers: Revising certain laws pertaining to educational service districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Hughes, Kiskaddon, Lee, McDermott, Warnke.

Passed to Committee on Rules for second reading.

April 6, 1983

HB 122 Prime Sponsor, Representative P. King: Modifying provisions relating to cultural arts, stadium and convention districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 6, 1983

SHB 139 Prime Sponsor, Committee on Financial Institutions and Insurance: Modifying provisions on insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Deccio, Jones, Sellar, Warnke.

Passed to Committee on Rules for second reading.

April 7, 1983

EHB 175 Prime Sponsor, Representative Sutherland: Modifying the definition of "worker" as it pertains to workers compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McManus, Moore, Newhouse, Quigg, Sellar, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

April 5, 1983

HB 183 Prime Sponsor, Representative McMullen: Revising eminent domain laws. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, Granlund, Guess, Owen, Patterson.

Passed to Committee on Rules for second reading.

April 5, 1983

HB 185 Prime Sponsor, Representative McMullen: Revising highway routes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, Granlund, Guess, Haley, Owen, Patterson.

Passed to Committee on Rules for second reading.

April 6, 1983

EHB 274 Prime Sponsor, Representative Lux: Modifying provisions relating to names authorized for savings and loan associations. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Clarke, Jones, Sellar, Warnke.

Passed to Committee on Rules for second reading.

April 6, 1983

EHB 275 Prime Sponsor, Representative Lux: Modifying provisions relating to mutual savings banks. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Clarke, Jones, Sellar, Warnke.

Passed to Committee on Rules for second reading.

April 6, 1983

HB 300 Prime Sponsor, Representative P. King: Modifying the laws regulating the school directors' association. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hughes, Kiskaddon, Lee, McDermott, Warnke.

Passed to Committee on Rules for second reading.

April 6, 1983

HB 312 Prime Sponsor, Representative Lux: Providing for the conversion of a mutual savings bank to a federal savings bank. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Clarke, Jones, Sellar, Warnke.

Passed to Committee on Rules for second reading.

April 6, 1983

EHB 371 Prime Sponsor, Representative Lux: Modifying provisions on examinations of health care service contractors and health maintenance organizations. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Bender, Vice Chairman; Bottiger, Clarke, Deccio, Jones.

Passed to Committee on Rules for second reading.

April 6, 1983

ESHB 426 Prime Sponsor, Committee on Constitution, Elections and Ethics: Revising the regulation of political activity by public employees. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, Woody.

Passed to Committee on Rules for second reading.

April 5, 1983

EHB 534 Prime Sponsor, Representative P. King: Modifying procedures for public transportation benefit areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Owen, Patterson.

Passed to Committee on Rules for second reading.

April 5, 1983

SHB 538 Prime Sponsor, Committee on Transportation: Regulating conduct on buses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Owen, Patterson.

Passed to Committee on Rules for second reading.

April 5, 1983

SHB 539 Prime Sponsor, Committee on Transportation: Exempting nonprofit corporations providing transit services to the elderly and handicapped from motor vehicle fuel tax on fuel used for these purposes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Haley, Owen, Patterson.

Passed to Committee on Rules for second reading.

April 5, 1983

SHB 540 Prime Sponsor, Committee on Transportation: Permitting public transportation benefit areas to designate a person other than a county treasurer as the PTBA treasurer. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Owen, Patterson.

Passed to Committee on Rules for second reading.

April 7, 1983

EHB 683 Prime Sponsor, Representative Vekich: Providing for interest on workers compensation awards, if appealed. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Moore, Newhouse, Quigg, Sellar, Williams.

Passed to Committee on Rules for second reading.

April 6, 1983

SHB 719 Prime Sponsor, Committee on Education: Establishing procedures before closing a school for instructional purposes. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Hughes, Kiskaddon, Lee, McDermott, Warnke.

Passed to Committee on Rules for second reading.

April 6, 1983

HB 741 Prime Sponsor, Representative Isaacson: Changing age provisions relating to the reporting of deaths by local registrars of vital statistics. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 7, 1983

EHB 817 Prime Sponsor, Representative R. King: Authorizing injured workers to claim compensation for personal property damaged as a result of industrial accidents. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Moore, Newhouse, Quigg, Sellar, Williams.

Passed to Committee on Rules for second reading.

April 6, 1983

SHB 882 Prime Sponsor, Committee on Financial Institutions and Insurance: Changing provisions relating to interest rates in the absence of an express agreement. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Clarke, Jones, Sellar, Warnke.

Passed to Committee on Rules for second reading.

April 5, 1983

ESHB 1093 Prime Sponsor, Committee on Local Government: Funding flood control improvements. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1983

HJM 32 Prime Sponsor, Representative Addison: Requesting steelhead be designated a national game fish. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Metcalf, Vognild.

Passed to Committee on Rules for second reading.

MOTION

At 12:11 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Friday, April 8, 1983.

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

EIGHTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 8, 1983

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, Bluechel, Gaspard, Vognild and Wojahn. On motion of Senator Jones, Senators Benitz and Bluechel were excused. On motion of Senator Bottiger, Senator Wojahn was excused. On motion of Senator Shinpoch, Senators Gaspard and Vognild were excused.

The Sergeant at Arms Color Guard, consisting of Pages Barb Monoian and Beth Monoian, presented the Colors. Reverend Bob Lyon, a special guest of Senator Zimmerman and pastor of the United Methodist Church of Camas, Washington, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 7, 1983

SSB 3982 Prime Sponsor, Committee on Commerce and Labor: Establishing the small business improvement council. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 3982 be referred to the Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Goltz, Guess, Hayner, Hurley, Jones, Metcalf, Newhouse, Patterson, Rasmussen, Rinehart, Sellar, Shinpoch, Wojahn, Woody.

Referred to Committee on Ways and Means.

April 5, 1983

SB 4196 Prime Sponsor, Senator McDermott: Providing funds for public works. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4196 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Bottiger, Fleming, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 6, 1983

EHB 180 Prime Sponsor, Representative Stratton: Removing the termination provision for the snowmobile advisory committee. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hansen, Hurley, McDermott, Rasmussen, Williams.

Passed to Committee on Rules for second reading.

April 7, 1983

SHB 334 Prime Sponsor, Committee on Higher Education: Providing resident student status for those students so classified on May 31, 1982. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender,

Benitz, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, McDermott, Patterson, Warnke.

Passed to Committee on Rules for second reading.

April 7, 1983

SHB 439 Prime Sponsor, Committee on Education: Abolishing forty percent validation requirement for school districts in certain bond elections, but contingent upon passage of constitutional amendment. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Warnke.

Passed to Committee on Rules for second reading.

April 6, 1983

HB 611 Prime Sponsor, Representative Fisher: Changing the definition of "fleet" for the purposes of motor vehicle emission control. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Haley, Hansen, Hurley, McDermott, Rasmussen, Williams.

Passed to Committee on Rules for second reading.

April 7, 1983

SHB 790 Prime Sponsor, Committee on Higher Education: Establishing a higher education course designation and numbering system. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Lee, McDermott, Warnke.

Passed to Committee on Rules for second reading.

April 7, 1983

ESHB 848 Prime Sponsor, Committee on Higher Education: Extending the tuition and fee limits for Vietnam veterans. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, Warnke.

Passed to Committee on Rules for second reading.

April 7, 1983

SHB 1011 Prime Sponsor, Committee on Rules: Relating to building requirements. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Goltz, Hemstad, Quigg.

Passed to Committee on Rules for second reading.

April 7, 1983

SHJR 29 Prime Sponsor, Committee on Education: Removing forty percent validation requirement for excess levy elections. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Warnke.

MINORITY recommendation: Do not pass as amended. Signed by Senators Benitz, Craswell, Guess.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

April 6, 1983

GA 99 NORMAN F. RICHARDSON, to the position of Member of the State Game Commission, appointed by the Governor on February 25, 1983, for the term ending January 19, 1989, succeeding Martin Pedersen. Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Patterson, Quigg.

Passed to Committee on Rules.

April 6, 1983

GA 102 JACK L. DIERDORFF, to the position of Member of the State Game Commission, appointed by the Governor on February 25, 1983, for the term ending January 19, 1989, succeeding Tom Nelson. Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Patterson, Quigg.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

April 7, 1983

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 71,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 484, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 7, 1983

Mr. President:

The House has passed:

SENATE BILL NO. 3613, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 7, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 207, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 7, 1983

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3198, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3613.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 207.

INTRODUCTION AND FIRST READING

SCR 120 by Senator Williams

Establishing a joint select committee on telecommunications regulation.

Referred to Committee on Energy and Utilities.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 71 by Committee on Ways and Means (originally sponsored by Representatives D. Nelson, Isaacson, Sutherland, Long, Gallagher and Allen)

Making the geothermal account not subject to appropriation.

Referred to Committee on Ways and Means.

ESHB 484 by Committee on Social and Health Services (originally sponsored by Representatives Monohon, Lewis, Kreidler, Stratton, Brekke, Schmidt, Jacobsen, Wang, Todd and Dellwo)

Establishing a long-term care ombudsman program.

Referred to Committee on Social and Health Services.

MOTION

On motion of Senator Shipoch, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 99, by Committee on Judiciary (originally sponsored by Representatives Wang and Tanner)

Modifying the procedures governing defendants acquitted by reasons of insanity.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended. Substitute House Bill No. 99 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lee: "Senator Talmadge, I notice that the new language that is being added is really clarifying what we mean by 'substantial danger to others' but we are also, striking 'the substantial danger to himself.' Does this, therefore, mean that a finding of the suicidal tendencies would not bring this particular statute into play?"

Senator Talmadge: "Senator, the idea was specifically, where you have a person who is a danger to himself, that the standard for that is civil commitment rather than criminal commitment. I think if you look at that section, what has been attempted in the bill is to make it clear that the standard by which one is released after a finding of not guilty by reason of insanity is that he is not a danger to other persons and does not present a substantial likelihood of committing felonious acts jeopardizing public safety.

"It is a conjunctive rather than a disjunctive standard, which is meant to be more stringent. When the person presents a danger or likelihood of danger to himself, the standard is considered to be civil commitment. That is the way it is hoped that it will be treated."

Senator Lee: "So that is the one substantial change--removing the danger to the individual themselves from the application of this particular portion of the statute?"

Senator Talmadge: "I think that this goes back to the oversight or concern that I was talking about earlier. The intention in 1974 had been to treat the person who is a danger to himself under civil commitment, the danger to others standard under the criminal commitment standard and because of an oversight or an error on the

part of the legislature, the old standard which included danger to self came forward to us now. This simply takes us to the standard that we tried to do in 1974, but failed due to an error on the part of the legislature."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 99.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 99, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Excused: Senators Benitz, Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 99, having received the constitutional majority, 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. 174, by Representatives Armstrong, Padden, Charnley and Hastings

Requiring information about money judgments to be filed with the court clerk.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 174 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 174.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 174, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Benitz, Vognild - 2.

HOUSE BILL NO. 174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 288, by Representatives Wang, Padden and Armstrong

Modifying definition of corporation residence.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 288 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 288.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 288, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Benitz, Vognild - 2.

HOUSE BILL NO. 288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 348, by Representatives Armstrong, Fiske, Tanner and Padden (by Secretary of State request)

Modifying the corporation laws.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 348 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 348.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 348, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Jones - 1.

Excused: Senator Benitz - 1.

ENGROSSED 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.

SECOND READING

ENGROSSED HOUSE BILL NO. 487, by Representative P. King

Modifying provisions relating to chattel liens.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 487 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 487.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 487, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 04; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Gaspard, Hughes, McCaslin, Quigg - 4.

Excused: Senator Benitz - 1.

ENGROSSED HOUSE BILL NO. 487, having received the constitutional majority, 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. 47, by Committee on Local Government (originally sponsored by Representatives Garrett, Walk, Hankins, Johnson, Stratton and Hine)

Extending and modifying the municipal research council.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 47 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 47.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 47, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 06; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 42.

Absent: Senators Clarke, Deccio, Hayner, Moore, Quigg, Warneke - 6.

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 47, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 77, by Representatives Martinis, Wilson, Moon, Johnson, Sanders, Zellinsky and Mitchell

Permitting a longer time period for the acquisition of property by port districts.

The bill was read the second time.

MOTION

Senator Thompson moved that the rules be suspended and that House Bill No. 77 be advanced to third reading, the second reading considered the third and that the bill be placed on final passage.

MOTION

On motion of Senator Pullen, further consideration of House Bill No. 77 was deferred for one bill.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 143, by Committee on Transportation (originally sponsored by Representatives Martinis, Gallagher and Wilson) (by Department of Licensing request)

Revising payment of vehicle license fees.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 143 was advanced to third reading, the second reading considered the third, and the bill was 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. 143.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 143, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Quigg, Warnke - 2.

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of House Bill No. 77 and the pending motion by Senator Thompson, deferred earlier today.

The President declared the question before the Senate to be the pending motion by Senator Thompson to suspend the rules and advance House Bill No. 77 to third reading and final passage.

The motion by Senator Thompson carried and House Bill No. 77 was read the third time and placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator Thompson, am I correct in assuming that the intent of the bill and the construction of the language in section one is such that the twenty-year period only applies to contractual arrangements in which the port district has acquired by purchase, some property?"

Senator Thompson: "You are correct, Senator Pullen. It is my clear understanding that the change we are making in this bill, in fact, the effect of the original ten-year language would not, in any way, be involved in condemnation actions, which would have to be settled in compliance with a court order."

Senator Pullen: "In other words, the twenty-year period for payment would not apply to any property acquired by eminent domain?"

Senator Thompson: "Yes, that is a correct statement."

MOTION

On motion of Senator Zimmerman, Senator Quigg was excused.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 77.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 77, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody - 45.

Absent: Senators Warnke, Zimmerman - 2.

Excused: Senators Benitz, Quigg - 2.

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 Shinpoch, the Senate advanced to the eighth order of business.

On motion of Senator Shinpoch, the Committee on Ways and Means was relieved of further consideration of Substitute Senate Bill No. 3982.

On motion of Senator Shinpoch, Substitute Senate Bill No. 3982 was referred to the Committee on Rules.

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

HOUSE BILL NO. 144, by Representatives Martinis, Gallagher, Charnley and Wilson (by Department of Licensing request)

Changing various provisions concerning license plates.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 144 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 144.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 144, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 03; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Lee, Warnke, Williams - 3.

Excused: Senators Benitz, Quigg - 2.

HOUSE BILL NO. 144, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

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

SENATE RESOLUTION 1983-33

By Senators Bottiger, Fleming, Hayner, Jones, Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; and Ole Scarpelli, Sergeant at Arms

WHEREAS, World Wars I and II, the Korean War, and the Vietnam War caused many citizens of Washington and the United States to participate in the defense and cause of their country; and

WHEREAS, Over 145,000 Americans of those wars were confined by the enemies of the United States; and

WHEREAS, The largest single group of American soldiers taken prisoner was on April 9, 1942, forty-one years ago, when General Jonathan Wainwright, a brave and courageous man, and his forces were captured in the fall of Bataan, the Philippine Islands; and

WHEREAS, Washingtonians have long honored the country's and state's war dead and returning veterans; and

WHEREAS, We also need to remember the fact that many families are left bewildered, afraid and alone as the fate of their loved ones is unknown; and

WHEREAS, Today there are 2,400 Americans, sixty of them from Washington State; who are still missing in action from the war in southeast Asia; and

WHEREAS, The Congress of the United States by Joint Resolution has designated tomorrow, April 9, 1983, forty-one years after the fall of Bataan, as National Prisoner of War & Missing in Action Recognition Day; and

WHEREAS, The Honorable John Spellman, Governor of Washington State has issued a proclamation dedicating April 9, 1983, to all former American prisoners of war, to those still missing, and to their families; and

WHEREAS, A ceremony will be held at the north entrance to the Legislative Building today at 12:15 p.m. in recognition and remembrance of those Washingtonians and Americans still missing;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled at Olympia in the 48th Session, that we join in thanking those who returned from past wars for their efforts, we remember the sacrifices of those who returned with injuries, we acknowledge the personal tragedies of those former prisoners of war, and we recognize and remember those who have not yet returned; and

BE IT FURTHER RESOLVED, That we join other Washingtonians and Americans in dedicating April 9, 1983, to all former American prisoners of war, to those still missing and to their families who, too, have made great sacrifices.

MOTION

On motion of Senator Bottiger, all members and the Lieutenant Governor will be added as additional sponsors to Senate Resolution 1983-33.

INTRODUCTION OF SPECIAL GUESTS

President Cherberg: "Honored and respected members of the Senate, ladies and gentlemen. At the request of the very dedicated and empathetic Senator from Pierce and Thurston counties, the Honorable R. Ted Bottiger, the President has the great privilege and high honor of presenting, Ms. Susan McMahon, who is state coordinator of the National League of Families of American Prisoners of War and Missing in Southeast Asia. Accompanying Susan is her mother, Mrs. Jenny Fors."

With permission of the Senate, business was suspended to permit Ms. McMahon to address the Senate.

MOTION

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

HOUSE BILL NO. 216, by Representatives Martinis, Garrett and Gallagher

Updating the Model Traffic Ordinance.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 216 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 216.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 216, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Lee - 1.

Excused: Senators Benitz, Quigg - 2.

HOUSE BILL NO. 216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 24, by Committee on Labor (originally sponsored by Representatives R. King, Clayton, McMullen, Gallagher and Belcher) (by Department of Labor and Industries request)

Allowing the department to take disciplinary action against self-insured employers.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 24 was advanced to third reading, the second reading considered the third, and the bill was 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. 24.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 24, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Granlund, Jones - 2.

Excused: Senators Benitz, Quigg - 2.

SUBSTITUTE HOUSE BILL NO. 24, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 83, by Representatives Sayan, Walk, Hankins and Johnson

Permitting certain HEP board meetings and hearings to be held at locations other than colleges.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, House Bill No. 83 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 83.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 83, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Benitz, Quigg - 2.

HOUSE BILL NO. 83, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 6, 1983

SB 3290 Prime Sponsor, Senator Moore: Modifying provisions relating to the lease of aquatic lands. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3290 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Metcalf, Patterson, Quigg, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

April 7, 1983

SB 3819 Prime Sponsor, Senator Hansen: Revising the regulation of agricultural commodity warehouses. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 3819 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Newhouse.

Passed to Committee on Rules for second reading.

April 8, 1983

EHB 305 Prime Sponsor, Representative Wang: Allowing certain licensed health care professionals to form one professional service corporation. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

April 6, 1983

EHB 318 Prime Sponsor, Representative Hine: Establishing procedures for moorage facilities to enforce moorage and storage regulations. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 8, 1983

SHB 359 Prime Sponsor, Committee on Social and Health Services: Establishing guidelines for the regulation of health professions and occupations not now regulated. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass as amended. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

April 7, 1983

ESHB 793 Prime Sponsor, Committee on Agriculture: Relating to agricultural commodities. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Newhouse.

Passed to Committee on Rules for second reading.

April 8, 1983

SHB 855 Prime Sponsor, Committee on Social and Health Services: Changing provisions on emergency medical services. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

MOTION

At 11:31 a.m., on motion of Senator Shipoch, the Senate adjourned until 10:00 a.m., Monday, April 11, 1983.

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

NINETY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 11, 1983

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, Deccio, Fleming, Hughes, Lee, Sellar and Woody. On motion of Senator Bluechel, Senators Benitz, Deccio, Lee and Sellar were excused. On motion of Senator Vognild, Senators Fleming, Hughes and Woody were excused.

The Sergeant at Arms Color Guard, consisting of Pages Andrea Baker and Darrin Jackson, presented the Colors. Reverend Raymond Hood, pastor of the Olympia-Lacey Church of God, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 7, 1983

SB 3195 Prime Sponsor, Senator McDermott: Establishing a state preretirement counseling program. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Lee, Metcalf, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 7, 1983

SB 3226 Prime Sponsor, Senator McDermott: Modifying provisions on retirement from public service. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3226 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Hughes, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Woody.

Passed to Committee on Rules for second reading.

April 7, 1983

SB 3291 Prime Sponsor, Senator McDermott: Modifying the eligibility requirements and certain termination requirements for the teachers' retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3291 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Hayner, Lee, Metcalf, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

April 7, 1983

SB 3624 Prime Sponsor, Senator Hughes: Establishing a conservation corps. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3624 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Fleming, Hayner, Hughes, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 7, 1983

SHB 16 Prime Sponsor, Committee on Ways and Means: Modifying the determination of school district employees' service periods under the public employees retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Fleming, Hayner, Lee, Metcalf, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 7, 1983

SHB 126 Prime Sponsor, Committee on Ways and Means: Extending the time period for the restoration of withdrawn retirement contributions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Deccio, Fleming, Hughes, Lee, Metcalf, Pullen, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 7, 1983

ESHB 307 Prime Sponsor, Committee on Judiciary: Requiring the department of corrections to give notice to certain people of the disposition of inmates convicted of violent offenses. Reported by Committee on Institutions

MAJORITY recommendation: Do pass as amended and refer to the Senate Committee on Ways and Means. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Referred to Committee on Ways and Means.

April 7, 1983

SHB 476 Prime Sponsor, Committee on Social and Health Services: Modifying procedures governing parole revocation and offenders records. Reported by Committee on Institutions

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

April 7, 1983

SHB 701 Prime Sponsor, Committee on Transportation: Defining capital expenditures and operations and maintenance expenses as applied to the state ferry system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, Granlund, Guess, Haley.

Passed to Committee on Rules for second reading.

April 8, 1983

HB 765 Prime Sponsor, Representative R. King: Adjusting amount of workers' compensation payable to certain injured workers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

April 8, 1983

SHJM 19 Prime Sponsor, Committee on Commerce and Economic Development: Asking Congress to adequately fund the Export Import Bank. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McManus, Moore, Newhouse, Quigg, Sellar, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

April 8, 1983

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 49, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 8, 1983

Mr. President:

The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 184 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 8, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 184, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 8, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 24,

SUBSTITUTE HOUSE BILL NO. 47,

HOUSE BILL NO. 77,

HOUSE BILL NO. 83,

SUBSTITUTE HOUSE BILL NO. 99,

SUBSTITUTE HOUSE BILL NO. 143,

HOUSE BILL NO. 144,

HOUSE BILL NO. 174,

HOUSE BILL NO. 216,

HOUSE BILL NO. 288,

HOUSE BILL NO. 348,

HOUSE BILL NO. 487, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 8, 1983

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3613, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 24,

SUBSTITUTE HOUSE BILL NO. 47,

HOUSE BILL NO. 77,

HOUSE BILL NO. 83,

SUBSTITUTE HOUSE BILL NO. 99,

SUBSTITUTE HOUSE BILL NO. 143,

HOUSE BILL NO. 144,

HOUSE BILL NO. 174,

HOUSE BILL NO. 184,

HOUSE BILL NO. 216,

HOUSE BILL NO. 288,

HOUSE BILL NO. 348,

HOUSE BILL NO. 487.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 25, by Representatives R. King and Clayton (by Department of Labor and Industries request)

Clarifying the requirement for vocational rehabilitation.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendments were considered and adopted simultaneously:

On page 1, line 7, after "51." strike "_____" and insert "41.030"

On page 1, line 24, after "51." strike "_____" and insert "41.040"

On page 1, line 29, after "51." strike "_____" and insert "41.060"

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

In line 2 of the title, after "51." strike "_____" and insert "41.030"

In line 3 of the title, after "51." strike "_____" and insert "41.040"

In line 4 of the title, after "51." strike "_____" and insert "41.060"

On motion of Senator Vognild, the rules were suspended, Engrossed 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.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 25, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 25, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 00; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Excused: Senators Benitz, Deccio, Fleming, Hughes, Lee, Sellar, Woody - 7.

ENGROSSED 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. 136, by Representatives R. King and Clayton (by Public Employment Relations Commission request)

Imposing a time limit on filing certain unfair labor practice complaints.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 136 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 136.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 136, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen,

Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Benitz, Fleming, Lee, Sellar - 4.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 148, by Committee on Education (originally sponsored by Representatives Haugen, Galloway, Johnson, Schoon, Rust, Armstrong, Taylor, Betrozoff and Holland)

Modifying procedures for school districts' budgets and funds.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 148 was advanced to third reading, the second reading considered the third, and the bill was 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. 148.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 148, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Hayner - 1.

Excused: Senators Benitz, Fleming, Lee, Sellar - 4.

SUBSTITUTE HOUSE BILL NO. 148, having received the constitutional majority, 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. 114, by Committee on Energy and Utilities (originally sponsored by Representatives Sutherland, Chandler, Heck and D. Nelson) (by Washington State Energy Office request)

Regulating district heating system services.

The bill was read the second time.

MOTIONS

On motion of Senator Williams, the following Committee on Energy and Utilities amendment was adopted:

On page 2, line 28, strike the language beginning with "Fees" down to and including "RCW 80.24.020" and insert "The commission shall set the fees so that total fees collected will approximately equal the reasonable cost of supervising and regulating heat suppliers"

On motion of Senator Williams, the following Committee on Energy and Utilities amendment was adopted:

On page 3, line 27, after the first "the" strike "cost to the public of" and insert "rates charged to customers for"

On motion of Senator Williams, the following Committee on Energy and Utilities amendment was adopted:

On page 3, after line 35, insert the following: "NEW SECTION. Sec. 9. This chapter expires July 1, 2003, but suppliers may continue to operate under this chapter for ten years from the date of issue of their first operating permit."

On motion of Senator Williams, the following title amendment was adopted:
On page 1, line 2, after "RCW" insert "; and providing an expiration date"

On motion of Senator Vognild, the rules were suspended. Engrossed Substitute House Bill No. 114, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 114, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 114, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Benitz, Lee, Sellar - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 114, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 102, by Representatives R. King, Clayton, Lux, Addison, Monohon, Gallagher, Sayan, Vekich, Belcher, Fisch, Charnley, Ebersole, Ristuben, Isaacson, McMullen, Crane and Todd

Defining application of chapter on vocational rehabilitation for injured workers.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 1, line 9, after "benefit" insert "otherwise eligible"

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 1, line 10, after "1983" insert ", provided that claims shall not be reopened solely for vocational rehabilitation purposes"

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 3, after line 11, insert the following:

"NEW SECTION, Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Vognild, the rules were suspended, House Bill No. 102, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 102, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 102, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Quigg - 1.

Excused: Senators Benitz, Sellar - 2.

HOUSE BILL NO. 102, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 297, by Committee on Judiciary (originally sponsored by Representatives Padden, Armstrong, Kreidler, Wang, Holland, Ristuben, Ballard, Hastings and Dellwo)

Approving the sentencing guidelines and prosecuting standards of the sentencing guidelines commission.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

Strike everything after the enacting clause, and insert the following:

NEW SECTION, Sec. 1. The following portions of the report to the legislature dated January 10, 1983, by the sentencing guidelines commission of the state of Washington and as set forth in sections 2 through 16 of this act are approved as modified by the legislature to take effect on July 1, 1984:

(1) The sentencing guidelines contained in tables 1, 2, and 3 and in part V; and

(2) The prosecuting standards for charging and plea dispositions contained in part VI.

NEW SECTION, Sec. 2.

TABLE 1
Sentencing Grid

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XIV	Life Sentence without Parole/Death Penalty									
XIII	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281- 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548
XII	12y 123- 164	13y 134- 178	14y 144- 192	15y 154- 205	16y 165- 219	17y 175- 233	19y 195- 260	21y 216- 288	25y 257- 342	29y 298- 397
XI	6y 62- 82	6y9m 69- 92	7y6m 77- 102	8y3m 85- 113	9y 93- 123	9y9m 100- 133	12y6m 129- 171	13y6m 139- 185	15y6m 159- 212	17y6m 180- 240
X	5y 51- 68	5y6m 57- 75	6y 62- 82	6y6m 67- 89	7y 72- 96	7y6m 77- 102	9y6m 98- 130	10y6m 108- 144	12y6m 129- 171	14y6m 149- 198
IX	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	5y 51- 68	5y6m 57- 75	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144	12y6m 129- 171
VIII	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144
VII	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116
VI	13m 12+- 14	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y6m 46- 61	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102

SERIOUSNESS SCORE

OFFENDER SCORE

	0	1	2	3	4	5	6	7	8	9 or more
V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
	6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
	12	14	17	20	29	43	54	68	82	96
IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
	3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
	9	12	14	17	20	29	43	57	70	84
III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
	1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
	3	8	12	12	16	22	29	43	57	68
II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
	0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
	Days	6	9	12	14	18	22	29	43	57
I			3m	4m	5m	8m	13m	16m	20m	2y2m
	0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
	Days	Days	5	6	8	12	14	18	22	29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

Additional time added to the presumptive sentence if the offender was armed with a deadly weapon as defined in this chapter:

24 months (Rape 1, Robbery 1, Kidnaping 1)

18 months (Burglary 1)

12 months (Assault 2, Escape 1, Kidnaping 2, Burglary 2 of a building other than a dwelling)

NEW SECTION, Sec. 3.

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW 9A.36.010)
X	Kidnaping 1 (RCW 9A.40.020)
	Rape 1 (RCW 9A.44.040)
IX	Robbery 1 (RCW 9A.56.200)
	Manslaughter 1 (RCW 9A.32.060)
	Statutory Rape 1 (RCW 9A.44.070)
VIII	Arson 1 (RCW 9A.48.020)
	Rape 2 (RCW 9A.44.050)
VII	Promoting Prostitution 1 (RCW 9A.88.070)
	Burglary 1 (RCW 9A.52.020)
VI	Negligent Homicide (RCW 46.61.520)
	Introducing Contraband 1 (RCW 9A.76.140)
V	Bribery (RCW 9A.68.010)
	Manslaughter 2 (RCW 9A.32.070)
	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
IV	Statutory Rape 2 (RCW 9A.44.080)
	Kidnaping 2 (RCW 9A.40.030)
	Extortion 1 (RCW 9A.56.120)
III	Indecent Liberties (RCW 9A.44.100)
	Robbery 2 (RCW 9A.56.210)
	Assault 2 (RCW 9A.36.020)
	Escape 1 (RCW 9A.76.110)
	Arson 2 (RCW 9A.48.030)
	Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
	Malicious Harassment (RCW 9A.36.080)
Wilful Failure to Return from Furlough (RCW 72.66.060)	
II	Incest 1 (RCW 9A.64.020(1))
	Rape 3 (RCW 9A.44.060)

- Statutory Rape 3 (RCW 9A.44.090)
 - Incest 2 (RCW 9A.64.020(2))
 - Extortion 2 (RCW 9A.56.130)
 - Unlawful Imprisonment (RCW 9A.40.040)
 - Assault 3 (RCW 9A.36.030)
 - Promoting Prostitution 2 (RCW 9A.88.080)
 - Introducing Contraband 2 (RCW 9A.76.150)
 - Communicating with a Minor for Immoral Purposes (RCW 9A.44.110)
 - Escape 2 (RCW 9A.76.120)
 - Perjury 2 (RCW 9A.72.030)
 - Intimidating a Public Servant (RCW 9A.76.180)
 - Tampering with a Witness (RCW 9A.72.120)
 - II Malicious Mischief 1 (RCW 9A.48.070)
 - Possession of Stolen Property 1 (RCW 9A.56.150)
 - Theft 1 (RCW 9A.56.030)
 - Theft of Livestock (RCW 9A.56.080)
 - Welfare Fraud (RCW 74.08.055)
 - Burglary 2 (RCW 9A.52.030)
 - I Theft 2 (RCW 9A.56.040)
 - Possession of Stolen Property 2 (RCW 9A.56.160)
 - Forgery (RCW 9A.60.020)
 - Auto Theft (Taking and Riding) (RCW 9A.56.070)
 - Vehicle Prowl 1 (RCW 9A.52.095)
 - Eluding a Police Vehicle (RCW 46.61.024)
 - Malicious Mischief 2 (RCW 9A.48.080)
 - Reckless Burning 1 (RCW 9A.48.040)
 - Unlawful Issuance of Bank Checks (RCW 9A.56.060)
- NEW SECTION. Sec. 4.

TABLE 3
OFFENDER SCORE MATRIX
Prior Adult Convictions

Current Offenses	Serious Violent	Burglary 1	Other Violent	Negligent Homicide	Escape
Serious Violent	3	2	2	1	1
Burglary 1	2	2	2	1	1
Other Violent	2	2	2	1	1
Negligent Homicide	0	0	0	1	0
Escape	0	0	0	0	1
Burglary 2	1	2	1	1	1
Other Non-Violent	1	1	1	1	1

Current Offenses	Burglary 2	Felony Hit-and-Run	Serious Traffic	Other Non-Violent
Serious Violent	1	1	0	1
Burglary 1	2	1	0	1
Other Violent	1	1	0	1
Negligent Homicide	0	1	1	0
Escape	0	0	0	0
Burglary 2	2	1	0	1
Other Non-Violent	1	1	0	1

Current Offenses	Serious Violent	Burglary 1	Other Violent	Negligent Homicide	Escape
Serious Violent	3	2	2	1/2	1/2
Burglary 1	2	2	2	1/2	1/2
Other Violent	2	2	2	1/2	1/2
Negligent Homicide	0	0	0	1/2	0
Escape	0	0	0	0	1/2
Burglary 2	1	2	1	1/2	1/2
Other Non-Violent	1	1	1	1/2	1/2

Current Offenses	Burglary 2	Felony Hit-and-Run	Serious Traffic	Other Non-Violent
Serious Violent	1/2	1/2	0	1/2
Burglary 1	1	1/2	0	1/2
Other Violent	1/2	1/2	0	1/2
Negligent Homicide	0	1/2	1/2	0
Escape	0	0	0	0
Burglary 2	1	1/2	0	1/2
Other Non-Violent	1/2	1/2	0	1/2

Definitions: Serious Violent: Murder 1, Murder 2, Assault 1, Kidnaping 1, Rape 1
 Escape: Escape 1, Escape 2, Willful Failure to Return From Work Release or Furlough
 Serious Traffic: Driving While Intoxicated, Actual Physical Control, Reckless Driving, Hit-and-Run

V. RECOMMENDED SENTENCING GUIDELINES

NEW SECTION. Sec. 5. The sentencing guidelines and prosecuting standards apply equally to offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the previous record of the defendant.

NEW SECTION. Sec. 6. OFFENSE SERIOUSNESS LEVEL. The offense seriousness level is determined by the offense of conviction. Felony offenses are divided into fourteen levels of seriousness, ranging from low (seriousness level I) to high (seriousness level XIV - see section 3 of this act (Table 2)).

NEW SECTION. Sec. 7. OFFENDER SCORE. The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are summarized in Table 3, section 4 of this act.

The offender score is computed in the following way:

(1) Include juvenile felony convictions if the offender was 15 or older at the time the offense was committed and the offender was 23 or less at the time the offense for which he or she is being sentenced was committed.

(2) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories.

(3) If the present conviction is for a violent offense (as defined in RCW 9.94A.110) and not covered in subsection (2) of this section, count two points for each prior adult and juvenile violent felony conviction and 1/2 point for each prior juvenile nonviolent felony conviction (rounding down for uneven scores).

(4) If the present conviction is for Burglary (1 or 2), count two points for each prior adult Burglary conviction. Count two points for each prior juvenile Burglary 1, and one point for each prior juvenile Burglary 2 conviction.

(5) If the present conviction is for a nonviolent offense (as defined in RCW 9.94A.110), count one point for each prior adult felony conviction and one point for each prior juvenile violent felony conviction and 1/2 point for each prior juvenile nonviolent felony (rounding down for uneven scores).

(6) If the present conviction is for escape, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point (rounding down for uneven scores).

(7) If the present conviction is for Negligent Homicide, only count the following crimes as part of the offender score: Negligent Homicide, Felony Hit and Run (RCW 46.52.020(4)), Hit and Run (RCW 46.52.020(5)), Driving While Intoxicated (RCW 46.61.502), Actual Physical Control (RCW 46.61.504), Reckless Driving (RCW 46.61.500). Count each adult prior conviction as one point and each juvenile prior conviction as 1/2 point (rounding down for uneven scores).

(8) In the case of multiple prior convictions for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. The conviction for the most serious offense, using the seriousness levels to define most serious, is scored.

(9) Class A prior felony convictions are always included in the offender score. Class B prior felony convictions are not included if the offender has spent ten years in the community and has not been convicted of any felonies. Class C prior felony convictions and serious traffic convictions as defined in section 4 of this act are not included if the offender has spent five years in the community and has not been convicted of any felonies. This subsection applies to both adult and juvenile prior convictions.

The designation of out-of-state convictions shall be covered by the offense definitions and sentences provided by Washington law.

The offender score is the sum of points accrued under subsections (1) through (9) of this section.

NEW SECTION. Sec. 8. PRESUMPTIVE SENTENCE. The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see section 2 of this act, (Table 1)). The judge may sentence anywhere within this range. Except in decisions concerning first-time, nonviolent offenders, any sentence imposed by a sentencing judge which is outside the presumptive range is a departure from the guidelines, requires written reasons from the judge, and is reviewable on appeal.

In determining any sentence, the trial judge may use no more information than is admitted by the plea agreement, and admitted to or acknowledged at the time of sentencing. Acknowledgement includes not objecting to information stated in the presentence reports. Where the defendant disputes material facts, the judge must either not consider the fact or grant an evidentiary hearing on the point. The real facts shall be deemed proven at the evidentiary hearing by a preponderance of the evidence. Real facts which establish elements of a higher

crime, a more serious crime, or additional crimes cannot be used to go outside the guidelines except upon stipulation.

NEW SECTION, Sec. 9. ALTERNATIVE CONVERSIONS. For sentences of nonviolent offenders for less than one year, the court shall consider and give priority to available alternatives to total confinement and shall justify its reasons if they are not used.

With the exception of the first-time offender, the judge shall establish the sentence in terms of total confinement. This sentence can be converted as follows: One day of partial confinement or eight hours of community service can replace one day of total confinement. The community service conversion is limited to 240 hours or 30 working days. In addition, the judge can impose up to one year of community supervision to ensure that the terms of the alternative sentence are met. Fines can be assessed according to the following formula:

Class A felonies	\$0 - 50,000
Class B felonies	\$0 - 20,000
Class C felonies	\$0 - 10,000

NEW SECTION, Sec. 10. DEPARTURES FROM THE GUIDELINES. The presumptive sentence shall be the midpoint of the standard range as established by the crime of conviction and any applicable enhancements. The sentencing court shall impose the presumptive sentence or other sentence within the indicated standard range that it determines to be appropriate. If the court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the court may impose any sentence it deems appropriate within the statutory term. If the court sentences outside the standard range, it shall set forth its justification for doing so in written findings and conclusions, and any sentence outside the standard range shall be subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence:

Mitigating Circumstances

(1) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(2) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(3) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(4) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(5) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(6) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

Aggravating Circumstances

(1) The defendant's conduct during the commission of the offense manifested deliberate cruelty to the victim.

(2) The defendant knew or should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(3) The offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(a) The offense involved multiple victims or multiple incidents per victim;

(b) The offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(c) The offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

(d) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the offense.

(4) The offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition. The presence of ANY of the following may identify an offense as a major VUCSA:

(a) The offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

(b) The offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

(c) The offense involved the manufacture of controlled substances for use by other parties;

or

(d) The offender possessed a firearm during the commission of the offense; or

(e) The circumstances of the offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or

(f) The offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(g) The offender used his or her position or status to facilitate the commission of the offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

The above considerations are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

NEW SECTION, Sec. 11. CONSECUTIVE/CONCURRENT SENTENCES. (1) Whenever a person is convicted of two or more offenses, at least one of which is a violent offense, and the offenses arise out of separate and distinct criminal transactions, the sentences imposed shall run consecutively; provided that under this section, the presumptive sentence only for the most serious offense shall be determined by using the offender's actual criminal history score whereas the presumptive sentences for all other offenses shall be determined by using a criminal history score of zero.

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms.

(3) Whenever a person is convicted of two or more offenses, and either: (a) All of the offenses are nonviolent and they arise out of separate and distinct criminal transactions; or (b) at least one of the offenses is a violent offense but they all arise out of the same criminal transaction, the sentences imposed shall run concurrently; provided that the presumptive sentence for the most serious offense shall be enhanced by counting all other current offenses as prior offenses for purposes of calculating the criminal history score.

(4) Whenever a person is convicted of two or more nonviolent offenses which all arise out of the same criminal transaction, the sentences imposed shall run concurrently.

NEW SECTION, Sec. 12. CONVICTIONS FOR ATTEMPTS OR CONSPIRACIES. For persons convicted of attempted offenses or conspiracies to commit an offense, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the conviction, and multiplying the range by 75 percent.

NEW SECTION, Sec. 13. PRESUMPTIVE RANGES THAT EXCEED THE STATUTORY MAXIMUM. If the presumptive sentence duration given in the sentencing grid exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence.

VI. RECOMMENDED PROSECUTING STANDARDS FOR CHARGING AND PLEA DISPOSITIONS

NEW SECTION, Sec. 14. INTRODUCTION. These standards are intended solely for the guidance of prosecutors in the State of Washington. They are not intended to, do not and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state.

NEW SECTION, Sec. 15. EVIDENTIARY SUFFICIENCY. (1) Decision not to prosecute.

STANDARD: A Prosecuting Attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder.

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See Table 13 for the crimes within these categories.

TABLE 13

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder
 1st Degree Murder
 2nd Degree Murder
 1st Degree Kidnaping
 1st Degree Assault
 1st Degree Rape
 1st Degree Robbery
 1st Degree Statutory Rape
 1st Degree Arson
 2nd Degree Kidnaping
 2nd Degree Assault
 2nd Degree Rape
 2nd Degree Robbery
 1st Degree Burglary
 1st Degree Manslaughter
 2nd Degree Manslaughter
 1st Degree Extortion
 Indecent Liberties
 2nd Degree Statutory Rape
 Incest
 Negligent Homicide
 3rd Degree Rape

3rd Degree Statutory Rape
 2nd Degree Extortion
 1st Degree Promoting Prostitution
 Intimidating a Juror
 Communication with a Minor
 Intimidating a Witness
 Intimidating A Public Servant
 Bomb Threat (if against person)
 3rd Degree Assault
 Unlawful Imprisonment
 Promoting a Suicide Attempt
 Riot (if against person)
 CRIMES AGAINST PROPERTY/OTHER CRIMES
 2nd Degree Arson
 1st Degree Escape
 2nd Degree Burglary
 1st Degree Theft
 1st Degree Perjury
 1st Degree Introducing Contraband
 1st Degree Possession of Stolen Property
 Bribery
 Bribing a Witness
 Bribe received by a Witness
 Bomb Threat (if against property)
 1st Degree Malicious Mischief
 2nd Degree Theft
 2nd Degree Escape
 2nd Degree Introducing Contraband
 2nd Degree Possession of Stolen Property
 2nd Degree Malicious Mischief
 1st Degree Reckless Burning
 Taking a Motor Vehicle without Authorization
 Forgery
 Welfare Fraud
 2nd Degree Perjury
 2nd Degree Promoting Prostitution
 Tampering with a Witness
 Trading in Public Office
 Trading in Special Influence
 Receiving/Granting Unlawful Compensation
 Bigamy
 Eluding a Police Vehicle
 Wilful Failure to Return from Furlough
 Riot (if against property)
 Thefts of Livestock
 ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge
 (1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or
- (b) Will result in restitution to all victims.

(2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (a) Charging a higher degree;
- (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

GUIDELINES/COMMENTARY:

Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

(2) The completion of necessary laboratory tests; and

(3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

(1) Probable cause exists to believe the suspect is guilty; and

(2) The suspect presents a danger to the community or is likely to flee if not apprehended;

or

(3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

(1) Polygraph testing;

(2) Hypnosis;

(3) Electronic surveillance;

(4) Use of informants.

Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

NEW SECTION. Sec. 16. PLEA DISPOSITIONS.

STANDARD: (1) Except as provided in subsection (2) of this section, a defendant will normally be expected to plead guilty to the charge or charges which adequately describe the nature of his or her criminal conduct or go to trial.

(2) In certain circumstances, a plea agreement with a defendant in exchange for a plea of guilty to a charge or charges that may not fully describe the nature of his or her criminal conduct may be necessary and in the public interest. Such situations may include the following:

(a) Evidentiary problems which make conviction on the original charges doubtful;

(b) The defendant's willingness to cooperate in the investigation or prosecution of others whose criminal conduct is more serious or represents a greater public threat;

(c) A request by the victim when it is not the result of pressure from the defendant;

(d) The discovery of facts which mitigate the seriousness of the defendant's conduct;

(e) The correction of errors in the initial charging decision;

(f) The defendant's history with respect to criminal activity;

(g) The nature and seriousness of the offense or offenses charged;

(h) The probable effect on witnesses.

NEW SECTION. Sec. 17. SENTENCE RECOMMENDATIONS.

STANDARD:

The prosecutor may reach an agreement regarding sentence recommendations.

The prosecutor shall not agree to withhold relevant information from the court concerning the plea agreement.

NEW SECTION. Sec. 18. Sections 1 through 17 of this act shall be added to chapter 9.94A RCW.*

MOTIONS

On motion of Senator Bluechel, Senator Hayner was excused.

On motion of Senator Talmadge, the rules were suspended. Engrossed Substitute House Bill No. 297, 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.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 297, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 297, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 03; absent, 01; excused, 03.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones,

Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Barr, Fleming, Pullen - 3.

Absent: Senator Quigg - 1.

Excused: Senators Benitz, Hayner, Sellar - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 297, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

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

SENATE RESOLUTION 1983-29

By Senators McManus, Hurley, Woody, Metcalf, Bender, Vognild, Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; and Ole Scarpelli, Sergeant at Arms

WHEREAS, Rosalyn Sumners of Edmonds has returned from Helsinki, Finland with the World Senior Ladies Figure Skating Championship; and

WHEREAS, The eighteen-year old former Junior World Champion and current National Champion is looking forward to being a member of the United States Olympic Team and participating in the 1984 Winter Olympics to be held at Sarajevo, Yugoslavia; and

WHEREAS, Her continued successes represent an inspiration to young athletes around the world;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Senate congratulates Rosalyn Sumners for her victory at the World Championships and wishes her every success on the road to the 1984 Winter Olympics; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Rosalyn Sumners.

MOTION

On motion of Senator Jones, all members and the Lieutenant Governor will be added as additional sponsors of Senate Resolution 1983-29.

MOTION

On motion of Senator Shinpoch, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 121 by Senators McDermott, Deccio, Wojahn, Lee, Shinpoch and Hayner

Establishing a joint committee on health care financing.

MOTION

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 121 was advanced to second reading and read the second time.

On motion of Senator Shinpoch, Senate Concurrent Resolution No. 121 held its place on the second reading calendar.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 49 by Committee on Ways and Means (originally sponsored by Representatives Grimm and Cantu) (by Governor Spellman request)

Adopting the operating budget.

Referred to Committee on Ways and Means.

MOTION

At 11:05 a.m., on motion of Senator Shinpoch, 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 Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 7, 1983

EHB 125 Prime Sponsor, Representative Moon: Eliminating the exemption from civil service for certain department of corrections personnel. Reported by Committee on Institutions

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Owen, Vice-Chairman; Fuller, McManus, Peterson.

Passed to Committee on Rules for second reading.

April 8, 1983

EHB 153 Prime Sponsor, Representative Pruitt: Establishing additional requirements for reports of transfers of funds by political candidates or committees. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

April 8, 1983

EHB 239 Prime Sponsor, Representative Pruitt: Regulating exit polling. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Williams, Woody.

MINORITY recommendation: Do not pass as amended. Signed by Senator Hughes, Vice Chairman.

Passed to Committee on Rules for second reading.

April 7, 1983

HB 260 Prime Sponsor, Representative Haugen: Authorizing the state patrol to charge fees for certain criminal records. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 8, 1983

SHB 266 Prime Sponsor, Committee on Constitution, Elections and Ethics: Restricting voting devices to single precinct use. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hayner, Hemstad, Williams.

Passed to Committee on Rules for second reading.

April 8, 1983

EHB 284 Prime Sponsor, Representative Tilly: Modifying provisions relating to solemnization of marriage. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Williams, Woody.

Passed to Committee on Rules for second reading.

April 8, 1983

EHB 304 Prime Sponsor, Representative Walk: Authorizing the appointment of state employees as special deputies in the state patrol. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

April 8, 1983

EHB 419 Prime Sponsor, Representative Niemi: Amending procedures for the filing of reports regarding prearrangement contracts by cemeteries. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 8, 1983

HB 420 Prime Sponsor, Representative Niemi: Changing the calculation of fees for the issuance of certification of authority by the cemetery board. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 7, 1983

EHB 428 Prime Sponsor, Representative Armstrong: Modifying certain court procedures. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

April 7, 1983

ESHB 546 Prime Sponsor, Committee on Transportation: Regulating wheelchair conveyances. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Paterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

April 7, 1983

HB 569 Prime Sponsor, Representative Fisher: Prescribing duties of county auditors or elections official handling public disclosure reports. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

April 8, 1983

HB 747 Prime Sponsor, Representative Armstrong: Revising provisions of the uniform limited partnership act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Williams, Woody.

Passed to Committee on Rules for second reading.

April 8, 1983

SHB 1035 Prime Sponsor, Committee on Labor: Authorizing collective bargaining for state patrol officers on nonwage issues. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

April 8, 1983

HJM 17 Prime Sponsor, Representative Powers: Urging the passage of the Equal Rights Amendment to the U.S. Constitution. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Williams, Woody.

Passed to Committee on Rules for second reading.

April 8, 1983

HJR 27 Prime Sponsor, Representative Locke: Ratifying the U. S. constitutional amendment giving voting rights to the District of Columbia. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

April 7, 1983

HJR 35 Prime Sponsor, Representative Isaacson: Removing an obsolete provision on presidential voters from the State Constitution. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

MOTION

At 1:34 p.m., on motion of Senator Bottiger, the Senate recessed until 2:00 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 2:06 p.m.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 4093, by Senators Bauer, Warnke, Fleming, Hughes, Thompson, Moore, Gaspard, Bender and Talmadge

Requiring that certain categorical education programs be specifically designated when appropriations are made.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4093.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4093, and the bill passed the Senate by the following vote: Yeas, 26; nays, 21; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, von Reichbauer, Zimmerman - 21.

Excused: Senators Hayner, Sellar - 2.

ENGROSSED SENATE BILL NO. 4093, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 426, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Pruitt, Patrick, R. King, Moon, Miller, Armstrong, Lux, Hine, Garrett, Brekke, Ellis, Long, Wang, Powers, Holland Ristuben and Ebersole)

Revising the regulation of political activity by public employees.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 426, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Shinpoch, further consideration of Engrossed Substitute House Bill No. 426 was deferred.

SECOND READING

ENGROSSED HOUSE BILL NO. 534, by Representatives P. King, Allen, Broback, Fisher and Gallagher

Modifying procedures for public transportation benefit areas.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Engrossed House Bill No. 534, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 534.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 534, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Metcalf - 1.

Excused: Senators Hayner, Sellar - 2.

ENGROSSED HOUSE BILL NO. 534, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 121, by Senators McDermott, Deccio, Wojahn, Lee, Shinpoch and Hayner

Establishing a joint committee on health care financing.

The resolution was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Concurrent Resolution No. 121, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Senator McDermott, is there anything in this resolution that would prevent the committee from also looking at under-utilization of existing hospitals? I think I have already called to your attention that the bed occupancy rate in Pierce County is something like fifty-four percent and yet the Health Department has authorized two new hospitals within thirty miles."

Senator McDermott: "Senator Bottiger, I think that is an issue that could be considered under this resolution. Certainly, it is a question of viability because of the funding mechanism through the hospital rate commission. I think you have to look at that issue as well, as you are looking at how you deal with the uncompensated care, so it could be covered under this bill."

POINT OF INQUIRY

Senator Goltz: "Senator McDermott, along the same vein, does this resolution encourage or, in any way or otherwise, prevent the consideration of the so-called cost-shifting phenomenon, which results in hospitals where some patients do not fully pay for their care and other patients are then required to build that lack of compensation into the rate?"

Senator McDermott: "That is essentially what this is directed at. It is the question of taking care of patients who do not have money or have limited resources or are paid for only partially or don't pay their debts--who then picks up the costs? The fact is that it is shifted on to the private-paying patient. We need to deal with that at the state level in some way."

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 121.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 121, and the resolution passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Rinehart - 1.

Excused: Senators Hayner, Sellar - 2.

SENATE CONCURRENT RESOLUTION NO. 121, having received the constitutional majority, was declared passed.

MOTIONS

On motion of Senator Shinpoch, Engrossed Substitute House Bill No. 309 was placed at the bottom of the second reading calendar.

On motion of Senator Shinpoch, all bills passed today were ordered immediately transmitted to the House.

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 8, 1983

EHB 23 Prime Sponsor, Representative R. King: Permitting common carriers in only interstate and/or foreign commerce to elect coverage under industrial insurance law. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, Moore, Newhouse, Quigg, Sellar, Shipoch, Williams.

Passed to Committee on Rules for second reading.

April 7, 1983

ESHB 81 Prime Sponsor, Committee on State Government: Establishing the Washington state heritage council. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 8, 1983

SHB 129 Prime Sponsor, Committee on State Government: Modifying the provisions governing accumulated vacation leave for state employees. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 8, 1983

ESHB 134 Prime Sponsor, Committee on State Government: Modifying the civil service laws for public employees. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart.

MINORITY recommendation: Do not pass. Signed by Senator Zimmerman.

Passed to Committee on Rules for second reading.

April 7, 1983

HB 164 Prime Sponsor, Representative Braddock: Creating a commission to study the feasibility and desirability of state participation in the British Columbia World Exposition of 1986. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Jones, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 7, 1983

EHB 259 Prime Sponsor, Representative Martinis: Revising laws regulating hulk haulers, vehicle repairmen, rebuilders, restorers, wreckers, and scrap processors. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, Granlund, Guess, Patterson, Sellar.

Passed to Committee on Rules for second reading.

April 7, 1983

HB 313 Prime Sponsor, Representative Belcher: Transferring responsibility for state fire protection contracts to the planning and community affairs agency. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 8, 1983

HB 373 Prime Sponsor, Representative Braddock: Making the appointment of county drug abuse administrative boards nonmandatory. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 7, 1983

ESHB 433 Prime Sponsor, Committee on Social and Health Services: Providing for children and family services. Reported by Committee on Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Peterson.

Passed to Committee on Rules for second reading.

April 8, 1983

SHB 434 Prime Sponsor, Committee on Labor: Modifying provisions relating to collective bargaining. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Quigg, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

April 8, 1983

HB 531 Prime Sponsor, Representative Hine: Authorizing certain studies by groups of local government entities formed for joint insurance purposes. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody.

Passed to Committee on Rules for second reading.

April 8, 1983

SHB 571 Prime Sponsor, Committee on Local Government: Specifying procedure for removal of territory from public hospital districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 7, 1983

ESHB 579 Prime Sponsor, Committee on Social and Health Services: Studying the feasibility of establishing prison work programs to operate automated data input and retrieval systems for departments of state government. Reported by Committee on Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus.

Passed to Committee on Rules for second reading.

April 8, 1983

SHB 646 Prime Sponsor, Committee on Commerce and Economic Development: Creating the public accountancy act of 1983. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, Newhouse, Quigg, Sellar, Williams.

Passed to Committee on Rules for second reading.

April 11, 1983

SHB 689 Prime Sponsor, Committee on Commerce and Economic Development: Establishing the small business assistance coordinating council. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended and refer to the Committee on Ways and Means. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Moore, Newhouse, Quigg, Shinpoch.

Referred to Committee on Ways and Means.

April 11, 1983

HB 739 Prime Sponsor, Representative Clayton: Authorizing special operating permits to be granted for antique boilers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; McCaslin, McManus, Moore, Newhouse, Quigg, Shinpoch.

Passed to Committee on Rules for second reading.

April 11, 1983

EHB 839 Prime Sponsor, Representative Fisch: Prohibiting fees for employment applications. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Shinpoch, Williams.

MINORITY recommendation: Do not pass. Signed by Senators McCaslin, Newhouse, Quigg.

Passed to Committee on Rules for second reading.

April 11, 1983

EHB 919 Prime Sponsor, Representative R. King: Authorizing self-insurers to provide assignments of account as security for industrial insurance payments. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Newhouse, Quigg, Shinpoch.

Passed to Committee on Rules for second reading.

April 11, 1983

SHB 1089 Prime Sponsor, Committee on Commerce and Economic Development: Relating to the holding of a China Exhibition in Washington State. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, Moore, Newhouse, Quigg, Shinpoch.

Passed to Committee on Rules for second reading.

MOTION

At 2:35 p.m., on motion of Senator Shinpoch, the Senate recessed until 7:30 p.m.

EVENING SESSION

The President Pro Tempore called the Senate to order at 7:30 p.m.

REPORTS OF STANDING COMMITTEES

April 11, 1983

HB 146 Prime Sponsor, Representative Locke: Modifying provisions relating to the Asian-American Affairs Commission. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Jones, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 11, 1983

ESHB 448 Prime Sponsor, Committee on Social and Health Services: Modifying the disabled parking laws. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 11, 1983

SHB 452 Prime Sponsor, Committee on Social and Health Services: Creating provisions relating to blind persons. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 11, 1983

SHB 458 Prime Sponsor, Committee on Judiciary: Establishing the Antitrust/Consumer Protection Improvements Act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

April 11, 1983

ESHB 463 Prime Sponsor, Committee on Judiciary: Modifying definition of full-time judges of courts of limited jurisdiction. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hemstad, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

April 11, 1983

SHB 498 Prime Sponsor, Committee on Judiciary: Modifying provisions relating to driving while intoxicated. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hemstad, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

April 8, 1983

EHB 643 Prime Sponsor, Representative Locke: Modifying the time limitation for filing insurance claims against a deceased person. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

April 11, 1983

EHB 867 Prime Sponsor, Representative O'Brien: Revising the public arts program. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Jones, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 8, 1983

HB 925 Prime Sponsor, Representative McMullen: Enacting the Uniform Conflict of Laws--Limitations Act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Hayner, Hemstad, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

April 11, 1983

HJM 31 Prime Sponsor, Representative Fuhrman: Petitioning Congress and President Reagan to make efforts to have MIAs returned. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

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

MESSAGES FROM THE HOUSE

April 11, 1983

Mr. President:

The House has passed:

SENATE BILL NO. 3221, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 11, 1983

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 32 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 11, 1983

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 111 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 219, by Representatives Tanner, Holland, B. Williams, Ebersole, Ellis, J. Williams, Schoon, Silver, Powers, Miller, Long, Ristuben, Martinis, Galloway, Addison, Todd, Sayan, Schmidt and Hankins

Revising the law relating to merchandise coupons.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 219, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 219.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 219, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 03; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senator Fuller - 1.

Absent: Senators Bluechel, Hurley, Quigg - 3.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 393, by Committee on Local Government (originally sponsored by Representatives Smitherman, Zellinsky, Moon and Fisher) (by Department of Labor and Industries request)

Authorizing assistance to street abutters in improving streets.

The bill was read the second time.

MOTIONS

Senator Thompson moved adoption of the following Committee on Local Government amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. There is added to chapter 35.21 RCW a new section to read as follows:

Any city or town may assist a street abutter in improving the street serving the abutter's premises by providing asphalt, concrete, or other supplies or materials. The furnishing of supplies or materials or paying to the abutter the cost thereof and the providing of municipal inspectors and other incidental personnel shall not render the street improvements a public work or improvement subject to competitive bidding.

NEW SECTION, Sec. 2. There is added to chapter 36.75 RCW a new section to read as follows:

Any county may assist a street abutter in improving the street serving the abutter's premises by providing asphalt, concrete, or other supplies or materials. The furnishing of supplies or materials or paying to the abutter the cost thereof and the providing of inspectors and other incidental personnel shall not render the street improvements a public work or improvement subject to competitive bidding."

Senator Thompson moved the following amendments to the Committee on Local Government amendment be considered and adopted simultaneously:

On page 1, line 21, after "bidding," insert "The legislative authority of such city or town shall approve any such assistance at a public meeting and shall maintain a public register of any such assistance setting forth the value, nature, purpose, date and location of the assistance and the name of the beneficiary."

On page 2, line 4, after "bidding," insert "The legislative authority of such county shall approve any such assistance at a public meeting and shall maintain a public register of any

such assistance setting forth the value, nature, purpose, date and location of the assistance and the name of the beneficiary."

POINT OF INQUIRY

Senator Pullen: "Senator Thompson, this is not an area that I have a great deal of experience with, but the way I read your amendment, one question which would come to mind is whether there is a possible lending of credit of the local unit of government. In other words, as I read the amendment, we are dealing with a benefit to a private party. I guess, perhaps, my concern relates to the whole bill, as well as to the amendment. Maybe you could elaborate on that."

Senator Thompson: "I would be pleased to address your concern, Senator Pullen. These improvements can only occur on a public thoroughfare. They just happen to be in proximity of the property owner who has an interest in accomplishing that improvement."

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senator Thompson to the Committee on Local Government amendment.

The motion by Senator Thompson carried and the amendments to the committee amendment were adopted.

MOTION

Senator Thompson moved the following amendment to the Committee on Local Government amendment:

On page 1, after line 21, insert:

"Sec. 3. Section 4, chapter 28, Laws of 1969 and RCW 35.79.030 are each amended to read as follows:

The hearing on such petition may be held before the legislative authority, or before a committee thereof upon the date fixed by resolution or at the time said hearing may be adjourned to. If the hearing is before such a committee the same shall, following the hearing, report its recommendation on the petition to the legislative authority which may adopt or reject the recommendation. If such hearing be held before such a committee it shall not be necessary to hold a hearing on the petition before such legislative authority. If the legislative authority determines to grant said petition or any part thereof, such city or town shall be authorized and have authority by ordinance to vacate such street, or alley, or any part thereof, and the ordinance may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated: PROVIDED, That such ordinance may provide that the city retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair and maintenance of public utilities and services: PROVIDED, FURTHER, That no city or town shall be authorized or have authority to vacate such street or alley, or any parts thereof if any portion thereof abuts on a body of salt or fresh water unless such vacation be sought to enable the city, town, port district or state to acquire the property for port purposes, boat moorage or launching sites, park, viewpoint, recreational, or educational purposes, or other public uses. This proviso shall not apply to industrial zones property nor where pre-existing improvements prevent access to the body of salt or fresh water. A certified copy of such ordinance shall be recorded by the clerk of the legislative authority and in the office of the auditor of the county in which the vacated land is located."

POINT OF INQUIRY

Senator Rasmussen: "Senator Thompson, my concern would be--suppose there is a railroad at the present time and suppose that railroad would abandon the track--you have already vacated the land that is above the railroad track. I understand that this goes all over the state. This just isn't the city of Steilacoom. This would allow the land to be vacated. The railroad might vacate their property, as the Milwaukee has done, in many instances--we have the John Wayne Trails.

"This is rather a broad amendment which could work to the detriment of the people all over the state. One of the provisions, as I understand the law passed previously, was to save for the public the street ends and the availability to salt water, both from the standpoint of physically visiting it and, also, for the view. This seems to me to open a broad field. Do you see it as I see it?"

Senator Thompson: "Senator Rasmussen, prior to answering this question, I am going to offer an oral amendment which leaves that option to the cities. The copy

of the amendment left out a couple of words and should have said 'may apply,' which would leave the option with the local legislative authority.

"In answering your question, this would have a limited application, but in those areas where there is this limited application, it would not work any hardship or any detriment to public interests. Those street ends literally cut off from any public use at this point. The city councils can determine whether or not they proceed-- in the future, any possibility of a vacation of a railroad and take that into consideration in making their judgment with regard to the vacation. We are simply giving them that right to do so."

POINT OF ORDER

Senator Rasmussen: "May I raise the question of scope and object on this amendment? It just seems to me that we are vacating streets here for public access to water and changing the law there. The original bill related to abutters and I don't think that this amendment fits within the scope and object, Mr. President."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Senator Rasmussen has raised the point of order that the amendment to the Committee on Local Government amendment changes the scope and object of the bill. The President will require just a bit of time to study the point of order."

MOTION

On motion of Senator Bottiger, further consideration of Substitute House Bill No. 393 was deferred.

SECOND READING

ENGROSSED HOUSE BILL NO. 570, by Representatives Kaiser, Smith, Egger, Nealey, Todd, Fiske, McMullen, Tilly, Belcher, Tanner, Braddock, Ellis, Smitherman, Halsan, Ballard, Miller and Isaacson

Maintaining a vocational agricultural education program.

The bill was read the second time.

MOTION

Senator Gaspard moved adoption of the following amendment:

On page 1, line 14 of the engrossed bill, being page 1, line 14 of the printed bill, after "(1)" strike all material down to and including "Washington" on page 2, line 22 of the engrossed bill, being page 2, line 22 of the printed bill, and insert: "A vocational agriculture education service area shall be established by the superintendent of public instruction. Adequate staffing shall be provided for the vocational agriculture education service area for coordination of the state program and to provide assistance to local school districts for the coordination of the activities of student agricultural organizations and associations.

(2) The vocational agriculture education service area shall:

(a) assess needs in vocational agriculture education, assist local school districts in establishing vocational agriculture programs, review local school district applications for approval of vocational agriculture programs, evaluate existing programs, plan research and studies for the improvement of curriculum materials for speciality areas of vocational agriculture. Standards and criteria developed under this subsection shall satisfy the mandates of federally-assisted vocational education;

(b) develop in-service programs for teachers and administrators of vocational agriculture, review application for vocational agriculture teacher certification, and assist in teacher recruitment and placement in vocational agriculture programs;

(c) serve as a liaison with the Future Farmers of America, representatives of business, industry, and appropriate public agencies, and institutions of higher education in order to disseminate information, promote improvement of vocational agriculture programs and assist in the development of adult and continuing education programs in vocational agriculture; and

(d) establish an advisory task force committee of agriculturists, representative of the diverse areas of the agricultural industry in Washington, which committee shall make annual recommendations including, but not limited to, the development of curriculum, strategies for the purpose of establishing a source of trained and qualified individuals in agriculture, and strategies for articulating the state program in vocational agriculture education, including youth leadership throughout the state school system.

NEW SECTION, Sec. 3. The superintendent of public instruction, pursuant to chapter 34.04 RCW, shall adopt such rules as are necessary to carry out the provisions of this 1983 act."

Renumber remaining section consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Shinpoch: "Senator Gaspard, is there any taxing authority given in this amendment? The reason for my question is we have had a number of service area bills go through here and all of them seem to have taxing authority--and a quick scan of this total sheet, I couldn't find any. Could you answer that question, please?"

Senator Gaspard: "Senator Shinpoch, I appreciate your concern, but no--there is not any taxing authority in this amendment or even, as I understand it, in the bill. The money that would be dealt with would be subject to appropriation by the legislature to carry out this program."

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Gaspard.

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

MOTIONS

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

On page 2, line 23 of the engrossed bill, being page 2, line 23 of the printed bill, strike "and 2" and insert "through 3"

On motion of Senator Hansen, the rules were suspended, Engrossed House Bill No. 570, 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 McCaslin: "Senator Hansen, it says that a fiscal note is available. Do you know what the cost of this is?"

Senator Hansen: "I really don't, Senator McCaslin, but I do believe vocational education--agricultural vocational education--is a must in some parts of our state. All of this allows the school districts from that area to enhance the vocational agricultural program."

Senator McCaslin: "Thank you, Senator Hansen. Would Senator Gaspard yield? Do you have an idea what the fiscal note would be, Senator Gaspard?"

Senator Gaspard: "Senator McCaslin, the intent of the bill is to keep the program as it currently is now, without any further cuts. This does not mandate any further expenditure for the program. What it does say is 'don't reduce it any more.' What has happened is that in vocational education--all of the areas have been cut. This one, in particular, has been cut to one point seven five FTE and staff. This isn't the only one. We are just singling this one out as one to protect."

"There have been many other cuts in distributive education, business education, home and family, industrial and technical health, and vocational industrial arts. All of them have suffered cuts, because of reductions made to the SPI budget. But the intent of this bill is to single out the agriculture community and say 'this is important and no further cuts should be made.'"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 570, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 570, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 05; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Taimadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Craswell, Haley, Hemstad, Lee, Pullen - 5.

Absent: Senator Deccio - 1.

Excused: Senator Sellar - 1.

ENGROSSED HOUSE BILL NO. 570, as amended by the Senate, having received the constitutional majority, 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. 106, by Representatives Sommers, B. Williams, Taylor and Galloway (by Legislative Budget Committee request)

Revising certain laws pertaining to educational service districts.

The bill was read the second time.

MOTION

Senator Metcalf moved adoption of the following amendment by Senators Metcalf, Zimmerman, Conner and Haley:

On page 5, after line 16, insert:

"If a child of mandatory attendance age is attending an unapproved private school which is operated as part of a church educational ministry under this section, the parents, guardians, or custodians of the child shall not be subject to the \$25 fine for truancy as provided in RCW 28A.27. "Church educational ministry", for the purposes of this act, means an educational ministry that is integral to and inseparable from its sponsoring religious organization offering educational programs for children."

POINT OF ORDER

Senator Gaspard: "Mr. President, I rise to a point of order and question scope and object of the amendment offered by Senator Metcalf."

REMARKS BY SENATOR METCALF

Senator Metcalf: "The section is section 1 of the bill. It talks about, specifically, private schools. Section 3 of the bill covers a, b, c, d, and so forth relative to the very things that we are talking about in this bill. I don't believe that there is any way that you can read the bill that it does not fit the scope and object. There are changes in the bill that are dealing with about the same things--on the top of page five, that we are talking about here. I believe it fits well within the scope and object."

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President, for your consideration, House Bill No. 106 was a Legislative Budget request that dealt with a number of obsolete statutes relating to the educational service districts. I would contend that it certainly is beyond the scope, but certainly not beyond the object of the bill as originally introduced and passed the House."

Debate ensued.

POINT OF INQUIRY

Senator Hughes: "Would Senator Pullen yield to a question?"

President Pro Tempore Goltz: "Senator Pullen does not yield."

Senator Hughes: "Would Senator Talmadge yield to a question? Senator Talmadge, in your years in the Senate, have you ever known Senator Pullen to look at anything liberally?"

Senator Talmadge: "The question is best left unanswered, Senator."

Further debate ensued.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling on the point of order raised by Senator Gaspard, the President finds that House Bill No. 106 is a bill which removes or amends by deletion or repeals certain sections of the RCW relating to Educational Service Districts.

"The amendment proposed by Senator Metcalf and others adds additional language and a provision relating to the truancy law.

"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 proposed by Senators Metcalf, Zimmerman, Conner and Haley was ruled out of order.

MOTION

On motion of Senator Gaspard, the rules were suspended, House Bill No. 106, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 106.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 106, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalfe, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Jones - 1.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute House Bill No. 393 and the pending amendment to the Committee on Local Government amendment, deferred earlier today.

On motion of Senator Thompson, and there being no objection, the pending amendment to the committee amendment was withdrawn.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Local Government amendment, as amended.

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

MOTIONS

On motion of Senator Thompson, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "street improvements; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.75 RCW."

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 393, 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 Thompson, your last remark intrigued me. You said that it would make the public funds go further by furnishing the materials and the services to the street abutters. My understanding from both my service in the city and the county and as a legislator is that the public funds are very short for improving the public roads and streets. Could you explain how you expect to stretch the public funds by furnishing this extra material to the abutters?"

Senator Thompson: "I regret it, Senator Rasmussen, whenever I make remarks that intrigue you, but I would also like to add that what I meant by that--and I am sorry that my comment wasn't clear--that by providing materials without providing tax-paid labor to accomplish the job, it will be possible to accomplish more with the same amount of money."

POINT OF INQUIRY

Senator Zimmerman: "Senator Thompson, some of the members of our caucus wondered if you could elaborate a little more as to the way in which the actual funding--the actual dollars or the actual money-- whatever expended on the particular materials and so on would be done--how they would be paid?"

Senator Thompson: "Well, as I understand it and could foresee the circumstances, Senator Zimmerman, a citizen with a street problem--bad condition--in front of his property, might appeal to a city council or a legislative authority or a public works director and say that he has some holes out there and some rough pavement and the capability of fixing it himself. With this kind of process, some concrete and/or asphalt could be delivered to the premises and the street abutter could take care of the problem under the surveillance of a public inspector, and the whole job could be accomplished simply and more swiftly than if it had to be scheduled in with--say, the budget or public works schedule of the community government."

Senator Zimmerman: "The abutter would do the work--the abutter would have the work done himself--the piece of property is public property?"

Senator Thompson: "Absolutely, it has to be a public thoroughfare for public benefit."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 393, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 393, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Meicalf, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Thompson, Vogtild, Warnke, Woody - 37.

Voting nay: Senators Guess, Moore, Pullen, Rasmussen, Shinpoch, Talmadge, von Reichbauer, Williams, Wojahn, Zimmerman - 10.

Absent: Senator Benitz - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 393, as amended by the Senate, having received the constitutional majority, 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. 139, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Zellinsky, Sanders, Broback, Garrett and Johnson) (by Insurance Commissioner request)

Modifying provisions on insurance.

The bill was read the second time.

MOTIONS

Senator Clarke moved that the following Committee on Financial Institutions amendment not be adopted:

On page 3, after line 9, insert the following:

"Sec. 3. Section .15.08, chapter 79, Laws of 1947 and RCW 48.15.080 are each amended to read as follows:

A licensed surplus line broker may accept and place surplus line business for any insurance agent or broker licensed in this state for the kind of insurance involved, and may compensate such agent or broker therefor: PROVIDED, That an agent or broker shall receive no compensation directly or indirectly as a surplus line broker if such agent or broker or any firm or corporation in any way affiliated with such agent or broker receives any compensation at any time after the effective date of this act as an agent or broker involved in an insurance transaction directly with an insured."

Renumber the sections consecutively and correct internal references accordingly.

Senator Deccio moved that the Committee on Financial Institutions amendment be adopted:

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Mr. President, I am sure that some of us are confused on this--when we see two men who are both highly respected in their field of insurance and we find them on each side of this issue. I wondered if anybody knows and could give us a third perspective. I have often looked to the Department and to the Insurance Commissioner's Office, itself, and with that respect, hopefully someone could enlighten us on what they see in terms of this issue. I guess, maybe, I missed the point. Would somebody elaborate on that? I am confused. I respect both of these gentlemen and at this point, I feel, if it is as important as it apparently is, I would like to ask somebody who can answer the question."

Senator Deccio: "Senator Zimmerman, you must have missed my remarks. I have discussed this with the Insurance Commissioner and his deputy and they would like to see the amendment hung on this bill."

Senator Deccio demanded a roll call.

The President Pro Tempore declared the question before the Senate to be the roll call on the positive motion by Senator Deccio to adopt the Committee on Financial Institutions amendment on page 3, after line 9.

ROLL CALL

The Secretary called the roll and the motion by Senator Deccio carried and the Committee on Financial Institutions amendment was adopted by the following vote: Yeas, 28; nays, 19; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Hansen, Hurley, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Guess, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Pullen, Guigg, von Reichbauer, Zimmerman - 19.

Absent: Senator Granlund - 1.

Excused: Senator Sellar - 1.

MOTIONS

On motion of Senator Moore, the following Committee on Financial Institutions amendments were considered and adopted simultaneously:

On page 11, line 21, after "than" delete "ninety" and insert "thirty-one"

On page 12, line 33, after "than" delete "ninety" and insert "thirty-one"

On motion of Senator Moore, the following Committee on Financial Institutions amendment was adopted:

On page 14, after line 12, insert the following:

"Sec. 22. Section .15.07, chapter 79, Laws of 1947 as last amended by section 5, chapter 181, Laws of 1982 and RCW 48.15.070 are each amended to read as follows:

Any individual while a resident of this state, or any firm or any corporation that has in its employ a qualified individual who is a resident of this state and who is authorized to exercise the powers of the firm or corporation, deemed by the commissioner to be competent and trustworthy, and while maintaining an office at a designated location in this state, may be licensed as a surplus line broker in accordance with this section.

(1) Application to the commissioner for the license shall be made on forms furnished by the commissioner.

(2) The license fee shall be one hundred dollars for each license year during any part of which the license is in force. The annual renewal date shall be determined by the commissioner. The commissioner shall adopt a rule providing for the proration, on a quarterly basis, of the license fee. The proration shall be applicable only: (a) To applicants who apply for a license after the expiration of the first quarter of any license year, or (b) to licensees whose licenses would exist for less than nine months as a result of the adoption of the annual renewal date.

(3) Prior to issuance of license the applicant shall file with the commissioner a bond in favor of the state of Washington in the penal sum of twenty thousand dollars, with authorized corporate sureties approved by the commissioner, conditioned that he will conduct business under the license in accordance with the provisions of this chapter and that he will promptly remit the taxes provided by RCW 48.15.120. The licensee shall maintain such bond in force for as long as the license remains in effect.

(4) Every applicant for a surplus line broker's license or for the renewal of a surplus line broker's license shall file with the application or request for renewal a bond in favor of the

people of the state of Washington, executed by an authorized corporate surety approved by the commissioner, in the amount of ~~((fifty))~~ one hundred thousand dollars and shall be the bonding requirement for new licensees. The licensee shall maintain such bond in force while so licensed. The bond may be continuous in form, and total aggregate liability on the bond may be limited to the amount stated in the bond. The bond shall be contingent on the accounting by the surplus line broker to any person requesting such broker to obtain insurance, for moneys or premiums collected in connection therewith. A bond issued in accordance with RCW 48.17.250 or with this subsection will satisfy the requirements of both RCW 48.17.250 and this subsection if the limit of liability is not less than the greater of the requirement of RCW 48.17.250 or the requirement of this subsection.

(5) Any bond issued pursuant to subsection (3) or (4) of this section shall remain in force until the surety is released from liability by the commissioner, or until the bond is canceled by the surety. Without prejudice to any liability accrued prior to such cancellation, the surety may cancel the bond upon thirty days' advance notice in writing filed with the commissioner.

(6) For the purposes of this section, a "qualified individual" is a natural person who has met all the requirements that must be met by an individual surplus line broker."

Renumber the sections consecutively.

On motion of Senator Moore, the following Committee on Financial Institutions amendment was adopted:

On page 14, after line 12, insert the following:

"NEW SECTION. Sec. 23. There is added to chapter 48.30 RCW a new section to read as follows:

(1) No insurer may make available to the public through an agent or broker any insurance program which deviates from the programs filed under chapter 48.19 RCW.

(2) No insurer shall offer to an agent or broker an exclusive marketing privilege, including rating, pricing and underwriting, which is not made available to all brokers and agents appointed by that insurer in accordance with RCW 48.17.160.

(3) Any insurer, agent or broker violating this section shall be subject to disciplinary action under chapter 48.05 or 48.17 RCW."

Renumber the sections consecutively.

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

On page 1, line 4 of the title, after "48.13.020;" insert "amending section .15.08, chapter 79, Laws of 1947 and RCW 48.15.080;"

On page 1, line 26 of the title, after "48.34.060;" insert "amending section .15.07, chapter 79, Laws of 1947 as last amended by section 5, chapter 181, Laws of 1982 and RCW 48.15.070;"

On page 1, line 27 of the title, after "48.20.050;" insert "adding a new section to chapter 48.30 RCW;"

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 139, 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 Moore, the general legislation appears to be all right. I am wondering, though, why the House had ninety days for notification of a new child in a family and the amendment cut it down to thirty? Remembering the times when my children were born, it took me the first thirty days to settle down and most people just put an insurance policy aside and forget it and never think about it during the birth of a child. Why did you shorten up the difference?"

Senator Moore: "Are you speaking, Senator Rasmussen, of yourself settling down or the baby settling down?"

Senator Rasmussen: "Well, getting down to the time when you could look at your insurance policy and realize what is specified."

Senator Moore: "Well, we did not discuss that specifically. We felt that thirty-one days was a more reasonable length of time. If there is anything seriously wrong with a child, it will show up very shortly."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 139, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 139, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 32.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Newhouse, Pullen, Quigg, Zimmerman - 16.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 139, as amended by the Senate, having received the constitutional majority, 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. 787, by Representatives Sayan, Appelwick, Allen, Schoon, Fisher, Vekich, Stratton, Dellwo, R. King, Holland, Johnson and Miller

Excluding weekend duty military reserve pay from the definition of remuneration for purposes of unemployment compensation.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 787, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 787.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 787, and the bill passed the Senate by the following vote: Yeas, 46; nays, 02; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senators Barr, Haley - 2.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 787, having received the constitutional majority, 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. 482, by Committee on Transportation (originally sponsored by Representatives Martinis, Wilson, Walk, Sutherland, Patrick, Burns, McMullen, Ristuben, Prince, Barrett, Hankins, Fisch, Schmidt, Smith and Betrozoff)

Establishing standards for manufacturing motor vehicle license plates.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following Committee on Transportation amendment was adopted:

On line 17 after the period add "License plates which may be retained by a vehicle owner pursuant to RCW 46.16.290 shall not be subject to this section."

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 482, 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 Lee: "Senator Peterson, I am just curious--how much is it going to cost me for new plates for my 1965 Buick?"

Senator Peterson: "Five dollars."

Senator Lee: "Five dollars for a set of plates, or do you just have to buy the rear one now?"

Senator Peterson: "No, you are still required to have two plates. It just has the tab on one, but you are required to pay five dollars for the two plates."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 482, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 482, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 08; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Voting nay: Senators Craswell, Deccio, McCaslin, Newhouse, Pullen, Rasmussen, Vognild, von Reichbauer - 8.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 482, as amended by the Senate, having received the constitutional majority, 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. 189, by Committee on Local Government (originally sponsored by Representatives Wang and Smitherman)

Modifying provisions for the issuance and sale of bonds by metropolitan park districts.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 189, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 189.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 189, and the bill passed the Senate by the following vote: Yeas, 40; nays, 08; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 40.

Voting nay: Senators Craswell, Hughes, Hurley, McCaslin, Metcalf, Newhouse, Pullen, Zimmerman - 8.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 189, having received the constitutional majority, 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. 371, by Representatives Lux and Sanders

Modifying provisions on examinations of health care service contractors and health maintenance organizations.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 371, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 371.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 371, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Sellar - 1.

ENGROSSED HOUSE BILL NO. 371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 683, by Representatives Vekich, Patrick, Monohon, Sayan, Fisher, Fisch, McMullen and Tanner

Providing for interest on workers compensation awards, if appealed.

The bill was read the second time.

MOTION

Senator Vognild moved adoption of the following Committee on Commerce and Labor amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. There is added to chapter 51.52 RCW a new section to read as follows:

(1) When a worker or beneficiary prevails in an appeal by the employer to the board or in an appeal by the employer to the court from the decision and order of the board, the worker or beneficiary shall be entitled to interest at the rate of twelve percent per annum on the unpaid amount of the award after deducting the amount of attorney fees.

(2) When a worker or beneficiary prevails in an appeal by the worker or beneficiary to the board or the court regarding a claim for temporary total disability, the worker or beneficiary shall be entitled to interest at the rate of twelve percent per annum on the unpaid amount of the award after deducting the amount of attorney fees.

(3) The interest provided for in subsections (1) and (2) of this section shall accrue from the date of the department's order granting the award or denying payment of the award. The interest shall be paid by the party having the obligation to pay the award. The amount of interest to be paid shall be fixed by the board or court, as the case may be."

POINT OF INQUIRY

Senator Newhouse: "For the record, Senator Vognild, does the attorney share in the interest amount that is provided on awards in either the interest itself or in the award?"

Senator Vognild: "No, Senator Newhouse, the attorney fees are deducted before the interest is computed and the interest goes to the beneficiary or the employee."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendment.

The motion by Senator Vognild carried and the committee amendment was adopted.

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 683, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 683, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 683, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Hayner - 1.

Excused: Senator Sellar - 1.

ENGROSSED HOUSE BILL NO. 683, as amended by the Senate, having received the constitutional majority, 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. 719, by Committee on Education (originally sponsored by Representatives Galloway, Armstrong, Betrozoff and Miller)

Establishing procedures before closing a school for instructional purposes.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 9, after "pertaining to" strike "the closure of schools" and insert "a plan, program, or decision for the closure of a school or schools or for the school closure portion of any broader policy, plan or program"

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 11, after "chapter" strike "43.21C" and insert "28A.58"

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 23, after "purposes," insert "The policy shall require separate hearings for each school which is proposed to be closed."

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, line 5, after "chapter" strike all material down through "inoperable" on line 21, and insert "28A.58 RCW a new section to read as follows:

A school district may close a school for emergency reasons, as set forth in RCW 28A.41.170(2)(a) and (b), without complying with the requirements of section 2 of this act"

On motion of Senator Gaspard, the following title amendment was adopted:

On page 1, line 1 of the title, after "closures;" strike all material down through "43.21C RCW" on line 2, and insert "adding a new section to chapter 43.21C RCW; and adding new sections to chapter 28A.58.RCW"

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 719, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 719, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 719, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators McDermott, Talmadge - 2.

Absent: Senator Bluechel - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 719, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 185, by Representatives McMullen, Wilson and Sutherland (by Department of Transportation request)

Revising highway routes.

The bill was read the second time.

MOTIONS

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

On page 2, after line 10, insert the following:

"NEW SECTION, Sec. 3. The state highway known as state route number 251 beginning at the junction with state route number 25 at Northport, thence northeasterly to the international boundary in the vicinity of Boundary is returned to Stevens county as a county road.

Sec. 4. Section 106, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.525 are each amended to read as follows:

A state highway to be known as state route number 291 is established as follows:

Beginning at a junction with state route number 2 in Spokane, thence northwesterly along the north bank of the Spokane river to ((a point in Stevens county across the Spokane river from the Riverside State Park at the boundary line common to Stevens and Spokane counties)) the vicinity of Tumtum; and thence southwesterly along the north shore of Long Lake to a junction with state route number 231 in the vicinity of the Little Falls Dam.

NEW SECTION, Sec. 5. Section 95, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.470 are each repealed."

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 3, after RCW 47.17.200 insert the following:

and amending section 18, chapter 51, Laws of 1970 ex. sess. as amended by section 1, chapter 63, Laws of 1975 and RCW 47.17.085; amending section 106, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.525; creating a new section; and repealing section 95, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.470."

MOTIONS

On motion of Senator Peterson, the rules were suspended, House Bill No. 185, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Clarke, Senator von Reichbauer was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 185, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 185, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf,

Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Williams - 1.

Excused: Senators Sellar, von Reichbauer - 2.

HOUSE BILL NO. 185, as amended by the Senate, having received the 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 Shinpoch, Senate Bill No. 3620, which was on the second reading calendar, was referred to the Committee on Parks and Ecology.

On motion of Senator Shinpoch, House Bill No. 122, which was on the second reading calendar, was referred to the Committee on Rules.

SECOND READING

ENGROSSED HOUSE BILL NO. 63, by Representatives Kreidler, Lewis, Wang, Ballard and Isaacson (by Department of Licensing request)

Modifying the regulation of licensed practical nurses.

The bill was read the second time.

MOTION

On motion of Senator McManus, the rules were suspended, Engrossed House Bill No. 63, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 63.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 63, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Metcalf, Quigg - 2.

Excused: Senators Sellar, von Reichbauer - 2.

ENGROSSED HOUSE BILL NO. 63, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 187, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Lewis, Heck, Broback, Dellwo, McClure, Ballard, Wang, Niemi, Sanders, Belcher, Braddock and Patrick)

Modifying provisions concerning services for the handicapped.

The bill was read the second time.

MOTION

On motion of Senator McManus, the rules were suspended, Substitute House Bill No. 187, 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 McManus, I trust this bill is intended to be complementary to the placement of DD children in group homes in the community--the bill that has passed this body on that issue."

Senator McManus: "Yes, I am very familiar with that bill, to say the least. It is my understanding this bill is designed to be complementary."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 187.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 187, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 03; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Deccio, Fleming, Woody - 3.

Excused: Senators Sellar, von Reichbauer - 2.

SUBSTITUTE 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.

SECOND READING

ENGROSSED HOUSE BILL NO. 198, by Representatives Pruitt, Vander Stoep, Kreidler, Charnley, Sayan, Mitchell, Garrett, Tilly, Ristuben, Van Dyken, Powers, Johnson, Burns, Schmidt, Jacobsen, Broback, Zellinsky, Nealey, Smitherman, Clayton, Fuhrman, Taylor, Barnes, Vekich, Halsan, Sutherland, Isaacson, Fisch, Betrozoff, Fisher, Holland, Braddock, Schoon, McClure, Ballard, Niemi, Brough, Stratton, J. Williams, Haugen, Egger, Crane, Silver, Rust, Cantu, Tanner, Wilson, Belcher, Locke, Lux, Wang, O'Brien, Hine, Heck, Dellwo, Padden, Ellis, Ebersole, Addison, D. Nelson, Patrick, Long, Todd, McMullen and Hankins

Modifying laws regulating fitting and dispensing hearing aids.

The bill was read the second time.

MOTION

On motion of Senator McManus, the rules were suspended, Engrossed House Bill No. 198 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 198.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 198, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator McDermott - 1.

Absent: Senators Deccio, Woody - 2.

Excused: Senators Sellar, von Reichbauer - 2.

ENGROSSED HOUSE BILL NO. 198, having received the constitutional majority, 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. 78, by Representatives Miller, Hine, Isaacson, Mitchell and Long

Modifying contracting procedures of water and sewer districts.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 78 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 78.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 78, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Woody - 1.

Excused: Senators Sellar, von Reichbauer - 2.

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.

SECOND READING

HOUSE BILL NO. 285, by Representatives Egger, Martinis and Allen

Modifying provisions on the purposes for which motor vehicle fund distributions to cities may be used.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 285 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 285.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 285, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Deccio - 1.

Excused: Senators Sellar, von Reichbauer - 2.

HOUSE BILL NO. 285, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 7, 1983

SHB 39 Prime Sponsor, Committee on State Government: Modifying sunset review procedures. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 11, 1983

ESHB 289 Prime Sponsor, Committee on Judiciary: Authorizing law enforcement officers to revoke the license of persons arrested for driving while intoxicated. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hemstad, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

April 8, 1983

SHB 390 Prime Sponsor, Committee on Local Government: Providing for the registration of bonds. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 8, 1983

EHB 399 Prime Sponsor, Representative Sayan: Modifying provisions relating to sales of timber from state-owned land. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Peterson, Quigg, von Reichbauer.

Passed to Committee on Rules for second reading.

April 8, 1983

SHB 661 Prime Sponsor, Committee on Natural Resources: Modifying provisions on forest protection. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Patterson, Quigg, von Reichbauer.

Passed to Committee on Rules for second reading.

MOTION

At 9:58 p.m., on motion of Senator Shinpoch, the Senate adjourned until 11:00 a.m., Tuesday, April 12, 1983.

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

NINETY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 12, 1983

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

The Sergeant at Arms Color Guard, consisting of Pages Don Weber and Jeanne Wilson, presented the Colors. Reverend Raymond Hood, pastor of the Olympia-Lacey Church of God, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 12, 1983

SHB 95 Prime Sponsor, Committee on Environmental Affairs: Requiring a permit to explore for oil in marine waters. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Haley, Hansen, Hurley, Kiskaddon, Lee, Williams.

Passed to Committee on Rules for second reading.

April 12, 1983

EHB 257 Prime Sponsor, Representative Belcher: Modifying exemption of certain agricultural employees from industrial insurance coverage. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

April 12, 1983

EHB 449 Prime Sponsor, Representative Belcher: Regulating the use of lie detectors for employment purposes. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

April 11, 1983

EHB 479 Prime Sponsor, Representative Appelwick: Modifying provisions on safe deposit companies. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Clarke, Deccio, Jones, Warnke.

Passed to Committee on Rules for second reading.

April 11, 1983

ESHB 620 Prime Sponsor, Committee on Financial Institutions and Insurance: Permitting the state employees' insurance fund to self-fund its insurance programs. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

April 12, 1983

HB 724 Prime Sponsor, Representative R. King: Restricting circumstances under which an employer may lay off injured workers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do Pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Quigg, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

April 11, 1983

EHB 756 Prime Sponsor, Representative Brekke: Permitting the appropriate directors to name designees to be members of the interagency committee for outdoor recreation. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Haley, Hansen, Hurley, Kiskaddon, Lee, Williams.

Passed to Committee on Rules for second reading.

April 7, 1983

SHB 861 Prime Sponsor, Committee on Transportation: Directing the department of transportation to establish duty-free shops on state ferries. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Bender, Conner, Haley, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

April 12, 1983

HJM 15 Prime Sponsor, Representative Garrett: Urging the establishment of a permanent civilian conservation corps. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Haley, Hansen, Hurley, Kiskaddon, Lee.

Passed to Committee on Rules for second reading.

April 11, 1983

SHJR 19 Prime Sponsor, Committee on Energy and Utilities: Authorizing loans for energy conservation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Benitz, Fuller, McManus, Quigg.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

April 8, 1983

GA 101 DENNIS C. LeMASTER, to the position of member of the Forest Practices Appeals Board appointed by the Governor on February 10, 1983, for the term ending January 1, 1989, succeeding Robert Smart. Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Patterson, Quigg, von Reichbauer.

Passed to Committee on Rules.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 3221.

MOTION

At 11:18 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to to order at 1:30 p.m.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 488, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Sanders, Zellinsky, P. King, Wang and Dickie)

Modifying provisions relating to health maintenance organizations.

The bill was read the second time.

MOTIONS

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

On page 6, line 3 after "organization," insert "~~((if such organization has not operated previously as a health care contractor under chapter 48-44-RCW:))~~"

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 488, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was 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. 488, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 488, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 00; absent, 11; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 38.

Absent: Senators Clarke, Conner, Deccio, Hughes, McDermott, McManus, Owen, Patterson, Quigg, Sellar, Zimmerman - 11.

SUBSTITUTE HOUSE BILL NO. 488, as amended by the Senate, having received the constitutional majority, 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. 533, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Sanders, P. King, Broback, Tanner, Stratton and Ballard)

Defining "deadbeat list" for purposes of practices prohibited by collection agencies.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Financial Institutions amendments were considered and adopted simultaneously:

On page 1, line 19 of the engrossed and printed bill, after "as" strike "~~deadbeat~~" and insert "~~((deadbeat))~~ bad debt"

On page 1, line 20 of the engrossed and printed bill, after "a" strike "~~deadbeat~~" and insert "bad debt"

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 533, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, Senator McDermott was excused.

On motion of Senator Bluechel, Senator Quigg was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 533, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 533, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 01; absent, 05; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senator Pullen - 1.

Absent: Senators Deccio, Granlund, Hemstad, Hughes, Sellar - 5.

Excused: Senators McDermott, Quigg - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 533, as amended by the Senate, having received the constitutional majority, 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. 547, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux and Sanders)

Modifying provisions relating to public depositories.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 547, was advanced to third reading, the second reading considered the third, and the bill was 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. 547.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 547, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 03; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Deccio, Metcalf, Sellar - 3.

Excused: Senators McDermott, Quigg - 2.

SUBSTITUTE HOUSE BILL NO. 547, having received the constitutional majority, 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. 274, by Representatives Lux and Sanders

Modifying provisions relating to names authorized for savings and loans associations.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 274, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 274.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 274, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 03; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Deccio, Metcalf, Sellar - 3.

Excused: Senators McDermott, Quigg - 2.

ENGROSSED HOUSE BILL NO. 274, having received the constitutional majority, 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. 275, by Representatives Lux and Sanders

Modifying provisions relating to mutual savings banks.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 275, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senator Metcalf was excused.

On motion of Senator Talmadge, further consideration of Engrossed House Bill No. 275 was deferred.

SECOND READING

HOUSE BILL NO. 312, by Representatives Lux, Sanders and Garrett

Providing for the conversion from a mutual savings bank to a federal savings bank.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 312, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 312.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 312, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 02; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Deccio, Sellar - 2.

Excused: Senators McDermott, Metcalf, Quigg - 3.

HOUSE BILL NO. 312, having received the constitutional majority, 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 Monohon, Vekich, Sayan, Van Dyken, Fisch and McClure

Extending the allowed duration of leases of port district property.

The bill was read the second time.

MOTION

On motion of Senator Thompson, 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.

POINT OF INQUIRY

Senator Fleming: "Senator Thompson, does this deal with the same area that another bill that passed through here that dealt with harbor leases--or just any leases?"

Senator Thompson: "No, this extends the time period for leases, Senator Fleming, because the time set is rather arbitrary to begin with and the request came to extend it to thirty years, because we have an opportunity to locate a facility in the Port of Grays Harbor --a very depressed area--if the Port of Grays Harbor has the authority to grant a thirty-year lease."

Senator Fleming: "The reason that I asked that question is that I sponsored a bill going through here dealing with harbor leases that raised it from fifty to fifty-five and then I think the House, supposedly, raised it to sixty or something like that, and I am just wondering--why ninety years? I know there are a lot of leases that deal with ninety-nine in some aspects of the business world. It is sixty and it is extending it an additional thirty more. I heard you say something about ninety and that caught my attention."

Senator Thompson: "These times have been put out in the distance, Senator Fleming, as it was explained to us by a spokesman for the Washington State Ports, simply to accommodate specific requirements for them. They are not set arbitrarily, although varying lease provisions have different lease length limits."

Senator Fleming: "I was just wondering whether it would create some kind of problem somewhere down the line for us. I understand the fifty-year lease easily being extended another ten or whatever it is, but extending them out to ninety years--I was just wondering if that would create any problems somewhere along the way, even though you try to deal with one specific issue."

Senator Thompson: "I don't believe it will create any problems. On the contrary, Senator Fleming, I think it will create an opportunity."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 413.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 413, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 02; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Deccio, Sellar - 2.

Excused: Senators McDermott, Metcalf, Quigg - 3.

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.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed House Bill No. 275, deferred on third reading earlier today.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 275.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 275, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 02; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Deccio, Sellar - 2.

Excused: Senators McDermott, Metcalf, Quigg - 3.

ENGROSSED HOUSE BILL NO. 275, having received the constitutional majority, 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. 366, by Committee on Energy and Utilities (originally sponsored by Representatives Pruitt, Isaacson, D. Nelson, Miller, J. King, Charnley, Nealey, Smitherman, Zellinsky, Haugen, Braddock, Brekke, Garrett, B. Williams, Long, Todd, Wang, Van Dyken, Burns, R. King, Ebersole, Hine and Ristuben)

Permitting public entities involved in the generation, sale or distribution of energy to provide energy conservation analyses and financing assistance for their customers.

The bill was read the second time.

MOTIONS

On motion of Senator Bender, Senator Vognild was excused.

On motion of Senator Williams, the rules were suspended. Substitute House Bill No. 366, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 366.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 366, and the bill passed the Senate by the following vote: Yeas, 38; nays, 06; absent, 02; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody, Zimmerman - 38.

Voting nay: Senators Craswell, Guess, McCaslin, Newhouse, Pullen, von Reichbauer - 6.

Absent: Senators Deccio, Sellar - 2.

Excused: Senators Metcalf, Quigg, Vognild - 3.

SUBSTITUTE HOUSE BILL NO. 366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Honorable Knut Hedemann, Ambassador of Norway; the Honorable Thomas A. Stang, Consul of Norway; and the Honorable Leif Eie, Area Manager of Scandinavian Airlines, and appointed Senators Hansen, Guess, Clarke and Bottiger as a committee of honor to escort the guests to the Senate rostrum.

With permission of the Senate, business was suspended to permit Ambassador Hedemann to address the Senate.

The President presented a certificate to Mr. Hedemann designating him as an Ambassador of Good Will for the Evergreen State of Washington.

The honored guests were escorted from the Senate Chamber to the Office of the Lieutenant Governor for a reception and the committee was discharged.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 11, 1983

SB 4099 Prime Sponsor, Senator Rinehart: Providing for the review of certain tax preferences. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4099 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Deccio, Hayner, Hughes, Lee, Rinehart, Shinpoch, Talmadge, Warnke, Wojahn, Woody.

Passed to Committee on Rules for second reading.

April 11, 1983

SCR 118 Prime Sponsor, Senator Craswell: Establishing the Andrew W. Anderson recreational fishing area. Reported by Committee on Natural Resources

MAJORITY recommendation: Do Pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Metcalf, Patterson, Quigg, von Reichbauer.

Passed to Committee on Rules for second reading.

April 11, 1983

HB 31 Prime Sponsor, Representative Wang: Providing that using or threatening to use an apparent deadly weapon is forcible compulsion for the crime of rape in the first degree. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

April 12, 1983

EHB 107 Prime Sponsor, Representative R. King: Allowing specified hospitals to form self-insurance groups. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Moore, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

April 11, 1983

SHB 116 Prime Sponsor, Committee on Judiciary: Modifying provisions relating to offers of settlement in civil actions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

April 11, 1983

ESHB 197 Prime Sponsor, Committee on Judiciary: Excusing prospective jurors who have already served twice in the last five years. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

April 11, 1983

EHB 203 Prime Sponsor, Representative Lux: Modifying provisions on underinsured motor vehicle coverage. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Clarke, Deccio, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

April 12, 1983

SHB 296 Prime Sponsor, Committee on Education: Modifying provisions regulating school transportation. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, Warnke.

Passed to Committee on Rules for second reading.

April 11, 1983

SHB 328 Prime Sponsor, Committee on Judiciary: Equalizing interest on judgments. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

April 12, 1983

EHB 446 Prime Sponsor, Representative Sayan: Permitting access by employees to their personnel files. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

April 11, 1983

SHB 522 Prime Sponsor, Committee on Judiciary: Requiring an advisement of deportation consequences prior to acceptance of a guilty plea. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

April 11, 1983

SHB 548 Prime Sponsor, Committee on Local Government: Modifying provisions relating to water supply operations. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 11, 1983

ESHB 667 Prime Sponsor, Committee on Financial Institutions and Insurance: Modifying provisions on health service contractors and health maintenance organizations. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

April 12, 1983

SHB 888 Prime Sponsor, Committee on Judiciary: Revising provisions relating to criminal sentencing. Reported by Committee on Institutions

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; McManus, Peterson.

Passed to Committee on Rules for second reading.

April 12, 1983

SHB 1017 Prime Sponsor, Committee on Education: Changing the axle requirements for school buses. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Hemstad, Kiskaddon, Lee.

Passed to Committee on Rules for second reading.

MOTION

At 2:33 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Wednesday, April 13, 1983.

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

NINETY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 13, 1983

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 Conner, Fuller, Granlund, McDermott, Patterson, Rasmussen, Sellar and Zimmerman. On motion of Senator Vognild, Senators Conner, Granlund, McDermott and Rasmussen were excused. On motion of Senator Bluechel, Senators Sellar and Zimmerman were excused.

The Sergeant at Arms Color Guard, consisting of Pages Barbara Hettinger and Tim Carter, presented the Colors. Reverend Raymond Hood, pastor of the Olympia-Lacey Church of God, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 12, 1983

SHB 117 Prime Sponsor, Committee on Labor: Modifying procedures for the reduction in force of community college faculty members due to a financial emergency. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hughes, McDermott, Warnke.

MINORITY recommendation: Do not pass as amended. Signed by Senators Benitz, Craswell, Guess, Hemstad, Kiskaddon, Lee.

Passed to Committee on Rules for second reading.

April 12, 1983

EHB 270 Prime Sponsor, Representative Dellwo: Providing for treatment and services for developmentally disabled persons. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Conner, Craswell, Granlund, Moore.

Passed to Committee on Rules for second reading.

April 12, 1983

ESHB 484 Prime Sponsor, Committee on Social & Health Services: Establishing a long-term care ombudsman program. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Conner, Granlund, Moore.

Passed to Committee on Rules for second reading.

April 8, 1983

ESHB 816 Prime Sponsor, Committee on Local Government: Revising the powers of housing authorities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 12, 1983

EHB 905 Prime Sponsor, Representative Dellwo: Revising the determination of eligibility for certain group training homes. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Conner, Craswell, Granlund, Moore.

Passed to Committee on Rules for second reading.

April 12, 1983

ESHB 906 Prime Sponsor, Committee on Social & Health Services: Modifying provisions regarding developmentally disabled juveniles living in out-of-home placements. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass as amended. Signed by Senators McManus, Chairman; Conner, Granlund, Moore.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

April 12, 1983

Mr. President:

The House has concurred in the Senate amendment to HOUSE BILL NO. 256 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 12, 1983,

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3110,

SUBSTITUTE SENATE BILL NO. 3164,

SUBSTITUTE SENATE BILL NO. 3511,

SUBSTITUTE SENATE BILL NO. 4022,

ENGROSSED SENATE BILL NO. 4205, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 12, 1983

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3645, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 12, 1983

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3221, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President has signed:

SUBSTITUTE SENATE BILL NO. 3110,

SUBSTITUTE SENATE BILL NO. 3164,

SUBSTITUTE SENATE BILL NO. 3511,

SUBSTITUTE SENATE BILL NO. 3645,

SUBSTITUTE SENATE BILL NO. 4022,

SENATE BILL NO. 4205.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 241, by Committee on Education (originally sponsored by Representatives Appelwick, P. King, Dickie, Galloway, Schoon, Ebersole, Miller, Belcher, Isaacson, Brekke, Johnson, Todd, Powers, Wang and Stratton) (by Superintendent of Public Instruction request)

Providing education programs for juveniles and juvenile offenders.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 241 was advanced to third reading, the second reading considered the third, and the bill was 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. 241.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 241, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 02; excused, 06.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vogmild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 41.

Absent: Senators Fuller, Patterson - 2.

Excused: Senators Conner, Granlund, McDermott, Rasmussen, Sellar, Zimmerman - 6.

SUBSTITUTE HOUSE BILL NO. 241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 323, by Committee on Local Government (originally sponsored by Representatives Haugen, Wilson, Ballard, Sayan, McClure, Fisch, Vekich and Tanner)

Amending the provision regarding consolidation and annexation of public utility districts.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Substitute House Bill No. 323 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Senator Williams, I notice that the bill is very carefully drawn not to include the territory of another PUD, but would it include the territory of a private supplier?"

Senator Williams: "No, it would not."

Senator Guess: "In other words, the PUD in Newport could not take in the territory by annexation in Stevens County that is served by the Washington Water Power?"

Senator Williams: "My first answer was 'no.' It is not the intention to do that and the Department of Utilities testified in the committee and did not raise this question. In other words, they were satisfied the bill was satisfactory for them."

POINT OF INQUIRY

Senator Newhouse: "Senator Metcalf, in this bill, I take it that an existing PUD is now county-wide. You would then be crossing county lines and annexing into a new county. My question is--would, in this new county, the PUD from the previous

county have authority to condemn transmission lines of a private utility--for instance--into Island County?"

Senator Metcalf: "The present Camano Island is served by the PUD and has no transmission lines from any private power company, so the question does not relate to Camano Island's relationship to Snohomish County."

Senator Newhouse: "But there are other islands in Island County--might the PUD then condemn facilities on those other islands?"

Senator Metcalf: "As far as I can see, absolutely not. The lines come down from an entirely different area and don't come near the Snohomish County lines. I certainly would not support the bill if I thought it had that kind of a problem in it."

MOTION

On motion of Senator Bluechel, Senators Patterson and Fuller were excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 323.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 323, and the bill passed the Senate by the following vote: Yeas, 42; nays, 02; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 42.

Voting nay: Senators Hughes, Newhouse - 2.

Absent: Senator Kiskaddon - 1.

Excused: Senators Fuller, Patterson, Sellar, Zimmerman - 4.

SUBSTITUTE HOUSE BILL NO. 323, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4251, by Senators Hansen, Barr, Newhouse, Deccio, Hurley, Benitz, McCaslin and Goltz

Providing for a study and interim management of the Milwaukee Road.

MOTION

On motion of Senator Hansen, Substitute Senate Bill No. 4251 was substituted for Senate Bill No. 4251 and the substitute bill was placed on second reading and read the second time.

PARLIAMENTARY INQUIRY

Senator Bluechel: "Mr. President, a question of parliamentary procedure. We have two amendments on the desk which are striking amendments, essentially. I have one and Senator Woody has one. In which order should they be taken? They are substantially different amendments."

REPLY BY THE PRESIDENT

President Cherberg: "The Secretary advises, Senator Bluechel, that Senator Woody's amendment is not a striking amendment."

MOTION

On motion of Senator Shinpoch, the following amendment by Senators Shinpoch, Hansen and Newhouse was adopted:

On page 1, after line 26, insert "It is the intent of the legislature that the continuity of the original corridor be retained for future public use."

MOTION

Senator Woody moved adoption of the following amendment:

On page 1, beginning on line 4, strike all of section 1 and insert:

NEW SECTION, Sec. 1. It is the intent of the legislature that the continuity of the original Milwaukee Road corridor be retained for future public use. The legislature recognizes the

long-term multiple-use potential of this corridor which was purchased by the state under section 17 (21), chapter 143, Laws of 1981."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Woody.

The motion by Senator Woody carried on a rising vote and the amendment was adopted.

MOTION

Senator Woody moved adoption of the following amendment:

On page 1, following line 26, insert the following new section:

"NEW SECTION, Sec. 2. The department of natural resources, in conjunction with the parks and recreation commission, shall prepare a recreation development plan for the Milwaukee Road corridor. The plan shall address the following:

- (1) Various types of recreational uses excluding motorized uses;
- (2) Seasons of use;
- (3) Recreational and safety improvements;
- (4) Possibilities of easement or land exchanges to enhance the recreational value or reduce potential impact on adjacent lands;
- (5) Need to buffer adjacent landowners;
- (6) Provisions for the state to acquire properties so that a continuous recreational trail corridor may be developed from Easton, Washington to the Idaho border;
- (7) An estimate of the costs of making improvements to implement the plan;
- (8) An estimate of annual costs for operation and maintenance of the corridor; and
- (9) Procedures for the state to resolve any questions on the ownership status of the corridor.

The recreation development plan shall identify opportunities to utilize volunteer work, private contributions, and support from tax-exempt foundations.

This plan shall be submitted to the legislature by January 15, 1985."

Renumber remaining sections accordingly.

POINT OF INQUIRY

Senator Hansen: "I don't think the state can afford this amendment, nor do I think they can afford the one that was adopted. I want to ask Senator McDermott, in our budget are you prepared to put a minimum of three hundred thousand dollars in for the management of this trail and if we go through with this study, two hundred twenty-five thousand dollars out of the existing budget? If you are not, this is all for naught and the liability will be on the DNR and we will have the fire hazards and the weed control--and dealing with each fire department to control the fires in this area. Are we prepared for that fiscal impact in our budget today?"

Senator McDermott: "Senator Hansen, obviously, there are a million little things that people might want to put in the budget. I, personally, think that we can find the money to do this. In terms of our tourism promotion, in terms of making this state the kind of recreational area that will draw people from the other parts of the state, it would be a worthy expenditure of the money. For that reason, I have the staff already looking and I think we have a source already located."

The President declared the question before the Senate to be adoption of the amendment by Senator Woody.

The motion by Senator Woody failed on a rising vote and the amendment was not adopted.

MOTION

On motion of Senator Shinpoch, the following amendments by Senators Shinpoch, Hansen and Newhouse were considered and adopted simultaneously:

On page 1, after line 26, insert "It is the intent of the legislature that the continuity of the original corridor be retained for future public use."

On page 2, line 8, strike all of section 3 and renumber the remaining sections consecutively.

On page 3, line 16, strike all of subsections (2) and (3) and renumber the remaining subsection consecutively.

On page 3, line 26, strike all of section 7 and renumber the remaining sections consecutively.

On page 3, after line 35, insert:

"NEW SECTION. Sec. ___. All leases, agreements, contracts or lease exchanges authorized by or entered into pursuant to this act shall comply with the legislative intent expressed in section 1 and shall retain for the benefit of the state the power to terminate the leases, agreements, contracts or lease exchanges following adequate notice as negotiated by the parties.

"NEW SECTION. Sec. ___. The appropriate state agencies shall manage the portion of the corridor under its control in the best interest of the state and, in compliance with the legislative intent expressed in section 1, may enter into leases, agreements, contracts or lease exchanges for any use of the land, including but not limited to:

(1) Allowing the realignment or modification of public roads, farm crossings, water conveyances, facilities and other utility crossings;

(2) Regulating activities and restricting uses, including closing portions of the corridor to reduce fire danger or otherwise protect public safety;

(3) Placing hazard warning signs and closing hazardous structures;

(4) Renegotiating existing agreements upon agreement with affected parties; and

(5) Entering into leases for utility, transportation, pipelines or other commercial uses."

MOTION

Senator Woody moved adoption of the following amendment:

On page 2, beginning on line 28, strike all of section 5.

Renumber accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator Bottiger, I am reading section 6 of this bill. Section 6 indicates that the Department may offer for lease and it says--'the lease may include a closure of the trail.' Is that language not clear, does that not indicate that these areas that we are talking about can, in fact, be leased and closed to recreational use?"

Senator Bottiger: "Senator Vognild, the section--I thought that was taken out by Senator Shinpoch's amendment--but that section, then, would allow the Department, whether you adopt the Woody amendment or not--in a lease--grant the right to close that particular piece of the trail, so that you go up to it and then it would be open later on. That would be the only way that I could interpret it. I think my point was that the farmer's desire to keep the fires and things out of his field would almost force them to ask for a closure--a non-exclusive use in the lease."

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Woody.

ROLL CALL

The Secretary called the roll and the motion by Senator Woody carried and the amendment was adopted by the following vote: Yeas, 27; nays, 20; absent, 00; excused, 02.

Voting yea: Senators Bender, Bluechel, Clarke, Fleming, Gaspard, Granlund, Guess, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Owen, Quigg, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Woody, Zimmerman - 27.

Voting nay: Senators Barr, Bauer, Benitz, Bottiger, Conner, Craswell, Deccio, Goltz, Haley, Hansen, Hughes, McCaslin, Moore, Newhouse, Patterson, Peterson, Pullen, Shinpoch, Warnke, Wojahn - 20.

Excused: Senators Fuller, Sellar - 2.

MOTION

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

MOTION

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

SENATE RESOLUTION 1983-35

By Senator Owen

WHEREAS, The trees of Washington, the Evergreen State, form a vital foundation to this state's economy and environment, providing jobs, a source of food and

materials, including lumber for buildings and tools, fruits, nuts, medicine and cellulose for paper and fiber; and

WHEREAS, Trees beautify our landscape, refresh our minds and bodies, and nurture our state's wildlife, providing food and shelter for birds and animals; and

WHEREAS, The United States of America, all fifty individual states and a growing number of other nations have established a special day to honor the annual observance that many consider the "granddaddy of our country's conservation movements"; and

WHEREAS, Twenty-five years ago the Washington State Legislature established a day of recognition for our state's valuable and renewable tree resources;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes April 13, 1983 as Arbor Day in Washington State, and urges citizens across the state to join and support the many Arbor Day celebrations which will renew our commitment to protect and perpetuate our valuable tree resources.

MOTION

At 11:27 a.m., on motion of Senator Shinpoch, 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 Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 175, by Representatives Sutherland, Todd, B. Williams, R. King, Belcher, Sayan, Gallagher, Isaacson, Zellinsky, Fisch, Powers, Charnley and Lux

Modifying the definition of "worker" as it pertains to workers compensation.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 175 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 175.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 175, and the bill passed the Senate by the following vote: Yeas, 28; nays, 12; absent, 07; excused, 02.

Voting yea: Senators Bender, Benitz, Bottiger, Clarke, Fleming, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Woody, Zimmerman - 28.

Voting nay: Senators Bluechel, Craswell, Deccio, Guess, Haley, Hansen, Hayner, Jones, Kiskaddon, Lee, McCaslin, von Reichbauer - 12.

Absent: Senators Barr, Bauer, Conner, Patterson, Quigg, Williams, Wojahn - 7.

Excused: Senators Fuller, Sellar - 2.

ENGROSSED 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 289, by Committee on Judiciary (originally sponsored by Representatives Haugen, Tilly, Brekke, Charnley, Jacobsen, Todd, Burns, Holland, Stratton, Ballard, Brough, Zellinsky, McMullen, Fisch, Smitherman, Tanner, Moon, Silver, Armstrong, Ristuben and Miller)

Authorizing law enforcement officers to revoke the license of persons arrested for driving while intoxicated.

The bill was read the second time.

MOTION

Senator Talmadge moved adoption of the following Committee on Judiciary amendment:

Strike everything after the enacting clause, and insert the following:

"Sec. 1. Section 11, chapter 260, Laws of 1981 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~~) is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her 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))~~ The officer shall inform the person of his or her right to refuse the test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test. The officer shall warn the driver that his refusal to take the test may be used against him in any subsequent criminal trial.

Unless the person to be tested is unconscious, the chemical test administered shall be of ~~((his))~~ the breath only~~((PROVIDED-That))~~. If an individual is unconscious or is under arrest for the crime of ~~((negligent))~~ vehicular homicide ~~((by motor vehicle))~~ as provided in RCW 46.61.520 or vehicular assault as provided in section 2, chapter ~~...~~(SB 3106), Laws of 1983, 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 46.61.502, 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 or her arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his or her 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))~~ one year after the date of the alleged violation or for two years if it is the second such refusal in a five-year period, 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))~~ directed 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))~~ the 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))~~ the 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 in this section 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))~~ that 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))~~ has the right to file a petition in the superior court of the county ~~((wherein))~~ in which he or she 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 or she has a license.

Sec. 2. Section 11, chapter 260, Laws of 1981 as amended by section 1 of this act 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))~~ within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her 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.

(2) 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))~~ within this state while under the influence of intoxicating liquor. The officer shall inform the person of his or her right to refuse the test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test ((The officer shall warn the driver)), (b) that his or her privilege to drive will be suspended, revoked, or denied if the test is administered and the test indicates a concentration of alcohol in his or her blood of 0.10 percent or more, and (c) that his or her refusal to take the test may be used against him or her in ((any)) a subsequent criminal trial.

~~((Unless the person to be tested is unconscious))~~ (3) Except as provided in this subsection and subsection (4) of this section, the chemical test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in section 2, chapter (SB 3106), Laws of 1983, 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 46.61.502, 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.

~~((3))~~ (4) 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, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

~~((3))~~ (5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his or her breath, ~~((after being informed that his refusal will result in the revocation or denial of his privilege to drive:))~~ no test shall be given except as authorized under subsection (3) or (4) of this section. ~~((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 one year after the date of the alleged violation or for two years if it is the second such refusal in a five-year period, 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 directed in this section, 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 the 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 the 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 provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that 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 has the right to file a petition in the superior court of the county in which he or she 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 or she has a license.))

NEW SECTION, Sec. 3. (1) If, after arrest and after the other applicable conditions and requirements of RCW 46.20.308 have been satisfied, a person submits to a chemical test of his or her blood, breath, or other bodily fluids, or such a test has been administered without that person's express consent as permitted by RCW 46.20.308 (3) or (4), and the test results indicate an alcoholic concentration in that person's blood of 0.10 percent or more by weight, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by section 5 of this act;

(b) Confiscate the person's Washington state license or permit to drive, if any;

(c) Issue a temporary license as provided for in subsection (2) of this section to any driver who surrenders a current and valid license; and

(d) Immediately notify the department of licensing of the arrest and transmit to the department of licensing any confiscated license or permit and a sworn report that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both; and

(ii) That after receipt of the warnings required by RCW 46.20.308(2) the person refused to submit, or submitted to chemical testing, or that a test was administered without the person's express consent as permitted under RCW 46.20.308 (3) or (4); and

(iii) That, if a test was administered, the applicable requirements of RCW 46.20.308 were met before administration of the test and that the test was administered in accordance with RCW 46.61.506; and

(iv) That the results of any test administered indicated an alcoholic concentration in that person's blood of 0.10 percent or more.

(2) The department shall provide law enforcement agencies with temporary license forms and written notice statements for use under subsection (1) of this section. Any temporary license issued under subsection (1) of this section shall indicate that it is effective for forty-five days from the arrest or, until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to section 6 of this act, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces.

NEW SECTION, Sec. 4. (1) The department shall suspend, revoke, or deny the arrested person's driving privileges as follows:

(a) In the case of a person who has refused a test:

- (i) For a first refusal within five years, revocation or denial for one year;
- (ii) For a second refusal within five years, revocation or denial for two years.

(b) In the case of a person who has submitted to or been administered a test indicating a blood alcohol concentration of 0.10 percent or more:

- (i) For a first incident within five years, suspension or denial for ninety days;
- (ii) For a second incident within five years, revocation or denial for one year;
- (iii) For a third incident within five years, revocation or denial for two years.

(c) A suspension, revocation, or denial shall take effect when sustained at a hearing under section 6 of this act, or forty-five days after the person's arrest if no hearing was requested, whichever occurs first.

(2) The department shall not grant or reinstate a person's privilege to drive that has been suspended, revoked, or denied under subsection (1) of this section until it has determined the person is eligible for reinstatement under RCW 46.20.031 and 46.61.515 and is otherwise qualified.

(3) For purposes of this section and section 5 of this act, driving privileges include:

- (a) A Washington state driver's license or permit;
- (b) A nonresident privilege to drive; and
- (c) The privilege of a person to apply for a new or duplicate license or permit or to renew a license, permit, or nonresident privilege.

NEW SECTION, Sec. 5. No suspension, revocation, or denial of a driving privilege under section 4 of this act is effective until the department of licensing or a law enforcement officer acting on its behalf notifies the person in writing by personal service, by certified mail, or by first class mail addressed to that person's last known address of record with the department of the department's intention to suspend, revoke, or deny together with the grounds therefor and allows the person a seven-day period to request in writing that the department provide a hearing as provided in section 6 of this act. The notice shall specify the steps the person must take to obtain a hearing. If no written request for a hearing is postmarked or delivered to the department within seven days from the date of notification, the department shall issue an order effective as provided in section 4 of this act. If a request for a hearing is filed in time, the department shall give the person an opportunity for a hearing as provided in section 6 of this act.

NEW SECTION, Sec. 6. (1) Administrative hearings held to determine the propriety of any suspension, revocation, or denial imposed under section 4 of this act shall be in accordance with rules adopted by the director.

(2) The department shall fix a time, no more than forty-five days after arrest, and a place for a hearing to be held in the county in which the arrest was made that resulted in a report being transmitted under section 3 of this act. The hearing may be set for some other county by agreement between the department and the person. If the hearing is not held and an order issued under section 8 of this act within forty-five days after arrest, the suspension, revocation, or denial under section 4 of this act shall not be imposed.

(3) The department shall give the person at least fourteen days advance notice of the time and place of hearing, but the period of notice may be waived by the person. RCW 46.20.332 and 46.20.333 apply to the hearings. The department shall issue a subpoena upon the request of any party and, to the extent required by department rule, upon a statement showing the general relevance and reasonable scope of the evidence sought. The subpoena may be issued with like effect by the person's attorney of record or the office of the attorney general, and the form of the subpoena in each case may be the same as when issued by the agency, except that it shall only be subscribed by the signature of the person's attorney or an assistant attorney general. Every party has the right of cross-examination of any witness who testifies and has the right to submit rebuttal evidence. Subpoenas issued under this section may be enforced in the manner provided by RCW 34.04.105(5).

(4) With respect to arrested drivers who have submitted to or been administered chemical tests, the department by rule may permit the admission into evidence at the hearing of (a) copies of official reports of persons who possess a valid permit or certificate from the state toxicologist to perform tests or chemical analyses of the blood or breath, as to results of particular tests or analyses performed by that person when the copies have been certified as true copies of the report by the writer of the report, under oath, and (b) certificates of Breathalyzer maintenance operators who possess a valid permit or certificate from the state toxicologist, as to the testing and calibration of Breathalyzers or similar machines by that person. The reports or certificates may be admitted without further proof or foundation as prima facie evidence of the facts stated in them unless the arrested driver has given written notice received by the department not less than seven days before the date set for the hearing that he or she requests that the person administering the test, or the Breathalyzer maintenance operator, be produced by the department at the hearing.

NEW SECTION, Sec. 7. The scope of the administrative hearing under section 6 of this act shall include:

- (1) With respect to a person who has refused a chemical test, the issues of:

(a) 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 within this state while under the influence of intoxicating liquor;

(b) Whether the person was placed under arrest; and

(c) Whether the person 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 or her privilege to drive and that the person had the right to additional tests.

(2) With respect to a person upon whom a chemical test was administered, the issues of:

(a) 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 within this state while under the influence of intoxicating liquor;

(b) Whether the person was placed under arrest;

(c) Whether the applicable requirements of RCW 46.20.308 were satisfied before the administration of the chemical test;

(d) Whether the person either submitted to the test or a test was administered without express consent as permitted under RCW 46.20.308; and

(e) Whether the test indicated a concentration of alcohol in the person's blood of 0.10 percent, or more. The person may challenge whether the testing methods used were in accordance with RCW 46.61.506 and were valid and reliable.

NEW SECTION. Sec. 8. After a hearing held under section 6 of this act, the department shall order that the appropriate suspension, revocation, or denial of privileges be imposed effective ten days after receipt of the order. In the alternative, the department may order that the administrative action be dismissed.

NEW SECTION. Sec. 9. (1) If the suspension, revocation, or denial imposed by the department under section 4 of this act is sustained after a hearing, the person whose license, permit, or privilege is affected has the right to file a petition in the superior court of the county of arrest or the county in which the person resides or, if a nonresident of this state, the superior court of Thurston county, for review of the final order of suspension, revocation, or denial by the department. The petition shall be filed within ten days following receipt by the person of the department's final order, or the right to appeal is deemed to have been waived. The review shall be conducted by the court without a jury, and shall be confined to the record, except that in cases of alleged irregularities in procedure before the department, not shown in the record, testimony on that issue may be taken in court. The scope of the review is limited to that prescribed by RCW 7.16.120, governing writs of certiorari.

(2) The filing of the appeal does not stay the effective date of the suspension, revocation, or denial unless it is stayed by the court after motion and argument. Such a stay may be granted only if the court finds upon the arguments and affidavits presented that there is a reasonable probability that the petitioner will prevail upon the merits of the petition, that the public interest will not be substantially harmed by the stay, and that the petitioner will suffer irreparable harm if the order is not stayed. If such a stay is granted it shall provide that it is effective only so long as there is no conviction of the petitioner for a moving violation or no finding that the petitioner has committed a traffic infraction which is a moving violation during the pendency of the appeal.

(3) The court may affirm the department's decision, remand the matter for further administrative proceedings, or reverse the department's order of suspension, revocation, or denial.

(4) The actual costs of preparing and transmitting the record to superior court shall be borne by the petitioner and awarded by the court to the department if the department's decision is affirmed. The costs shall be borne by the department if the department's decision is remanded or reversed.

NEW SECTION. Sec. 10. When it has been finally determined under the procedures of sections 4 through 8 of this act that a nonresident's privilege to operate a motor vehicle in this state has been suspended or 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 the person has a driver's license.

NEW SECTION. Sec. 11. When the department is required to suspend, revoke, or deny a person's license, permit, or nonresident privilege to drive under either section 4 of this act or under RCW 46.61.515(5), and (1) the department has earlier imposed a suspension, revocation, or denial under the other of those two provisions or is preparing to do so, and (2) each of those two sanctions has been required as the result of civil or criminal proceedings arising from the same arrest, the department shall proceed as follows:

(a) If the civil and criminal sanctions imposed or to be imposed are for the same minimum length of time, the suspension, revocation, or denial imposed by the department is limited to that first imposed and fully effective under one of those provisions;

(b) If the civil and criminal sanctions are of different minimum lengths of time, the department shall impose the sanction of longer duration. If the sanction with the shorter minimum duration has earlier been imposed by the department, the department shall reduce the minimum duration of the longer revocation by the number of days the license, permit, or privilege

to drive was actually under suspension, revocation, or denial pursuant to the earlier action by the department.

If a suspension, revocation, or denial of a person's license, permit, or nonresident privilege to drive would have been imposed by the department under section 4 of this act but for the operation of this section, the suspension, revocation, or denial shall be treated as if it had been imposed for the purposes of determining the minimum duration of subsequent suspensions or revocations required under that section.

NEW SECTION, Sec. 12. (1) The director, or his or her designee, shall administer and enforce the provisions of sections 3 through 11 of this act. The director may adopt such rules as he or she deems necessary to carry out the purposes of sections 3 through 11 of this act.

(2) The department shall prescribe and provide such forms as it deems necessary or desirable to carry out the purposes of sections 3 through 11 of this act.

Sec. 13. Section 46.04.480, chapter 12, Laws of 1961 as amended by section 7, chapter 62, Laws of 1979 and RCW 46.04.480 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, or 46.61.515 and chapter 46.65 RCW the invalidation may last for a period ((to exceed)) other than one calendar year.

Sec. 14. Section 46.04.480, chapter 12, Laws of 1961 as last amended by section 13 of this act and RCW 46.04.480 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, ((or)) 46.61.515, or section 4 of this act and chapter 46.65 RCW the invalidation may last for a period other than one calendar year.

Sec. 15. Section 24, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.285 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of ((such)) the driver's conviction of any of the following offenses, when ((such)) the conviction has become final:

(1) ((Manslaughter (or negligent)) For vehicular homicide((resulting from the operation of a motor vehicle)) the period of revocation shall be two years;

(2) Vehicular assault;

(3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the ((third)) second such conviction ((of such)) for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years;

((3)) (4) Any felony in the commission of which a motor vehicle is used;

((4)) (5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

((5)) (6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

((6)) (7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction ((of such)) for the driver within a period of two years.

Sec. 16. Section 24, chapter 121, Laws of 1965 ex. sess. as amended by section 15 of this act and RCW 46.20.285 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

(1) For vehicular homicide the period of revocation shall be two years;

(2) Vehicular assault;

(3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the second such conviction for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years. A revocation imposed under this subsection shall run concurrently with any corresponding revocation which may be imposed by the department pursuant to section 4 of this act or RCW 46.61.515(5) arising out of the same arrest;

(4) Any felony in the commission of which a motor vehicle is used;

(5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

(7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.

Sec. 17. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 5, chapter 212, Laws of 1982 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 or 46.61.515. 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)) the suspension shall remain in effect and the department shall not issue to ((such)) the person any new, duplicate, or renewal ((of)) license until ((such)) the person ((shall)) pay a reinstatement fee of twenty dollars and ((shall)) give and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the reinstatement fee shall be fifty dollars.~~

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked ~~((shall)), unless the revocation was for a cause which has been removed, is not ((be)) entitled to have ((such)) the 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)) until: (a) After the expiration of one year from the date on which the revoked license was surrendered to and received by the department ((-such)); (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(5) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; or (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with ((an additional)) a reinstatement fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reinstatement fee shall be fifty dollars. The department shall not then issue a new license unless it is satisfied after investigation of the driving ability of ((such)) the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until ((such)) the person ((shall)) give and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. A resident without a license or permit whose license or permit was denied under RCW 46.20.308(3) shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.~~

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the suspension shall remain in effect and the department shall not issue to the person any new or renewal license until the person ~~((shall)) pay a reinstatement fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reinstatement fee shall be fifty dollars.~~

Sec. 18. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 17 of this act 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 or 46.61.515. 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, the suspension shall remain in effect and the department shall not issue to the person any new, duplicate, or renewal license until the person pays a reinstatement fee of twenty dollars and gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504 or was imposed under section 4 (1) (a) or (b) of this act, the reinstatement fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date on which the revoked license was surrendered to and received by the department; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(5) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; or (e) after the expiration of two

years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reinstatement fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reinstatement fee shall be fifty dollars. The department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. A resident without a license or permit whose license or permit was denied under ~~((RCW 46.20.308(3)))~~ section 4 of this act shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the suspension shall remain in effect and the department shall not issue to the person any new or renewal license until the person pays a reinstatement fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reinstatement fee shall be fifty dollars.

NEW SECTION. Sec. 19. There is added to chapter 46.68 RCW a new section to read as follows:

(1) Until July 1, 1984, thirty dollars of any driver's license reinstatement fee paid under RCW 46.20.311 when the suspension or revocation was for a violation involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, shall be deposited by the department in the DWI impact account, hereby created, of the general fund.

(2) By December 31, 1983, and by August 1, 1984, the office of financial management shall distribute the proceeds of the DWI impact account to the counties for the increased needs of the courts, the prosecuting attorneys, the public defenders, and local law enforcement in handling cases involving driving while intoxicated. To receive a grant from the DWI impact account, a county shall establish, to the satisfaction of the office of financial management, its need for the funds, that a satisfactory effort by the county is being maintained to the extent possible with available funds, and that local resources have been exhausted.

(3) In making grants from the DWI impact account, the office of financial management shall consider the following:

(a) The number of arrests for driving while intoxicated made in the county in the immediately preceding fiscal year;

(b) The percentage of change over the corresponding number for the second preceding fiscal year;

(c) The judicial caseload predicted by the administrator for the courts for the current fiscal year;

(d) Increases in financial support provided by counties for enforcement and conviction relating to offenses involving driving while intoxicated; and

(e) The increase in efforts of law enforcement agencies to arrest persons violating laws against driving while intoxicated.

(4) This section shall expire on August 31, 1984.

NEW SECTION. Sec. 20. There is added to chapter 46.68 RCW a new section to read as follows:

After June 30, 1984, thirty dollars of any driver's license reinstatement fee paid under RCW 46.20.311 when the suspension or revocation was for a violation involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, shall be deposited by the department in the highway safety fund for the exclusive use of the department in implementing sections 3 through 12 of this act.

Sec. 21. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 27, chapter 47, Laws of 1982 1st ex. sess. and RCW 46.61.515 are each amended to read as follows:

(1) Every person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished by imprisonment for not less than twenty-four consecutive hours nor more than one year, and by a fine of not more than ~~((five))~~ seven hundred fifty dollars. The person shall, in addition, be required to complete a course at an alcohol information school approved by the department of social and health services. If, after completing an alcohol evaluation at the alcohol information school, the convicted person is found to have a serious alcohol problem, the alcohol information school may recommend more intensive alcoholism treatment in a program approved by the department of social and health services. In the alternative, the court may bypass alcohol information school if the court determines that more intensive alcoholism treatment in a program approved by the department of social and health services is appropriate. Standards for approval shall be prescribed by rule under the administrative procedure

act, chapter 34.04 RCW. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions. Twenty-four consecutive hours of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. The court may impose conditions of probation that may include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate.

(2) On a second or subsequent conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs within a five-year period a person shall be punished by imprisonment for not less than seven days nor more than one year and by a fine of not more than one thousand five hundred dollars. District courts and courts organized under chapter 35.20 RCW are authorized to impose such fine. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If ~~((such person))~~, at the time of a second or subsequent conviction, the driver is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended or deferred. The person shall, in addition, be required to complete diagnostic evaluation at an alcoholism program approved by the department of social and health services or other diagnostic evaluation as the court designates. If the person is found to have an alcohol or drug problem requiring treatment, the person shall complete treatment at an approved alcoholism treatment facility or approved drug treatment center.

In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(3) There shall be levied and paid into the highway safety fund of the state treasury a penalty assessment in the minimum amount of twenty-five percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all offenses involving a violation of any state statute or city or county ordinance relating to driving a motor vehicle while under the influence of intoxicating liquor or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor ~~((PROVIDED, That))~~. All funds derived from ((such)) the penalty assessment ((shall be)) are in addition to and exclusive of assessments made under RCW 46.81.030 and shall be for the exclusive use of the department for driver services programs and for a state-wide alcohol safety action program, or other similar programs designed primarily for the rehabilitation or control of traffic offenders. ~~((Such))~~ The penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence.

(4) Notwithstanding the provisions contained in chapters 3.16, 3.46, 3.50, 3.62, or 35.20 RCW, or any other section of law, the penalty assessment provided for in subsection (3) of this section shall not be suspended, waived, modified, or deferred in any respect, and all moneys derived from ~~((such)) the~~ penalty assessments shall be forwarded to the highway safety fund to be used exclusively for the purposes set forth in subsection (3) of this section.

(5) The license or permit to drive or any nonresident privilege of any person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs shall:

(a) On the first conviction under either ~~((such))~~ offense, be suspended by the department until the person reaches age eighteen or for ((not less than thirty)) ninety days ~~((PROVIDED, That the court may recommend that no suspension action be taken))~~, whichever is longer. The treatment agency shall forward a copy of the completed diagnostic evaluation and treatment report to the department of licensing before the department may reinstate the person's driver's license. The department of licensing shall determine the person's eligibility for licensing based upon these reports and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified;

(b) On a second conviction under either ~~((such))~~ offense within a five-year period, be ~~((suspended))~~ revoked by the department for ~~((not less than sixty days))~~ one year. The treatment agency shall forward a copy of the completed diagnostic evaluation and treatment report to the department of licensing before the department may reinstate the person's driver's license. The department of licensing shall determine the person's eligibility for licensing based upon these reports as provided in RCW 46.20.031 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified;

(c) On a third or subsequent conviction ((~~under either such offense~~) of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs, vehicular homicide, or vehicular assault, or any combination thereof within a five-year period, be revoked by the department for two years.

(6) In any case provided for in this section, where a driver's license is to be revoked or suspended, ~~((such))~~ the revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case ~~((such))~~ the conviction is sustained on appeal ~~((such))~~ the revocation or suspension ~~((shall))~~ takes effect as of the date that the conviction becomes effective for other purposes.

NEW SECTION, Sec. 22. There is added to chapter 46.20 RCW a new section to read as follows:

A suspension or revocation of the license, permit, or nonresident privilege to drive that is required to be imposed by the department of licensing under RCW 46.61.515 shall be coordinated by the department with any suspension or revocation which has been imposed by the department following any civil action it may have taken pursuant to sections 3 through 12 of this act arising out of the same arrest, as required by section 11 of this act.

Sec. 23. Section 1, chapter 5, Laws of 1973 as amended by section 13, chapter 61, Laws of 1979 and RCW 46.20.391 are each amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than ~~((negligent))~~ vehicular homicide or vehicular assault, may petition the court for a stay of the effect of the mandatory suspension or revocation for the purpose of submitting to the department an application for an occupational driver's license. The court upon determining that the petitioner is engaged in an occupation or trade ~~((which))~~ that makes it essential that the petitioner operate a motor vehicle may stay the effect of the mandatory suspension or revocation, notwithstanding RCW 46.20.270, for a period of not more than thirty days and may set definite restrictions as ~~((to hours of the day which may not exceed twelve hours in any one day, days of the week, type of occupation, and areas or routes of travel permitted under the occupational driver's license))~~ provided in section 25 of this act. No person may petition for, and the court may not order, a stay affecting the first thirty days of any suspension or revocation imposed under RCW 46.61.515.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) The applicant is engaged in an occupation or trade ~~((which))~~ that makes it essential that he or she operate a motor vehicle; and

(c) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The department, upon receipt of an application and the prescribed fee, may issue an occupational driver's license to any person eligible under this section ~~((for a period of not more than one year which))~~ that permits the operation of a motor vehicle only within the limits established by the court and only when the operation is essential to the licensee's occupation or trade. No person may apply for, and the department may not issue, an occupational license for the first thirty days of any suspension or revocation imposed under RCW 46.61.515.

(4) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense ~~((which))~~ that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. ~~((Such))~~ The cancellation ~~((shall be))~~ is effective as of the date of ~~((such))~~ the conviction, and shall continue with the same force and effect as any suspension or revocation under this title.

Sec. 24. Section 1, chapter 5, Laws of 1973 as last amended by section 23 of this act and RCW 46.20.391 are each amended to read as follows:

(1) Any person licensed under this chapter whose driving privilege has been suspended or revoked under section 4(1)(b)(i) of this act or who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, may ~~((petition the court for a stay of the effect of the mandatory suspension or revocation for the purpose of submitting))~~ submit to the department an application for an occupational driver's license. The ~~((court))~~ department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may ((stay the effect of the mandatory suspension or revocation, notwithstanding RCW 46.20.270, for a period of not more than thirty days)) issue an occupational driver's license and may set definite restrictions as provided in section ((25)) 26 of this act. No person may petition for, and the ((court may not order, a stay affecting)) department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed under RCW 46.61.515 or pursuant to section 4(1)(b)(i) of this act. A person aggrieved by the decision of the

department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction or administrative action the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the present conviction or administrative action, the applicant has not been convicted under RCW 46.61.502 or 46.61.504, or had a license administratively suspended or revoked under section 4 of this act; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

~~((c))~~ (d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

~~(3) ((The department, upon receipt of an application and the prescribed fee, may issue an occupational driver's license to any person eligible under this section that permits the operation of a motor vehicle only within the limits established by the court and only when the operation is essential to the licensee's occupation or trade. No person may apply for, and the department may not issue, an occupational license for the first thirty days of any suspension or revocation imposed under RCW 46.61.515.~~

(4)) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has had a driver's license administratively suspended or revoked under section 4 of this act or has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction or administrative action, and shall continue with the same force and effect as any suspension or revocation under this title.

NEW SECTION. Sec. 25. There is added to chapter 46.20 RCW a new section to read as follows:

In issuing an order staying the mandatory suspension or revocation of a person's driver's license so that the person may apply for an occupational driver's license under RCW 46.20.391, the court shall describe the type of occupation permitted and shall set forth in detail the specific hours of the day during which the person may drive to and from his place of work, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel.

Any restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

NEW SECTION. Sec. 26. There is added to chapter 46.20 RCW a new section to read as follows:

In issuing an occupational driver's license under RCW 46.20.391, the department shall describe the type of occupation permitted and shall set forth in detail the specific hours of the day during which the person may drive to and from his place of work, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel. These restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

NEW SECTION. Sec. 27. There is added to chapter 46.61 RCW a new section to read as follows:

The refusal of a person to submit to a test of the alcoholic content of his blood under RCW 46.20.308 is admissible into evidence at a subsequent criminal trial without any comment and with a jury instruction, where applicable, that there shall be no speculation as to the reason for the refusal and that no inference is to be drawn from the refusal.

NEW SECTION. Sec. 28. There is added to chapter 46.61 RCW a new section to read as follows:

(1) It is a traffic infraction to drink any alcoholic beverage in a motor vehicle when the vehicle is upon a highway.

(2) It is a traffic infraction for a person to have in his possession while in a motor vehicle upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage if the container has been opened or a seal broken or the contents partially removed.

(3) It is a traffic infraction for the registered owner of a motor vehicle, or the driver if the registered owner is not then present in the vehicle, to keep in a motor vehicle when the vehicle is upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage which has been opened or a seal broken or the contents partially removed, unless the container is kept in the trunk of the vehicle or in some other area of the vehicle not normally occupied by

the driver or passengers if the vehicle does not have a trunk. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

(4) This section does not apply to a public conveyance that has been commercially chartered for group use or to the living quarters of a motor home or camper or, except as otherwise provided by RCW 66.44.250 or local law, to any passenger for compensation in a for-hire vehicle licensed under city, county, or state law.

Sec. 29. Section 442, chapter 249, Laws of 1909 and RCW 66.44.240 are each amended to read as follows:

Every person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant, or employee of such person, who ~~((shall))~~ knowingly permits any person to drink any intoxicating liquor in any public conveyance, except in the compartment where such liquor is sold or served under the authority of a license lawfully issued, ~~((shall be))~~ is guilty of a misdemeanor. This section does not apply to a public conveyance that is commercially chartered for group use or a for-hire vehicle licensed under city, county, or state law.

Sec. 30. Section 441, chapter 249, Laws of 1909 and RCW 66.44.250 are each amended to read as follows:

Every person who ~~((shall))~~ drinks any intoxicating liquor in any public conveyance, except in a compartment or place where sold or served under the authority of a license lawfully issued, ~~((shall be))~~ is guilty of a misdemeanor. With respect to a public conveyance that is commercially chartered for group use and with respect to a for-hire vehicle licensed under city, county, or state law, this section applies only to the driver of the vehicle.

NEW SECTION. Sec. 31. The administrator for the courts may assign one or more justices from other judicial districts to serve as visiting justices in a judicial district which the administrator determines is experiencing an increase in case filings as the result of enhanced enforcement of laws related to driving, or being in physical control of, a motor vehicle while intoxicated. The prosecuting, city, or town attorney of the county, city, or town in which a judicial district lies, or the presiding judge of the judicial district, may request the administrator for the courts to designate the district as an enhanced enforcement district and to make assignments under this section. An assignment shall be for a specified period of time not to exceed thirty days. A visiting justice has the same powers as a justice of the district to which he or she is assigned. A visiting justice shall be reimbursed for expenses under RCW 2.56.070.

Sec. 32. Section 118, chapter 299, Laws of 1961 and RCW 3.66.070 are each amended to read as follows:

All criminal actions shall be brought in the justice court district where the alleged violation occurred: PROVIDED, That (1) the prosecuting attorney may file felony cases in the district in which the county seat is located ~~((and))~~; (2) with the consent of the defendant criminal actions other than those arising out of violations of city ordinances may be brought in or transferred to the district in which the county seat is located, and (3) if the alleged violation relates to driving, or being in actual physical control of, a motor vehicle while intoxicated and the alleged violation occurred within a judicial district which has been designated an enhanced enforcement district under section 31 of this act, the charges may be filed in that district or in a district within the same county which is adjacent to the district in which the alleged violation occurred.

NEW SECTION. Sec. 33. There is added to chapter 46.61 RCW a new section to read as follows:

A sentencing court may allow persons convicted of violating RCW 46.61.502 or 46.61.504 to fulfill the terms of the sentence provided in RCW 46.61.515 (1) or (2) in nonconsecutive or intermittent time periods. However, the first twenty-four hours of any sentence under RCW 46.61.515(1) and the first forty-eight hours of any sentence under RCW 46.61.515(2) shall be served consecutively unless suspended or deferred as otherwise provided by law.

Sec. 34. Section 2, chapter 316, Laws of 1977 ex. sess. as last amended by section 25, chapter 136, Laws of 1981 and RCW 70.48.020 are each amended to read as follows:

As used in this chapter the words and phrases in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Holding facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the temporary housing of such persons during or after trial and/or sentencing, but in no instance shall the housing exceed thirty days.

(2) "Detention facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety days.

(3) "Special detention facility" means a minimum security facility operated by a governing unit primarily designed, staffed, and used for the housing of special populations of sentenced persons who do not require the level of security normally provided in detention and correctional facilities including, but not necessarily limited to, persons convicted of offenses under RCW 46.61.502 or 46.61.504.

(4) "Correctional facility" means a facility operated by a governing unit primarily designed, staffed, and used for the housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction, and rehabilitation following conviction of a criminal offense.

((4)) (5) "Jail" means any holding, detention, or correctional facility as defined in this section.

((5)) (6) "Health care" means preventive, diagnostic, and rehabilitative services provided by licensed health care professionals and/or facilities; such care to include providing prescription drugs where indicated.

((6)) (7) "Commission" means the state jail commission created pursuant to RCW 70.48.030 but, after June 30, 1983, "commission" and "state jail commission" means the state corrections standards board.

((7)) (8) "Substantially remodeled" means significant alterations made to the physical plant of a jail to conform with the physical plant standards.

((8)) (9) "Department" means the department of social and health services.

((9)) (10) "Secretary" means the secretary of social and health services.

((10)) (11) "Governing unit" means the city and/or county or any combinations of cities and/or counties responsible for the operation, supervision, and maintenance of a jail.

((11)) (12) "Mandatory custodial care standards" means those minimum standards, rules, or regulations that are adopted pursuant to RCW 70.48.050(1)(a) and 70.48.070(1) for jails to meet federal and state constitutional requirements relating to the health, safety, security, and welfare of inmates.

((12)) (13) "Advisory custodial care standards" means custodial care standards recommended by the commission which are not mandatory.

((13)) (14) "Physical plant standards" and "physical plant requirements" mean those minimum standards, rules, or regulations that are prescribed by the commission for jails that relate to structural specifications of the physical plant, including but not limited to size of cells and rooms within a jail, design of facilities, and specifications for fixtures and other equipment.

((14)) (15) "Jail inspector" means a person with at least five years in a supervisory position as a law enforcement or custodial corrections officer.

((15)) (16) "Major urban" means a county or combination of counties which has a city having a population greater than twenty-six thousand based on the 1978 projections of the office of financial management.

((16)) (17) "Medium urban" means a county or combination of counties which has a city having a population equal to or greater than ten thousand but less than twenty-six thousand based on the 1978 projections of the office of financial management.

((17)) (18) "Rural" means a county or combination of counties which has a city having a population less than ten thousand based on the 1978 projections of the office of financial management.

NEW SECTION. Sec. 35. There is added to chapter 70.48 RCW a new section to read as follows:

Mandatory custodial care standards adopted under RCW 70.48.050 for special detention facilities shall be limited to those necessary to meet minimum legal requirements for health, welfare, and security for low-risk prisoners considering the length of stay and the prisoner classification involved. The standards shall not incorporate standards applicable to correction and detention facilities except where specifically justified.

NEW SECTION. Sec. 36. There is added to chapter 70.48 RCW a new section to read as follows:

The legislative authority of a county or city that establishes a special detention facility as defined in RCW 70.48.020 for persons convicted of violating RCW 46.61.502 or 46.61.504 may establish a reasonable fee schedule to cover the cost of housing in the facility. The schedule shall be on a sliding basis that reflects the person's ability to pay.

Sec. 37. Section 16, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.180 are each amended to read as follows:

Counties may acquire, build, operate, and maintain holding, detention, special detention, and correctional facilities as defined in RCW 70.48.020 at any place designated by the county legislative authority within the territorial limits of the county. The facilities shall comply with chapter 70.48 RCW and the rules adopted thereunder.

Sec. 38. Section 35.21.330, chapter 7, Laws of 1965 as amended by section 19, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.190 are each amended to read as follows:

Cities and towns may acquire, build, operate, and maintain holding, detention, special detention, and correctional facilities as defined in RCW 70.48.020 at any place within the territorial limits of the county in which the city or town is situated, as may be selected by the legislative authority of the municipality (~~(-PROVIDED, That such)~~). The facilities comply with the provisions of chapter 70.48 RCW and rules adopted (~~(there to)~~) thereunder.

Sec. 39. Section 17, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.210 are each amended to read as follows:

(1) All cities and counties are authorized to establish and maintain farms, camps, and work release programs and facilities, as well as special detention facilities. The facilities shall meet the requirements of chapter 70.48 RCW and any rules adopted thereunder.

(2) Farms and camps may be established either inside or outside the territorial limits of a city or county. A sentence of confinement in a city or county jail may include placement in a farm or camp. Unless directed otherwise by court order, the chief law enforcement officer or department of corrections, may transfer the prisoner to a farm or camp. The sentencing court, chief law enforcement officer, or department of corrections may not transfer to a farm or camp a greater number of prisoners than can be furnished with constructive employment and can be reasonably accommodated.

(3) The city or county may establish a city or county work release program and housing facilities for the prisoners in the program. In such regard, factors such as employment conditions and the condition of jail facilities should be considered. When a work release program is established the following provisions apply:

(a) A person convicted of a felony and placed in a city or county jail is eligible for the work release program. A person sentenced to a city or county jail is eligible for the work release program. The program may be used as a condition of probation for a criminal offense. Good conduct is a condition of participation in the program.

(b) The court may permit a person who is currently, regularly employed to continue his or her employment. The chief law enforcement officer or department of corrections shall make all necessary arrangements if possible. The court may authorize the person to seek suitable employment and may authorize the chief law enforcement officer or department of corrections to make reasonable efforts to find suitable employment for the person. A person participating in the work release program may not work in an establishment where there is a labor dispute.

(c) The work release prisoner shall be confined in a work release facility or jail whenever the prisoner is not employed and between the hours or periods of employment unless the court directs otherwise.

(d) The chief law enforcement officer or ~~(his)~~ a designee shall collect the work release prisoner's earnings and from the earnings make payments for the prisoner's board, personal expenses inside and outside the jail, and share of the administrative expenses of this section. Support payments for the prisoner's dependents, if any, shall be made as directed by the court. With the prisoner's consent, the remaining funds may be used to pay the prisoner's preexisting debts. Any balance shall be retained and paid to the prisoner when the prisoner is discharged.

(e) With court approval the prisoner's sentence may be reduced by one-fourth if the prisoner's conduct, diligence, and general attitude merit the reduction.

(f) If the work release prisoner violates the conditions of custody or employment, the prisoner shall be returned to the sentencing court. The sentencing court may require the prisoner to spend the remainder of the sentence in actual confinement and may cancel any earned reduction of the sentence.

(4) A special detention facility may be operated by a noncorrectional agency or by noncorrectional personnel by contract with the governing unit. The employees shall meet the standards of training and education established by the criminal justice training commission as authorized by RCW 43.101.080. The special detention facility may use combinations of features including, but not limited to, low-security or honor prisoner status, work farm, work release, community review, prisoner facility maintenance and food preparation, training programs, or alcohol or drug rehabilitation programs, with or without cost to the prisoners.

NEW SECTION. Sec. 40. There is added to chapter 35.21 RCW a new section to read as follows:

Except as limited by the maximum penalties authorized by law, no city or town may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in RCW 46.61.515.

NEW SECTION. Sec. 41. There is added to chapter 36.32 RCW a new section to read as follows:

No county may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided for in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in RCW 46.61.515.

NEW SECTION. Sec. 42. There is added to chapter 43.59 RCW a new section to read as follows:

The Washington traffic safety commission shall produce and disseminate through all possible media, informational and educational materials explaining the extent of the problems caused by drinking drivers, the need for public involvement in their solution, and the penalties of existing and new laws against driving while intoxicated.

NEW SECTION. Sec. 43. The standing committees on transportation and judiciary of the state senate and house of representatives, with the assistance of the department of licensing, shall conduct a joint study to analyze and evaluate the issues involved in authorizing administrative revocation of the driver's license of a person who operates a motor vehicle while under the influence of alcohol. The study shall include an analysis and evaluation of other states that have enacted statutes that provide for administrative revocation of driver's licenses, the effects on reducing drunken driving, the cost of implementing and administering such a program, and any impacts on the criminal justice system.

The committees shall submit a report that includes their findings and recommendations, together with proposed legislation, to the legislature before January 1, 1984.

NEW SECTION. Sec. 44. The legislature finds that previous attempts to curtail the incidence of driving while intoxicated have been inadequate. The legislature further finds that property loss, injury, and death caused by drinking drivers have reached unacceptable levels. This act is intended to convey the seriousness with which the legislature views this problem. To that end the legislature seeks to insure swift and certain punishment for those who drink and drive. The legislature does not intend to discourage or deter courts and other agencies from directing or providing treatment for problem drinkers. However, it is the intent that such treatment, where appropriate, be in addition to and not in lieu of the sanctions to be applied to all those convicted of driving while intoxicated.

NEW SECTION. Sec. 45. Sections 3 through 12 of this act are added to chapter 46.20 RCW.

NEW SECTION. Sec. 46. Sections 2, 3 through 12, 14, 16, 18, 20, 22, 24, and 26 of this act shall take effect on January 1, 1985. The remainder of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1983. The director of licensing may immediately take such steps as are necessary to insure that all sections of this act are implemented on their respective effective dates.

NEW SECTION. Sec. 47. 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 Pullen: "Senator Talmadge, I think you did a real good job of working on this bill and also in explaining the committee amendment. I was hoping you could elaborate just a little more, though, on the differences between this committee amendment that you did such a good job on and the senate bill, as it previously passed the Senate.

"I believe you were sponsor of the senate bill dealing with DWI when it previously passed the Senate, which many people on the floor here had quite an interest in. For example, as I recall in the senate bill you sponsored, there was language dealing with vehicular assault. Could you highlight some of the major differences between this Judiciary Committee amendment and the senate bill that previously passed the Senate?"

Senator Talmadge: "I would be happy to, Senator Pullen. Basically, the vehicular assault bill is Senate Bill No. 3106. The House Committee on Judiciary has passed that bill and that will be treated separately. We have also passed Senate Bill No. 3185 relating to an extension of jurisdiction for district court judges to give them some more time to deal with the problems of alcoholism and certain individuals and give them substantially more authority over individuals. That bill will pass separately, also. That was not contained in Senate Bill No. 3107.

"I believe the principal differences in this version from the version that has already passed the Senate involved the occupational driver's license. This body deleted any occupational driver's licenses, but I think we have narrowed the circumstances of occupational driver's licenses substantially in this version.

"Additionally, I think the other major difference would be the administrative revocation system that we have provided for in this bill, with the length and effective date--that was something the House was very interested in and I suspect the other major difference might be in the impact fund that we provide for in this bill. That is a slight difference, also. I think those are the major differences."

Debate ensued.

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the committee amendment was adopted.

MOTION

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "intoxicated;" strike the remainder of the title, and insert "amending section 11, chapter 260, Laws of 1981 and RCW 46.20.308; amending section 11, chapter 260, Laws of 1981 as amended by section 1 of this act and RCW 46.20.308; amending section 46.04.480, chapter 12, Laws of 1961 as amended by section 7, chapter 62, Laws of 1979 and RCW 46.04.480; amending section 46.04.480, chapter 12, Laws of 1961 as last amended by section 13 of this act and RCW 46.04.480; amending section 24, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.285; amending section 24, chapter 121, Laws of 1965 ex. sess. as amended by section 15 of this act and RCW 46.20.285; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 5, chapter 212, Laws of 1982 and RCW 46.20.311; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 17 of this act and RCW 46.20.311; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 27, chapter 47, Laws of 1982 1st ex. sess. and RCW 46.61.515; amending section 1, chapter 5, Laws of 1973 as amended by section 13, chapter 61, Laws of 1979 and RCW 46.20.391; amending section 1, chapter 5, Laws of 1973 as last amended by section 23 of this act and RCW 46.20.391; amending section 442, chapter 249, Laws of 1909 and RCW 66.44.240; amending section 441, chapter 249, Laws of 1909 and RCW 66.44.250; amending section 118, chapter 299, Laws of 1961 and RCW 3.66.070; amending section 2, chapter 316, Laws of 1977 ex. sess. as last amended by section 25, chapter 136, Laws of 1981 and RCW 70.48.020; amending section 16, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.180; amending section 35.21.330, chapter 7, Laws of 1965 as amended by section 19, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.190; amending section 17, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.210; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 43.59 RCW; adding new sections to chapter 46.20 RCW; adding new sections to chapter 46.61 RCW; adding new sections to chapter 46.68 RCW; adding new sections to chapter 70.48 RCW; creating new sections; prescribing penalties; providing an expiration date; declaring an emergency; and providing effective dates."

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 289, 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 Metcalf: "I am looking at the summary of the proposed Senate committee amendment, Senator Talmadge, just to be sure just exactly where we are, because this has gone through a lot of changes and this is a very, very lengthy digest in the bill digest. It says 'deferred prosecution remains a sentencing option for the court.' Now in Snohomish County, this has been a way to evade the implied consent law for many years and it has just blatantly been a way to evade it. Are we still leaving it in there? Is there danger that they will continue to evade the law?"

Senator Talmadge: "Well, my first response, Senator Metcalf, would be that you cannot invade the implied consent law by a deferred prosecution. If a person refuses to blow a breathalyzer, they are going to lose their license, under this bill, for one year. It used to be six months, but it will be one year with the passage of this bill. So, they are not going to avoid the implied consent law.

"We retained the idea of deferred prosecution for people who are actually before the court on a charge of DWI and the feeling is that this is a worthwhile kind of option to have in the hands of the court where you have a confirmed, acknowledged alcoholic and so states to the court.

"I know it is controversial, but with the limitations that we have placed on deferred prosecution in House Bill No. 600 last session, it is available once in a five-year period. From what we have been told by many judges, by many advocates, by many alcoholic treatment people--deferred prosecution is worthwhile--it works--it breaks the cycle and it keeps the person out of the system. They don't keep coming back. If it is abused and if it is a problem, we will come back and change it, maybe even eliminate it. For the time being, we thought it best to keep it."

Senator Metcalf: "It has been abused so badly and I have to totally disagree with you when you say it hasn't been used to evade. It has been and I am very concerned about this. Secondly, say occupational licenses may be issued, regardless of whether or not public transportation is available. This is another way that

evasion has been used. I am very concerned about that, also. Is that still in the bill?"

Senator Talmadge: "Let me tell you what we do with occupational licenses. As you recall, the Senate just simply eliminated occupational drivers' licenses. The problem would be people would drive without occupational licenses and the people that would drive without would not be obeying the conditions that the court lays down in an occupational license. What we have provided for here is for the first thirty days of the license suspension, the first thirty of the ninety days, on a first conviction, no occupational driver's license is possible. An occupational driver's license is available once in a five-year period and that is it.

"We have laid out very stringent conditions on the granting of an occupational driver's license in this bill and those conditions have to be set forth and have to be retained by the driver and they have to be able to demonstrate that to someone--a law enforcement official--if they are pulled over to the side of the road.

"We think that occupationals may be very worthwhile for people who need to work. The problem with the idea of public transportation being available is that it may broaden occupational license availability rather than narrow it and that was our concern."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 289, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 289, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Metcalf - 1.

Absent: Senator Patterson - 1.

Excused: Senators Fuller, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 289, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE SENATE RECORD ON ESHB NO. 289

April 13, 1983

I voted against ESHB 289, because I believe the effect of the bill will be far more lenient on drunk drivers than it appears.

Deferred prosecution is still available for misuse under this bill; occupational licenses may now be issued even when public transportation is available; negligent vehicular homicide and negligent vehicular assault are deleted from this bill.

The bill appears to be a long step against drunk drivers, as the public wishes; I fear it may turn out to be a very small step. I hope I'm wrong.

Jack Metcalf

PERSONAL PRIVILEGE

Senator Rasmussen: "I had delivered to me a beautifully wrapped package. The paper has the stork carrying a baby and I have no new grandchildren. I am informed, though, that the Director of the Office of Financial Management, Mr. Joe Tallor, has just delivered a personally signed copy of the Personnel Book that everybody has been waiting for. He wants us all to have all the information we need to produce good legislation and this is the personnel book that is enclosed in this nicely wrapped package. I think that you are all going to get a copy and all going to use it and I know the press is interested, also."

REMARKS BY THE PRESIDENT

President Cherberg: "Thank you very much, Senator Rasmussen. We were all dying from curiosity and we wish to congratulate you upon your public disclosure of this gift."

POINT OF INQUIRY

Senator Shinpoch: "Senator Rasmussen, does it weigh sixteen pounds and six ounces or more?"

Senator Rasmussen: "No, none of my children weighed that much."

Senator Shinpoch: "No record? There was a record in the paper today."

Senator Rasmussen: "Joe Taller told me that the weight was in the appropriations and he would have Jim McDermott take care of that."

MOTIONS

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 4251 which was under consideration at the morning session.

On motion of Senator Shinpoch, the following amendment was adopted:
On page 3, line 7, after "of" insert "not more than"

Senator Bluechel moved adoption of the following amendment by Senators Bluechel, Bender and Guess:

Strike everything after the enacting clause, and insert the following:

NEW SECTION, Sec. 1. There is added to chapter 43.30 RCW a new section to read as follows:

The Department of Natural Resources shall do the following with respect to the Milwaukee Road corridor:

- (1) Manage the corridor as a recreation trail;
- (2) Close the corridor to hunting;
- (3) Comply with legally enforceable conditions contained in the deeds for the corridor;
- (4) Control weeds under the applicable provisions of chapter 17.04, 17.06, 17.08, and 17.10 RCW; and

- (5) Clean and maintain culverts.

NEW SECTION, Sec. 2. There is added to chapter 43.30 RCW a new section to read as follows:

The Department of Natural Resources may do the following with respect to the Milwaukee Road corridor:

- (1) Enter into agreements to allow the realignment or modification of public roads, farm crossings, water conveyance facilities, and other utility crossings;
- (2) Regulate activities and restrict uses to reduce fire danger or otherwise protect public safety and adjacent properties;
- (3) Place hazard warnings signs and close hazardous structures;
- (4) Renegotiate deed restrictions upon agreement with affected parties;
- (5) Approve and process the sale or exchange of lands to improve the corridor;
- (6) Grant and accept easements; and
- (7) Enter into oil and gas leases upon terms and conditions which would have minimal impact on other authorized uses of the corridor.

NEW SECTION, Sec. 3. There is added to chapter 43.30 RCW a new section to read as follows:

The Department of Natural Resources shall prepare a recreation development plan for the Milwaukee Road corridor. The plan shall address the following:

- (1) Various types of recreational uses excluding motorized uses;
 - (2) Seasons of use;
 - (3) Recreational and safety improvements;
 - (4) Possibilities of easement or land exchanges to enhance the recreational value or reduce potential impact on adjacent lands;
 - (5) Need to buffer adjacent landowners;
 - (6) Provisions for the state to acquire properties so that a continuous recreational trail corridor may be developed from Easton, Washington to the Idaho border;
 - (7) An estimate of the costs of making improvements to implement the plan;
 - (8) An estimate of annual costs for operation and maintenance of the corridor; and
 - (9) Procedures for the state to resolve any questions on the ownership status of the corridor.
- The recreation development plan shall identify opportunities to utilize volunteer work, private contributions, and support from tax-exempt foundations.

The Department of Natural Resources shall submit the recreation development plan to the legislature by January 15, 1985.

NEW SECTION, Sec. 4. There is appropriated from the general fund for the biennium ending June 30, 1985, the sum of two hundred thousand dollars to the Department of Natural Resources for the maintenance, improvement, and operation of the Milwaukee Road corridor and the sum of fifty thousand dollars to the Department of Natural Resources for the preparation of the recreation development plan pursuant to section 3 of this act.

NEW SECTION, Sec. 5. This act shall take effect on July 1, 1983.

MOTION

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

On page 1, prior to section 1 of the amendment, insert:

"NEW SECTION. Sec. 1. It is the intent of the legislature that the continuity of the original Milwaukee Road corridor be retained for future public use. The legislature recognizes the long-term multiple-use potential of this corridor which was purchased by the state under section 17 (21), chapter 143, Laws of 1981."

Renumber the remaining sections accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Bluechel, Bender and Guess, as amended.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel carried and the amendment, as amended, was adopted by the following vote: Yeas, 26; nays, 21; absent, 01; excused, 01.

Voting yea: Senators Bender, Bluechel, Clarke, Fleming, Fuller, Gaspard, Granlund, Guess, Hemstad, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Owen, Quigg, Rasmussen, Rinehart, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Zimmerman - 26.

Voting nay: Senators Barr, Bauer, Benitz, Bottiger, Conner, Craswell, Goltz, Haley, Hansen, Hayner, Hughes, McCaslin, Moore, Newhouse, Patterson, Peterson, Pullen, Shinpoch, Vognild, Wojahn, Woody - 21.

Absent: Senator Deccio - 1.

Excused: Senator Sellar - 1.

MOTION

On motion of Senator Bluechel, the following title amendment was adopted:

On page 1, line 2 of the title, after "appropriations; and" strike "declaring an emergency" and insert "providing an effective date"

MOTION

On motion of Senator Bluechel, the rules were suspended, Engrossed Substitute Senate Bill No. 4251 was advanced to third reading, the second reading considered the third, and the bill was 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. 4251.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4251, and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Fleming, Fuller, Gaspard, Granlund, Guess, Hemstad, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Owen, Quigg, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 31.

Voting nay: Senators Barr, Benitz, Conner, Craswell, Goltz, Haley, Hansen, Hayner, Hughes, McCaslin, Moore, Newhouse, Patterson, Peterson, Pullen, Shinpoch - 16.

Absent: Senator Deccio - 1.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4251, having received the 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 Hansen: "I want to go home after this session of the legislature and so I would like to have my name taken off as prime sponsor of Senate Bill No. 4251."

MOTIONS

On motion of Senator Shinpoch, all bills passed today were ordered immediately transmitted to the House.

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 12, 1983

SB 4033 Prime Sponsor, Senator Peterson: Relating to railroads. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 4033 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Fleming, Hayner, Lee, Metcalf, Pullen, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 13, 1983

SB 4236 Prime Sponsor, Senator Thompson: Modifying procedures regarding permits for use of water. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4236 be substituted therefor, and the substitute bill do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Bluechel, Hurley, Kiskaddon, Lee, McDermott.

Passed to Committee on Rules for second reading.

April 12, 1983

EHB 2 Prime Sponsor, Representative Todd: Requiring energy-efficient standards for buildings. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Goltz, Hemstad, McManus.

Passed to Committee on Rules for second reading.

April 12, 1983

HB 59 Prime Sponsor, Representative R. King: Repealing the provision relating to registration of apprenticeship agreements and the payment of registration fees. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Deccio, Fleming, Hughes, Pullen, Shinpoch, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 11, 1983

HB 72 Prime Sponsor, Representative Grimm: Modifying miscellaneous tax provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Craswell, Deccio, Hayner, Hughes, Lee, Rinehart, Shinpoch, Talmadge, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 12, 1983

HB 89 Prime Sponsor, Representative D. Nelson: Relieving counties and cities from an obligation to include nuclear attack evacuation plans in their emergency services plans. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart.

Passed to Committee on Rules for second reading.

April 13, 1983

EHB 150 Prime Sponsor, Representative Pruitt: Requiring special reports of campaign contributions over five hundred dollars. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

April 13, 1983

EHB 152 Prime Sponsor, Representative Pruitt: Regulating fund-raising activities during legislative sessions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

April 11, 1983

SHB 177 Prime Sponsor, Committee on Social and Health Services: Establishing a maximum initial temperature setting for water heaters. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Hemstad, McManus, Quigg.

Passed to Committee on Rules for second reading.

April 12, 1983

EHB 208 Prime Sponsor, Representative Vekich: Increasing the maximum amount which state agencies, colleges, and universities may purchase without competition. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 12, 1983

ESHB 232 Prime Sponsor, Committee on State Government: Adding a premium to bids from vendors whose states have an in-state preference. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 13, 1983

ESHB 240 Prime Sponsor, Committee on Constitution, Elections and Ethics: Revising procedures for mail voting. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Thompson, Woody.

Passed to Committee on Rules for second reading.

April 12, 1983

EHB 269 Prime Sponsor, Representative Grimm: Modifying provisions on the collection of taxes on exempt property which loses its exemption. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Deccio, Fleming, Rinehart, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 13, 1983

SHB 383 Prime Sponsor, Committee on Judiciary: Modifying the standard of care of health care providers in negligence actions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Newhouse, Thompson, Woody.

Passed to Committee on Rules for second reading.

April 13, 1983

EHB 387 Prime Sponsor, Representative Rust: Creating a medical disciplinary account. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Newhouse, Thompson, Woody.

Passed to Committee on Rules for second reading.

April 13, 1983

ESHB 431 Prime Sponsor, Committee on Social and Health Services: Modifying the sentencing of juvenile offenders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Fleming, Hemstad, Newhouse, Thompson, Woody.

Passed to Committee on Rules for second reading.

April 12, 1983

ESHB 493 Prime Sponsor, Committee on State Government: Providing for the termination of various state agencies and programs. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott.

Passed to Committee on Rules for second reading.

April 12, 1983

SHB 551 Prime Sponsor, Committee on State Government: Regulating the use of the state seal. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Zimmerman.

Passed to Committee on Rules for second reading.

April 13, 1983

HB 555 Prime Sponsor, Representative Locke: Revising provisions relating to discrimination. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Thompson, Woody.

Passed to Committee on Rules for second reading.

April 12, 1983

SHB 576 Prime Sponsor, Committee on State Government: Revising the laws regulating the veterans' relief fund. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 12, 1983

EHB 596 Prime Sponsor, Representative Todd: Modifying provisions on the state building code. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 13, 1983

EHB 653 Prime Sponsor, Representative Braddock: Revising provisions relating to livestock markets. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

April 12, 1983

SHB 708 Prime Sponsor, Committee on State Government: Continuing the archaeological research center for an additional six years. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Jones, McCaslin, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 12, 1983

ESHB 740 Prime Sponsor, Committee on State Government: Establishing a cost control task force. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart.

Passed to Committee on Rules for second reading.

April 12, 1983

ESHB 796 Prime Sponsor, Committee on State Government: Creating a department of community development. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart.

MINORITY recommendation: Do not pass. Signed by Senators Jones, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

April 12, 1983

EHB 804 Prime Sponsor, Representative Smitherman: Requiring agencies to prepare annual program goals and objectives. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Jones, Zimmerman.

Passed to Committee on Rules for second reading.

April 12, 1983

HJM 4 Prime Sponsor, Representative Moon: Petitioning that the federal government delegate all permitting authority for small scale hydroelectric facilities to the states. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Hemstad, McManus, Moore, Quigg.

Passed to Committee on Rules for second reading.

April 12, 1983

HJM 30 Prime Sponsor, Representative D. Nelson: Petitioning Congress to designate the Hanford Reservation as a National Energy Center. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Hemstad, McManus, Moore, Quigg.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

April 13, 1983

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3380, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 13, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3100,

SUBSTITUTE SENATE BILL NO. 3164,

SUBSTITUTE SENATE BILL NO. 3511,

SUBSTITUTE SENATE BILL NO. 3645,

SUBSTITUTE SENATE BILL NO. 4022,

SENATE BILL NO. 4205, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 13, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 32,

HOUSE BILL NO. 111,

HOUSE BILL NO. 136,

SUBSTITUTE HOUSE BILL NO. 148,

HOUSE BILL NO. 534, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 13, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 63,

HOUSE BILL NO. 78,

HOUSE BILL NO. 106,

SUBSTITUTE HOUSE BILL NO. 187,

SUBSTITUTE HOUSE BILL NO. 189,

HOUSE BILL NO. 198,

HOUSE BILL NO. 219,

HOUSE BILL NO. 256,

HOUSE BILL NO. 285,

HOUSE BILL NO. 371,

HOUSE BILL NO. 787, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 13, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 274,

HOUSE BILL NO. 275,

HOUSE BILL NO. 312,

SUBSTITUTE HOUSE BILL NO. 366,

HOUSE BILL NO. 413,

SUBSTITUTE HOUSE BILL NO. 547, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 32,
 HOUSE BILL NO. 63,
 HOUSE BILL NO. 78,
 HOUSE BILL NO. 106,
 HOUSE BILL NO. 111,
 HOUSE BILL NO. 136,
 SUBSTITUTE HOUSE BILL NO. 148,
 SUBSTITUTE HOUSE BILL NO. 187,
 SUBSTITUTE HOUSE BILL NO. 189,
 HOUSE BILL NO. 198,
 HOUSE BILL NO. 219,
 HOUSE BILL NO. 256,
 HOUSE BILL NO. 274,
 HOUSE BILL NO. 275,
 HOUSE BILL NO. 285,
 HOUSE BILL NO. 312,
 SUBSTITUTE HOUSE BILL NO. 366,
 HOUSE BILL NO. 371,
 HOUSE BILL NO. 413,
 HOUSE BILL NO. 534,
 SUBSTITUTE HOUSE BILL NO. 547,
 HOUSE BILL NO. 787.

MOTION

At 2:34 p.m., on motion of Senator Shinpoch, the Senate recessed until 7:30 p.m.

EVENING SESSION

The President called the Senate to order at 7:30 p.m.

MOTION

At 7:30 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 8:00 p.m.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 7, 1983

EHB 96 Prime Sponsor, Representative Martinis: Requiring reflectorized whistle posts at certain railroad crossings. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Barr, Bender, Conner, Granlund, Owen, Vognilid.

Passed to Committee on Rules for second reading.

April 13, 1983

HB 217 Prime Sponsor, Representative Moon: Modifying provisions on liens on public works. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 13, 1983

SHB 233 Prime Sponsor, Committee on Natural Resources: Establishing a commercial anadromous game fish buyer's license and extending the

excise on food fish and shellfish to commercially harvested anadromous game fish. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Quigg, Vognild.

Passed to Committee on Rules for second reading.

April 13, 1983

HB 417 Prime Sponsor, Representative G. Nelson: Providing for adult offender community service insurance funds and modifying provisions concerning juvenile offender community service funds. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 13, 1983

EHB 436 Prime Sponsor, Representative Monohon: Exempting persons over sixty-five from fees for collecting wood from state beaches and parks. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Quigg, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

April 13, 1983

EHB 511 Prime Sponsor, Representative Garrett: Adding certain aquatic programs to the local improvement powers of cities and towns. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 13, 1983

EHB 574 Prime Sponsor, Representative Hine: Authorizing the consideration by local government of local excise tax revenues arising from local purchases in awarding purchase contracts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Barr, Granlund, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

April 11, 1983

HB 585 Prime Sponsor, Representative McClure: Revising provisions relating to salmon delivery permits. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Metcalf, Patterson, Quigg, von Reichbauer.

Passed to Committee on Rules for second reading.

April 13, 1983

SHB 749 Prime Sponsor, Committee on Local Government: Providing procedures for municipalities to prequalify contractors. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, Woody.

Passed to Committee on Rules for second reading.

April 13, 1983

ESHB 865 Prime Sponsor, Committee on Local Government: Requiring approval for contractual expenditures by cities or districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Barr, Granlund, McCaslin, Woody.

Passed to Committee on Rules for second reading.

April 13, 1983

HB 911 Prime Sponsor, Representative Barrett: Authorizing an additional method of county road improvement district formation. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 13, 1983

HB 939 Prime Sponsor, Representative Appelwick: Modifying modification and enforcement procedures used by municipalities regarding uninhabitable dwellings. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Shipoch, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 793, by Committee on Agriculture (originally sponsored by Representative Kaiser)

Relating to agricultural commodities.

The bill was read the second time.

MOTIONS

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

On motion of Senator Hansen, the following Committee on Agriculture amendment was adopted:

Strike everything after the enacting clause, and insert the following:

"Sec. 1. Section 1, chapter 139, Laws of 1959 as last amended by section 1, chapter 194, Laws of 1982 and RCW 20.01.010 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Director" means the director of agriculture or his duly authorized representative.

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) "Agricultural product" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form (~~by or for the producer thereof~~) and livestock. When used in this chapter under the provisions of section 9 of this act, "agricultural product" means horticultural, viticultural, and berry products, hay and straw, and turf and forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of (~~such~~) the products, or producing (~~such~~) the products for others holding the title thereof.

(5) "Consignor" means any producer, person, or his agent who sells, ships, or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale, or resale.

(6) "Commission merchant" means any person who ~~((shall))~~ receives on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of ~~((such))~~ the consignor, or who ~~((shall))~~ accepts any farm product in trust from the consignor thereof for the purpose of resale, or who ~~((shall))~~ sells or offers for sale on commission any agricultural product, or who ~~((shall))~~ in any way handles for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a cash buyer, as defined in subsection (10) of this section, who solicits, contracts for, or obtains from the consignor thereof for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase ~~((PROVIDED, That))~~. For the purposes of this chapter, the term dealer includes any person who purchases livestock on behalf of and for the account of another, or who purchases cattle in another state or country and imports these cattle into this state for resale.

(8) "Limited dealer" means any person operating under the alternative bonding provision in RCW 20.01.211 ~~((as now or hereafter amended))~~.

(9) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product ~~((PROVIDED, That))~~, but no broker may handle the agricultural products involved or proceeds of ~~((such))~~ the sale.

(10) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession, or control of any agricultural product or who contracts for the title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of ~~((such))~~ the agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check, or bankdraft may be used for ~~((such))~~ the payment.

(11) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of ~~((such))~~ that business at any location other than at the principal place of business of his employer ~~((PROVIDED, That))~~. With the exception of an agent for a commission merchant or dealer handling horticultural products, an agent may operate only in the name of one principal and only to the account of ~~((said))~~ that principal.

(12) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year ~~((PROVIDED, That))~~. Any retailer may occasionally wholesale any agricultural product which he has in surplus; however, such wholesaling shall not be in excess of two percent of ~~((such))~~ the retailer's gross business.

(13) "Fixed or established place of business" for the purpose of this chapter ~~((shall))~~ means any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered, and generally dealt in in quantities reasonably adequate for and usually carried for the requirements of such a business, and ~~((which))~~ that is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, ~~((said))~~ which personnel ~~((being))~~ are available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(14) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a consignor and ~~((who))~~ that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes ~~((such))~~ those crops in any manner whatsoever for eventual resale.

(15) "Pooling contract" means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor ~~((which shall))~~ that indicates the variety of horticultural product delivered, the number of containers, or the weight and tare thereof ~~((:));~~

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records ~~((which))~~ that shall include

variety, grade, size, and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs(~~(-PROVIDED-That)~~). However, platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size, and date of delivery(:);

(c) Terms under which the commission merchant may use his judgment in regard to the sale of the pooled horticultural product(:);

(d) The charges to be paid by the consignor as filed with the state of Washington(:);

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

(16) "Date of sale" means the date agricultural products are delivered to the person buying ~~(such)~~ the products.

(17) "Boom loader" means a person who owns or operates, or both, a mechanical device mounted on a vehicle and used to load hay or straw for compensation.

(18) "Conditioner" means any person, firm, company, or other organization that receives turf, forage, or vegetable seeds from a consignor for drying or cleaning.

(19) "Seed bailment contract" means any contract meeting the requirements of chapter 15.48 RCW.

(20) "Proprietary seed" means any seed that is protected under the Federal Plant Variety Protection Act.

Sec. 2. Section 3, chapter 139, Laws of 1959 as last amended by section 2, chapter 194, Laws of 1982 and RCW 20.01.030 are each amended to read as follows:

This chapter does not apply to:

(1) Any cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to, the requirements of chapter 23.86 RCW or chapter 24.32 RCW, except as to that portion of the activities of ~~(such)~~ the association or federation ~~(as)~~ that involve(s) the handling or dealing in the agricultural products of non-members of ~~(such)~~ the organization: PROVIDED, That ~~(such)~~ the associations or federations may purchase up to fifteen percent of their gross from nonmembers for the purpose of filling orders: PROVIDED FURTHER, That if ~~(such)~~ the cooperative or association acts as a processor as defined in RCW 20.01.500(2) and markets ~~(such)~~ the processed agricultural crops on behalf of the grower or its own behalf, ~~(said)~~ the association or federation ~~(shall be)~~ is subject to the provisions of RCW 20.01.500 through 20.01.560 and the license provision of this chapter excluding bonding provisions: PROVIDED FURTHER, That none of the foregoing exemptions in this subsection ~~(shall)~~ apply to any such cooperative or federation dealing in or handling grain in any manner, and not licensed under the provisions of chapter 22.09 RCW(:);

(2) Any person who sells exclusively his own agricultural products as the producer thereof(:);

(3) Any public livestock market operating under a bond required by law or a bond required by the United States to secure the performance of ~~(such)~~ the public livestock market's obligation(~~(-PROVIDED-That)~~). However, any such market operating as a livestock dealer ~~(and/or)~~ or order buyer ~~(shall be)~~, or both, is subject to all provisions of this chapter except for the payment of the license fee required in RCW 20.01.040 ~~(as now or hereafter amended)~~;

(4) Any retail merchant having a bona fide fixed or permanent place of business in this state(:);

(5) Any person buying farm products for his own use or consumption(:);

(6) Any warehouseman or grain dealer licensed under the state grain warehouse act, chapter 22.09 RCW, with respect to his operations as a licensee under that act(:);

(7) Any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his operations as such licensee(:);

(8) Any person licensed under the now existing dairy laws of the state with respect to his operations as such licensee(:);

(9) Any producer who purchases less than fifteen percent of his volume to complete orders(:);

(10) Any person, association, or corporation regulated under chapter 67.16 RCW and the rules adopted thereunder while performing acts regulated by that chapter and the rules adopted thereunder;

(11) Any boom loader who loads exclusively his own hay or straw as the producer thereof.

Sec. 3. Section 4, chapter 139, Laws of 1959 as last amended by section 3, chapter 115, Laws of 1979 ex. sess. and RCW 20.01.040 are each amended to read as follows:

~~(On or after June 10, 1959)~~ No person ~~(shall)~~ may act as a commission merchant, dealer, broker, cash buyer~~(or)~~, agent, or boom loader without a license. Any person applying for such a license shall file an application with the director on or before January 1st of each year. ~~(Such)~~ The application shall be accompanied by the following license fee:

(1) Commission merchant, one hundred forty-five dollars;

(2) Dealer, one hundred forty-five dollars;

(3) Limited dealer, one hundred dollars;

- (4) Broker, one hundred dollars;
- (5) Cash buyer, forty dollars; ((and))
- (6) Agent, fifteen dollars;
- (7) Boom loader, ten dollars.

Sec. 4. Section 5, chapter 232, Laws of 1963 as last amended by section 3, chapter 194, Laws of 1982 and RCW 20.01.210 are each amended to read as follows:

(1) Before the license is issued to any commission merchant ((and/or)) or dealer, or both, the applicant shall execute and deliver to the director a surety bond executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety.

~~(Such bond shall be in the sum of seven thousand five hundred dollars for a commission merchant or any dealer handling livestock, hay, grain, or straw and a bond in the sum of three thousand dollars for any other dealer. PROVIDED: That the bond for a commission merchant, a dealer acting as a processor, or a dealer in livestock, hay, grain, or straw shall be in a minimum amount of seven thousand five hundred dollars or more based upon the annual gross dollar volume of purchases by, or consignments to the licensee. A dealer in livestock shall increase his bond by five thousand dollars for each agent he has endorsed pursuant to RCW 20.01.090. The bond for any other dealer shall be in the minimum amount of three thousand dollars, or an increased amount based upon the annual gross dollar volume of purchases by, or consignments to, the licensee. The bond for such commission merchant or dealer shall be determined by taking the annual gross dollar volume of that commission merchant or dealer of net payment to growers and dividing that amount by fifty-two and the bond shall be in an amount to the next multiple of two thousand dollars larger than the sum. PROVIDED: That the gross dollar volume used in computing the bond requirements of a commission merchant or dealer handling horticultural products shall be based on the net proceeds due to growers. PROVIDED FURTHER: That bonds above twenty-six thousand dollars shall be not less than the next multiple of five thousand dollars above the amount secured by applying the formula except that when the bond amount reaches fifty thousand dollars any amount of bond required above this shall be on a basis of ten percent of the amount arrived by applying the formula of annual gross divided by fifty-two. Such bond shall be of a standard form and approved by the director as to terms and conditions. Said bond shall be conditioned that the principal or his or her agents will not commit any fraudulent act and will comply with the provisions of this chapter and the rules and regulations adopted hereunder. Said bond shall be to the state for the benefit of every consignor of an agricultural product in this state. The total and aggregate liability of the surety for all claims upon the bond shall be limited to the face of such bond. Every bond filed with and approved by the director shall without the necessity of periodic renewal remain in force and effect until released by notice from the director when a superseding bond has been issued and is in effect. All such sureties on a bond, as provided herein, shall also be released and discharged from all liability to the state accruing on such bond by giving notice to the principal and the director by certified mail. Upon receipt of such notice the director shall notify the surety and the principal of the effective date of termination which shall be thirty days from the receipt of such notice by the director, but this shall not operate to relieve, release or discharge the surety from any liability already accrued or which shall accrue (due and to become due hereunder) before the expiration period provided for above. Unless the principal shall before the expiration of such period, file a new bond, the director shall forthwith cancel the principal's license. Upon such cancellation the license and vehicle plates issued attendant to the license shall be surrendered to the director forthwith.)~~

(2) The bond shall be not less than fifteen thousand dollars for a commission merchant, or a dealer in turf, forage, or vegetable seed, hay, or straw. Except as provided in subsection (3) of this section, the bond shall be not less than three thousand dollars for any other dealer.

(3) The bond for a dealer in livestock shall be not less than seven thousand five hundred dollars. A dealer in livestock shall increase his bond by five thousand dollars for each agent he has endorsed under RCW 20.01.090.

(4) The bond for a commission merchant or dealer, other than a commission merchant or a dealer in turf, forage, or vegetable seed or a dealer in hay or straw, shall be determined by dividing the annual dollar volume of that commission merchant's or dealer's net proceeds or net payments due consignors by fifty-two and increasing that amount to the next multiple of two thousand dollars. However, bonds above twenty-six thousand dollars shall be increased to the next multiple of five thousand dollars.

(5) The bond for a commission merchant or dealer in turf, forage, or vegetable seed or a dealer in hay or straw shall be determined by dividing the annual dollar volume of that commission merchant's or dealer's net proceeds or net payments due consignors by twelve and increasing that amount to the next multiple of five thousand dollars, except that the determination of bond amounts for any portion of dollar volume directly related to proprietary seed bailment contracts shall be computed as provided in subsection (4) of this section. The bond for a new commission merchant or a dealer in turf, forage, or vegetable seed or dealer in hay or straw is subject to increase at any time during the licensee's first year of operation and shall be based on the monthly average of the volume of purchases of any three months of operation.

(6) When the annual dollar volume of any commission merchant or dealer reaches two million six hundred thousand dollars, the amount of the bond required above this level shall be on a basis of ten percent of the amount arrived at by applying the appropriate formula.

Sec. 5. Section 16, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.211 are each amended to read as follows:

In lieu of the bonding provision required by RCW 20.01.210 (~~as now or hereafter amended~~), any dealer who (~~has not been found after a hearing to be in violation of this chapter during the two most recent years of such business operations~~) buys, agrees to buy, or pays for the production or increase of any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product may file a bond in an amount equal to ((such)) the dealer's maximum monthly purchases, divided by ((thirty, and multiplied by the maximum number of days which will expire after the date of sale but before final payment is made: PROVIDED, That)) fifteen, but the minimum bond provided by this section shall be in a minimum of ((three)) seven thousand five hundred dollars.

Any dealer (~~utilizing~~) using the bonding provisions of this section shall file an affidavit with the director (~~which~~) that sets forth the dealer's maximum monthly purchases ((of the dealer and the maximum number of days which will expire from the date of sale to the date final payment is made)) from or payments to consignors. The affidavit shall be filed at the time of application and with each renewal.

Any dealer bonded under this section who is found to be in violation of this chapter shall be required to comply with the bonding requirements of RCW 20.01.210 for a minimum of two years.

Sec. 6. Section 29, chapter 139, Laws of 1959 and RCW 20.01.290 are each amended to read as follows:

In any settlement or compromise by the director with a surety company as provided in RCW 20.01.270, where there are two or more consignor creditors that have filed claims, either fixed or contingent, against a licensee's bond, ((such)) the creditors shall share pro rata in the proceeds of the bond to the extent of their actual damage. If a creditor claim is filed after the default date as provided in RCW 20.01.390 and the total of all claims exceeds the face amount of the bond, the creditor's pro rata share of the bond shall be reduced based on the following schedule:

- (1) Thirty to sixty days after default, five percent reduction;
- (2) Sixty to ninety days after default, ten percent reduction;
- (3) Ninety to one hundred twenty days after default, twenty-five percent reduction;
- (4) More than one hundred twenty days after default, no claim may be allowed.

NEW SECTION. Sec. 7. Every boom loader shall promptly make and keep for one year a complete record of all hay and straw loaded. The records shall include the date and time of loading, the name and address of the purchaser, the name and address of the driver of the vehicle being loaded, if other than the purchaser, the license number of the vehicle being loaded, the name and address of the seller, and the location of the stack.

NEW SECTION. Sec. 8. The director or his appointed officers may stop a vehicle transporting hay or straw upon the public roads of this state if there is reasonable cause to believe the carrier, seller, or buyer may be in violation of this chapter. Any operator of a vehicle failing or refusing to stop when directed to do so is guilty of a misdemeanor.

NEW SECTION. Sec. 9. Starting on the date a producer delivers any agricultural product to a processor or conditioner, the producer has a first priority statutory lien, referred to as a "processor lien." This processor lien shall continue until twenty days after payment for the product is due and remains unpaid, without filing any notice of lien, for the contract price, if any, or the fair market value of the products delivered. The processor lien attaches to the agricultural products delivered, to the processor's or conditioner's inventory, and to the processor's or conditioner's accounts receivable.

NEW SECTION. Sec. 10. For the purposes of this section and sections 11 through 14 of this act, "preparer" means a person engaged in the business of feeding livestock or preparing livestock products for market. Starting on the date a producer delivers grain, hay, or straw to a preparer, the producer has a first priority statutory lien, referred to as a "preparer lien." This preparer lien shall continue until twenty days after payment for the product is due and remains unpaid, without filing any notice of lien, for the contract price, if any, or the fair market value of the products delivered. The preparer lien attaches to the agricultural products delivered and to the preparer's accounts receivable.

NEW SECTION. Sec. 11. (1) A producer claiming a processor or preparer lien may file a statement evidencing the lien with the department of licensing after payment from the processor, conditioner, or preparer to the producer is due and remains unpaid. For purposes of this subsection and section 12 of this act, payment is due on the date specified in the contract, or if not specified, then within thirty days from time of delivery.

(2) The statement shall be in writing, verified by the producer, and shall contain in substance the following information:

- (a) A true statement of the amount demanded after deducting all credits and offsets;

(b) The name of the processor, conditioner, or preparer who received the agricultural product to be charged with the lien;

(c) A description sufficient to identify the agricultural product to be charged with the lien;

(d) A statement that the amount claimed is a true and bona fide existing debt as of the date of the filing of the notice evidencing the lien; and

(e) The date on which payment was due for the agricultural product to be charged with the lien.

NEW SECTION. Sec. 12. (1)(a) If a statement is filed pursuant to section 11 of this act within twenty days of the date upon which payment from the processor, conditioner, or preparer to the producer is due and remains unpaid, the processor or preparer lien evidenced by the statement continues its priority over all other liens or security interests upon agricultural products, inventory, and accounts receivable, except as provided in (b) of this subsection. Such priority is without regard to whether the other liens or security interests attached before or after the date on which the processor or preparer lien attached.

(b) The processor or preparer lien shall be subordinate to liens for taxes or labor perfected before filing of the processor or preparer lien.

(2) If the statement provided for in section 11 of this act is not filed within twenty days of the date payment is due and remains unpaid, the processor or preparer lien shall thereupon become subordinate to:

(a) A lien that has attached to the agricultural product, inventory, or accounts receivable before the date on which the processor or preparer lien attaches; and

(b) A perfected security interest in the agricultural product, inventory, or accounts receivable.

NEW SECTION. Sec. 13. (1) The processor lien shall terminate six months after, and the preparer lien shall terminate fifty days after, the later of the date of attachment or filing, unless a suit to foreclose the lien has been filed before that time as provided in section 14 of this act.

(2) If a statement has been filed as provided in section 11 of this act and the producer has received payment for the obligation secured by the lien, the producer shall promptly file with the department of licensing a statement declaring that full payment has been received and that the lien is discharged. If, after payment, the producer fails to file such statement of discharge within ten days following a request to do so, the producer shall be liable to the processor, conditioner, or preparer in the sum of one hundred dollars plus actual damages caused by the failure.

NEW SECTION. Sec. 14. (1) The processor or preparer liens may be foreclosed and enforced by civil action in the superior courts.

(2) In all suits to enforce processor or preparer liens, the court shall, upon entering judgment, allow to the prevailing party as a part of the costs all moneys paid for the filing and recording of the lien and reasonable attorney fees.

NEW SECTION. Sec. 15. Sections 7 through 14 of this act shall be added to chapter 20.01 RCW.

NEW SECTION. Sec. 16. The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly authorized representative.

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, two or more persons having a joint or common interest, or any unit or agency of local, state, or federal government.

(4) "Agricultural commodities," hereinafter referred to as "commodities," means, but is not limited to, all the grains, peas, beans, lentils, corn, sorghums, malt, peanuts, flax, and other similar agricultural products.

(5) "Warehouse," also referred to as a public warehouse, means any elevator, mill, subterminal grain warehouse, terminal warehouse, country warehouse, or other structure or enclosure located in this state that is used or useable for the storage of agricultural products, and in which commodities are received from the public for storage, handling, conditioning, or shipment for compensation. The term does not include any warehouse storing or handling fresh fruits and/or vegetables, any warehouse used exclusively for cold storage, or any warehouse that conditions yearly less than three hundred tons of an agricultural commodity for compensation.

(6) "Terminal warehouse" means any warehouse designated as a terminal by the department, and located at an inspection point where inspection facilities are maintained by the department and where commodities are ordinarily received and shipped by common carrier.

(7) "Subterminal warehouse" means any warehouse that performs an intermediate function in which agricultural commodities are customarily received from dealers rather than producers and where the commodities are accumulated before shipment to a terminal warehouse.

(8) "Station" means two or more warehouses between which commodities are commonly transferred in the ordinary course of business and that are (a) immediately adjacent to each other, or (b) located within the corporate limits of any city or town and subject to the same

transportation tariff zone, or (c) at any railroad siding or switching area and subject to the same transportation tariff zone, or (d) at one location in the open country off rail, or (e) in any area that can be reasonably audited by the department as a station under this chapter and that has been established as such by the director by rule adopted under chapter 34.04 RCW, or (f) within twenty miles of each other but separated by the border between Washington and Idaho or Oregon when the books and records for the station are maintained at the warehouse located in Washington.

(9) "Inspection point" means a city, town, or other place wherein the department maintains inspection and weighing facilities.

(10) "Warehouseman" means any person owning, operating, or controlling a warehouse in the state of Washington.

(11) "Depositor" means (a) any person who deposits a commodity with a Washington state licensed warehouseman for storage, handling, conditioning, or shipment, or (b) any person who is the owner or legal holder of a warehouse receipt, outstanding scale weight ticket, or other evidence of the deposit of a commodity with a Washington state licensed warehouseman or (c) any producer whose agricultural commodity has been sold to a grain dealer through the dealer's place of business located in the state of Washington, or any producer whose agricultural commodity has been sold to or is under the control of a grain dealer, which dealer has negotiated the sale of the commodity or has control of the commodity in the state of Washington.

(12) "Historical depositor" means any person who in the normal course of business operations has consistently made deposits in the same warehouse of commodities produced on the same land. In addition the purchaser, lessee, and/or inheritor of such land from the original historical depositor with reference to the land shall be considered a historical depositor with regard to the commodities produced on the land.

(13) "Grain dealer" means any person who, through his place of business located in the state of Washington, solicits, contracts for, or obtains from a producer, title, possession, or control of any agricultural commodity for purposes of resale, or any person who solicits, contracts for, or obtains from a Washington producer, title, possession, or control of any agricultural commodity for purposes of resale.

(14) "Producer" means any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of a commodity produced on that land.

(15) "Warehouse receipt" means a negotiable or nonnegotiable warehouse receipt as provided for in Article 7 of Title 62A RCW.

(16) "Scale weight ticket" means a load slip or other evidence of deposit, serially numbered, not including warehouse receipts as defined in subsection (15) of this section, given a depositor on request upon initial delivery of the commodity to the warehouse and showing the warehouse's name and state number, type of commodity, weight thereof, name of depositor, and the date delivered.

(17) "Put through" means agricultural commodities that are deposited in a warehouse for receiving, handling, conditioning, or shipping, and on which the depositor has concluded satisfactory arrangements with the warehouseman for the immediate or impending shipment of the commodity.

(18) "Conditioning" means, but is not limited to, the drying or cleaning of agricultural commodities.

(19) "Deferred price contract" means a contract for the sale of commodities that conveys the title and all rights of ownership to the commodities represented by the contract to the buyer, but allows the seller to set the price of the commodities at a later date based on an agreed upon relationship to a future month's price or some other mutually agreeable method of price determination. Deferred price contracts include but are not limited to those contracts commonly referred to as delayed price, price later contracts, or open price contracts.

(20) "Shortage" means that a warehouseman does not have in his possession sufficient commodities at each of his stations to cover the outstanding warehouse receipts, scale weight tickets, or other evidence of storage liability issued or assumed by him for the station.

(21) "Failure" means:

(a) An inability to financially satisfy claimants in accordance with this chapter and the time limits provided for in it;

(b) A public declaration of insolvency;

(c) A revocation of license and the leaving of an outstanding indebtedness to a depositor;

(d) A failure to redeliver any commodity to a depositor or to pay depositors for commodities purchased by a licensee in the ordinary course of business and where a bona fide dispute does not exist between the licensee and the depositor;

(e) A failure to make application for license renewal within sixty days after the annual license renewal date; or

(f) A denial of the application for a license renewal.

Sec. 17, Section 2, chapter 124, Laws of 1963 and RCW 22.09.020 are each amended to read as follows:

The department shall administer and carry out the provisions of this chapter and rules adopted hereunder, and it ~~((shall have))~~ has the power and authority to:

(1) Supervise the receiving, ~~((shipping))~~ handling, conditioning, weighing, ((and)) storage, and shipping of all commodities;

(2) Supervise the inspection and grading of all commodities;

(3) Approve or disapprove the facilities, including scales, of all warehouses;

(4) Approve or disapprove all rates and charges for the handling, storage, and shipment of all commodities;

(5) Investigate all complaints of fraud in the operation of any warehouse;

(6) Examine ~~((and))~~, inspect, and audit, during ordinary business hours, any warehouse licensed ~~((hereunder))~~ under this chapter, including all commodities therein and examine, inspect, audit, or record all books, documents, and records;

(7) Examine, inspect, and audit during ordinary business hours, all books, documents, and records, and examine, inspect, audit, or record records of any grain dealer licensed hereunder at the grain dealer's principal office or headquarters;

(8) Inspect at reasonable times any warehouse or storage facility where commodities are ((stored;)) received, handled, conditioned, stored, or shipped, ((or received)) including all commodities stored therein and all books, documents, and records in order to determine whether or not such facility should be licensed pursuant to this chapter;

((#)) (9) Inspect at reasonable times any grain dealer's books, documents, and records in order to determine whether or not the grain dealer should be licensed under this chapter;

(10) Administer oaths((;)) and issue subpoenas to compel the attendance of witnesses, and/or the production of books, documents, and records anywhere in the state pursuant to a hearing relative to the purpose and provisions of this chapter. Witnesses shall be entitled to fees for attendance and travel, as provided in chapter 2.40 RCW((--as enacted or hereafter amended));

((#)) (11) Adopt rules regarding the identification of commodities by the use of confetti or other similar means so that such commodities may be readily identified if stolen or removed in violation of the provisions of this chapter from a warehouse or if otherwise unlawfully transported;

((#)) (12) Adopt all the necessary rules ((and regulations)) for carrying out the purpose and provisions of this chapter. The adoption of rules ((and regulations)) under the provisions of this chapter shall be subject to the provisions of chapter 34.04 RCW (((); the Administrative Procedure Act((--as enacted or hereafter amended)). ((The director)) When adopting rules in respect to the provisions of this chapter, the director shall hold a public hearing and shall to the best of his ability consult with persons and organizations or interests who will be affected thereby, and any final rule adopted as a result of the hearing shall be designed to promote the provisions of this chapter and shall be reasonable and necessary and based upon needs and conditions of the industry, and shall be for the purpose of promoting the well-being of the industry to be regulated and the general welfare of the people of the state.

Sec. 18. Section 3, chapter 124, Laws of 1963 as amended by section 20, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.030 are each amended to read as follows:

It shall be unlawful for any person to operate a warehouse in the state of Washington without first having obtained an annual license from the department ~~((PROVIDED, That))~~, but this chapter shall not apply to warehouses that are federally licensed under the provisions of 7 USC 241 et seq. for the handling and storage of agricultural commodities. A separate license shall be required for each warehouse that a person intends to operate ~~((PROVIDED, That))~~, but any person operating two or more warehouses ~~((which))~~ that constitute a station may license ~~((such))~~ the warehouses under one state license. All the assets of a given station ~~((;))~~ that is licensed under one state license ~~((--shall be))~~ are subject to all the liabilities of that station and for the purposes of this chapter shall be treated as a single warehouse, requiring all the stocks and obligations of the warehouses at a given station to be treated as a unit for all purposes including, but not limited to, issuance of warehouse receipts and receipt and delivery of commodities for handling, conditioning, storage, or shipment ~~((--or handling))~~.

NEW SECTION. Sec. 19. It is unlawful for any person to operate as a grain dealer in the state of Washington without first having obtained an annual license from the department. This chapter does not apply to a grain dealer that is licensed for dealing in agricultural commodities under federal law.

Sec. 20. Section 4, chapter 124, Laws of 1963 as last amended by section 13, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.040 are each amended to read as follows:

Application for a license to operate a warehouse under the provisions of this chapter shall be on a form prescribed by the department and shall include:

(1) The full name of the person applying for the license and whether the applicant is an individual, partnership, association, corporation, or other entity;

(2) The full name of each member of the firm or partnership, or the names of the officers of the company, society, cooperative association, or corporation;

(3) The principal business address of the applicant in the state and elsewhere;

(4) The name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant;

(5) Whether the applicant has also applied for or has been issued a grain dealer license under the provisions of this chapter;

(6) The location of each warehouse the applicant intends to operate and the (~~preponderate commodity expected in storage~~) location of the headquarters or main office of the applicant;

(~~(7)~~) (7) The bushel storage capacity of each such warehouse to be licensed (~~including a schematic diagram accurately showing the areas of storage and floor plan of the warehouse~~);

(~~(8)~~) (8) The schedule of fees to be charged at each warehouse for the handling, conditioning, storage, and shipment of all commodities during the licensing period;

(~~(9)~~) (9) A financial statement to determine the net worth of the applicant to determine whether or not the applicant meets the minimum net worth requirements established by the director pursuant to chapter 34.04 RCW;

(~~(10)~~) (10) Whether the application is for a terminal, subterminal, or (~~public~~) country warehouse license;

(~~(11)~~) (11) Whether the applicant has previously been denied a grain dealer or warehouseman license or whether the applicant has had either license suspended or revoked by the department;

(12) Any other reasonable information the department finds necessary to carry out the purpose and provisions of this chapter.

NEW SECTION. Sec. 21. Application for a license to operate as a grain dealer under the provisions of this chapter shall be on a form prescribed by the department and shall include:

(1) The full name of the person applying for the license and whether the applicant is an individual, partnership, association, corporation, or other entity;

(2) The full name of each member of the firm or partnership, or the names of the officers of the company, society, cooperative association, or corporation;

(3) The principal business address of the applicant in the state and elsewhere;

(4) The name or names of the person or persons in this state authorized to receive and accept service of summons and legal notices of all kinds for the applicant;

(5) Whether the applicant has also applied for or has been issued a warehouse license under this chapter;

(6) The location of each business location from which the applicant intends to operate as a grain dealer in the state of Washington whether or not the business location is physically within the state of Washington, and the location of the headquarters or main office of the application;

(7) A financial statement to determine the net worth of the applicant to determine whether or not the applicant meets the minimum net worth requirements established by the director under chapter 34.04 RCW. However, if the applicant is a subsidiary of a larger company, corporation, society, or cooperative association, both the parent company and the subsidiary company must submit a financial statement to determine whether or not the applicant meets the minimum net worth requirements established by the director under chapter 34.04 RCW;

(8) Whether the applicant has previously been denied a grain dealer or warehouseman license or whether the applicant has had either license suspended or revoked by the department;

(9) Any other reasonable information the department finds necessary to carry out the purpose and provisions of this chapter.

Sec. 22. Section 5, chapter 124, Laws of 1963 as amended by section 14, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.050 are each amended to read as follows:

Any application for a license to operate a warehouse shall be accompanied by a license fee of ~~((one))~~ two hundred dollars for a terminal warehouse, ~~((seventy-five))~~ one hundred fifty dollars for a subterminal warehouse, and ~~((twenty-five))~~ fifty dollars for a ~~((public))~~ country warehouse. If a licensee operates more than one warehouse~~(;)~~ under one state license as provided for in RCW 22.09.030, the license fee shall be computed by multiplying the number of physically separated warehouses within ~~((such))~~ the station by the applicable terminal, subterminal, or ~~((public))~~ country warehouse license fee. If an application for renewal of a warehouse license or licenses is not received by the department prior to June 30th of any year, a penalty of fifty dollars for the first week and one hundred dollars for each week thereafter shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license may be issued. This penalty does not apply if the applicant furnishes an affidavit certifying that he has not acted as a warehouseman subsequent to the expiration of his prior license.

NEW SECTION. Sec. 23. An application for a license to operate as a grain dealer shall be accompanied by a license fee of one hundred dollars unless the applicant is also a licensed warehouseman, in which case the fee for a grain dealer license shall be fifty dollars.

If an application for renewal of a grain dealer license is not received by the department before June 30th of any year, a penalty of fifty dollars for the first week and one hundred dollars for each week thereafter shall be assessed and added to the original fee and shall be paid

by the applicant before the renewal license may be issued. This penalty does not apply if the applicant furnishes an affidavit certifying that he has not acted as a grain dealer after the expiration of his prior license.

Sec. 24. Section 6, chapter 124, Laws of 1963 as amended by section 22, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.060 are each amended to read as follows:

No warehouse or grain dealer license (shall) may be issued to an applicant before a bond or certificate of deposit is given to the department as provided in RCW 22.09.090 ~~((and))~~; No warehouse license may be issued to an applicant before a certificate of insurance as provided in RCW 22.09.110 (have) has been filed with the department.

Sec. 25. Section 7, chapter 124, Laws of 1963 and RCW 22.09.070 are each amended to read as follows:

The department shall issue a warehouse license to an applicant upon its determination that the applicant has facilities adequate for handling and storage of commodities and, if applicable, conditioning, and that the application is in the proper form and upon approval of the matters contained ~~((therein))~~ on the application and upon a showing that ~~((such))~~ the applicant has complied with the provisions of this chapter and rules adopted hereunder. The licensee shall ~~((forthwith))~~ immediately upon receipt of ((such)) the license post it in a conspicuous place in the office of the licensed warehouse or if a station license, in the main office at ((such)) the station. ((Such)) The license ((shall)) automatically expires on June 30th((-subsequent to)) after the date of issuance unless it has been revoked, canceled, or suspended ((prior thereto)) by the department before that date.

NEW SECTION. Sec. 26. The department shall issue a grain dealer license to an applicant upon its determination that the application is in its proper form and upon approval of the matters contained on the application and upon a showing that the applicant has complied with the provisions of this chapter and rules adopted hereunder. The licensee shall immediately upon receipt of the license post it in a conspicuous place in its principal place of business. The license expires automatically on June 30th after the date of issuance unless it has been revoked, canceled, or suspended by the department before that date.

Sec. 27. Section 9, chapter 124, Laws of 1963 as last amended by section 23, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.090 are each amended to read as follows:

(1) Before any person ~~((shall be))~~ is granted a warehouse or grain dealer license pursuant to the provisions of this chapter ~~((such))~~ the person shall give a bond to the state of Washington executed by the ((warehouseman)) applicant as the principal and by a corporate surety licensed to do business in this state as surety.

(2) The bond required for the issuance of a warehouse license shall be in the sum of not less than ~~((twenty-five))~~ fifty thousand dollars nor more than ~~((five))~~ seven hundred fifty thousand dollars. The department shall, after holding a public hearing, determine the amount ((of the)) that will be required for the warehouse bond which shall be computed at a rate of not less than fifteen cents nor more than thirty cents per bushel multiplied by the number of bushels of licensed commodity storage capacity of the warehouses of the ~~((licensee))~~ applicant furnishing the bond ~~((or at the rate of not less than six percent nor more than twelve percent of the gross sales of agricultural commodities of such licensee, whichever is greater)).~~

~~((2)) The bond shall be approved by the department and shall be conditioned upon the faithful performance by the warehouseman of the duty to keep in the warehouse for the depositor the commodity delivered, and to deliver the commodity to, or ship it for, such depositor, and such additional obligations, including merchandising, as a warehouseman may assume with the respective depositors as defined in RCW 22.09.010(9) as now or hereafter amended; in case a person has applied for licenses to conduct two or more warehouses in the state, the assets applicable to all warehouses, but not the deposits except in case of a station, shall be subject to the liabilities of each. The total and aggregate liability of the surety for all claims upon such bond shall be limited to the amount specified in the bond.~~

(3) The ~~((warehouseman))~~ applicant for a warehouse license may give a single bond meeting the requirements of this chapter, and all warehouses operated by the warehouseman ~~((shall be))~~ are deemed ((as)) to be one warehouse for the purpose of the amount of the bond required under ~~((such section))~~ this subsection. Any change in the capacity of a warehouse or ~~((installation))~~ addition of any new warehouse involving a change in bond liability under this chapter shall be immediately reported to the department ~~((prior to the operation thereof)).~~

(3) The bond required for the issuance of a grain dealer license shall be in the sum of not less than fifty thousand dollars nor more than seven hundred fifty thousand dollars. The department shall, after holding a public hearing, determine the amount that will be required for the dealer bond which shall be computed at a rate not less than six percent nor more than twelve percent of the sales of agricultural commodities purchased by the dealer from producers during the dealer's last completed fiscal year or in the case of a grain dealer who has been engaged in business as a grain dealer less than one year, the estimated aggregate dollar amount to be paid by the dealer to producers for agricultural commodities to be purchased by the dealer during the dealer's first fiscal year.

(4) An applicant making application for both a warehouse license and a grain dealer license may satisfy the bonding requirements set forth in subsections (2) and (3) of this section

by giving to the state of Washington a single bond for the issuance of both licenses, which bond shall be in the sum of not less than fifty thousand dollars nor more than seven hundred fifty thousand dollars. The department shall, after holding a public hearing, determine the amount of the bond which shall be computed at a rate of not less than fifteen cents nor more than thirty cents per bushel multiplied by the number of bushels of licensed commodity storage capacity of the warehouses of the applicant furnishing the bond, or at the rate of not less than six percent nor more than twelve percent of the gross sales of agricultural commodities of the applicant whichever is greater.

(5) The bonds required under this section shall be approved by the department and shall be conditioned upon the faithful performance by the licensee of the duties imposed upon him by this chapter. If a person has applied for warehouse licenses to operate two or more warehouses in this state, the assets applicable to all warehouses, but not the deposits except in case of a station, are subject to the liabilities of each. The total and aggregate liability of the surety for all claims upon the bond are limited to the amount specified in the bond.

(6) Any person required to submit a bond to the department under this chapter has the option to give the department a certificate of deposit payable to the director as trustee, in lieu of a bond or a portion thereof. The principal amount of the certificate shall be the same as that required for a surety bond under this chapter or may be in an amount which, when added to the applicant's bond, will satisfy the licensee's requirements for a surety bond under this chapter, and the interest thereon shall be made payable to the purchaser of the certificate. The certificate of deposit shall remain on deposit until it is released, canceled, or discharged as provided for by rule of the department. The provisions of this chapter that apply to a bond required under this chapter apply to each certificate of deposit given in lieu of such a bond.

(7) The department may, when it has reason to believe that a grain dealer does not have the ability to pay producers for grain purchased, or when it determines that the grain dealer does not have a sufficient net worth to outstanding financial obligations ratio, or when it believes there may be claims made against the bond in excess of the face amount of the bond, require a grain dealer to post an additional bond in a dollar amount deemed appropriate by the department or may require an additional certificate of deposit. The additional bonding may exceed the maximum amount of the bond otherwise required under this section. Failure to post the additional bond or certificate of deposit constitutes grounds for suspension or revocation of a license issued under this chapter.

((4)) (8) Notwithstanding any other provisions of this chapter, the license of a warehouseman or grain dealer shall automatically be suspended in accordance with ~~((the provisions of))~~ RCW 22.09.100 for failure at any time to have or to maintain a bond or certificate of deposit, or both, in the amount and type required ~~((herein))~~ by this chapter. The department shall remove the suspension or issue a license as the case may be, when the required bond or certificate of deposit has been obtained.

((5) Any warehouseman required to submit a bond to the department pursuant to the provisions of this chapter shall have the option to file a policy of insurance with the department in lieu of the warehouseman's bond. Such insurance policy, before being accepted, shall be approved by the attorney general and the insurance commissioner of the state of Washington if they deem the coverage provided thereby is equivalent to or greater than the coverage for depositors provided by the warehouseman's bond. If such an insurance policy is accepted in place of the bond, such insurance policy, as between the department, warehouseman, and the depositors, shall be treated exactly the same as if it were a bond filed with the department. It is the intention of the legislature in this subsection to have the insurance policy replace the bond, as between the department, warehouseman, and the depositors, for all purposes as though the term bond used throughout the several sections of this chapter were to contain instead the term insurance policy.)

Sec. 28. Section 10, chapter 124, Laws of 1963 and RCW 22.09.100 are each amended to read as follows:

Every bond filed with and approved by the department shall without the necessity of periodic renewal remain in force and effect until such time as the warehouseman's license is revoked for cause or otherwise canceled. The surety on a bond, as provided ~~((herein))~~ in this chapter, shall be released and discharged from all liability to the state accruing on ~~((such))~~ the bond after the expiration of ~~((ninety))~~ thirty days from the date a warehouseman's license is revoked for cause or otherwise terminated or after the expiration of ninety days from the date upon which ((such)) the surety ((shall have)) lodged with the department a written request to be released and discharged((;)), but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or ((which shall)) that has accrued before the expiration of the respective thirty or ninety-day period. In the event of a cancellation by the surety, the surety shall simultaneously send ((such)) the notification of cancellation in writing to any other governmental agency requesting it. ((The department shall promptly)) Upon receiving any such request, the department shall promptly notify the principal who furnished the bond, and unless the principal ((shall)) files a new bond on or before the expiration of the respective thirty or ninety-day period, ((file a new bond;)) the department shall forthwith cancel the principal's license.

Sec. 29. Section 11, chapter 124, Laws of 1963 and RCW 22.09.110 are each amended to read as follows:

All commodities in storage in a warehouse shall be kept fully insured for the current market value of ~~((such))~~ the commodity for the license period against loss by fire, lightning, internal explosion, windstorm, cyclone, and tornado. Evidence of ~~((such))~~ the insurance coverage in the form of a certificate of insurance approved by the department shall be filed by the warehouseman with the department at the time of making application for an annual license to operate a warehouse as required by this chapter. The department shall not issue a license ~~((when such))~~ until the certificate of insurance is received.

Sec. 30. Section 13, chapter 124, Laws of 1963 as last amended by section 38, chapter 296, Laws of 1981 and RCW 22.09.130 are each amended to read as follows:

(1) Every warehouseman shall receive for ~~((storage))~~ handling, conditioning, storage, or shipment, so far as the capacity and facilities of his warehouse will permit, all commodities included in the provisions of this chapter, in suitable condition for storage, tendered him in the usual course of business from historical depositors and shall issue therefor a warehouse receipt or receipts in a form prescribed by the department as ~~((herein))~~ provided in this chapter or a scale weight ticket. Warehousemen may accept agricultural commodities from new depositors who qualify to the extent of the capacity of that warehouse. The deposit for handling, conditioning, storage, or shipment~~((-or handling))~~ of ~~((such))~~ the commodity must be credited to the depositor in the books of the warehouseman ~~((within))~~ as soon as possible, but in no event later than seven days from the date of ~~((such))~~ the deposit. If the commodity has been graded a warehouse receipt shall be issued within ten days after demand by the owner.

(2) If requested by the depositor, each lot of his commodity shall be kept in a special pile or special bin, if available, but in the case of a bulk commodity, if the lot or any portion of it does not equal the capacity of any available bin, the depositor may exercise his option to require the commodity to be specially binned only on agreement to pay charges based on the capacity of the available bin most nearly approximating the required capacity.

(3) A warehouseman may refuse to accept for storage, commodities ~~((which))~~ that are wet, damaged, insect-infested, or in other ways unsuitable for storage.

(4) Terminal and subterminal warehousemen shall receive put through agricultural commodities to the extent satisfactory transportation arrangements can be made, but may not be required to receive agricultural commodities for storage.

Sec. 31. Section 15, chapter 124, Laws of 1963 as amended by section 17, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.150 are each amended to read as follows:

(1) The duty of the warehouseman to deliver the ~~((commodity stored shall be))~~ commodities in storage is governed by the provisions of this chapter and the requirements of Article 7 of Title 62A RCW ~~((as enacted or hereafter amended))~~. Upon the return of the receipt to the proper warehouseman, properly endorsed, and upon payment or tender of all advances and legal charges, the warehouseman shall deliver commodities of the grade and quantity named ~~((therein shall be delivered))~~ upon the receipt to the holder of ~~((such))~~ the receipt, except as provided by Article 7 of Title 62A RCW ~~((as enacted or hereafter amended))~~.

(2) A warehouseman's duty to deliver any commodity is fulfilled if delivery is made pursuant to the contract with the depositor or if no contract exists, then to the several owners in the order of demand as rapidly as it can be done by ordinary diligence~~((:))~~. Where delivery is made within forty-eight hours excluding Saturdays, Sundays, and legal holidays after facilities for receiving the commodity are provided, ~~((such))~~ the delivery is deemed to comply with this subsection.

(3) No warehouseman ~~((shall))~~ may fail to deliver a commodity as provided in this section, and delivery shall be made at the warehouse or station where the commodity was received unless ~~((agreed))~~ the warehouseman and depositor otherwise agree in writing.

(4) In addition to being subject to penalties provided in this chapter for a violation of this section, if a warehouseman unreasonably fails to deliver commodities within the time as provided in this section, the person entitled to delivery of the commodity may maintain an action against the warehouseman for any damages resulting from the warehouseman's unreasonable failure to so deliver. In any such action the person entitled to delivery of the commodity has the option to seek recovery of his actual damages or liquidated damages of one-half of one percent of the value for each day's delay after ~~((such))~~ the forty-eight hour period.

Sec. 32. Section 17, chapter 124, Laws of 1963 and RCW 22.09.170 are each amended to read as follows:

~~((t))~~ if ~~((written instruction or order is given or furnished by))~~ the owner of the commodity~~((:))~~ or his authorized agent~~((-directed))~~ gives or furnishes to a licensed warehouseman a written instruction or order, and if ~~((such))~~ the order is properly made a part of the warehouseman's records and is available for departmental inspection, then the warehouseman:

~~((a))~~ May accept such deposit of a commodity for the purpose of sale to the warehouseman;

~~((b))~~ (1) May receive ~~((such))~~ the commodity for the purpose of processing or ~~((cleaning))~~ conditioning;

~~((c)) (2) May receive (such) the commodity for the purpose of shipping by the warehouseman for the account of the depositor;~~

~~((d)) (3) May accept an agricultural commodity delivered as seed and handle (the same) if pursuant to the terms of a contract with the depositor and the contract shall be considered written instructions pursuant to (subsection (1) of) this section.~~

~~((2) Commodities deposited with the warehouseman without written order, as provided for in subsection (1) of this section, must be handled and considered to be a commodity in storage.))~~

NEW SECTION. Sec. 33. (1) A commodity deposited with a warehouseman without a written agreement for sale of the commodity to the warehouseman shall be handled and considered to be a commodity in storage.

(2) A presumption is hereby created that in all written agreements for the sale of commodities, the intent of the parties is that title and ownership to the commodities shall pass on the date of payment therefor. This presumption may only be rebutted by a clear statement to the contrary in the agreement.

(3) Any warehouseman or grain dealer entering into a deferred price contract with a depositor shall first have the form of the contract approved by the director. The director shall adopt rules setting forth the standards for approval of the contracts.

Sec. 34. Section 18, chapter 124, Laws of 1963 as amended by section 24, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.180 are each amended to read as follows:

(1) The ~~((warehouseman))~~ licensee shall maintain ~~((current and))~~ complete records at all times with respect to all agricultural commodities handled, stored, shipped, or merchandised by him, including commodities owned by him. ~~((Such records shall include, but not be limited to, a daily position record showing the total quantity of each kind and class of agricultural commodity received and loaded out and the amount remaining in storage at the close of each business day, and the warehouseman's total storage obligation for each kind and class of agricultural commodity at the close of each business day.~~

~~(2) No warehouse receipt issued by any warehouseman as defined in this chapter and no negotiation, transfer, or pledge of any such receipt shall be defeated by reason of the fact that the goods covered by the receipt were owned, in whole or in part, by the warehouseman at the time the receipt was issued.~~

~~(3) Every warehouseman purchasing any agricultural commodity from a depositor thereof shall promptly make and keep for one year a correct record showing in detail the following:~~

~~(a) The name and address of the depositor;~~

~~(b) The date purchased;~~

~~(c) The terms of the sale; and~~

~~(d) The quality and quantity purchased by the warehouseman, and where applicable the dockage, tare, grade, size, net weight, or quantity.)) The department shall adopt rules specifying the minimum record-keeping requirements necessary to comply with this section.~~

~~((4)) (2) The licensee shall maintain an itemized statement of any charges paid by the ((warehouseman for the account of the)) depositor.~~

~~((A copy of such record containing the above matters shall be forwarded to the depositor forthwith.))~~

Sec. 35. Section 19, chapter 124, Laws of 1963 and RCW 22.09.190 are each amended to read as follows:

No warehouseman subject to the provisions of this chapter ~~((shall))~~ may:

(1) Directly or indirectly, by any special charge, rebate, drawback, or other device, demand, collect, or receive from any person a greater or lesser compensation for any service rendered or to be rendered in the handling, conditioning, storage, or shipment of any commodity than he demands, collects, or receives from any other person for doing for him a like and contemporaneous service in the handling, conditioning, storage, or shipment of any commodity under substantially similar circumstances or conditions;

(2) Make or give any undue or unreasonable preference or advantage to any person in any respect whatsoever;

(3) Subject any particular person to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Sec. 36. Section 24, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.195 are each amended to read as follows:

RCW 22.09.190 does not apply to contracts entered into with a governmental agency, state or federal, for the handling ~~((or)),~~ conditioning, storage, or shipping of agricultural commodities.

Sec. 37. Section 20, chapter 124, Laws of 1963 and RCW 22.09.200 are each amended to read as follows:

Each ~~((warehouseman))~~ licensee shall report information to the department at such times and as may be reasonably required by the department for the necessary enforcement and supervision of a sound, reasonable, and efficient ~~((warehouse))~~ commodity inspection program for the protection of depositors of commodities and for persons~~((;))~~ or agencies~~((;))~~ who deal in ~~((such))~~ commodities.

Sec. 38. Section 21, chapter 124, Laws of 1963 as amended by section 18, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.210 are each amended to read as follows:

It is unlawful ~~((for any warehouseman to receive in any terminal warehouse any commodity that has not been weighed, inspected, and/or graded by an employee of the department under the supervision of a duly authorized inspector of the department, or))~~ to deliver out of any terminal warehouse any commodity for export that has not been weighed, inspected, and/or graded ~~((in such manner))~~ by an employee of the department under the supervision of a duly authorized inspector of the department.

Sec. 39. Section 23, chapter 124, Laws of 1963 and RCW 22.09.230 are each amended to read as follows:

Every warehouse licensee shall post at or near the main entrance to each of his warehouses a sign as prescribed by the department which shall include the words "Washington Bonded Warehouse~~((?))~~." It ~~((shall be))~~ is unlawful to display such sign or any sign of similar appearance or bearing the same words, or words of similar import, when ~~((such))~~ the warehouse is not licensed and bonded under this chapter.

Sec. 40. Section 24, chapter 124, Laws of 1963 and RCW 22.09.240 are each amended to read as follows:

Every warehouseman shall annually, during the first week in July, publish by posting in a conspicuous place in each of his warehouses the schedule of ~~((storage and))~~ handling, conditioning, and storage rates filed with the department for the ensuing license year. The schedule shall be kept posted, and the rates shall not be changed during such year except upon approval of the department.

Sec. 41. Section 25, chapter 124, Laws of 1963 and RCW 22.09.250 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for a warehouseman to:

(1) Issue a warehouse receipt for any commodity ~~((which))~~ that he does not have in his warehouse at the time ~~((such))~~ the receipt is issued;

(2) Issue warehouse receipts in excess of the amount of the commodities held in the licensee's warehouse to cover ~~((such))~~ the receipt;

(3) Remove, deliver, direct, assist, or permit any person to remove, or deliver any commodity from any warehouse for which warehouse receipts have been issued and are outstanding without receiving and canceling the warehouse receipt issued therefor;

(4) Sell, encumber, ship, transfer, or in any manner remove or permit to be shipped, transferred, or removed from a warehouse any commodity received by him for deposit, ~~((shipment, or))~~ handling, conditioning, or shipment, for which scale weight tickets have been issued without the written approval of the holder of the scale weight ticket and such transfer shall be shown on the individual depositor's account and the inventory records of the warehouseman;

(5) Remove, deliver, direct, assist, or permit any person to deliver, or remove any commodities from any warehouse, whereby the amount of any fairly representative grade or class of any commodity in the warehouses of ~~((such))~~ the licensee is reduced below the amount for which warehouse receipts or scale weight tickets for the particular commodity are outstanding;

(6) Issue a warehouse receipt showing a grade or description different from the grade or description of the commodity delivered ~~((and for which such warehouse receipt is issued))~~;

(7) Issue a warehouse receipt or scale weight ticket ~~((which))~~ that exceeds ~~((in))~~ the amount ~~((from))~~ of the actual quantity of commodities delivered for storage;

(8) Fail to deliver commodities pursuant to RCW 22.09.150 upon demand of the depositor;

(9) Knowingly accept for storage any commodity destined for human consumption ~~((which))~~ that has been contaminated with an agricultural pesticide or filth rendering it unfit for human consumption, if ~~((such))~~ the commodities are commingled with any uncontaminated commodity;

(10) Terminate storage of a commodity in his warehouse without giving ~~((reasonable))~~ thirty days' written notice to the depositor.

Sec. 42. Section 26, chapter 124, Laws of 1963 and RCW 22.09.260 are each amended to read as follows:

No depositor ~~((shall))~~ may knowingly deliver for handling, conditioning, storage, or shipment~~((-or handling))~~ any commodity treated with an agricultural pesticide or contaminated with filth rendering it unfit for human consumption without first notifying the warehouseman.

Sec. 43. Section 29, chapter 124, Laws of 1963 as amended by section 19, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.290 are each amended to read as follows:

(1) Every warehouse receipt issued for commodities covered by this chapter shall embody within its written or printed terms:

(a) The grade of the commodities received as established by the official standards of this state, unless the identity of the commodity is in fact preserved in a special pile or special bin, and an identifying mark of such pile or bin shall appear on the face of the receipt and on the pile or bin. ~~((Such))~~ A commodity in ~~((such))~~ a special pile or bin shall not be removed or relocated without canceling the outstanding receipt and issuing a new receipt showing ~~((such))~~ the change;

(b) Such other terms and conditions as required by Article 7 of Title 62A RCW (~~as enacted or hereafter amended~~): PROVIDED, That nothing contained therein (~~shall~~) requires a receipt issued for wheat to specifically state the variety of wheat by name;

(c) A clause reserving for the warehouseman the optional right to terminate storage upon thirty days' written notice to the depositor and collect outstanding charges against any lot of commodities after June 30th following the date of the receipt.

(2) Warehouse receipts issued under the United States Warehouse Act (7 USCA § 241 et seq.) (~~shall be~~) are deemed to fulfill the requirements of this chapter so far as it pertains to the issuance of warehouse receipts.

Sec. 44. Section 31, chapter 124, Laws of 1963 and RCW 22.09.310 are each amended to read as follows:

Any person, or any agent or servant of (~~such~~) that person, or any officer of a corporation who prints, binds, or delivers warehouse receipt forms, except on an order or requisition signed by the director, or who uses such forms knowing that they were not so printed, bound, or delivered (~~shall be~~) is guilty of a (~~misdemeanor~~) class C felony and is punishable as provided in chapter 9A.20 RCW.

Sec. 45. Section 33, chapter 124, Laws of 1963 and RCW 22.09.330 are each amended to read as follows:

Nothing in this chapter (~~shall~~) may be construed to prevent the issuance of scale weight tickets (~~as defined in RCW 22.09.010(12)~~) showing when and what quantities of commodities were received and the condition thereof upon delivery.

Sec. 46. Section 34, chapter 124, Laws of 1963 and RCW 22.09.340 are each amended to read as follows:

(1) Upon the request of any person or persons having an interest in a commodity stored in any public warehouse and upon payment of (~~twenty-five~~) fifty dollars in advance by (~~such~~) the person or persons, the department may cause (~~such~~) the warehouse to be inspected and shall check the outstanding negotiable and nonnegotiable warehouse receipts, and scale weight tickets (~~which~~) that have not been superseded by negotiable or nonnegotiable warehouse receipts, with the commodities on hand and shall report the amount of receipts and scale weight tickets outstanding and the amount of storage, if any. If the cost of the examination is more than (~~twenty-five~~) fifty dollars, the person or persons having an interest in the commodity stored in (~~any such~~) the warehouse(:) and requesting (~~such~~) the examination, shall pay the additional cost to the department, unless a shortage is found to exist.

(2) A warehouse shall be maintained in a manner (~~which~~) that will provide a reasonable means of ingress and egress to the various storage bins and compartments by those persons authorized to make inspections, and an adequate facility to complete (~~such~~) the inspections shall be provided.

(3) The property, books, records, accounts, papers, and proceedings of every such warehouseman shall at all reasonable times be subject to (~~such~~) inspection by the department. The warehouseman shall maintain adequate records and systems for the filing and accounting of warehouse receipts, canceled warehouse receipts, scale weight tickets, other documents, and transactions necessary or common to the warehouse industry. Canceled warehouse receipts, copies of scale weight tickets, and other copies of documents evidencing ownership or ownership liability shall be retained by the warehouseman for a period of at least three years from the date of deposit.

(4) Any warehouseman whose principal office or headquarters is located outside the state of Washington shall make available, if requested, during ordinary business hours, at any of their warehouses licensed in the state of Washington, all books, documents, and records for inspection.

(5) Any grain dealer whose principal office or headquarters is located outside the state of Washington shall make available, if requested, all books, documents, and records for inspection during ordinary business hours at any facility located in the state of Washington, or if no facility in the state of Washington, then at a Washington state department of agriculture office or other mutually acceptable place.

NEW SECTION. Sec. 47. (1) The department may give written notice to the warehouseman or grain dealer to submit to inspection under such conditions and at such time as the department may deem necessary whenever a warehouseman or grain dealer fails to:

- (a) Submit his books, papers, or property to lawful inspection or audit;
- (b) Submit required reports or documents to the department by their due date; or
- (c) Furnish the department with requested information, including but not limited to correction notices.

(2) If the warehouseman or grain dealer fails to comply with the terms of the notice within twenty-four hours from the date of its issuance, or within such further time as the department may allow, the department shall levy a fine of fifty dollars per day from the final date for compliance allowed by this section or the department. In those cases where the failure to comply continues for more than thirty days or where the director determines the failure to comply creates a threat of loss to depositors, the department may, in lieu of levying further fines petition

the superior court of the county where the licensee's principal place of business in Washington is located, as shown by the license application, for an order:

(a) Authorizing the department to seize and take possession of all books, papers, and property of all kinds used in connection with the conduct or the operation of the warehouseman's or grain dealer's business, and the books, papers, records, and property that pertain specifically, exclusively, and directly to that business; and

(b) Enjoining the warehouseman or grain dealer from interfering with the department in the discharge of its duties as required by this chapter.

(3) All necessary costs and expenses, including attorneys' fees, incurred by the department in carrying out the provisions of this section may be recovered at the same time and as part of the action filed under this section.

Sec. 48. Section 35, chapter 124, Laws of 1963 and RCW 22.09.350 are each amended to read as follows:

(1) Whenever it appears that there is evidence after any investigation that a warehouseman has ~~((not in his possession sufficient commodities to cover the outstanding warehouse receipts, scale weight tickets, or other evidence of storage liability issued or assumed by him, or when such warehouseman refuses to submit his books, papers, or property to lawful inspection))~~ a shortage, the department may levy a fine of one hundred dollars per day until the warehouseman covers the shortage.

(2) In any case where the director determines the shortage creates a substantial or continuing threat of loss to the depositors of the warehouseman, the department may, in lieu of levying a fine or further fines, give notice to the warehouseman to comply with all or any of the following requirements:

(a) Cover ~~((such))~~ the shortage;

(b) Give additional bond as requested by the department;

(c) Submit to such inspection as the department may deem necessary;

(d) Cease accepting further commodities from depositors or selling, encumbering, transporting, or otherwise changing possession, custody, or control of commodities owned by the warehouseman until there is no longer a shortage.

~~((2))~~ (3) If ((such)) the warehouseman fails to comply with the terms of ((such)) the notice provided for in subsection (2) of this section within twenty-four hours from the date of its issuance, or within such further time as the department may allow, the department may petition the superior court of the county where the licensee's principal place of business in Washington is located ((c))as shown by the license application((s)), for an order:

(a) Authorizing the department to seize and take possession of all or a portion of special piles and special bins of commodities and all or a portion of commingled commodities in the warehouse or warehouses owned, operated, or controlled by the warehouseman, and of all books, papers, and property of all kinds used in connection with the conduct or the operation of ~~((such))~~ the warehouseman's warehouse business, and the books, papers, records, and property ~~((which))~~ that pertain specifically, exclusively, and directly to that business; and

(b) Enjoining the warehouseman from interfering with the department in the discharge of its duties as required by this section.

~~((3))~~ Upon taking possession the department shall give written notice of its action to the surety on the bond of the warehouseman and may notify the holders of record, as shown by the warehouseman's records, of all warehouse receipts or scale weight tickets issued for commodities, to present their warehouse receipt or other evidence of deposits for inspection, or to account for the same. The department may thereupon cause an audit to be made of the affairs of such warehouse, especially with respect to the commodities in which there is an apparent shortage, to determine the amount of such shortage and compute the shortage as to each depositor as shown by the warehouseman's records, if practicable. The department shall notify the warehouseman and the surety on his bond of the approximate amount of such shortage and notify each depositor thereby affected by sending notice to the depositor's last known address as shown by the records of the warehouseman.

(4) The department shall retain possession of the commodities in the warehouse or warehouses, and of the books, papers, and property of the warehouseman, until such time as the warehouseman or the surety on the bond shall have satisfied the claims of all holders of warehouse receipts or other evidence of deposits, or, in case the shortage exceeds the amount of the bond, the surety on the bond shall have satisfied such claims pro rata, or until such time as the department is ordered by the court to surrender possession:

(5) If during or after the audit provided for in this section, or at any other time the department has evidence that the warehouseman is insolvent or is unable to satisfy the claims of all holders of warehouse receipts or other evidence of deposits, the department may petition the superior court which authorized the department to take possession, for the appointment of a receiver to operate or liquidate the business of the warehouseman in accordance with law:

(6) At any time within ten days after the department takes possession of any commodities, or the books, papers, and property of any warehouse, the warehouseman may serve notice upon the department to appear in the superior court of the county in which such warehouse is

located, at a time to be fixed by such court, which shall not be less than five, nor more than fifteen days from the date of the service of such notice, and show cause why such commodities, books, papers, and property should not be restored to his possession.

(7) All necessary expenses incurred by the department in carrying out the provisions of this section may be recovered in a separate civil action brought by the department in the said superior court or recovered at the same time and as a part of the receivership or seizure action filed under this chapter.

(8) As a part of the expenses so incurred, the department or the receiver is authorized to include the cost of adequate liability insurance necessary to protect the department, its officers, and others engaged in carrying out the provisions of this section:))

NEW SECTION, Sec. 49. (1) Whenever the department, pursuant to court order, seizes and takes possession of all or a portion of special piles and special bins of commodities, all or a portion of commingled commodities in a warehouse owned, operated, or controlled by a warehouseman, or books, papers, and property of any kind used in connection with the conduct of a warehouseman's warehouse business, the department shall:

(a) Give written notice of its action to the surety on the bond of the warehouseman and may notify the holders of record, as shown by the warehouseman's records, of all warehouse receipts or scale weight tickets issued for commodities, to present their warehouse receipt or other evidence of deposits for inspection, or to account for the same. The department may thereupon cause an audit to be made of the affairs of the warehouse, especially with respect to the commodities in which there is an apparent shortage, to determine the amount of the shortage and compute the shortage as to each depositor as shown by the warehouseman's records, if practicable. The department shall notify the warehouseman and the surety on his bond of the approximate amount of the shortage and notify each depositor thereby affected by sending notice to the depositor's last known address as shown by the records of the warehouseman.

(b) Retain possession of the commodities in the warehouse or warehouses, and of the books, papers, and property of the warehouseman, until the warehouseman or the surety on the bond has satisfied the claims of all holders of warehouse receipts or other evidence of deposits, or, in case the shortage exceeds the amount of the bond, the surety on the bond has satisfied the claims pro rata.

(2) At any time within ten days after the department takes possession of any commodities or the books, papers, and property of any warehouse, the warehouseman may serve notice upon the department to appear in the superior court of the county in which the warehouse is located, at a time to be fixed by the court, which shall not be less than five nor more than fifteen days from the date of the service of the notice, and show cause why such commodities, books, papers, and property should not be restored to his possession.

(3) All necessary expenses and attorneys' fees incurred by the department in carrying out the provisions of this section may be recovered in the same action or in a separate civil action brought by the department in the superior court.

(4) As a part of the expenses so incurred, the department is authorized to include the cost of adequate liability insurance necessary to protect the department, its officers, and others engaged in carrying out the provisions of this section.

NEW SECTION, Sec. 50. (1) When a depositor stores a commodity with a warehouseman or sells a commodity to a grain dealer, the depositor has a first priority statutory lien on the commodity or the proceeds therefrom or on commodities owned by the warehouseman or grain dealer if the depositor has written evidence of ownership disclosing a storage obligation or written evidence of sale. The lien arises at the time the title is transferred from the depositor to the warehouseman or grain dealer, or if the commodity is under a storage obligation, the lien arises at the commencement of the storage obligation. The lien terminates when the liability of the warehouseman or grain dealer to the depositor terminates or if the depositor sells his commodity to the warehouseman or grain dealer, then thirty days after the time of the sale. If, however, the depositor is tendered payment by check or draft, then the lien shall not terminate until forty days after the time of sale.

(2) The lien created under this section shall be preferred to any lien or security interest in favor of any creditor of the warehouseman or grain dealer, regardless of whether the creditor's lien or security interest attached to the commodity or proceeds before or after the date on which the depositor's lien attached under subsection (1) of this section.

(3) A depositor who claims a lien under subsection (1) of this section need not file any notice of the lien in order to perfect the lien.

(4) The lien created by subsection (1) of this section is discharged, except as to the proceeds therefrom and except as to commodities owned by the warehouseman or grain dealer, upon sale of the commodity by the warehouseman or grain dealer to a buyer in the ordinary course of business.

NEW SECTION, Sec. 51. In the event of a failure of a grain dealer or warehouseman, the department may process the claims of depositors possessing written evidence of ownership disclosing a storage obligation or written evidence of a sale of commodities in the following manner:

(1) The department shall give notice and provide a reasonable time to depositors possessing written evidence of ownership disclosing a storage obligation or written evidence of sale of commodities to file their claims with the department.

(2) The department may investigate each claim and determine whether the claimant's commodities are under a storage obligation or whether a sale of the commodities has occurred. The department may, in writing, notify each claimant and the failed grain dealer or warehouseman of the department's determination as to the status and amount of each claimant's claim. A claimant, failed warehouseman, or grain dealer may request a hearing on the department's determination within twenty days of receipt of written notification, and a hearing shall be held in accordance with chapter 34.04 RCW.

(3) The department may inspect and audit the failed warehouseman to determine whether the warehouseman has in his possession sufficient quantities of commodities to cover his storage obligations. In the event of a shortage, the department shall determine each depositor's pro rata share of available commodities and the deficiency shall be considered as a claim of the depositor. Each type of commodity shall be treated separately for purpose of determining shortages.

(4) The department shall determine the amount, if any, due each claimant by the surety and make demand upon the bond in the manner set forth in this chapter.

NEW SECTION. Sec. 52. Upon the failure of a grain dealer or warehouseman, the statutory lien created in section 50 of this act shall be liquidated by the department to satisfy the claims of depositors in the following manner:

(1) The department shall take possession of all commodities in the warehouse that are under warehouse receipts or any written evidence of ownership that discloses a storage obligation by a failed warehouseman, including but not limited to scale weight tickets, settlement sheets, and ledger cards. These commodities shall be distributed or sold and the proceeds distributed to satisfy the outstanding warehouse receipts or other written evidences of ownership. If a shortage exists, the department shall distribute the commodities or the proceeds from the sale of the commodities on a prorated basis to the depositors. To the extent the commodities or the proceeds from their sale are inadequate to satisfy the claims of depositors with evidence of storage obligations, the depositors have a first priority lien against any proceeds received from commodities sold while under a storage obligation or against any commodities owned by the failed warehouseman or grain dealer.

(2) Depositors possessing written evidence of the sale of a commodity to the failed warehouseman or grain dealer, including but not limited to scale weight tickets, settlement sheets, deferred price contracts, or similar commodity delivery contracts, who have completed delivery and pricing during a thirty-day period immediately before the failure of the failed warehouseman or grain dealer have a second priority lien against the commodity, the proceeds of the sale, or warehouse-owned or grain dealer-owned commodities. If the commodity, commodity proceeds, or warehouse-owned or grain dealer-owned commodities are insufficient to wholly satisfy the claim of depositors possessing written evidence of the sale of the commodity to the failed warehouseman or grain dealer, each depositor shall receive a pro rata share thereof.

(3) Upon the satisfaction of the claims of depositors qualifying for first or second priority treatment, all other depositors possessing written evidence of the sale of the commodity to the failed warehouseman or grain dealer have a third priority lien against the commodity, the proceeds of the sale, or warehouse-owned or grain dealer-owned commodities. If the commodities, commodity proceeds, or warehouse-owned or grain dealer-owned commodities are insufficient to wholly satisfy these claims, each depositor shall receive a pro rata share thereof.

(4) The director of agriculture may represent depositors whom, under section 51 of this act, the director has determined have claims against the failed warehouseman or failed grain dealer in any action brought to enjoin or otherwise contest the distributions made by the director under this section.

Sec. 53. Section 37, chapter 124, Laws of 1963 and RCW 22.09.370 are each amended to read as follows:

(1) If no action is commenced (~~pursuant to RCW 22.09.360~~) under RCW 22.09.570 within thirty days after written demand to the department, any depositor injured by the failure of a licensee to comply with the condition of his bond (~~shall have~~) has a right of action upon ~~(such)~~ the licensee's bond for the recovery of ~~(all)~~ his damages ~~(suffered thereby)~~. The depositor shall give the department immediate written notice of the commencement of any such action.

(2) Recovery under ~~(such)~~ the bond shall be prorated when the claims exceed the liability under ~~(such)~~ the bond.

(3) Whenever the claimed shortage exceeds the amount of ~~(such)~~ the bond, it ~~(shall)~~ is not ~~(be)~~ necessary for any depositor~~(s)~~ suing on ~~(such)~~ the bond to join other depositors in ~~(such)~~ the suit, and the burden of establishing proration ~~(shall be)~~ is on the surety as a matter of defense.

Sec. 54. Section 42, chapter 124, Laws of 1963 and RCW 22.09.420 are each amended to read as follows:

The department's inspectors shall, at terminal warehouses, have exclusive control of the weighing, inspecting, and grading of the commodities ~~((which))~~ that are included within the provisions of this chapter, and the action and certificates of ~~((such))~~ the inspectors in the discharge of their duties, as to all commodities weighed or inspected by them, shall be accepted as prima facie evidence of the correctness of the above activity ~~((PROVIDED, That))~~. However, an appeal may be taken as provided in RCW ~~((22-09-450))~~ 22.09.780 to the director of the department. Suitable books and records shall be kept in which shall be entered a record of every carload, or cargo, or part of cargo of commodities inspected or weighed by them, showing the number and initial or other designation of the vehicle or boat containing ~~((such))~~ the carload, or cargo, or part of cargo, its weight, the kind of commodity, and its grade, the reason for ~~((such))~~ the grade ~~((:))~~ if of inferior grade, the amount of ~~((such))~~ the dockage, the amount of fees and forfeitures and disposition of ~~((same))~~ them; and for each vehicle or cargo, or part of cargo, of commodity inspected, they shall give a certificate of inspection showing the kind and grade of the same and the reason for all grades established. They shall also keep a record of all appeals, decisions, and a complete record of every official act, which books and records shall be open to inspection by any party in interest. They shall also furnish the agent of the railroad company, or other carrier over which ~~((such))~~ the commodity was shipped or carried, a report showing the weight thereof, if requested to do so.

Sec. 55. Section 55, chapter 124, Laws of 1963 as amended by section 22, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.550 are each amended to read as follows:

The director may cooperate with and enter into agreements with governmental agencies of this state, other states, agencies of the federal government, and private associations in order to carry out the purpose and provisions of this chapter and the United States Warehouse Act (7 USCA § 241 et seq.) and the United States Grain Standards Act, as amended (7 USCA § 71, et seq.). Notwithstanding any other provision of this chapter such agreements may also relate to a joint program for licensing, bonding, and inspecting stations ~~((as defined in RCW 22.09.010(8)(f)))~~. Such a program should be designed to avoid duplication of effort on the part of the licensing authority and requirements for operation, and promote more efficient enforcement of the provisions of this chapter and ~~((or))~~ comparable provisions of the law of the states of Idaho or Oregon.

Sec. 56. Section 29, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.570 are each amended to read as follows:

The director ~~((or any depositor of any agricultural commodity))~~ may bring action upon ~~((said))~~ the bond of a warehouseman or grain dealer against both principal and surety in any court of competent jurisdiction to recover the damages caused by any failure to comply with the provisions of this chapter or the rules ~~((and regulations))~~ adopted hereunder.

Sec. 57. Section 30, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.580 are each amended to read as follows:

If a depositor creditor after notification fails, refuses, or neglects to file in the office of the director his verified claim against a warehouseman or grain dealer bond as requested by the director within ~~((sixty))~~ thirty days from the date of ~~((such))~~ the request, the director shall thereupon be relieved of further duty or action ~~((hereunder))~~ under this chapter on behalf of ~~((said))~~ the depositor creditor.

Sec. 58. Section 31, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.590 are each amended to read as follows:

Where by reason of the absence of records ~~((:))~~ or other circumstances making it impossible or unreasonable for the director to ascertain the names and addresses of all ~~((said))~~ the depositor creditors, the director after exerting due diligence and making reasonable inquiry to secure ~~((said))~~ that information from all reasonable and available sources, may make demand on ~~((said))~~ a warehouseman's or grain dealer's bond on the basis of information then in his possession, and thereafter shall not be liable or responsible for claims or the handling of claims ~~((which))~~ that may subsequently appear or be discovered.

Sec. 59. Section 32, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.600 are each amended to read as follows:

Upon ascertaining all claims and statements in the manner ~~((herein))~~ set forth in this chapter, the director may then make demand upon the warehouseman's or grain dealer's bond on behalf of those claimants whose claims and statements have been filed, and ~~((shall have))~~ has the power to settle or compromise ~~((said))~~ the claims with the surety company on the bond, and is empowered in such cases to execute and deliver a release and discharge of the bond involved.

Sec. 60. Section 33, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.610 are each amended to read as follows:

Upon the refusal of the surety company to pay the demand, the director may thereupon bring an action on the warehouseman's or grain dealer's bond in behalf of ~~((said))~~ the depositor creditors. Upon any action being commenced on ~~((said))~~ the bond, the director may require the filing of a new bond, and immediately upon the recovery in any action on ~~((such))~~ the bond ~~((such))~~, the warehouseman or grain dealer shall file a new bond ~~((and upon))~~. The failure to file the ~~((same))~~ new bond within ten days in either case ~~((such failure shall))~~ constitutes

grounds for the suspension or revocation of ~~((his))~~ the warehouseman's or grain dealer's license.

NEW SECTION. Sec. 61. RCW 22.09.370, as amended by this 1983 act, is hereby decodified and is recodified as RCW 22.09.615.

Sec. 62. Section 34, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.620 are each amended to read as follows:

Every warehouseman or grain dealer must pay for agricultural commodities purchased by him at the time and in the manner specified in the contract with the depositor, but if no time is set by ~~((such))~~ the contract, then within thirty days after taking possession for purpose of sale or taking title of ~~((such))~~ the agricultural product.

Sec. 63. Section 26, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.650 are each amended to read as follows:

When a station ~~((as defined in RCW 22.09.010(b)(f)))~~ is licensed pursuant to this chapter, the department may assert any and all the remedies provided for in this chapter, including but not limited to those remedies provided for in RCW 22.09.350. Furthermore, if inspection of that portion of the station located in the contiguous state is refused by the licensee, the department may give notice to the licensee to submit to such inspection as the department may deem necessary.

If ~~((such))~~ the station refuses to comply with the terms of the notice within twenty-four hours, the director may summarily suspend the station's license pending a hearing in compliance with chapter 34.04 RCW.

NEW SECTION. Sec. 64. Upon determining that an emergency storage situation appears to exist, the director may authorize the warehouseman to forward grain that is covered by negotiable receipts to other licensed warehouses for storage without canceling and reissuing the negotiable receipts for not more than thirty days pursuant to conditions established by rule.

NEW SECTION. Sec. 65. RCW 22.09.210, as amended by this 1983 act, is hereby decodified and is recodified as RCW 22.09.700.

NEW SECTION. Sec. 66. RCW 22.09.380, 22.09.390, 22.09.400, and 22.09.410 are each hereby decodified and recodified as RCW 22.09.710, 22.09.720, 22.09.730, and 22.09.740, respectively.

NEW SECTION. Sec. 67. RCW 22.09.420, as amended by this 1983 act, is hereby decodified and is recodified as RCW 22.09.750.

NEW SECTION. Sec. 68. RCW 22.09.430, 22.09.440, 22.09.450, 22.09.460, 22.09.470, 22.09.480, 22.09.490, 22.09.500, and 22.09.530 are each hereby decodified and recodified as RCW 22.09.760, 22.09.770, 22.09.780, 22.09.790, 22.09.800, 22.09.810, 22.09.820, 22.09.830, and 22.09.840, respectively.

NEW SECTION. Sec. 69. RCW 22.09.280 is hereby decodified and is recodified as RCW 22.09.850.

NEW SECTION. Sec. 70. RCW 22.09.270 is hereby decodified and is recodified as RCW 22.09.860.

NEW SECTION. Sec. 71. RCW 22.09.540 is hereby decodified and is recodified as RCW 22.09.870.

NEW SECTION. Sec. 72. RCW 22.09.550, as amended by this 1983 act, is hereby decodified and is recodified as RCW 22.09.880.

NEW SECTION. Sec. 73. RCW 22.09.560 is hereby decodified and is recodified as RCW 22.09.890.

NEW SECTION. Sec. 74. RCW 22.09.950 and 22.09.951 are each hereby decodified.

Sec. 75. Section 9-104, chapter 157, Laws of 1965 ex. sess. as amended by section 8, chapter 41, Laws of 1981 and RCW 62A.9-104 are each amended to read as follows:

This Article does not apply

(a) to a security interest subject to any statute of the United States to the extent that such statute governs the rights of parties to and third parties affected by transactions in particular types of property; or

(b) to a landlord's lien; or

(c) to a lien given by statute or other rule of law for services or materials or to a lien created under chapter 20.01 or 22.09 RCW except as provided in RCW 62A.9-310 on priority of such liens; or

(d) to a transfer of a claim for wages, salary or other compensation of an employee; or

(e) to a transfer by a government or governmental subdivision or agency; or

(f) to a sale of accounts or chattel paper as part of a sale of the business out of which they arose, or an assignment of accounts or chattel paper which is for the purpose of collection only, or a transfer of a right to payment under a contract to an assignee who is also to do the performance under the contract or a transfer of a single account to an assignee in whole or partial satisfaction of a preexisting indebtedness; or

(g) to a transfer of an interest or claim in or under any policy of insurance, except as provided with respect to proceeds (RCW 62A.9-306) and priorities in proceeds (RCW 62A.9-312); or

(h) to a right represented by a judgment (other than a judgment taken on a right to payment which was collateral); or

(i) to any right of set-off; or

(j) except to the extent that provision is made for fixtures in RCW 62A.9-313, to the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder; or

(k) to a transfer in whole or in part of any claim arising out of tort; or

(l) to a transfer of an interest in any deposit account (subsection (1) of RCW 62A.9-105), except as provided with respect to proceeds (RCW 62A.9-306) and priorities in proceeds (RCW 62A.9-312).

Sec. 76. Section 9-310, chapter 157, Laws of 1965 ex. sess. and RCW 62A.9-310 are each amended to read as follows:

(1) When a person in the ordinary course of his business furnishes services or materials with respect to goods subject to a security interest, a lien upon goods in the possession of such person given by statute or rule of law for such materials or services takes priority over a perfected security interest only if the lien is statutory and the statute expressly provides for such priority.

(2) A preparer lien or processor lien created pursuant to chapter 20.01 RCW or a depositor's lien created pursuant to chapter 22.09 RCW takes priority over any perfected or unperfected security interest.

NEW SECTION. Sec. 77. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 124, Laws of 1963, section 51, chapter 240, Laws of 1967, section 1, chapter 65, Laws of 1971, section 19, chapter 7, Laws of 1975 1st ex. sess., section 12, chapter 238, Laws of 1979 ex. sess., section 37, chapter 296, Laws of 1981 and RCW 22.09.010; and

(2) Section 36, chapter 124, Laws of 1963 and RCW 22.09.360.

NEW SECTION. Sec. 78. 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. 79. Sections 16, 19, 21, 23, 26, 33, 47, 49, 50, 51, 52, and 64 of this act are each added to chapter 22.09 RCW.

NEW SECTION. Sec. 80. There is appropriated to the department of licensing from the general fund for the biennium ending June 30, 1983, the sum of forty-nine thousand five hundred dollars, or so much thereof as may be necessary, for the operation and expenses of an automated lien filing and search system capable of filing and searching agricultural liens.

NEW SECTION. Sec. 81. Sections 16 through 80 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

On motion of Senator Hansen, the following title amendment was adopted:

In line 11 of the title, after "20.01.290;" strike the remainder of the title and insert "amending section 2, chapter 124, Laws of 1963 and RCW 22.09.020; amending section 3, chapter 124, Laws of 1963 as amended by section 20, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.030; amending section 4, chapter 124, Laws of 1963 as last amended by section 13, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.040; amending section 5, chapter 124, Laws of 1963 as amended by section 14, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.050; amending section 6, chapter 124, Laws of 1963 as amended by section 22, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.060; amending section 7, chapter 124, Laws of 1963 and RCW 22.09.070; amending section 9, chapter 124, Laws of 1963 as last amended by section 23, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.090; amending section 10, chapter 124, Laws of 1963 and RCW 22.09.100; amending section 11, chapter 124, Laws of 1963 and RCW 22.09.110; amending section 13, chapter 124, Laws of 1963 as last amended by section 38, chapter 296, Laws of 1981 and RCW 22.09.130; amending section 15, chapter 124, Laws of 1963 as amended by section 17, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.150; amending section 17, chapter 124, Laws of 1963 and RCW 22.09.170; amending section 18, chapter 124, Laws of 1963 as amended by section 24, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.180; amending section 19, chapter 124, Laws of 1963 and RCW 22.09.190; amending section 24, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.195; amending section 20, chapter 124, Laws of 1963 and RCW 22.09.200; amending section 21, chapter 124, Laws of 1963 as amended by section 18, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.210; amending section 23, chapter 124, Laws of 1963 and RCW 22.09.230; amending section 24, chapter 124, Laws of 1963 and RCW 22.09.240; amending section 25, chapter 124, Laws of 1963 and RCW 22.09.250; amending section 26, chapter 124, Laws of 1963 and RCW 22.09.260; amending section 29, chapter 124, Laws of 1963 as amended by section 19, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.290; amending section 31, chapter 124, Laws of 1963 and RCW 22.09.310; amending section 33, chapter 124, Laws of 1963 and RCW 22.09.330; amending section 34, chapter 124, Laws of 1963 and RCW 22.09.340; amending section 35, chapter 124, Laws of 1963 and RCW 22.09.350; amending section 37, chapter 124, Laws of 1963 and RCW 22.09.370; amending section 42, chapter 124, Laws of 1963 and RCW 22.09.420; amending section 55, chapter 124, Laws of 1963 as amended by section 22, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.550; amending section 29, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.570; amending section 30, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.580; amending section 31, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.590; amending

section 32, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.600; amending section 33, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.610; amending section 34, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.620; amending section 26, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.650; amending section 9-104, chapter 157, Laws of 1965 ex. sess. as amended by section 8, chapter 41, Laws of 1981 and RCW 62A.9-104; amending section 9-310, chapter 157, Laws of 1965 ex. sess. and RCW 62A.9-310; adding new sections to chapter 20.01 RCW; adding new sections to chapter 22.09 RCW; recodifying RCW 22.09.210; recodifying RCW 22.09.270; recodifying RCW 22.09.280; recodifying RCW 22.09.370; recodifying RCW 22.09.380; recodifying RCW 22.09.390; recodifying RCW 22.09.400; recodifying RCW 22.09.410; recodifying RCW 22.09.420; recodifying RCW 22.09.430; recodifying RCW 22.09.440; recodifying RCW 22.09.450; recodifying RCW 22.09.460; recodifying RCW 22.09.470; recodifying RCW 22.09.480; recodifying RCW 22.09.490; recodifying RCW 22.09.500; recodifying RCW 22.09.530; recodifying RCW 22.09.540; recodifying RCW 22.09.550; recodifying RCW 22.09.560; decodifying RCW 22.09.950; decodifying RCW 22.09.951; repealing section 1, chapter 124, Laws of 1963, section 51, chapter 240, Laws of 1967, section 1, chapter 65, Laws of 1971, section 19, chapter 7, Laws of 1975 1st ex. sess., section 12, chapter 238, Laws of 1979 ex. sess., section 37, chapter 296, Laws of 1981 and RCW 22.09.010; repealing section 36, chapter 124, Laws of 1963 and RCW 22.09.360; prescribing penalties; making an appropriation; and declaring an emergency."

MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute House Bill No. 793, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 793, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 793, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogtild, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Hemstad - 1.

Excused: Senators Sellar, von Reichbauer - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 793, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

April 6, 1983

Mr. President:

The House has passed SENATE BILL NO. 3211 with the following amendments:

On page 2, line 32 after "period" strike "March" and insert "May"

On page 3, line 2, after "effect" strike "March" and insert "May".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Senate Bill No. 3211.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3211, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3211, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 05; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Craswell, Deccio, McCaslin, Metcalf, Pullen - 5.

Excused: Senators Sellar, von Reichbauer - 2.

SENATE BILL NO. 3211, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3383 with the following amendment:

On page 2, line 10 strike "he" and insert "(he) the nonresident".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Engrossed Senate Bill No. 3383.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3383, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3383, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Sellar, von Reichbauer - 2.

ENGROSSED SENATE BILL NO. 3383, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3516 with the following amendments:

On page 9, after line 4, insert the following:

*Sec. 11, Section 7, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.043 are each amended to read as follows:

The authority shall complete the following tasks within the number of days after April 25, 1973 allotted for each task contingent upon the funding of the authority:

(1) Task 1: Preparation of an organization and staffing plan; to be accomplished within one hundred five days;

(2) Task 2: Staffing of the authority; consisting of the transfer of the data processing advisory committee's staff and the data processing coordinator and his staff to the authority within ninety days; and additional staffing to be accomplished within one hundred fifty days;

(3) Task 3: Formulation, publication, and implementation of automatic data processing language standards; to be accomplished within two hundred forty days;

(4) Task 4: Formulation and implementation of standards for resources utilization reporting, including hardware, software, and personnel; to be accomplished within two hundred seventy days;

(5) Task 5: Formulation and implementation of system development standards; to be accomplished within two hundred seventy days;

(6) Task 6: Evaluation of (a) the regional educational computer network study authorized by the council of presidents of the institutions of higher education and (b) the comprehensive

plan for computing in the community colleges adopted by the board of community college education; both to be accomplished within three hundred days;

(7) Task 7: Development of a short range resource plan, including a supplemental budget request; to be accomplished within three hundred days;

(8) Task 8: Formulation of agency requirements reporting standards; to be accomplished within three hundred thirty days;

(9) Task 9: Taking inventory of local government automated data processing resources; to be accomplished within three hundred thirty days;

(10) Task 10: Presentation of a preliminary report on the status of automated data processing of the institutions of higher education and of Olympia based state agencies with recommendations for consolidation of such resources of the Olympia based state agencies; to be accomplished within three hundred thirty days;

(11) Task 11: Presentation of a progress report on the definition of standard common business identifiers; to be accomplished within three hundred sixty days;

(12) Task 12: Presentation of a report on policies and procedures for confidentiality and privacy of data; to be accomplished within three hundred sixty days;

(13) Task 13: Presentation of a preliminary progress report to the governor and to the legislature; to be accomplished within three hundred sixty days;

(14) Task 14: Summarization of consolidated agencies and institutions automated data processing requirements; to be accomplished within three hundred ninety days;

(15) Task 15: Presentation of a budget plan and request for the 1975-1977 fiscal biennium; to be accomplished within four hundred eighty days;

(16) Task 16: Development of an internal performance measurement and auditing system; to be accomplished within five hundred ten days;

(17) Task 17: Development of a standard plan for data center operation; to be accomplished within five hundred forty days;

(18) Task 18: Definition of common application systems; to be accomplished within five hundred forty days; and

(19) Task 19: Transmittal to the governor and to the legislature, a Washington state comprehensive data processing plan, which includes the recommended organization of all data processing related functions, a recommendation whether the authority should be phased out and all state data processing functions transferred to a single state agency, and development of an orderly plan for implementation of such recommendations; to the governor to be accomplished within five hundred seventy-five days. ~~((The legislative budget committee shall report to the legislature ten days prior to the first legislative session in 1974 and yearly thereafter regarding the progress being made by the authority in fulfilling the mandates and directives of this chapter.))~~

On page 3, line 17, following "RCW 44.36.160" insert "; amending section 7, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.043".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Substitute Senate Bill No. 3516.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3516, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3516, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogt, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Sellar, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 3516, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 1983

Mr. President:

The House has passed SENATE BILL NO. 3993 with the following amendment:

On page 2, line 8 after "occurring," strike the remainder of subsection (4), and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Lee, the Senate concurred in the House amendment to Senate Bill No. 3993.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3993, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3993, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Sellar, von Reichbauer - 2.

SENATE BILL NO. 3993, 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 Thompson, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 426, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Pruitt, Patrick R. King, Moon, Miller, Armstrong, Lux, Hine, Garrett, Brekke, Ellis, Long, Wang, Powers, Holland, Ristuben and Ebersole)

Revising the regulation of political activity by public employees.

The bill was read the third time.

MOTIONS

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 426 was returned to second reading and read the second time.

Senator Thompson moved adoption of the following amendment:

On page 2, after line 15, insert:

"(6) No employee of a county, city or town shall hold elective public office with the employing county, city or town unless the employee takes a leave of absence from such public employment."

Debate ensued.

MOTIONS

On motion of Senator Shinpoch, further consideration of Engrossed Substitute House Bill No. 426 was deferred and the bill held its place on the second reading calendar.

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3504, by Senators Owen and Zimmerman

Modifying the application procedure for current use classification of timber land.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3504 was substituted for Senate Bill No. 3504 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3504, was advanced to third reading, the second reading considered the third, and the bill was 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. 3504.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3504, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Sellar, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 3504, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3244, by Senators Thompson, Jones, Brauer, Bluechel, Fuller, Granlund and Bender (by Governor Spellman request)

Modifying provisions on excise taxes.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3244 was substituted for Senate Bill No. 3244 and the substitute bill was placed on second reading and read the second time.

Senator Moore moved adoption of the following amendment by Senators Moore, Pullen, Barr, Guess, Metcalf, McManus, Haley, Hurley, Fuller, Craswell, Vognild and Peterson:

On page 3, after line 14, add new sections 4 and 5 as follows:

NEW SECTION. Sec. 4. There is added to chapter 82.08 RCW a new section to read as follows:

The tax levied by RCW 82.08.020 does not apply to the sale of precious metal bullion or monetized bullion. For purposes of the section, "precious metal bullion" means any elementary precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and chromium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but does not include coins or money sold to be manufactured into jewelry or works of art.

NEW SECTION. Sec. 5. There is added to chapter 82.12 RCW a new section to read as follows:

The tax levied by RCW 82.12.020 does not apply to the sale of precious metal bullion or monetized bullion. For purposes of this section, "precious metal bullion" means any elementary precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and chromium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but does not include coins or money sold to be manufactured into jewelry or works of art."

POINT OF ORDER

Senator McDermott: "Mr. President, a point of order. I would raise the question of scope and object on this amendment. I am certain that when Governor Spellman made the request that we put in a bill for nonprofit corporations to be exempt from

the B & O tax, for the purpose of weatherization of homes and other assistance to low income housing, he did not have the object in mind of a bill to exempt bullion dealers from paying the B & O tax--or the sales tax, excuse me. I think, further, we are here setting a precedent if we allow this amendment to hang, we may have to set the bill down where the whole floor goes to their office and gets their one little amendment to the tax code, so I think this is out of the scope and object."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling on the point of order raised by Senator McDermott concerning the proposed amendment to Substitute Senate Bill No. 3244, the President finds that the Senate is in general agreement that the proposed amendment is beyond the scope and object of the bill and the President, not wishing to be contrary, so rules."

The amendment by Senators Moore, Pullen, Barr, Guess, Metcalf, McManus, Hurley, Haley, Fuller, Craswell, Vognild and Peterson was ruled out of order.

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3244, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3244.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3244, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Excused: Senators Sellar, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 3244, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4055, by Senator Peterson

Relating to transportation funding.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 4055 was substituted for Senate Bill No. 4055 and the substitute bill was placed on second reading and read the second time.

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

On page 1, line 11 after "total of" strike "five" and insert "one"

On page 4, line 34, after "sum of" strike "five" and insert "one"

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute Senate Bill No. 4055, was advanced to third reading, the second reading considered the third, and the bill was 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. 4055.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4055, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Sellar, von Reichbauer - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4055, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 37, by Committee on Agriculture (originally sponsored by Representatives Sommers, Hastings, Kaiser, Prince, Galloway, Zellinsky, Johnson, Isaacson and Clayton)

Modifying the regulation of the size and weight of bread loaves.

The bill was read the second time.

MOTIONS

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 37, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, Senator Warnke was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 37.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 37, and the bill passed the Senate by the following vote: Yeas, 43; nays, 03; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Deccio, Moore, Pullen - 3.

Excused: Senators Sellar, von Reichbauer, Warnke - 3.

SUBSTITUTE HOUSE BILL NO. 37, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 112, by Representatives Rust, Patrick and Powers

Modifying procedures for complaints against water well contractors.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, House Bill No. 112, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 112.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 112, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Sellar, von Reichbauer, Warnke - 3.

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

SUBSTITUTE HOUSE BILL NO. 118, by Committee on Agriculture (originally sponsored by Representatives Kaiser and Smith) (by Department of Agriculture request)

Adjusting certain agricultural fees.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 118, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Senator Hansen, we have a lot of space in Sunset Magazine and I was wondering if the apple growers would place some ads in that magazine?"

Senator Hansen: "I am not an apple grower, Senator Bottiger. You put the pressure on the apple growers in here. I am just running a departmental request bill that adds the fees to the pesticide applicators and the pesticide dealers. If the apple growers want to raise their assessment for advertising, then they would have to do it with a referendum to their apple growers. If they want to add to it and put ads in the Sunset Magazine, it is sure fine with me."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 118.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 118, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Sellar, Vognild, von Reichbauer - 3.

SUBSTITUTE HOUSE BILL NO. 118, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, Engrossed House Bill No. 357 was placed at the bottom of the second reading consent calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 409, by Committee on Higher Education (originally sponsored by Representatives Tanner, Prince, Galloway, Sutherland, Heck, Grimm, Belcher, Ristuben, Monohon, J. King, Charnley and Struthers)

Providing for reciprocity between Washington and Oregon for nonresident tuition waivers.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 409, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 409.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 409, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Sellar, von Reichbauer, Warnke - 3.

SUBSTITUTE HOUSE BILL NO. 409, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 87, by Representatives Charnley and Brough

Modifying metropolitan municipal corporation council membership.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 87 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 87.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 87, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 02; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Deccio, Quigg - 2.

Excused: Senators Sellar, von Reichbauer, Warnke - 3.

HOUSE BILL NO. 87, having received the constitutional majority 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. 263, by Committee on Local Government (originally sponsored by Representatives Moon and Isaacson)

Modifying provisions relating to altering local tax rates.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 263, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 263.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 263, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 02; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Hayner, Quigg - 2.

Excused: Senators Sellar, von Reichbauer, Warnke - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 263, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 430, by Representatives Heck, Galloway, Burns, Dickie, Sander, Taylor and Hine

Extending the duration of the temporary committee on educational policies, structure and management.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, House Bill No. 430 was advanced to third reading the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 430.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 430, and the bill passed the Senate by the following vote: Yeas, 43; nays, 03; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Melcalf, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators McDermott, Moore, Patterson - 3.

Excused: Senators Sellar, von Reichbauer, Warnke - 3.

HOUSE BILL NO. 430, having received the constitutional majority 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. 16, by Committee on Ways and Means (originally sponsored by Representatives Heck, Hastings, Grimm, Patrick, Monohon, Vekich, Wang, Lewis, Wilson, G. Nelson, Rust, Garrett, Tanner, Martinis, Addison, Haugen, Ballard, Schoon, Miller, Moon, Mitchell, Nealey, Holland, Allen, Isaacson, Tilly, Todd, P. King, Ristuben, Smitherman, Zellinsky, Jacobsen, Hankins, Ellis, McMullen, Chandler, Burns and Ebersole)

Modifying the determination of school district employees' service periods under the public employees retirement system.

The bill was read the second time.

MOTION

On motion of Senator McDermott, 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.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 16.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 16, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Melcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Sellar, von Reichbauer, Warnke - 3.

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.

SECOND READING

ENGROSSED HOUSE BILL NO. 35, by Representatives Kaiser, West, Nealey, Broback, Isaacson, Silver, Bond, Ballard, Addison, Struthers, R. King, Allen, Smith and Dickie

Authorizing cities or towns to receive payment from state agencies for fire protection services.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed House Bill No. 35 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 35.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 35, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Sellar, von Reichbauer, Warnke - 3.

ENGROSSED HOUSE BILL NO. 35, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

REENGROSSED HOUSE BILL NO. 36, by Representatives Hastings, Hine, Isaacson and Mitchell

Modifying provisions relating to the formation of sewer districts.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Reengrossed House Bill No. 36 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Moore: "Senator Thompson, does this nullify the existing 25% rule and the county commissioner's ability, or is this an additional item?"

Senator Thompson: "Senator Moore, this is a new and additional process. It would only be used in those narrow instances that I attempted to describe."

Senator Moore: "So all three--"

Senator Thompson: "Would co-exist as ways of creating districts."

The President declared the question before the Senate to be the roll call on final passage of Reengrossed House Bill No. 36.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed House Bill No. 36, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf,

Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Sellar, von Reichbauer, Warnke - 3.

REENGROSSED HOUSE BILL NO. 36, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed Substitute House Bill No. 426 and the pending amendment by Senator Thompson, deferred earlier today.

The President declared the question before the Senate to be adoption of the amendment by Senator Thompson on page 2, after line 15.

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

MOTION

Senator Metcalf moved adoption of the following amendment:

On page 1, line 17, reinstate the stricken material and delete the underlined material on lines 17, 18, 19 and down to "campaign" on line 20

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Metcalf.

The motion of Senator Metcalf failed and the amendment was not adopted.

MOTIONS

On motion of Senator Fleming, Senator Owen was excused.

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 426, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Peterson, Bottiger and Conner demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 426, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 426, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 09; absent, 00; excused, 04.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody - 36.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Deccio, Guess, Hayner, Metcalf, Zimmerman - 9.

Excused: Senators Owen, Sellar, von Reichbauer, Warnke - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 426, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 13, 1983

SB 3882 Prime Sponsor, Senator Gaspard: Relating to higher education.
Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3882 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman;

Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hughes, McDermott, Patterson, Warnke.

MINORITY recommendation: Do not pass. Signed by Senators Benitz, Craswell.
Referred to Committee on Ways and Means.

April 13, 1983

SB 4232 Prime Sponsor, Senator Hemstad: Revising the distribution of funds from the sale of aquatic lands. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 4232 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Peterson, Vice Chairman; Conner, Fuller, Metcalf, Quigg, Shinpoch.

Referred to Committee on Ways and Means.

April 13, 1983

SCR 120 Prime Sponsor, Senator Williams: Establishing a joint select committee on telecommunications regulation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 120 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Williams, Chairman; Benitz, Fuller, Goltz, McManus, Moore, Quigg.

Passed to Committee on Rules for second reading.

April 13, 1983

SHB 251 Prime Sponsor, Committee on Commerce and Economic Development: Establishing the state employment and conservation corps. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hurley, Kiskaddon, Lee, McDermott, Rasmussen, Williams.

Passed to Committee on Rules for second reading.

April 13, 1983

ESHB 278 Prime Sponsor, Committee on Natural Resources: Reorganizing the fisheries code. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Metcalf, Quigg.

Passed to Committee on Rules for second reading.

April 13, 1983

EHB 392 Prime Sponsor, Representative Ebersole: Modifying the hearing procedures for the formation of local improvement districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 13, 1983

SHB 410 Prime Sponsor, Committee on Environmental Affairs: Authorizing fees to be charged by the department of ecology. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Haley, Kiskaddon, Lee, McDermott, Rasmussen.

Passed to Committee on Rules for second reading.

April 13, 1983

EHB 536 Prime Sponsor, Representative Powers: Removing certain restrictions on the use of motor vehicle excise tax revenues for public transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, Granlund, Owen, Vognild.

Passed to Committee on Rules for second reading.

April 13, 1983

EHB 674 Prime Sponsor, Representative Sutherland: Prohibiting sturgeon fishing with a set line in the Columbia River or its tributaries. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Quigg, Shinpoch, Vognild.

Passed to Committee on Rules for second reading.

April 13, 1983

ESHB 685 Prime Sponsor, Committee on Environmental Affairs: Revising local government procedures concerning shoreline management. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Haley, Hansen, Hurley, Kiskaddon, Lee, McDermott, Rasmussen.

Passed to Committee on Rules for second reading.

April 13, 1983

EHB 753 Prime Sponsor, Representative Moon: Modifying provisions concerning local improvements. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 13, 1983

EHCR 3 Prime Sponsor, Representative Charnley: Continuing the Joint Ad Hoc Committee on Science and Technology. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Benitz, Fuller, Goltz, McManus, Moore, Quigg.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

April 13, 1983

GA 107 DANIEL J. EVANS, to the position of member of the Northwest Electric Power and Conservation Planning Council, reappointed by the Governor on March 14, 1983 for the term ending January 15, 1986. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Quigg.

Passed to Committee on Rules.

MOTION

At 10:04 p.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Thursday, April 14, 1983.

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

NINETY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 14, 1983

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 Sellar and Haley. On motion of Senator Benitz, Senator Haley was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kerry MacGregor and Vanette Yearout, presented the Colors. Reverend Jack Gretz, rector of St. James Episcopal Church of Kent, and a guest of Senator Shinpoch, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

April 13, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 13, 1983, Governor Spellman approved the following Senate Bill entitled:

Senate Bill No. 3198
Relating to transportation.

Sincerely,

MARILYN SHOWALTER, Counsel to the Governor

INTRODUCTION AND FIRST READING

SCR 122 by Senators Goltz and Bluechel

Resolving to send two delegates to the first international planning meeting for Expo '86.

MOTIONS

On motion of Senator Goltz, the rules were suspended, Senate Concurrent Resolution No. 122 was placed on second reading and read the second time.

On motion of Senator Goltz, the rules were suspended, Senate Concurrent Resolution No. 122 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

On motion of Senator Goltz, Senate Concurrent Resolution No. 122 was ordered immediately transmitted to the House.

MOTION

At 9:13 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 10:34 a.m.

MOTION

On motion of Senator Shinpoch, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

April 13, 1983

Mr. President:
The House has passed:
SENATE BILL NO. 3009,
SENATE BILL NO. 3165,

SUBSTITUTE SENATE BILL NO. 3197,

ENGROSSED SENATE BILL NO. 3282, and the same are herewith transmitted.
DEAN R. FOSTER, Chief Clerk

April 13, 1983

Mr. President:

The House has concurred in the Senate amendments to HOUSE BILL NO. 102 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 13, 1983

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 114 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 13, 1983

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 25 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 13, 1983

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 297 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 164, by Representatives Braddock, Van Dyken, McMullen, Garrett and Vekich (by Governor Spellman request)

Creating a commission to study the feasibility and desirability of state participation in the British Columbia World Exposition of 1986.

The bill was read the second time.

MOTIONS

On motion of Senator Goltz, the following Committee on State Government amendment was adopted:

On page 1, line 13 after "concerned," strike all of the material down to and including the period on line 16 and insert:

"Therefore, it is the declared intent of the Washington state legislature that the state of Washington should participate in Expo '86 in Vancouver, British Columbia, between May and October, 1986. The on-site presence of the state of Washington will conform to the theme of Expo '86, "Man in Motion, Transportation and Communication," and will be coordinated with efforts of the department of commerce and economic development, the department of transportation, the Washington state patrol, and other agencies to insure maximum hospitality and benefit for the millions of additional visitors who will co-visit Washington state."

On motion of Senator Goltz, the following Committee on State Government amendments were considered and adopted simultaneously:

On page 1, line 23, after "June 30," strike "1984" and insert "1987"

On page 2, line 1 after "(2)" insert "The governor shall appoint an executive director for the commission. The executive director shall serve at the governor's pleasure or until completion of state participation in the British Columbia exposition of 1986."

On motion of Senator Goltz, the following Committee on State Government amendment was adopted:

On page 2, line 17 after "expenses" strike "for no more than five meetings"

On motion of Senator Goltz, the following Committee on State Government amendment was adopted:

On page 2, line 23 strike "1984" and insert "1987"

On motion of Senator Goltz, the following Committee on State Government amendment was adopted:

On page 2, after line 23 insert the following:

"NEW SECTION. Sec. 6. There is added to chapter 41.06 RCW a new section to read as follows:

"In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply to the executive director and one confidential secretary of the world fair commission created in this 1983 act."

Renumber the remaining section consecutively.

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

On page 1, line 2 of the title after "1986," insert "adding a new section to chapter 41.06 RCW."

On motion of Senator Goltz, the rules were suspended, Engrossed 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.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 164, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 164, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas, 46; nays, 01; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Absent: Senator Sellar - 1.

Excused: Senator Haley - 1.

ENGROSSED HOUSE BILL NO. 164, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Goltz, Engrossed House Bill No. 164, as amended by the Senate, was ordered immediately transmitted to the House.

PERSONAL PRIVILEGE

Senator Metcalf: "Last night I spoke and vigorously denounced House Bill No. 426. I have to tell you I was wrong. I misread a little part of it. I didn't like the bill and I voted 'no.' I want to apologize to the Senate. Sometimes you are tired. I misread--for one thing--and the bill was not as bad as I said it was at that time.

"I especially want to apologize to Senator Thompson who was carrying the bill here; to Senator Hemstad who had pointed out to me--but I didn't read it--and especially to Senator McCaslin who forced me to reread it the fourth time--and I finally got it."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 64, by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Allen, Brough, Miller, Appelwick, Holland, Burns, Broback, Lux, Silver, Niemi, Charnley, R. King, Long, Brekke and Todd)

Increasing penalties for hazardous waste violations.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Parks and Ecology amendment was adopted:

On page 1, line 13, after "prevailing" add "injured"

On motion of Senator Talmadge, the following Committee on Parks and Ecology amendments were considered and adopted simultaneously:

On page 3, line 10, after "dollars," insert "and/

On page 3, line 12, after "violation," insert "Each and every such violation shall be a separate and distinct offense."

On motion of Senator Hughes, the rules were suspended. Substitute House Bill No. 64, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was 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. 64, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 64, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas, 33; nays, 13; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 33.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Jones, McCaslin, Newhouse, Patterson, von Reichbauer - 13.

Absent: Senators Bluechel, Sellar - 2.

Excused: Senator Haley - 1.

SUBSTITUTE HOUSE BILL NO. 64, as amended by the Senate, having received the constitutional majority, 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. 300, by Representatives P. King, Dickie, Galloway, Holland, G. Nelson, Egger, Stratton, Schoon, Armstrong, Taylor, Heck, Johnson, Betzoff, Haugen, Tanner, Sutherland, Zellinsky, Powers, Sayan, Smitherman, Ebersole, Fisher, Ellis, Hine, Crane, Jacobsen, Halsan, Todd, Ristuben, Lux, J. Williams and Moon

Modifying the laws regulating the school directors' association.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 3, after line 10 strike all the material down to and including "43.41.150." on line 16 and insert the following:

"Sec. 3, Section 2, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.560 are each amended to read as follows:

As used in RCW 43.19.565 through 43.19.635, 43.41.130 and 43.41.140, the following definitions shall apply:

(1) "Passenger motor vehicle" means any sedan, station wagon, bus, or light truck which is designed for carrying ten passengers or less and is used primarily for the transportation of persons;

(2) "State agency" shall include any state office, agency, commission, department, or institution financed in whole or in part from funds appropriated by the legislature. It shall also include the Washington state school director's association and the state printer, but it shall not include (a) the state supreme court or any agency of the judicial branch or (b) the legislature or any of its statutory, standing, special, or interim committees, other than at the option of the judicial or legislative agency or committee concerned;

(3) "Employee commuting" shall mean travel by a state officer or employee to or from his or her official residence or other domicile to or from his or her official duty station or other place of work;

(4) "Motor vehicle transportation services" shall include but not be limited to the furnishing of motor vehicles for the transportation of persons or property, with or without drivers, and may also include furnishing of maintenance, storage, and other support services to state agencies for the conduct of official state business."

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

On page 3, line 26, after "schools," insert "Employees' salaries shall be equivalent with salaries for employees in similar classifications as established by the personnel board."

On page 3, after line 26, strike all the material down to and including "association." on line

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 4, line 2, after "chapter" strike "and section 5 of this act expire" and insert "expires"

On page 4, beginning on line 11, after "Sec. 8." strike all the material down to and including "1983." on line 14 and insert "All sections of this act except section 4 of this 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 June 30, 1983. Section 4 of this act shall take effect June 30, 1984."

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Talmadge, one of the things that we discovered in doing the research on a comparable worth bill is that many institutions, particularly those that had people in an exempt status--which figuratively speaking these employees are. They are not under civil service, per se--had, in fact implemented comparable worth, not only in state government, but in institutions of higher education. Do you have any way of knowing the fact that these people have a slightly higher pay scale is because they have implemented such a procedure?"

Senator Talmadge: "Senator Lee, I don't know for a fact whether or not they have implemented a comparable worth procedure, but what I can tell you is that, with respect to the executive secretary who is a male, he is the fifth highest paid executive in state government. With respect to the person who has the salary that is in excess of what is a comparable position in state government by 63%, according to the Legislative Budget Committee performance audit, that person is again a male.

"So I don't think comparable worth has to do with those individuals that may, in fact, be out of whack with what would be a comparable salary in state government. I don't think you can attribute that to comparable worth. As to the labor negotiators and their comparison to the Public Employees Relations Commission--labor mediators--I don't know whether or not they are males or females, but we do know that from the LBC performance audit, that their salary is something in excess of 12% greater than what applies to the same position in PERS."

Further debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Talmadge, as I understand it, this agency does use a salary schedule, but it is the SPI salary schedule which operates outside of the framework of the Personnel Board. Is that correct or incorrect?"

Senator Talmadge: "Senator, I am not sure of that."

POINT OF INQUIRY

Senator Patterson: "Senator Talmadge, we have a lot of quasi-state agencies beyond the one we are talking about. I would like to point out one, which is Metro. The various Metros around the state, in the next coming biennium, will draw on the general fund something in the neighborhood of one hundred and twenty-four million dollars. The salaries that are established by those groups, which are supported out of the general fund--don't you feel then, in this case, that we should apply the same principle to all agencies that draw money from the general fund of the state of Washington?"

Senator Talmadge: "Senator, you are not talking to one of the greatest fans of Metro. I would be happy to join with you in doing that."

POINT OF INQUIRY

Senator Hemstad: "Senator Talmadge, pursuing the lines of reasoning of Senator Patterson, another quasi-state agency is the State Bar Association. Would it be your view, then, that the employees of the state bar be subjected to the same kind of standards?"

Senator Talmadge: "Senator, I don't know what their salary schedule is over there, but I would be willing to take a look at your amendment to subject them to that."

POINT OF INQUIRY

Senator Newhouse: "Senator Goltz, you injected into the debate something rather interesting to me. Are you saying that the SPI office does not use the same formula that the State Personnel Board does in determining salaries within their organization?"

Senator Goltz: "My understanding is that the SPI office has its own salary schedule and does not come under the State Personnel Board."

Further debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge failed and the amendments were not adopted by the following vote: Yeas, 18; nays, 28; absent, 02; excused, 01.

Voting yea: Senators Boltiger, Conner, Fleming, Hughes, Hurley, McDermott, Moore, Owen, Peterson, Pullen, Rasmussen, Shinpoch, Talmadge, Vogt, Warnke, Williams, Wojahn, Woody - 18.

Voting nay: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Rinehart, Thompson, von Reichbauer, Zimmerman - 28.

Absent: Senators McManus, Sellar - 2.

Excused: Senator Haley - 1.

MOTION

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

Beginning on page 2, after line 25, strike all the material down to and including "transfer)," on page 3, line 10.

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 4, after line 6, insert the following:

"(1) Section 28A.61.050, chapter 223, Laws of 1969 ex. sess., section 2, chapter 125, Laws of 1969 and RCW 28A.61.050:"

Renumber the remaining subsections consecutively.

On page 4, after line 10, insert the following:

"NEW SECTION, Sec. 8. There is hereby appropriated to the school directors' association from the general fund, for the biennium ending June 30, 1985, the sum of one million twenty thousand dollars, or so much thereof as may be necessary to carry out the purposes under chapter 28A.61 RCW."

Renumber the remaining section consecutively.

Debate ensued.

POINT OF ORDER

Senator Guess: "Mr. President and members of the Senate. In view of the fact that the bill--the original legislation--had to do with the motor pool, had to do with the auditing of the employees' salaries and certain other exemptions, takes the bill into the appropriating process and, therefore, I raise the question of scope and object on the amendment."

At 11:24 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 11:29 a.m. by President Pro Tempore Goltz.

SECOND READING

SENATE BILL NO. 3272, by Senators Thompson, Zimmerman, Bauer and Talmadge

Establishing the Coroners' System Improvement Act.

MOTIONS

On motion of Senator Thompson, Second Substitute Senate Bill No. 3272 was substituted for Senate Bill No. 3272 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Second Substitute Senate Bill No. 3272, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3272.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3272, and the bill passed the Senate by the following vote:

Yeas, 33; nays, 10; absent, 05; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McManus, Metcalf, Moore, Owen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 33.

Voting nay: Senators Guess, Hansen, Hayner, McCaslin, Newhouse, Patterson, Peterson, Pullen, Rasmussen, von Reichbauer - 10.

Absent: Senators Bottiger, Fleming, McDermott, Quigg, Sellar - 5.

Excused: Senator Haley - 1.

SECOND SUBSTITUTE SENATE BILL NO. 3272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg resumed the Chair.

There being no objection, the Senate resumed consideration of House Bill No. 300, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Guess, the President finds that House Bill No. 300 is a measure which deals with the School Directors Association and in a very limited way deals with its method of funding by payment of dues by the members of the Association.

"The amendments proposed by Senator Wojahn would change the entire method of funding the Association by appropriating \$1,020,000 from the general fund.

"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 by Senator Wojahn were ruled out of order.

MOTIONS

On motion of Senator Gaspard, the following title amendment was adopted:

On page 1, line 6 of the title, after "28A.61.050:" insert "amending section 2, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.560;"

On motion of Senator Gaspard, the rules were suspended, House Bill No. 300, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 300, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 300, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 06; absent, 04; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Talmadge, Thompson, von Reichbauer, Warnke, Zimmerman - 38.

Voting nay: Senators McDermott, Shinpoch, Vognild, Williams, Wojahn, Woody - 6.

Absent: Senators Bottiger, Fleming, Quigg, Sellar - 4.

Excused: Senator Haley - 1.

HOUSE BILL NO. 300, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Rules was relieved of further consideration of Substitute House Bill No. 251.

On motion of Senator Shinpoch, Substitute House Bill No. 251 was referred to the Committee on Ways and Means.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 3211.
 SUBSTITUTE SENATE BILL NO. 3380.
 SENATE BILL NO. 3383.
 SUBSTITUTE SENATE BILL NO. 3516.
 SENATE BILL NO. 3993.

MOTIONS

On motion of Senator Shinpoch, all bills passed today were ordered immediately transmitted to the House.

At 11:54 a.m., on motion of Senator Shinpoch, 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 Shinpoch, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 13, 1983

SHB 234 Prime Sponsor, Committee on Transportation: Adopting the transportation budget. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Owen, Patterson, Vogndil.

Passed to Committee on Rules for second reading.

April 12, 1983

SHB 325 Prime Sponsor, Committee on Ways and Means: Abolishing certain obsolete funds and accounts. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Craswell, Deccio, Lee, Metcalf, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 12, 1983

SHB 470 Prime Sponsor, Committee on Ways and Means: Altering provisions relating to state funds. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Deccio, Fleming, Hughes, Lee, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 12, 1983

HB 471 Prime Sponsor, Representative Grimm: Modifying provisions relating to the judiciary education account. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Craswell, Deccio, Fleming, Hughes, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 817, by Representatives R. King, Patrick, Lux, Brekke, J. King, Schmidt, Pruitt, Clayton, McMullen, Hankins, Fisch, Hine, Heck, Gallagher and Dickie

Authorizing injured workers to claim compensation for personal property damaged as a result of industrial accidents.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, Senators Fleming and Hurley were excused.

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 817, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 817.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 817, and the bill passed the Senate by the following vote:

Yeas, 36; nays, 00; absent, 10; excused, 03.

Voting yea: Senators Barr, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 36.

Absent: Senators Bauer, Bluechel, Jones, Lee, Peterson, Pullen, Quigg, Sellar, Thompson, Williams - 10.

Excused: Senators Fleming, Haley, Hurley - 3.

ENGROSSED HOUSE BILL NO. 817, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 309, by Committee on Social and Health Services (originally sponsored by Representatives J. King, Lewis, Kreidler, Fiske, Vekich, Tilly, Tanner, Wang, Miller and Isaacson)

Providing for the licensing of physical therapists.

The bill was read the second time.

MOTION

Senator Haley moved the following amendments by Senators Haley, Craswell, Zimmerman and Guess be considered and adopted simultaneously:

On page 2, line 2 of the printed and engrossed bill, after "by" strike "an authorized health care practitioner" and insert "a person licensed to practice medicine or surgery"

On page 3, line 3 of the printed bill, being page 3, line 4 of the engrossed bill, strike all of subsection (7).

Debate ensued.

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

MOTION

On motion of Senator Bluechel, Senator Quigg was excused.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Haley, Craswell, Zimmerman and Guess.

ROLL CALL

The Secretary called the roll and the motion by Senator Haley failed and the amendments were not adopted by the following vote: Yeas, 20; nays, 26; absent, 02; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Granlund, Guess, Haley, Hayner, Hemstad, Jones, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Wojahn, Woody, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Deccio, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Kiskaddon, Lee, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams - 26.

Absent: Senators Pullen, Sellar - 2.

Excused: Senator Quigg - 1.

MOTION

On motion of Senator McManus, the rules were suspended, Engrossed Substitute House Bill No. 309, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 309.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 309, and the bill passed the Senate by the following vote:

Yeas, 43; nays, 04; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 43.

Voting nay: Senators Craswell, Haley, Patterson, Wojahn - 4.

Absent: Senator Sellar - 1.

Excused: Senator Quigg - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 309, having received the constitutional majority, 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. 646, by Committee on Commerce and Economic Development (originally sponsored by Representatives Heck, G. Nelson, Tanner and Tilly)

Creating the public accountancy act of 1983.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendments were considered and adopted simultaneously:

On page 17, line 27, after "any" strike "financial statements based on a"

On page 20, line 25, after "audit" and before the comma insert "report"

On page 20, line 26, after "compilation" strike " " and insert "report," do not issue any written statement which purports to express or disclaim an opinion on financial statements which have been audited, and do not issue any written statement which expresses assurance on financial statements which have been reviewed."

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 26, after line 23, insert the following:

"NEW SECTION, Sec. 35. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1983."

On motion of Senator Vognild, the following title amendment was adopted:

On page 2, line 28 of the title after "act);" strike "and" and after "penalties" insert "; providing an effective date; and declaring an emergency"

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 646, 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 Newhouse: "Senator Vognild, in the discussion and in the bill, a couple of words are used. In the context of this bill and for the record, what is meant by the terms 'review and assurance?'"

Senator Vognild: "Thank you, Senator Newhouse. These are terms of the art used by the accounting profession and for purposes of this legislation should be interpreted as expressed in the statement of standards for accounting and review services issued by the American Institute of Certified Public Accountants, commonly referred to as SSARS."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 646, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 646, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas, 46; nays, 01; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Shinpoch - 1.

Absent: Senator Sellar - 1.

Excused: Senator Quigg - 1.

SUBSTITUTE HOUSE BILL NO. 646, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3248, by Senators Lee, Wojahn, Kiskaddon, McDermott, Warnke, Patterson, Woody, Bottiger, Fleming, Rinehart, Fuller, Hemstad, Haley, Vognild, Hayner, Zimmerman, Jones, von Reichbauer, Bluechel, Granlund, Talmadge, Hurley, Shinpoch, Deccio, Craswell and Bauer

Requiring the salaries of persons in public employment to be adjusted to achieve comparable worth.

MOTION

Senator McDermott moved that Substitute Senate Bill No. 3248 be substituted for Senate Bill No. 3248 and that the substitute bill be placed on second reading and read the second time.

Debate ensued.

MOTION

On motion of Senator McDermott, further consideration of Senate Bill No. 3248 was deferred.

SECOND READING

HOUSE JOINT MEMORIAL NO. 32, by Representatives Addison, Fiske, Miller, Hankins, Tanner, B. Williams, Ebersole, Bond, Wilson and Sanders

Requesting steelhead be designated a national game fish.

The memorial was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, House Joint Memorial No. 32, was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Joint Memorial No. 32.

ROLL CALL

The Secretary called the roll on final passage of House Joint Memorial No. 32, and the memorial passed the Senate by the following vote:

Yeas, 43; nays, 04; absent, 02; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Conner, Shinpoch, Warnke, Williams - 4.

Absent: Senators Hayner, Sellar - 2.

HOUSE JOINT MEMORIAL NO. 32, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 153, by Representatives Pruitt, Barnes, Miller, Fisch, Fisher, Long, Zellinsky, Tanner, Sommers, Jacobsen, B. Williams, Kaiser, Armstrong, Ristuben, Wang, Lewis, Mitchell, Belcher, Patrick, Isaacson, Silver, Stratton, McDonald, Todd, Moon, Halsan, Hine, Dellwo, Lux, Holland, Ebersole and Johnson

Establishing additional requirements for reports of transfers of funds by political candidates or committees.

The bill was read the second time.

MOTIONS

On motion of Senator Jones, Senator Sellar was excused.

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 153, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 153.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 153, and the bill passed the Senate by the following vote:

Yeas, 28; nays, 20; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hayner, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Quigg, Zimmerman - 20.

Excused: Senator Sellar - 1.

ENGROSSED HOUSE BILL NO. 153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 14, 1983

SB 3973 Prime Sponsor, Senator McManus: Establishing a training and employment program. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3973 be substituted therefor, and the substitute bill do pass, and that the substitute bill be referred to Ways and Means Committee. Signed by Senators Vognild, Chairman, Wojahn, Vice Chairman; McManus, Moore, Quigg, Williams.

MINORITY recommendation: Do not pass. Signed by Senator Newhouse.

Referred to Committee on Ways and Means.

April 13, 1983

SJR 120 Prime Sponsor, Senator Moore: Authorizing a limited income tax. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 120 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

At 2:29 p.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Friday, April 15, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 15, 1983

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 Barr, Benitz, Craswell, Pullen, Rasmussen, Warnke and Williams. On motion of Senator Jones, Senator Benitz was excused.

The Sergeant at Arms Color Guard, consisting of Pages Gary Chantler and Valerie Larsen, presented the Colors. Reverend Raymond Hood, pastor of the Olympia-Lacey Church of God, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

April 14, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 13, 1983, Governor Spellman approved the following Senate Bill entitled:

Senate Bill No. 3613

Relating to gender-neutral terms.

Sincerely,

MARILYN SHOWALTER, Counsel to the Governor

MESSAGE FROM THE HOUSE

April 14, 1983

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3211,

SUBSTITUTE SENATE BILL NO. 3380,

SENATE BILL NO. 3383,

SUBSTITUTE SENATE BILL NO. 3516,

SENATE BILL NO. 3993, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3009,

SENATE BILL NO. 3165,

SUBSTITUTE SENATE BILL NO. 3197,

SENATE BILL NO. 3282.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 305, by Representative Wang

Allowing certain licensed health care professionals to form one professional service corporation.

The bill was read the second time.

MOTION

On motion of Senator McManus, the rules were suspended, Engrossed House Bill No. 305 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 305.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 305, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 07; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman - 41.

Absent: Senators Barr, Craswell, Pullen, Quigg, Rasmussen, Warnke, Williams - 7.

Excused: Senator Benitz - 1.

ENGROSSED HOUSE BILL NO. 305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 458, by Committee on Judiciary (originally sponsored by Representatives Armstrong, Padden, Todd, R. King, Johnson, Appelwick, Isaacson, Lewis, Ristuben, Wang, Ebersole, Braddock, Powers, Jacobsen and Haugen) (by Attorney General request)

Establishing the Antitrust/Consumer Protection Improvements Act.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 4, line 10, after "and" insert "final orders of"

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 4, line 24, after "proceeding" insert "in which there is a request for injunctive relief"

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 458, 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 Talmadge, you said one thing and the summary of it says another--'actions may be brought in justice court.'"

Senator Talmadge: "District court, yes. Senator Guess, it is now clear that the district courts have jurisdiction up to seventy-five--will have up to seventy-five hundred dollars--in jurisdiction starting July 1, but right now have five thousand dollars jurisdiction to hear these kinds of cases. There is some feeling that they can only be brought in the superior courts, rather than in the district courts, and the feeling was among all the people concerned that district courts should be able to hear these cases in those situations where their jurisdictional limit was not exceeded."

Senator Guess: "Can you clarify for me--in the district court, are they able to have a jury?"

Senator Talmadge: "Yes."

POINT OF INQUIRY

Senator Hughes: "Senator Talmadge, since the Attorney General must be served with a copy of the complaint seeking injunctive relief, would a subsequent failure of the Attorney General to appear in the action be construed to indicate a

failure to meet the public interest requirement for private actions under Chapter 19.86 RCW?"

Senator Talmadge: "No, since the Attorney General's resources for enforcement of Chapter 19.86 RCW are necessarily limited, many private actions would satisfy the public interest requirement even though there was no involvement by the Attorney General in particular private suits. This section is not designed to require the appearance of the Attorney General to establish the public interest requirement."

MOTION

On motion of Senator Zimmerman, Senators Craswell and Pullen were excused. The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 458, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 458, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas, 44; nays, 00; absent, 02; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinhoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Bluechel, Jones - 2.

Excused: Senators Benitz, Craswell, Pullen - 3.

SUBSTITUTE HOUSE BILL NO. 458, as amended by the Senate, having received the constitutional majority, 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. 463, by Committee on Judiciary (originally sponsored by Representatives Dellwo, Locke, Padden and Niemi)

Modifying definition of full-time judges of courts of limited jurisdiction.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, beginning on line 7 of the engrossed bill, being page 1, line 7 of the printed bill, strike all language through "business," on line 22 and insert the following:

"Sec. 1. Section 13, chapter 299, Laws of 1961 as last amended by section 2, chapter 95, Laws of 1974 ex. sess. and RCW 3.34.040 are each amended to read as follows:

Justices of the peace serving districts having a population of forty thousand or more persons, and justices receiving a salary greater than (~~fifteen thousand dollars~~) the maximum salary provided in RCW 3.58.020(f) for serving as a justice, shall be deemed full time justices and shall devote all of their time to the office and shall not engage in the practice of law. Other justices shall devote sufficient time to the office to properly fulfill the duties thereof and may engage in other occupations but such justice shall not use the office or supplies furnished by the judicial district for his private business but shall maintain a separate office for his private business."

On motion of Senator Talmadge, the rules were suspended. Engrossed Substitute House Bill No. 463, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 463.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 463, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen,

Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, Craswell, Pullen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 463, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 434, by Committee on Labor (originally sponsored by Representatives R. King, Patrick, Fisher and Lux)

Modifying provisions relating to collective bargaining.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 3, after line 26, strike all material down through line 22 on page 4 and insert the following:

"Sec. 4, Section 5, chapter 131, Laws of 1973 as amended by section 3, chapter 184, Laws of 1979 ex. sess. 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))~~ like personnel of ~~((cities and counties respectively))~~ like employers 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((:)); and

(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.

Sec. 5, Section 10, chapter 131, Laws of 1973 and RCW 41.56.905 are each amended to read as follows:

The provisions of this ~~((1973 amendatory act relating to uniformed personnel))~~ chapter are intended to be additional to other remedies and shall be liberally construed to accomplish their purpose. Except as provided in section 1 of this 1983 act, if any provision of this ~~((1973 amendatory act))~~ chapter conflicts with any other statute, ordinance, rule or regulation of any public employer ~~((as it relates to uniformed employees))~~, the provisions of this ~~((1973 amendatory act))~~ chapter shall control."

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 434, 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 Zimmerman: "Senator Vognild, was the subject of 'best final offer' proposed as an amendment--was that considered as far as a rationale for a compromise on this idea of binding arbitration?"

Senator Vognild: "Yes, Senator, surprisingly enough on this one, the port district representative testified in favor of this bill, as did the firefighters involved."

MOTION

On motion of Senator Bluechel, Senator Lee was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 434, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 434, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 19; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, McDermott, McManus, Moore, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 28.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hurley, Jones, Kiskaddon, McCaslin, Metcalf, Newhouse, Owen, Patterson, Sellar, Zimmerman - 19.

Excused: Senators Benitz, Lee - 2.

SUBSTITUTE HOUSE BILL NO. 434, as amended by the Senate, having received the constitutional majority, 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. 44, by Committee on Local Government (originally sponsored by Representatives P. King, Crane, Todd and Allen)

Modifying provisions relating to county-owned solid waste facilities.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Local Government amendment was adopted:

On page 1, line 8, after "impacts" reinsert "directly"

On motion of Senator Thompson, the following Committee on Local Government amendment was adopted:

On page 1, beginning on line 11, reinsert all the stricken material down to and including "impacts" on line 12

On motion of Senator Thompson, the following Committee on Local Government amendment was adopted:

On page 1, line 14, after "to be" reinsert "directly"

On motion of Senator Thompson, the following Committee on Local Government amendment was adopted:

On page 1, line 16, after "county" insert "following a reasonable period of good faith negotiations, including mediation where appropriate"

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 44, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was 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. 44, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 44, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 02; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators McDermott, Pullen - 2.

Absent: Senators Deccio, Hemstad - 2.

Excused: Senators Benitz, Lee - 2.

SUBSTITUTE 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

ENGROSSED HOUSE BILL NO. 74, by Representatives Moon, Van Dyken and Egger

Raising limits on local government contracts that may benefit local officers.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Local Government amendment was adopted:

On page 2, line 15, after "city," insert "or a member of any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240."

On motion of Senator Thompson, the following Committee on Local Government amendment was adopted:

On page 2, line 18, after "year" strike all material down to and including "labor" on line 23

On motion of Senator Thompson, the rules were suspended, Engrossed House Bill No. 74, 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 Lee: "Senator Thompson, we have used a couple of different terms here--'municipal officer'--is used in the background statement and 'municipal employee' is used elsewhere. Are these elected officials or are they employees of the municipal government?"

Senator Thompson: "The act applies to both."

Senator Lee: "Both to elected officials, as well as those, who in fact are being paid as an employee of a municipal government?"

Senator Thompson: "Yes, they are limited in both categories."

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Thompson, when the committee was considering this bill, was any thought given to the possibility of making the exception where there was a sole supplier? I think that would clarify the problem that is being discussed right now--that you could make an exception if there were no other people to provide the service or the goods. I am just wondering whether or not the committee discussed that as a possibility?"

Senator Thompson: "Senator Patterson, the circumstances that almost always--perhaps invariably--apply here are in sole supplier situations. It is rather an embarrassment for a councilman to be involved in providing a local government with something from his own shop, as it were. This is not precedence setting. It has been in law for a long time at two hundred dollars--seven hundred fifty dollars nowadays is not a lot of business. It is really for the convenience of the operation of these municipal governments. It is a highly visible process and in the size of communities that this occurs, you can believe that the citizens know what is going on."

POINT OF INQUIRY

Senator Kiskaddon: "Senator Thompson, I understand that this is limited to certain classes of government. Could you explain to me what size of cities and towns and jurisdictions are actually able to use this provision?"

Senator Thompson: "Senator Kiskaddon, I do not have the bill open before me. I can't answer it. Senator Zimmerman and I recall that it applies to smaller municipalities."

Further debate ensued.

MOTIONS

On motion of Senator Zimmerman, the rules were suspended, Engrossed House Bill No. 74, was returned to second reading for purpose of an amendment.

On motion of Senator Bottiger, further consideration of Engrossed House Bill No. 74 was deferred.

SECOND READING

HOUSE BILL NO. 76, by Representatives Moon, Van Dyken, Egger and Ristuben
Extending the use of cumulative reserve funds by cities and towns.

The bill was read the second time.

MOTIONS

On motion of Senator Rasmussen, the following amendment was adopted:
On page 1, line 22, after the words "by a" insert "two-thirds"

On motion of Senator Thompson, the rules were suspended, House Bill No. 76, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 76, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 76, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Benitz - 1.

HOUSE BILL NO. 76, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 318, by Representatives Hine, Brough, Charnley, Allen and Isaacson

Establishing procedures for moorage facilities to enforce moorage and storage regulations.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Local Government was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 and 2 of this act.

(1) "Port charges" mean charges of a moorage facility operator for moorage and storage, and all other charges owing or to become owing under a contract between a vessel owner and the moorage facility operator, or under an officially adopted tariff including, but not limited to, costs of sale and related legal expenses.

(2) "Vessel" means every species of watercraft or other artificial contrivance capable of being used as a means of transportation on water and which does not exceed two hundred feet in length. "Vessel" includes any trailer used for the transportation of watercraft.

(3) "Moorage facility" means any properties or facilities owned or operated by a moorage facility operator which are capable of use for the moorage or storage of vessels.

(4) "Moorage facility operator" means any port district, city, town, metropolitan park district, or county which owns and/or operates a moorage facility.

(5) "Owner" means every natural person, firm, partnership, corporation, association, or organization, or agent thereof, with actual or apparent authority, who expressly or impliedly contracts for use of a moorage facility.

NEW SECTION, Sec. 2. A moorage facility operator may adopt all regulations necessary for rental and use of moorage facilities and for the expeditious collection of port charges. The regulations may also establish procedures for the enforcement of these regulations by port district, city, county, metropolitan park district or town personnel. The regulations shall include the following:

(1) Procedures authorizing moorage facility personnel to take reasonable measures, including the use of chains, ropes, and locks, to secure vessels within the moorage facility so that the vessels are in the possession and control of the moorage facility operator and cannot be removed from the moorage facility. These procedures may be used if an owner mooring or storing a vessel at the moorage facility fails, for more than sixty days after being notified that charges are owing, to pay the port charges owed. Notification shall be by registered mail to the owner at his last known address. If no address was furnished by the owner, the port district, city, county, metropolitan park district, or town need not give such notice. At the time of securing the vessel, an authorized moorage facility employee shall attach to the vessel two readily visible notification stickers. The stickers shall be of a reasonable size and shall contain the following information:

- (a) The date and time the stickers were attached;
- (b) The identity of the authorized employee;
- (c) A statement that if the account is not paid in full within one hundred eighty days from the time the stickers are attached, the vessel may be sold at public auction to satisfy the port charges; and
- (d) The address and telephone number where additional information may be obtained concerning release of the vessel.

If the vessel is the subject of a delinquent moorage account, and sixty days have expired since notification pursuant to subsection (1) of this section, the moorage facility operator shall review its records to ascertain the identity of the owner. The operator shall make a reasonable effort to contact the owner by registered mail in order to give the owner the information on the notification stickers.

(2) Procedures authorizing moorage facility personnel at their discretion to move moored vessels ashore for storage within properties under the operator's control or for storage with private persons under their control as bailees of the moorage facility, if the vessel is, in the opinion of port personnel, in danger of sinking or of sustaining other damage. Reasonable costs of any such procedure shall be paid by the vessel's owner.

(3) If a vessel is secured under subsection (1) of this section or moved ashore under subsection (2) of this section, the owner who is obligated to the moorage facility operator for port charges may regain possession of the vessel by:

- (a) Making arrangements satisfactory with the moorage facility operator for the immediate removal of the vessel from the moorage facility or for authorized moorage; and
- (b) Making payment to the operator of all port charges, or by posting with the operator a sufficient cash bond or other security acceptable to such operator, to be held in trust by the operator pending written agreement of the parties with respect to payment by the vessel owner of the amount owing, or pending resolution of the matter of the port charges in a civil action in a court of competent jurisdiction. After entry of judgment, including any appeals, in a court of competent jurisdiction, the trust shall terminate and the moorage facility operator shall receive so much of the bond or other security as is necessary to satisfy any judgment, costs, and interest as may be awarded to the moorage facility operator. The balance shall be refunded immediately to the owner at his last known address.

(4) If a vessel moored or stored at a moorage facility is abandoned, the port district, city, county, metropolitan park district, or town, may, by resolution of its legislative authority, authorize the public sale of the vessel by authorized personnel to the highest and best bidder for cash as follows:

(a) If a vessel has been secured by the moorage facility operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within one hundred eighty days after notifying the owner under subsection (1) of this section, or in all other cases, for one hundred eighty days after the operator secures the vessel, the vessel shall be conclusively presumed to have been abandoned by the owner;

(b) Before the vessel is sold, the owner of the vessel shall be given at least twenty days' notice of the sale in the manner set forth in subsection (1) of this section if the name and address of the owner is known. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of port charges owed with respect to the vessel. The notice of sale shall be published at least once, more than ten but not more than twenty days before the sale, in a newspaper of general circulation in the county in which the moorage facility is located. Such notice shall include the name of the vessel, if any, the last known owner and address, and a reasonable description of the vessel to be sold. The moorage facility operator may bid all or part of its port charges at the sale and may become a purchaser at the sale;

(c) The proceeds of a sale under section 2 of this act shall first be applied to the payment of port charges. The balance, if any, shall be paid to the owner. If the owner cannot in the exercise of due diligence be located by the moorage facility operator within one year of the date of the sale, the excess funds from the sale shall revert to the department of revenue pursuant to chapter 63.28 RCW. If the sale is for a sum less than the applicable port charges, the moorage facility operator is entitled to assert a claim for a deficiency.

(5) The regulations authorized under this section shall be enforceable only if the moorage facility has had its tariff containing such regulations conspicuously posted at all moorage facility offices at all times.

NEW SECTION. Sec. 3. Nothing contained in sections 1 and 2 of this act may be construed as a limitation of any rights, privileges, or remedies previously existing under any applicable laws of port districts, cities, towns, metropolitan park districts, or counties.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act are added to chapter 53.08 RCW. The code reviser shall put cross references to sections 1 and 2 of this act in Titles 35 and 36 RCW.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed House Bill No. 318, 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 Thompson, the legislation is probably all right, but I am concerned. You have an emergency clause on there and it also provides that you only receive ten days--I think--notice and with that emergency clause on it there may be a lot of boat owners, that you speak of, that don't know anything about what is going on. I am wondering why the need for the emergency clause."

Senator Thompson: "There is sixty days notice and the emergency clause that is on the bill. Senator Rasmussen, is so that this good measure can be put into effect promptly and the moorage operators can begin cleaning up their books."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 318, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 318, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator von Reichbauer - 1.

Excused: Senator Benitz - 1.

ENGROSSED HOUSE BILL NO. 318, as amended by the Senate, having received the 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 President reverted the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR PROCLAMATION

WHEREAS, the pioneer spirit still thrives within the hearts of the people of Washington; and

WHEREAS, that spirit has been profoundly reaffirmed and refreshed by the heroic example of the late Dr. Barney Clark, a great contemporary American pioneer; and

WHEREAS, Dr. Clark explored for all humanity previously unknown realms of medicine, and, through his very body, carried the light of science into the darkness of heart disease; and

WHEREAS, by so doing he lived the highest ideals of the medical profession, to which he has devoted his life; and

WHEREAS, it has been said that "a man hath no greater love than to lay down his life for another"; and

WHEREAS, all humanity has become the beneficiary of Barney Clark's love in action; and

WHEREAS, Washington is proud to be known throughout the world as Dr. Barney Clark's home;

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, do hereby proclaim April 15, 1983, as

BARNEY CLARK DAY

throughout the state of Washington, and I urge my fellow citizens to join me in honoring this great pioneer by expressing to his family our humblest gratitude.

Signed, this 15th day of April, 1983

JOHN SPELLMAN, Governor

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Mrs. Barney Clark and several members of her family, and appointed Senators Lee, Goltz, Jones, Rasmussen, von Reichbauer and Talmadge as a committee of honor to escort the honored guests to the Senate rostrum.

With permission of the Senate, business was suspended to permit Mrs. Clark to address the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

MOTION

On motion of Senator Shipoch, the Senate returned to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 334, by Committee on Higher Education (originally sponsored by Representatives Burns, Charnley, Miller, Jacobsen, McMullen, Prince, Silver, R. King, Brekke, Allen and D. Nelson)

Providing resident student status for those students so classified on May 31, 1982.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 23 strike "based upon domicile"

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 24, after "during" strike all the material down to and including "1982" on line 25 and insert "any term of the 1982-1983 academic year"

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 334, 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.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 334, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 334, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yeas: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 334, as amended by the Senate, having received the constitutional majority, 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. 476, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler and Lewis) (by Attorney General request)

Modifying procedures governing parole revocation and offenders records.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Deccio, Granlund, Moore and Vognild was adopted:

On page 1, after line 8, insert:

"Sec. 1, Section 1, chapter 67, Laws of 1972 ex. sess. and RCW 9.95.052 are each amended to read as follows:

At any time after the board of prison terms and paroles has determined the minimum term of confinement of any person subject to confinement in a state correctional institution, the board may request the superintendent of such correctional institution to conduct a full review of such person's prospects for rehabilitation and report to the board the facts of such review and the resulting findings. Upon the basis of such report and such other information and investigation that the board deems appropriate the board may redetermine and refix such convicted persons's minimum term of confinement.

The board shall not reduce a person's minimum term of confinement unless the board has received from the department of corrections all institutional conduct reports relating to the person."

Renumber the remaining sections accordingly.

On motion of Senator Granlund, the following title amendment was adopted:

On page 1, line 1, after "offenders;" insert "amending section 1, chapter 67, Laws of 1972 ex. sess. and RCW 9.95.052;"

On motion of Senator Granlund, the rules were suspended. Substitute House Bill No. 476, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was 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. 476, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 476, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 03; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Lee, Quigg, Sellar - 3.

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 476, as amended by the Senate, having received the constitutional majority, 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. 538, by Committee on Transportation (originally sponsored by Representatives Garrett, Charnley, Allen, Lux, Broback, Crane, Patrick, Hine, G. Nelson, Brekke, Todd, Fisher, Ebersole, Clayton, Gallagher and Powers)

Regulating conduct on buses.

The bill was read the second time.

MOTION

Senator Metcalf moved the following amendment by Senators Metcalf, Hemstad, McCaslin, Vognild and Goltz:

On page 1, line 11, add the following subsection:

"(c) Consumes any alcoholic beverage;"

MOTION

On motion of Senator Shinpoch, further consideration of Substitute House Bill No. 538 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 539, by Committee on Transportation (originally sponsored by Representatives Egger, Crane, Todd, Charnley, Lux, Allen, Broback, Patrick, Mitchell, G. Nelson, Fisher, Clayton, Gallagher, Martinis, Brekke, Wilson, Jacobsen, Braddock, Johnson and Powers)

Exempting nonprofit corporations providing transit services to the elderly and handicapped from motor vehicle fuel tax on fuel used for these purposes.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 539 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, Senator Woody was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 539.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 539, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Deccio - 1.

Absent: Senator Quigg - 1.

Excused: Senators Benitz, Woody - 2.

SUBSTITUTE HOUSE BILL NO. 539, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Shinpoch, Substitute House Bill No. 540 held its place on the second reading calendar.

On motion of Senator Shinpoch, Substitute House Bill No. 701 held its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 741, by Representatives Isaacson, Moon, Addison, Todd, Sanders, Hine and Dickie

Changing age provisions relating to the reporting of deaths by local registrars of vital statistics.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 741 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 741.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 741, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 06; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Deccio, Fleming, Goltz, Hayner, Moore, Quigg - 6.

Excused: Senators Benitz, Woody - 2.

HOUSE BILL NO. 741, having received the constitutional majority, 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. 790, by Committee on Higher Education (originally sponsored by Representatives Sommers and Miller)

Establishing a higher education course designation and numbering system.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendments were considered and adopted simultaneously:

On page 1, line 8, after "education" strike ", the council of presidents,"

On page 1, line 9, after "education" insert: ",."

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 790, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was 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. 790, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 790, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Hayner, Quigg - 2.

Excused: Senators Benitz, Woody - 2.

SUBSTITUTE HOUSE BILL NO. 790, as amended by the Senate, having received the constitutional majority, 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. 848, by Committee on Higher Education (originally sponsored by Representatives Braddock, Lewis, Kaiser, Crane, Jacobsen, Gallagher, Smitherman, Moon, Garrett, Barnes, R. King, Todd, Patrick, D. Nelson, B. Williams, Wilson, Mitchell, Schmidt, Taylor, Sanders, Tanner and Addison)

Extending the tuition and fee limits for Vietnam veterans.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 12 of the engrossed and printed bill, after "operations" strike all the material down to and including "are" on line 14 of the engrossed bill.

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute House Bill No. 848, 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 Haley: "Senator Goltz, are these courses available to Vietnam veterans even though they have finished and graduated from undergraduate--in other words, have a BA or BS degree--take a postgraduate working on a masters?"

Senator Goltz: "I believe that this applies to both undergraduate and graduate programs."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 848, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 848, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Seilar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Deccio, Hayner - 2.

Excused: Senators Benitz, Woody - 2.

ENGROSSED SUBSTITUTE 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

SUBSTITUTE HOUSE BILL NO. 855, by Committee on Social and Health Services (Originally sponsored by Representatives Ballard, Kreidler, Ellis, Brough, Wang, Patrick, Lewis and Holland)

Changing provisions on emergency medical services.

The bill was read the second time.

MOTION

On motion of Senator McManus, the rules were suspended, Substitute House Bill No. 855 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 McManus, why would the Department of Social and Health Services hold harmless a physician that conceivably is an employee of local government?"

Senator McManus: "The case that was given here as an example is that a technician was denied recertification by the Department of Social and Health Services, even though a physician who was supervising recommended it. The technician then sued the physician and the physician was without any state assistance or protection in his defense and, therefore, it was felt that this particular authority was required on the part of the department."

Senator Talmadge: "Well, the department has no authority with respect to that physician, other than to certify that physician for this particular program, as I understand it. Wouldn't this responsibility to hold harmless be the responsibility of the local government that employs the physician?"

Senator McManus: "I would, perhaps, defer that question to Senator Haley, who is probably better able to answer it than I am."

MOTION

On motion of Senator Talmadge, further consideration of Substitute House Bill No. 855 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1011, by Committee on Rules (originally sponsored by Representative D. Nelson)

Establishing energy conservation measures for state-owned buildings.

The bill was read the second time.

MOTIONS

On motion of Senator Williams, the following Committee on Energy and Utilities amendment was adopted:

On page 3, line 4, beginning with "Energy" strike all the language down to and including "purposes." on line 6.

Renumber the remaining subsections accordingly.

On motion of Senator Williams, the following Committee on Energy and Utilities amendment was adopted:

On page 4, line 16, after "later," strike the language beginning with "Each" down to and including "biennium" on line 20 and insert "Each state agency shall implement energy conservation measures with a payback period of twenty-four months or less that have a positive cash flow in the same biennium"

On motion of Senator Williams, the rules were suspended, Substitute House Bill No. 1011, 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 Williams, as I read this bill after you have amended it, you took out all the new material, except the part on the last page-- 'The director of general administration shall adopt rules to facilitate private investment in energy conservation measures for state-owned buildings consistent with state law.' Could you explain what that private investment would be? I fail to understand how we can let a private investor in our state-owned buildings."

Senator Williams: "The information that I have, Senator--this language would give General Administration the opportunity to offer some alternative financing measures. They would include shared savings where the investor in the development takes an interest in the value of the energy saved by adopting the energy conservation measure or through municipal leasing where the investor receives ownership of the particular facilities that they might install. Then they would receive a tax credit for that investment and at the end of that period of time, the state would then retain ownership."

"There is another process, too. Basically, it is a tax credit system where private investors can make the improvements, take the tax credits and the state will then, eventually, be the owner of those improvements."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1011, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1011, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 04; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Barr, Patterson, Pullen, Rasmussen - 4.

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 1011, as amended by the Senate, having received the constitutional majority, 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 JOINT MEMORIAL NO. 19, by Committee on Commerce and Economic Development (originally sponsored by Representatives Tilly, B. Williams, Taylor, Johnson, Barnes, Chandler, Smith, Sanders, Prince, Silver, Allen, Miller, G. Nelson, Patrick, Brough, Ballard, Wilson, J. Williams, Isaacson, Betrozoff and Lewis)

Asking Congress to adequately fund the Export Import Bank.

The memorial was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Joint Memorial No. 19 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Joint Memorial No. 19.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Joint Memorial No. 19, and the memorial passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Metcalf, Rinehart - 2.

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 19, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 357, by Representatives Kaiser, Smith and Ellis

Modifying provisions relating to the veterinary board of governors and animal technicians.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed House Bill No. 357 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 357.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 357, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Owen - 1.

Excused: Senator Benitz - 1.

ENGROSSED HOUSE BILL NO. 357, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute House Bill No. 855 which was advanced to third reading and deferred earlier today.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 855.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 855, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Loe, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 855, having received the constitutional majority, 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. 23, by Representatives R. King, Clayton and Gallagher (by Department of Labor and Industries request)

Permitting common carriers in only interstate and/or foreign commerce to elect coverage under industrial insurance law.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 1, after line 5, strike all the material down to and including "51.12.110." on page 2, line 8, and insert the following:

"Sec. 1. Section 51.12.090, chapter 23, Laws of 1961 as last amended by section 16, chapter 63, Laws of 1982 and RCW 51.12.090 are each amended to read as follows:

((+)) The provisions of this title shall apply to employers and workers (other than railways and their workers) engaged in intrastate and also in interstate or foreign commerce, for whom a rule of liability or method of compensation now exists under or may hereafter be established by the congress of the United States, only to the extent that the payroll of such workers may and shall be clearly separable and distinguishable from the payroll of workers engaged in interstate or foreign commerce: PROVIDED, That (~~except as provided under subsection (2) of this section~~) as to workers whose payroll is not so clearly separable and distinguishable the employer shall in all cases be liable in damages for injuries to the same extent and under the same circumstances as is specified in the case of railroads in the first proviso of RCW 51.12.080: PROVIDED FURTHER, That nothing in this title shall be construed to exclude goods or materials and/or workers brought into this state for the purpose of engaging in work.

((2) ~~Common carrier employers engaged in intrastate commerce and also interstate or foreign commerce may exempt themselves from being liable for damages under this title as provided under subsection (1) of this section so long as at the time of such injury:~~

(a) ~~The employer is domiciled in this state;~~

(b) ~~The injured person is a worker as defined under this title;~~

(c) ~~The employer has secured payment of compensation; and~~

(d) ~~The employer has made election to cover all such persons in the manner provided by RCW 51.12.110;)~~

NEW SECTION. Sec. 2. There is added to chapter 51.12 RCW a new section to read as follows:

(1) Common or contract carriers domiciled in this state that are engaged exclusively in interstate or foreign commerce, or any combination thereof, may elect coverage under this title in the manner provided by RCW 51.12.110 for their employees.

(2) A person who is domiciled in this state and who owns and operates a truck engaged in intrastate, interstate, or foreign commerce, or any combination thereof, may elect coverage under this title in the manner provided by RCW 51.32.030, whether or not the truck is leased to a common or contract carrier."

Renumber the remaining section consecutively.

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 3 of the title, after "51.12.090;" insert "adding a new section to chapter 51.12 RCW;"

MOTIONS

On motion of Senator Vognild, the rules were suspended. Engrossed House Bill No. 23, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, Senator Talmadge was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 23, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 23, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators McDermott, Sellar - 2.

Excused: Senators Benitz, Talmadge - 2.

ENGROSSED HOUSE BILL NO. 23, as amended by the Senate, having received the constitutional majority, 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. 59, by Representatives R. King, Clayton, Grimm, Sutherland, Todd, Isaacson, Addison, Hankins, Gallagher, Lux, Dellwo, Garrett and Lewis

Repealing the provision relating to registration of apprenticeship agreements and the payment of registration fees.

The bill was read the second time.

MOTION

On motion of Senator Shinpoch, the rules were suspended, House Bill No. 59 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 59.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 59, and the bill passed the Senate by the following vote: Yeas, 43; nays, 04; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Barr, Craswell, Deccio, McCaslin - 4.

Absent: Senator Lee - 1.

Excused: Senator Benitz - 1.

HOUSE BILL NO. 59, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 81, by Committee on State Government (originally sponsored by Representatives G. Nelson, B. Williams, Sommers, O'Brien, Johnson and Stratton) (by Legislative Budget Committee request)

Establishing the Washington state heritage council.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended. Engrossed Substitute House Bill No. 81 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTIONS

On motion of Senator Shinpoch, further consideration of Engrossed Substitute House Bill No. 81 was deferred.

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

MESSAGES FROM THE HOUSE

April 14, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 16,

HOUSE BILL NO. 35,

HOUSE BILL NO. 36,

SUBSTITUTE HOUSE BILL NO. 37,

HOUSE BILL NO. 87,

HOUSE BILL NO. 112,

SUBSTITUTE HOUSE BILL NO. 118,

HOUSE BILL NO. 175,

SUBSTITUTE HOUSE BILL NO. 241,

SUBSTITUTE HOUSE BILL NO. 263,

SUBSTITUTE HOUSE BILL NO. 323,

SUBSTITUTE HOUSE BILL NO. 409,

HOUSE BILL NO. 430, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 14, 1983

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3081,

SENATE BILL NO. 3084,

ENGROSSED SENATE BILL NO. 3097,

SENATE BILL NO. 3172,

ENGROSSED SENATE BILL NO. 3364,

ENGROSSED SENATE BILL NO. 3588, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 16,

HOUSE BILL NO. 35,

HOUSE BILL NO. 36,

SUBSTITUTE HOUSE BILL NO. 37,

HOUSE BILL NO. 87,

HOUSE BILL NO. 112,

SUBSTITUTE HOUSE BILL NO. 118,

HOUSE BILL NO. 175,

SUBSTITUTE HOUSE BILL NO. 241,

SUBSTITUTE HOUSE BILL NO. 263,

SUBSTITUTE HOUSE BILL NO. 323,

SUBSTITUTE HOUSE BILL NO. 409,

HOUSE BILL NO. 430.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 25,
 HOUSE BILL NO. 102,
 SUBSTITUTE HOUSE BILL NO. 114,
 HOUSE BILL NO. 153,
 SUBSTITUTE HOUSE BILL NO. 297,
 SUBSTITUTE HOUSE BILL NO. 309,
 HOUSE BILL NO. 817,
 HOUSE JOINT MEMORIAL NO. 32.

MOTION

On motion of Senator Shinpoch, all bills passed this morning were ordered immediately transmitted to the House.

MOTION

AT 11:55 a.m., on motion of Senator Shinpoch, 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 Shinpoch, the Senate reverted to the first order of business.

REPORT OF STANDING COMMITTEE

April 13, 1983

SB 3503 Prime Sponsor, Senator Thompson: Providing funding for the Washington association of sheriffs and police chiefs to administer state-wide law enforcement programs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3503 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Deccio, Hughes, Metcalf, Rinehart, Thompson, Warnke, Zimmerman.

MINORITY recommendation: That it not be substituted. Signed by Senators Craswell, Fleming, Lee, Pullen, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

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

MESSAGES FROM THE HOUSE

April 15, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 153,
 SUBSTITUTE HOUSE BILL NO. 309,
 HOUSE BILL NO. 817,
 HOUSE JOINT MEMORIAL NO. 32, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 15, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 25,
 HOUSE BILL NO. 102,
 SUBSTITUTE HOUSE BILL NO. 114,
 SUBSTITUTE HOUSE BILL NO. 297, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed Substitute House Bill No. 81 which was advanced to third reading and deferred during the morning session.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 81.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 81, and the bill passed the Senate by the following vote: Yeas, 39; nays, 02; absent, 07; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Peterson, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Craswell, Pullen - 2.

Absent: Senators Conner, Deccio, Kiskaddon, Owen, Patterson, Quigg, Rinehart - 7.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 81, having received the constitutional majority, 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. 387, by Representatives Rust, Mitchell, Fiske and Dellwo

Creating a medical disciplinary account.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 387 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senator Patterson was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 387.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 387, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Conner, Owen - 2.

Excused: Senators Benitz, Patterson - 2.

ENGROSSED HOUSE BILL NO. 387, having received the 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 Talmadge: "Mr. President, a point of personal privilege. In describing that bill a moment ago, I did misspeak myself. The bill is confined only to physicians licensed under RCW 18.71 and not to osteopathic physicians. It is just medical doctors."

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Senate Bill No. 3248 and the pending motion of Senator McDermott to substitute the bill, deferred April 14, 1983.

SECOND READING

SENATE BILL NO. 3248, by Senators Lee, Wojahn, Kiskaddon, McDermott, Warnke, Patterson, Woody, Bottiger, Fleming, Rinehart, Fuller, Hemstad, Haley, Vognild, Hayner, Zimmerman, Jones, von Reichbauer, Bluechel, Granlund, Talmadge, Hurley, Shinpoch, Deccio, Craswell and Bauer

Requiring the salaries of persons in public employment to be adjusted to achieve comparable worth.

MOTION

Senator Pullen moved that Senate Bill No. 3248 not be substituted.
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 positive motion by Senator McDermott that Substitute Senate Bill No. 3248 be substituted for Senate Bill No. 3248 and that the substitute bill be placed on second reading.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott carried and Substitute Senate Bill No. 3248 was substituted for Senate Bill No. 3248 by the following vote: Yeas, 30; nays, 16; absent, 01; excused, 02.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 30.

Voting nay: Senators Barr, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Jones, McCaslin, Metcalf, Newhouse, Pullen, Quigg, Sellar, Zimmerman - 16.

Absent: Senator Conner - 1.

Excused: Senators Benitz, Patterson - 2.

The bill was read the second time.

MOTION

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

On page 2, line 2, after "means" strike the balance of the underlined language down through "conditions" on line 4 and insert "comparable salaries for employees performing comparable work in the public and private sector"

On page 6, line 21, after "means" strike the balance of the underlined language down through "conditions" on line 23 and insert "comparable salaries for employees performing comparable work in the public and private sector"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Lee, you have no objection to comparable worth in industry, the same as the state?"

Senator Lee: "No sir, I do not. In fact, at the present time, the leaders are in some of the industries."

Further debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendments were not adopted by the following vote: Yeas, 14; nays, 30; absent, 03; excused, 02.

Voting yea: Senators Barr, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Jones, McCaslin, Metcalf, Pullen, Quigg, Rasmussen, Zimmerman - 14.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody - 30.

Absent: Senators Conner, Newhouse, Sellar - 3.

Excused: Senators Benitz, Patterson - 2.

MOTION

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

On page 2, line 2, after "of" strike "similar" and insert "virtually identical"

On page 2, line 3, after "impose" strike "similar" and insert "virtually identical"

On page 6, line 21, after "of" strike "similar" and insert "virtually identical"

On page 6, line 22, after "impose" strike "similar" and insert "virtually identical"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Pullen.

The motion by Senator Pullen failed and the amendments were not adopted.

MOTION

Senator Pullen moved the following amendments by Senators Pullen, Rasmussen, Craswell, Metcalf and McCaslin be considered and adopted simultaneously:

On page 4, line 26, after "increased" insert "or decreased"

On page 9, line 23, after "increased" insert "or decreased"

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 adoption of the amendments by Senators Pullen, Rasmussen, Craswell, Metcalf and McCaslin.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendments were not adopted by the following vote: Yeas, 16; nays, 28; absent, 03; excused, 02.

Voting yea: Senators Barr, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Jones, Kiskaddon, McCaslin, Metcalf, Owen, Pullen, Quigg, Rasmussen, Zimmerman - 16.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Lee, McDermott, McManus, Moore, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody - 28.

Absent: Senators Deccio, Newhouse, Sellar - 3.

Excused: Senators Benitz, Patterson - 2.

MOTION

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

On page 5, line 31, strike "1983-85" and insert "1985-87"

On page 10, line 25, strike "1983-85" and insert "1985-87"

Debate ensued.

Senators Bottiger, Peterson and Shinpoch demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be adoption of the amendments by Senator Pullen.

The motion by Senator Pullen failed and the amendments were not adopted.

MOTION

Senator Pullen moved adoption of the following amendment:

On page 10, line 30, after "1983," insert:

"The legislative budget committee shall conduct a study on how best to achieve application of comparable worth to the private sector. The results of the study shall be presented to the legislature by January 31, 1985."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

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

MOTION

Senator Metcalf moved adoption of the following amendment:

On page 10, after line 30, add a new section:

"NEW SECTION, Sec. 7. This measure shall be placed on the ballot and shall take effect only if ratified by a majority vote at the statewide election in November, 1983."

Debate ensued.

MOTION

Senator Bottiger moved the following amendment to the amendment:

On the last line of the amendment, strike "1983" and insert "1984"

PARLIAMENTARY INQUIRY

Senator Metcalf: "Did the amendment pass delaying implementation two more years?"

REPLY BY THE PRESIDENT

President Cherberg: "The Secretary advises that the record shows it did not, Senator Metcalf."

MOTION

On motion of Senator Bottiger, and there being no objection, the amendment to the amendment was withdrawn.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Metcalf.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the amendment was not adopted by the following vote: Yeas, 16; nays, 29; absent, 02; excused, 02.

Voting yea: Senators Barr, Clarke, Craswell, Deccio, Guess, Haley, Hayner, Hurley, Jones, McCaslin, Metcalf, Pullen, Guigg, Rasmussen, Sellar, Zimmerman - 16.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Shinpoch, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Woody - 29.

Absent: Senators Newhouse, Rinehart - 2.

Excused: Senators Benitz, Patterson - 2.

MOTION

Senator Pullen moved adoption of the following amendment:

On page 1, line 13, strike the balance of the act through line 30 on page 10 and insert:

"NEW SECTION, Sec. 1. There is added to chapter 41.06 RCW a new section to read as follows:

The legislative budget committee shall conduct a study of the merits of the subject of comparable worth and report the results of the study to the legislature before January 31, 1984."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

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

MOTION

On motion of Senator Bottiger, the rules were suspended, Substitute Senate Bill No. 3248 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3248.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3248, and the bill passed the Senate by the following vote: Yeas, 37; nays, 09; absent, 01; excused, 02.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Decchio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 37.

Voting nay: Senators Barr, Craswell, Guess, Haley, McCaslin, Metcalf, Pullen, Sellar, Zimmerman - 9.

Absent: Senator Newhouse - 1.

Excused: Senators Benitz, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 3248, having received the 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 Shinpoch, all bills passed this afternoon were ordered immediately transmitted to the House.

At 3:22 p.m., on motion of Senator Shinpoch, the Senate recessed until 7:30 p.m.

EVENING SESSION

The President called the Senate to order at 7:30 p.m.

MOTION

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

MESSAGES FROM THE HOUSE

April 15, 1983

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3009,

SENATE BILL NO. 3165,

SUBSTITUTE SENATE BILL NO. 3197,

SENATE BILL NO. 3282, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 15, 1983

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3053,

ENGROSSED SENATE BILL NO. 3076,

SUBSTITUTE SENATE BILL NO. 3174,

SENATE BILL NO. 4021, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 15, 1983

Mr. President:

The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 393 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 15, 1983

Mr. President:

The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 719 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 15, 1983

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 533 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 15, 1983

Mr. President:

The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 488 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 15, 1983

Mr. President:

The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 482 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 95, by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Patrick, Lux, Allen, Powers, Brekke, Armstrong, McClure, Charnley, Burns, Pruitt, Hine, Zellinsky, Smitherman, Jacobsen, D. Nelson, McMullen and Crane)

Requiring a permit to explore for oil in marine waters.

The bill was read the second time.

MOTION

On motion of Senator Hughes, the rules were suspended, Substitute House Bill No. 95 was advanced to third reading, the second reading considered the third, and the bill was 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. 95.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 95, and the bill passed the Senate by the following vote: Yeas, 40; nays, 01; absent, 08; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Guess, Hansen, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Voting nay: Senator Pullen - 1.

Absent: Senators Deccio, Granlund, Haley, Hayner, Hurley, McCaslin, Rinehart, Sellar - 8.

SUBSTITUTE HOUSE BILL NO. 95, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 116, by Committee on Judiciary (originally sponsored by Representatives P. King, Crane and Halsan)

Modifying provisions relating to offers of settlement in civil actions.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1, Section 4, chapter 84, Laws of 1973 as amended by section 3, chapter 94, Laws of 1980 and RCW 4.84.280 are each amended to read as follows:

Offers of settlement shall be served on the adverse party in the manner prescribed by applicable court rules at least ten days prior to trial. Offers of settlement shall not be served until thirty days after the completion of the service and filing of the summons and complaint (~~in an action filed in superior court~~). Offers of settlement shall not be filed or communicated to the trier of the fact until after judgment, at which time a copy of said offer of settlement shall be filed for the purposes of determining attorneys' fees as set forth in RCW 4.84.250."

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 116, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senators Haley and McCaslin were excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 116, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 116, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 02; excused, 02.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senator Barr - 1.

Absent: Senators Granlund, Rinehart - 2.

Excused: Senators Haley, McCaslin - 2.

SUBSTITUTE HOUSE BILL NO. 116, as amended by the Senate, having received the constitutional majority, 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. 146, by Representatives Locke, Johnson, Wang, McDonald, Brough, Allen, Burns, Jacobsen, Belcher, Ellis, Haugen, Sayan, Powers, Braddock, Egger, Vekich, Stratton, Fisher, Smitherman, Armstrong, Lux, Ristuben, Fisch, Niemi, Galloway, Dellwo, Crane, Charnley, Garrett, Heck, McClure, Hine, Todd, Pruitt, Halsan, Tanner, O'Brien, R. King, D. Nelson, Brekke, Miller, Kaiser, Appelwick, Lewis, Patrick and Rust (by Governor Spellman request)

Modifying provisions relating to the Asian-American Affairs Commission.

The bill was read the second time.

MOTION

Senator Pullen moved adoption of the following amendment:

On page 1, after "citizens," on line 13, strike the material down through "problems," on line 14 and insert "(~~The legislature finds that Asian-Americans have unique and special problems.~~)"

Debate ensued.

Senators Bottiger, Shinpoch and Fleming demanded the previous question.

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 shall the main question be now put.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 24; nays, 23; absent, 02; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Vognild, Warnke, Williams, Wojahn, Woody - 24.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 23.

Absent: Senators Newhouse, Thompson - 2.

PARLIAMENTARY INQUIRY

Senator Pullen: "A point of parliamentary inquiry, Mr. President. We have a specific rule that says that the maker of a motion can always close debate. That was the rule that we amended very recently and would, in my opinion, supersede by reference other rules that we have on the books. My question is--does that particular rule allow me to close debate, notwithstanding the fact that the motion has been made and successfully passed to cut off debate?"

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "I agree. Senator Pullen has a right to delay us another three minutes."

Senator Pullen closed debate on adoption of the amendment on page 1, lines 13 and 14.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Pullen.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendment was not adopted by the following vote:

Yeas, 16; nays, 31; absent, 02; excused, 00.

Voting yea: Senators Barr, Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hurley, McCasin, Metcalf, Patterson, Pullen, Quigg, Rasmussen, Sellar - 16.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 31.

Absent: Senators Newhouse, Thompson - 2.

POINT OF INQUIRY

Senator Peterson: "Senator Pullen, we used an hour and a half this afternoon on one bill defeating a series of amendments. We have come back here tonight to work to 10 o'clock, presumably, and now we are flooded with another series of amendments. Is it your intent to continually offer amendments to this legislature and the Senate body? That is what you are doing."

Senator Pullen: "To answer your question, I do not intend to offer the amendment that would delete all of section one. I intend to withdraw that amendment when we come to it. I put that in to allow me to close debate, in case I was cut off. I was cut off so rudely the very first time. Fortunately, I was allowed to close debate, so I am going to withdraw that amendment. However, I think this other amendment to page 1, line 21 is a different issue than the one that was defeated and probably should be considered.

"I would simply add that we have seen, in this whole legislature, some rather poor planning. I don't think I can ever recall spending so many nights in session until 10 o'clock in the whole eleven years that I have been in the legislature. Perhaps, had the planning been a little bit better, we would not have the problem of lots of last-minute amendments."

MOTION

Senator Pullen moved adoption of the following amendment:

On page 1, after "opportunity," on line 21 strike all material down through "state," on line 24 and insert "~~((The legislature further finds that it is necessary to aid Asian-Americans in obtaining governmental services in order to promote the health, safety, and welfare of all the residents of this state:))~~"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

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

MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 146 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 146.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 146, and the bill passed the Senate by the following vote: Yeas, 38; nays, 11; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 38.

Voting nay: Senators Barr, Craswell, Deccio, Guess, Haley, Hurley, McCaslin, Metcalf, Paterson, Pullen, Rasmussen - 11.

HOUSE BILL NO. 146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:22 p.m., on motion of Senator Bottiger, the Senate recessed until 8:30 p.m.

SECOND EVENING SESSION

The President called the Senate to order at 8:30 p.m.

SECOND READING

ENGROSSED HOUSE BILL NO. 180, by Representative Stratton and Tilly (by Parks and Recreation Commission request)

Removing the termination provision for the snowmobile advisory committee.

The bill was read the second time.

MOTION

On motion of Senator Shinpoch, the rules were suspended, Engrossed House Bill No. 180 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 180.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 180, and the bill passed the Senate by the following vote: Yeas, 43; nays, 04; absent, 02; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Craswell, Haley, McCaslin, Patterson - 4.

Absent: Senators Rinehart, Warnke - 2.

ENGROSSED HOUSE BILL NO. 180, having received the constitutional majority, 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. 336, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Hankins, Garrett, Crane, Broback, Galloway, J. King, Patrick, R. King, Johnson, J. Williams, P. King, Addison, Clayton, Sanders, Hine, Kreidler, Wang, Monohon, B. Williams, Padden, Holland, Dellwo, Smith, Betzozoff, Powers, Miller, Isaacson and McMullen)

Providing coverage for chiropractic services under health care services contract.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Financial Institutions amendment was adopted:

On page 2, line 15, after "representatives." insert "Benefits for chiropractic care shall be offered by the employer in good faith on the same basis as any other care as a subject for collective bargaining for group contracts for health care services."

Senator Sellar moved adoption of the following amendment:

On page 2, line 6, after "organization" delete everything down through "RCW" on line 10 and insert "as defined in RCW 48.46.020 (1)"

Debate ensued.

POINT OF ORDER

Senator Hemstad: "A point of order, Mr. President. I have an amendment which is on page 1 and which was distributed last night and is now being distributed again. I don't want that to be foreclosed before we are at that point of the bill."

REPLY BY THE PRESIDENT

President Cherberg: "Your amendment will still be in order, Senator Hemstad."

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Sellar.

ROLL CALL

The Secretary called the roll and the motion by Senator Sellar carried and the amendment was adopted by the following vote: Yeas, 25; nays, 24; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McDermott, Newhouse, Patterson, Rasmussen, Sellar, Williams, Wojahn, Woody, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Deccio, Fleming, Gaspard, Hansen, Hughes, Hurley, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vogniild, von Reichbauer, Warnke - 24.

MOTION

Senator Hemstad moved adoption of the following amendment:

On page 1, line 28, strike "provide benefits" and insert "offer coverage"

Debate ensued.

Senator Haley 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 Hemstad.

ROLL CALL

The Secretary called the roll and the motion by Senator Hemstad carried and the amendment was adopted by the following vote: Yeas, 26; nays, 23; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Bottiger, Clarke, Craswell, Fuller, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Jones, Lee, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Rasmussen, Sellar, Williams, Wojahn, Woody, Zimmerman - 26.

Voting nay: Senators Bauer, Bender, Conner, Deccio, Fleming, Gaspard, Hansen, Hughes, Hurley, Kiskaddon, McManus, Moore, Owen, Peterson, Pullen, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke - 23.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Bottiger served notice that he would move to reconsider the vote by which the amendment on page 1, line 28, to Substitute House Bill No. 336 was adopted by the Senate.

MOTION

Senator Bottiger moved that further consideration of Substitute House Bill No. 336 be deferred and that the Senate immediately consider House Joint Resolution No. 27.

POINT OF ORDER

Senator Clarke: "Mr. President, a point of order. I think Senator Bottiger made two motions. He made a motion to delay consideration of the matter now before the body, which is one motion and then he made another motion. I suggest they should be divided."

REPLY BY THE PRESIDENT

President Cherberg: "The remarks by Senator Clarke are correct, Senator Bottiger. You did make two motions, but first you moved to defer further consideration of Substitute House Bill No. 336—at least the President believes that was the intent of your motion. If there is no objection, further consideration of Substitute House Bill No. 336 will be deferred."

FURTHER REMARKS BY THE PRESIDENT

President Cherberg: "An objection has been sustained."

The President declared the question before the Senate to be the motion by Senator Bottiger that further consideration of Substitute House Bill No. 336 be deferred.

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

PARLIAMENTARY INQUIRY

Senator Haley: "A point of parliamentary inquiry. Would you explain what we are voting on now?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Haley has requested an explanation of the vote. A vote 'aye' will be to defer consideration of Substitute House Bill No. 336. A vote 'nay' will be to not defer consideration of Substitute House Bill No. 336.

"The Secretary will please call the roll."

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger to defer consideration of Substitute House Bill No. 336 carried by the following vote: Yeas, 28; nays, 20; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 20.

Absent: Senator Wojahn - 1.

MOTION

Senator Bottiger moved that the Senate immediately consider House Joint Resolution No. 27.

POINT OF ORDER

Senator Clarke: "A point of order, Mr. President. The point of order is that HJR 27 is not properly before the Senate, because under Senate rules it did not have the required vote to get it out of the Rules Committee. Rule 41 lists the various committees. The Rules Committee is listed as having twenty-one members. The standing committee assignments adopted by the Senate means those twenty-one members. Of those twenty-one members, on the roll call vote with respect to HJR 27, only ten voted in favor of the motion to vote the bill out.

"Rule 45 requires a majority vote of the members of the Rules Committee. The question relates to whether the Lieutenant Governor is a member of the committee. The Lieutenant Governor purportedly cast the eleventh vote in favor of moving the resolution to the floor. Either the Lieutenant Governor is a voting member or he is not. If he is not a member, then his vote cannot be counted under Rule 45. There were only ten valid votes, which is not a majority of a twenty-one member committee. If he is a member, then it is a twenty-two man committee, which requires a vote of twelve to constitute a majority of the votes and only eleven votes were cast.

"Now, the only area where the Lieutenant Governor is given authority to vote is in Article II, Sec. 10 of the Constitution which says 'when presiding, the Lieutenant Governor shall have the deciding vote in case of an equal division of the Senate.' I, specifically, call attention to the fact that this relates to a situation where the Lieutenant Governor is presiding over the Senate and there is an equal vote of the Senate. Now, that is the only specification where there is a right for anyone other than an elected senator to cast a vote as a senator. Now, that right cannot be created or delegated by the Senate, itself, or in any other area than the Constitution.

"It is an extremely important matter for the Senate, in effect, to purport to delegate to someone other than a senator the right to cast a vote. I submit that the majority cannot constitutionally increase their numbers by giving someone other than an elected senator the right to vote in a committee or for any other purpose than that one area granted by the Constitution. For that reason, Mr. President, the matter is not properly before this body."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. Many of us have served here for many, many years. At least in my tenure, I have never recalled an occasion when the Lieutenant Governor did not serve as Chairman of the Rules Committee. In addition to the printed word of the Constitution and of the rules of the Senate, we have a long heritage of interpretation of what those rules in the Constitution say. The Constitution describes the Lieutenant Governor as the presiding officer of the Senate and the Constitution clearly says that he shall vote in case of a tie.

"On the Rules Committee, twenty-one Senators serve, plus the Lieutenant Governor, by custom--by long standing custom--recognized irrespective of whether the Democratic party or the Republican party is in control. In the Rules Committee, I cited to Senator Hayner two occasions in the last session--while the Republican party was in control--where two bills were presented to the Senate Rules Committee at which time she had announced a rule that it takes eight votes to report a bill from the Rules Committee. At the beginning of this session, I had announced and asked the Lieutenant Governor to announce that it took eleven votes to report a bill from the Rules Committee.

"On April 1, 1981, there was presented before the Rules Committee, Substitute Senate Bill No. 3459 and in that case, Senator Hayner voted on one side of the issue and I voted on the other. The Lieutenant Governor, on that occasion, voted the same way as I did. The vote was eight to eight. The bill came out of the Rules Committee and was finally enacted into law of this state.

"On March 2, 1982, House Bill No. 905 was before the Rules Committee and on that occasion, Senator Hayner and I both voted on the same side and contrary to the position that the Lieutenant Governor took and there were eight votes to eight votes. In other words, Senator Hayner and I were on the losing vote and the bill came out of the Rules Committee and was acted on by the Senate.

"We have a long-standing custom, in addition to the exact words of the Constitution and the exact words of the Senate rules. Senator Clarke has cited you Rule 45, and I presume he is referring to Sub. 4--'Bills reported to the Senate from a

standing committee'--and Rules is not a standing committee--'must have a majority report'--Rules has never had a majority report--'which shall be printed on a standing committee report form and shall carry the recommendations and signed by a majority of the members of the committee.'

"On this particular day, one of the members of the Committee was absent, the vote was ten to ten. The Lieutenant Governor voted and made it eleven votes and the bill reported out of committee based on the custom of the Senate, the history of the Senate, the interpretation by both political parties, the Constitution of the State and our actual rules. I submit to you, Mr. President, that your ruling in Rules was correct and the bill is properly before the Senate."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President and ladies and gentlemen of the Senate. Senator Bottiger has said that the Rules Committee is not a standing committee. Yet on Rule 41, the following language appears--'the following standing committees shall constitute the standing committees of the senate.' That includes No. 11--the Rules Committee with twenty-one members. Senator Bottiger is now saying that the Rules Committee has twenty-two members. The fact that there may have been some votes in previous times, which we did not challenge, has no bearing upon this particular occasion, because we did challenge it. It does not set a precedent. The facts are very clear in these sections of the rules of the Senate."

PARLIAMENTARY INQUIRY

Senator Metcalf: A point of parliamentary inquiry. My point is this--if this is the rule that we are following, suppose, in the Rules Committee, that there were eleven votes against a bill by members of the Senate and ten votes in favor of a bill by the members of the Senate and the Lieutenant Governor cast the eleventh vote in favor of the bill, so that it would be eleven to eleven. Would the bill come out or not come out? I am just trying to interpret what we would do under this circumstance."

REPLY BY THE PRESIDENT

President Cherberg: "In reply to your inquiry, Senator Metcalf, under the precedent established by the Republicans when they were in the majority, it would come out. It would be passed out of the Rules Committee to the Senate Calendar. You will please note the precedent established by the Republicans when they were in the majority."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, the question of precedence is not here involved, I respectfully urge. The question is one of authority. We very often have situations where the Senate does not undertake--or do the members of the Senate--to raise points of order. For instance, on questions of scope and object, it is a well known situation that if the point is not raised, then, of course, things go on, but this--to my knowledge--is the first time that this point has been raised upon the floor of the Senate. The question is a very important one, because it involves a question of constitutional law and of whether or not, the Senate can by precedent, endeavor to delegate to someone other than an elected Senator the right to vote.

"Now, the Constitution does grant that right only in one circumstance and that is when the Lieutenant Governor is presiding over the Senate and there is a tie vote of the Senate. I don't care what the precedent has purported to be. The point of order is now and, I think, for the first time raised on the floor of the Senate, that there is no constitutional authority for the Senate to purport to delegate that authority."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President and members of the Senate. I think we are talking about two situations here. One--you are talking about whether the bill had the right of coming out of Rules upon the ruling of the President and whether, in fact it indeed, had been challenged. That is not the first time that a challenge of that type has been made. It was made one other time that I can recollect and the bill still came out of committee just as this bill did.

"Now, whether this will be accepted as a ruling or how the ruling of the chair might take place as it comes to the floor, then I would suggest that we wait and see what the ruling of the President is, and then if this body feels as though they don't particularly care for that ruling, then they have one other alternative and that is to try and overrule the chair."

REMARKS BY SENATOR GUESS

Senator Guess: "In response to Senator Fleming. If Senator Fleming's memory is as good as he thinks it is--and mine, too, that measure was not challenged. That action took place in the Rules Committee. That bill did not come up here. We did not challenge it on the floor. I just wanted to keep the record straight, if you are thinking about the same bill that I am thinking about."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Just briefly responding to Senator Guess. I did not say that the Republicans made the challenge. I said there was a challenge made before in Rules. I said that we had two situations. You question whether the bill should come out of Rules--the last time there was a challenge that bill did come out of Rules. Now, the question is whether it was challenged here on the floor, that is another question and I spoke to that."

REMARKS BY SENATOR KISKADDON

Senator Kiskaddon: "Mr. President, speaking to the point. I believe that the process that we use is extremely important and the process of having a majority of a committee vote is one of the basic tenets by which we operate. There are other ways that you can get a bill to the floor if it does not come out of Rules. You can have a majority vote on the floor of the Senate to relieve the Rules Committee of a vote, so we do not mean that we have totally locked the bill out. I would urge the ruling not be on precedent. I can recall sometimes, being on a committee where there is not a quorum at the moment--that nobody really calls a point, so we continue. Other times, when it may be important and when there is a focus on the rule, then we definitely follow the rule. I think it is important, in this case, that we do follow the rule which to me would say that the majority of the committee would be the way that you vote out a bill."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President and ladies and gentlemen. I am shocked that the majority would claim that less than a majority of a committee has authority to override a majority of that committee--entirely contrary to the parliamentary procedure rules--contrary to the rule of a majority. Eleven is not a majority of twenty-two. If there are eleven--as the Lieutenant Governor has ruled--'yes' votes, including his, and eleven members voting 'no,' that would be less than the majority prevailing--entirely contrary to all the rules of parliamentary procedure.

"The Rules Committee is a standing committee. It does make a report. The report is the calendar and in some rare cases, also, makes a standing committee report in referring a bill to another committee. The Rules Committee is a standing committee of this Senate, and as such, the rules of the Senate apply to the extent that a majority must rule and we cannot do otherwise. We would be doing violence to the democratic system."

REPLY BY THE PRESIDENT

President Cherberg: "The vote was eleven to ten on the measure."

Senator Newhouse: "The question, sir, that you answered, Senator Metcalf, was that if there had been eleven 'no' votes, that your eleventh 'yes' vote would bring the bill out of committee."

President Cherberg: "That was based on the precedent established by your party and that the President indicated, Senator Newhouse."

REMARKS BY SENATOR HEMSTAD

Senator Hemstad: "Mr. President, the troubling nature of the position of the President is illustrated by the query from Senator Metcalf. If the vote is ten Senators in favor and eleven Senators opposed, then the vote cast by the chairman of the

Rules Committee would create a tie--not break a tie. The argument of Senator Bottiger has been put forward here that the vote of the chairman would be able to be used like on this floor to break a tie, but it is hard to understand a situation where the vote cast would create a tie and a tie vote would bring the bill to the floor."

REPLY BY THE PRESIDENT

President Cherberg: "Senator, you evidently did not listen. I said it was based on precedent established by the Republican majority in 1981 and 1982. I agree that it shouldn't have a simple majority to come out."

REMARKS BY SENATOR METCALF

Senator Metcalf: "Thank you, Mr. President and members of the Senate. This issue is very involved and very difficult, because it does relate to the Lieutenant Governor whom we all like and respect, but this is not a 1983 issue. We are acting now to settle this for the next fifty or hundred years and I think that is the critical point.

"In this issue--many political issues are sort of murky, but this one is clear--either there are twenty-one members on the Rules Committee and it takes eleven votes to pass a bill or there are twenty-two members and twelve is the necessary majority.

"I said in the committee, the legislature has done some strange things, but you don't have the power to repeal the law of gravity or the laws of mathematics. In short, right is right and wrong is wrong and everyone here knows what is right on this issue. For myself, there is no power on earth that could make me support such a concept, because it is obviously wrong. If my leadership ever asked me to vote for such a thing, I would laugh in their face. Mark this well--I repeat mark this well--the prerogatives of leadership do not extend to the violation of principle--and a Republican, President Richard Nixon, learned this to his eternal sorrow."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I think, sometimes we ought to keep in mind that there are certain cases in which a majority of the Senators elected must do something. But there are many, many other cases, in which a majority of those present can do things. For example, we can override a Governor's veto--not on a majority elected, but on a majority present. Now, the question is has there been precedence set to permit the Lieutenant Governor to vote in the Rules Committee. Obviously, he votes every time there is a roll call. Nobody has ever objected--in the twenty years that I have been here--the Lieutenant Governor voting on a roll call. The precedent has been set. There was one member absent--the majority voted and put the bill out."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I just want to assure you that I am going to sustain you on your ruling if your ruling is on precedent, which apparently this is going to be the determination. If it is based on the rules, I wouldn't be able to sustain you and I would hope that you just make it on the precedent. The rules do not sustain--and they are the 1983 rules--and I would suggest that we offer a motion to amend the rules and I certainly appreciate your vote down there in the Rules Committee and would want to keep you in a voting mode, but we should amend the rules in order to continue that. I would hope that our leaders will take that under advisement and so propose in their next motion."

REPLY BY THE PRESIDENT

President Cherberg: "Senator, the President's Ruling will be based on the action of the Senate."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, I respectfully suggest that precedent should not be the force here, for this reason--"

President Cherberg: "The President just stated that the ruling would be based on the action of the Senate."

Senator Clarke: "All right, I am responding to that and you, sir, out of the defence that we have had for you and still have--have hesitated to challenge your rights to many things--which when an issue comes, we may feel that we are forced, because of the importance of the matter before us to raise a question--which we have not raised before. I respectfully submit to you, sir, that the fact that we have not in the past--nor have people on the other side raised the question of your right to vote does not mean that it gives you that authority. We cannot give you that authority. That authority may be given only by the Constitution. The Senate does not have the authority to grant the power to vote as a Senator to anyone other than a Senator."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order presented by Senator Clarke, the President finds that Senator Clarke's remarks are untimely in that Senator Clarke should have raised his objections prior to confirmation by the entire Senate that the President of the Senate is chairman and member of the Rules Committee on the first day of the forty-eighth legislature, January 10, 1983.

"Therefore, the point is not well taken.

"Here, for your inspection, are the minutes of that day, which lists Cherberg, Chairman."

REMARKS BY SENATOR CLARKE

Senator Clarke: "I respectfully, again, call to the chairman's attention the fact that you are listed as chairman does not in any way infer that you have the right to vote. If you would have read further, you would have, also, seen that the number of members of the Rules Committee is listed as twenty-one and there are twenty-one Senators named as members of that committee.

"It is true that you are named as chairman, but if that naming had, as you infer, given you the right to vote, then of necessity, they would have had to say the membership of the committee was twenty-two, not twenty-one. There is a distinct difference between naming you as chairman, which is an honorary capacity, and giving you the right to vote."

FURTHER RULING BY THE PRESIDENT

President Cherberg: "Possibly, I did not read it in its entirety--'as chairman and member of the Rules Committee.'

"Therefore, Senator Clarke's point is not well taken and the measure is properly before the Senate."

Senator Clarke: "With great regret, I accept the suggestion by Senator Fleming that if we are not satisfied with the decision, that we invoke Rule 32 and I ask that the determination be made under Rule 32--'shall the decision of the chair stand as the judgment of the Senate.' I request a roll call to see whether the majority party is willing to put itself on record as accomplishing this unconstitutional purported delegation."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Speaking to the last comment--in attempting to sustain a whole series of bills that have been enacted into law--and which, under Senator Clarke's comments, could be challenged as constitutional, including the two that passed in the last session, I would urge the body to sustain the decision of the chair."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Commenting briefly--the remarks of Senator Bottiger are entirely uncalled for, because the point was not raised. If the point is not raised and the matter is before the Senate and the Senate considers it and passes the bill, all of the matters that have to do with the preliminary procedures which have been allowed to be unchallenged are regarded and secured by the fact that the Senate has accepted and acted upon the bill, so there is utterly no precedence, whatsoever, to the proposition that it is necessary to vote to sustain in order to ensure the fact that bills passed by this Senate are legal enactments."

REMARKS BY SENATOR MCDERMOTT

Senator McDermott: "Mr. President and members of the Senate. I remember the actions in this Senate over the past two years and I am reminded of a Biblical story. A woman was once brought before Christ by a group of people. They said she was engaged in adultery. Christ looked at them and knelt down and wrote a few things and then stood and said 'let ye who is among us without sin cast the first stone.' Now, if we want to get into calling people unconstitutional, we will never get out of here. Just remember who threw the first stone."

The demand for the roll call was sustained.

The President declared the question before the Senate to be the roll call on shall the decision of the chair stand as the judgment of the Senate.

ROLL CALL

The Secretary called the roll and the decision of the chair stood as the judgment of the Senate by the following vote: Yeas, 26; nays, 23; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

PARLIAMENTARY INQUIRY

Senator Jones: "Mr. President, I would like a ruling as to how many members there are now on the Rules Committee."

REPLY BY THE PRESIDENT

President Cherberg: "The President believes there are twenty-two."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, if there are twenty-two members and this matter came before the body with eleven votes only, I submit that it shows on its face that it is not properly before us, and if I am out of order in having talked before making a motion, then, I would move that the bill be rereferred to the Rules Committee under these circumstances. The statement of the President, itself, has indicated that there are twenty-two members on the committee and only eleven voted, including the President, to place it before the body."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Clarke, there were twenty-one members present. The vote was eleven to ten, which in any committee in the Senate would put it out.

"Senator Clarke has made a motion to refer the measure to the Senate Rules Committee."

Senator Clarke: "Speaking to the motion, eleven still is not a majority of a committee of twenty-two and the rules do require a vote of the majority to get the bill out. For that reason, I think it should be rereferred to the Rules Committee."

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

Further debate ensued.

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Clarke, as a matter of information, would you please quote the rule which states that a majority of the members appointed are required to put a bill out?"

Senator Clarke: "Rule 45, I had down here. I will have to find the exact portion. Rule 45, Sub. 4--'Bills reported to the Senate from a standing committee must have a majority report' and so forth. The Senate rules, establishing the committees, established the Rules Committee as a standing committee.

President Cherberg: "Yes, but that doesn't say that it takes a majority of the members appointed."

Senator Clarke: "Sub. 5--'A majority report of a committee must carry the signatures of a majority of the members of the committee.' That is a majority of the members of the committee. Now, it may be true--"

President Cherberg: "Please continue reading, Senator Clarke."

Senator Clarke: "It says--'In the event a committee has a quorum present, a majority of the members may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on a majority report.' Now, Rules Committee is a standing committee and if there is a requirement then they must have the signatures of a majority of the committee. That is what the rule says."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "I would direct Senator Clarke's attention to Rule 53, since the Rules Committee does not have and never has had a majority report to put a bill on the calendar. Rule 53 says--'a majority shall mean a majority of those members present unless otherwise stated.'"

Senator Clarke: "Well that, however, can not overrule the proposition as set forth in Rule 45, which I have just quoted. In any event, the motion is to refer the matter back to Rules Committee where the situation may be clarified and I would request a vote on that motion, please."

The President declared the question before the Senate to be the roll call on the motion by Senator Clarke to rerefer House Joint Resolution No. 27 to the Rules Committee.

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke carried and the measure was rereferred to the Rules Committee by the following vote: Yeas, 25; nays, 24; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 24.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 197, by Committee on Judiciary (originally sponsored by Representatives Crane, Todd, Grimm, Tanner, Jacobsen, Armstrong, P. King, Silver, Isaacson, Halsan, Fisch, Holland, Long and Johnson)

Excusing prospective jurors who have already served twice in the last five years.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, line 17 of the engrossed bill, being page 1, line 17 of the printed bill, after "superior court" insert ", a court of limited jurisdiction"

On motion of Senator Talmadge, the rules were suspended. Engrossed Substitute House Bill No. 197, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 197, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 197, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator von Reichbauer - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 197, as amended by the Senate, having received the constitutional majority 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. 183, by Representatives McMullen, Clayton and Sutherland (by Department of Transportation request)

Revising eminent domain laws.

The bill was read the second time.

MOTION

On motion of Senator Taimadge, the rules were suspended, House Bill No. 183 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Benitz: "I don't know much about this, Senator Peterson, but I know of a case where friends of mine had their property taken by the highway department for a freeway and each time in court, the state has lost, but they are still appealing it and these people still haven't been paid. That is six or seven years back. If they are forced to take the valuation at the time the state took the property, they would suffer immensely. Would that be the procedure under this new law?"

Senator Peterson: "No, I think it would be in the reverse. It would expedite, both for the property owner and the state. Actually, it would expedite the proceedings and the court proceeding and the settlement."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 183.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 183, and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; absent, 01; excused, 00.

Voting yea: Senators Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Shinoch, Taimadge, Thompson, Vognild, Warnke, Williams, Woody, Zimmerman - 35.

Voting nay: Senators Barr, Bauer, Benitz, Craswell, Deccio, Hansen, Hughes, Hurley, McManus, Pullen, Rasmussen, Sellar, Wojahn - 13.

Absent: Senator von Reichbauer - 1.

HOUSE BILL NO. 183, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3081,
SENATE BILL NO. 3084,
SENATE BILL NO. 3097,
SENATE BILL NO. 3172,
SENATE BILL NO. 3364,
SENATE BILL NO. 3588.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3053,
SENATE BILL NO. 3076,
SENATE BILL NO. 3144,
SUBSTITUTE SENATE BILL NO. 3174,
SENATE BILL NO. 4021,
SUBSTITUTE SENATE BILL NO. 4034.

MOTION

At 9:53 p.m., on motion of Senator Shipoch, the Senate adjourned until 9:00 a.m., Saturday, April 16, 1983.

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

NINETY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, April 16, 1983

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 Barr, Bender, Bottiger, Deccio, Gaspard, Hughes, McDermott, Pullen, Rasmussen, Sellar and Thompson. On motion of Senator Vognild, Senator Hughes was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jim Rice and Norman Freeman, presented the Colors. Reverend Raymond Hood, pastor of the Olympia-Lacey Church of God, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

April 15, 1983

Mr. President:

The House has passed:

SENATE BILL NO. 3144,

SUBSTITUTE SENATE BILL NO. 4034, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SCR 123 by Committee on State Government and by Senators Warnke, Rasmussen, Jones, McCaslin, McDermott, Rinehart and Zimmerman

Resolving to create the Joint Select Committee on Indian Affairs.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 123 was placed on second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 123 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 123.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 123, and the resolution passed the Senate by the following vote: Yeas, 38; nays, 00; absent, 10; excused, 01.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Fleming, Fuller, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 38.

Absent: Senators Barr, Bender, Bottiger, Deccio, Gaspard, McDermott, Pullen, Rasmussen, Sellar, Thompson - 10.

Excused: Senator Hughes - 1.

SENATE CONCURRENT RESOLUTION NO. 123, having received the constitutional majority, was declared passed.

INTRODUCTION AND FIRST READING

SCR 124 by Senators Warnke, Rinehart, Jones and McDermott

Exempting HJM No. 16 from legislative cutoff date.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 124 was placed on second reading and read the second time.

Senator Metcalf moved adoption of the following amendment:

On page 1, line 2, add "and Senate Joint Memorial No. 121", and on line 5, strike the period and add "and that the House may consider Senate Joint Memorial No. 121."

POINT OF ORDER

Senator Goltz: "A point of order, Mr. President. I would like to question the scope and object of the amendment."

Debate ensued.

REMARKS BY SENATOR CLARKE

Senator Clarke: "On a question of precedent, I think that when a resolution is before us which extends the cutoff date, it would simply add to the efficiency of the body to consider any other similar type measures rather than having to do them by separate resolutions. The body would have the opportunity, then, of considering what they do want and what they do not want to extend beyond the cutoff date. I would suggest as a matter of precedent that this is well within the scope and object."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order presented by Senator Goltz, the President believes that the proposed amendment does expand the scope and object of the bill, but the President, also, believes that Senator Clarke's remarks have a great deal of merit as to the expediting of Senate business."

MOTION

On motion of Senator Goltz, and there being no objection, the point of order was withdrawn.

On motion of Senator Zimmerman, Senators Pullen and Deccio were excused.

The President declared the question before the Senate to be adoption of the amendment by Senator Metcalf.

The motion by Senator Metcalf failed on a rising vote and the amendment was not adopted.

MOTION

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 124 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

MOTION

On motion of Senator Shinpoch, the Senate reverted to the first order of business.

REPORT OF STANDING COMMITTEE

April 12, 1983

EHJM 16 Prime Sponsor, Representative Belcher: Requesting the adoption of the Economic Equity Act II. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Jones, McDermott, Rinehart Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 266, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Charnley, Pruitt, Barnes, Moon, Garrett, Fisch, Rust, Brekke, Sommers, Fisher, Jacobsen, Ristuben and D. Nelson)

Restricting voting devices to single precinct use.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, Substitute House Bill No. 266 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senator Barr was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 266.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 266, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Hayner - 1.

Excused: Senators Barr, Pullen - 2.

SUBSTITUTE HOUSE BILL NO. 266, having received the constitutional majority, 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. 203, by Representatives Lux, Sanders and Garrett

Modifying provisions on underinsured motor vehicle coverage.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Financial Institutions amendment was adopted:

On page 2, line 22, of the engrossed and printed bill, after "writing," insert "The requirement of a written rejection under this subsection shall apply only to the original issuance of policies issued after the effective date of this act and not to any renewal or replacement policy."

On motion of Senator Moore, Engrossed House Bill No. 203, as amended by the Senate, was advanced third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 203, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 203, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Barr, Pullen - 2.

ENGROSSED HOUSE BILL NO. 203, as amended by the Senate, having received the constitutional majority, 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. 208, by Representatives Vekich, Hankins, O'Brien, Hastings, Haugen and Powers (by Department of General Administration request)

Increasing the maximum amount which state agencies, colleges, and universities may purchase without competition.

The bill was read the second time.

MOTION

On motion of Senator Warnke, Engrossed House Bill No. 208 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 208.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 208, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Quigg, Rinehart - 2.

Excused: Senators Barr, Pullen - 2.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 232, by Committee on State Government (originally sponsored by Representatives O'Brien, Hankins, Belcher, Silver, Lux, Isaacson and Johnson) (by Department of General Administration request)

Adding a premium to bids from vendors whose states have an in-state preference.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on State Government amendments were considered and adopted simultaneously:

On page 2, line 17, of the engrossed bill, being line 2 of the House Amendment on page 2, line 17, after "3" strike "and 5"

On page 3, beginning on line 17 of the engrossed bill, being line 3 of the House Amendment on page 3, line 16, strike all of section 5

On motion of Senator Warnke, Engrossed Substitute House Bill No. 232, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 232, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 232, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 01; excused, 02.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen,

Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Craswell - 1.

Absent: Senator Jones - 1.

Excused: Senators Barr, Pullen - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 232, as amended by the Senate, having received the constitutional majority, 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. 259, by Representatives Martinis, Prince and Charnley (by Department of Licensing request)

Revising laws regulating hulk haulers, vehicle repairmen, rebuilders, restorers, wreckers and scrap processors.

The bill was read the second time.

MOTION

On motion of Senator Peterson, Engrossed House Bill No. 259 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 259.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 259, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Boltiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Barr, Pullen - 2.

ENGROSSED HOUSE BILL NO. 259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED HOUSE BILL NO. 74, by Representatives Moon, Van Dyken and Egger

Raising limits on local government contracts that may benefit local officers.

MOTIONS

On motion of Senator Thompson, the rules were suspended, Engrossed House Bill No. 74 was returned to second reading and read the second time.

Senator Thompson moved adoption of the following amendment by Senators Thompson, Zimmerman, Patterson and McCaslin:

On page 2, line 18, after "year" insert "PROVIDED FURTHER, That there be public disclosure by having an available list at the city treasurer's office of such purchases or contracts, and if the supplier or contractor is an official or employee of the municipality, he not vote on the authorization"

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

On the last line of the amendment, after "he", insert "or she shall"

The President declared the question before the Senate to be adoption of the amendment by Senators Thompson, Zimmerman, Patterson and McCaslin, as amended.

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

MOTION

On motion of Senator Thompson, Engrossed House Bill No. 74, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 74, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 74, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 03; absent, 03; excused, 02.

Voting yeas: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Meicall, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Craswell, Gaspard, Lee - 3.

Absent: Senators Hansen, Jones, McCaslin - 3.

Excused: Senators Barr, Pullen - 2.

ENGROSSED HOUSE BILL NO. 74, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 431, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Locke, Pruitt, Van Dyken, Brekke, Patrick, Haugen, Wang, Lux, G. Nelson, Todd, Holland, Jacobsen, Isaacson, Miller and Schoon)

Modifying the sentencing of juvenile offenders.

The bill was read the second time.

MOTIONS

Senator Talmadge moved adoption of the following Committee on Judiciary amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.010 are each amended to read as follows:

It is the intention of the legislature in enacting this chapter to increase the protection afforded the citizens of this state, to ~~((permit a more even administration of justice in the juvenile courts, to rehabilitate juvenile offenders, and to reduce the necessity for commitment of juveniles to state juvenile correctional institutions by strengthening and improving the supervision of juveniles placed on probation by the juvenile courts of this state))~~ require community planning, to provide necessary services and supervision for juvenile offenders in the community when appropriate, to reduce reliance on state-operated correctional institutions for offenders whose standard range disposition does not include commitment of the offender to the department, and to encourage the community to efficiently and effectively provide community services to juvenile offenders through consolidation of service delivery systems.

Sec. 2. Section 2, chapter 165, Laws of 1969 ex. sess. as amended by section 13, chapter 141, Laws of 1979 and RCW 13.06.020 are each amended to read as follows:

From any state moneys made available for such purpose, the state of Washington, through the department of social and health services, shall, in accordance with this chapter and applicable departmental rules, share in the cost of ~~((supervising probationers who could otherwise~~

be committed by the juvenile courts to the custody of the secretary of social and health services, and who are granted probation and placed in "special supervision programs") providing services to juveniles.

Sec. 3. Section 3, chapter 165, Laws of 1969 ex. sess. as amended by section 14, chapter 141, Laws of 1979 and RCW 13.06.030 are each amended to read as follows:

The department of social and health services shall adopt rules prescribing minimum standards for the operation of (~~"special supervision programs"~~) consolidated juvenile services programs for juvenile offenders and such other rules as may be necessary for the administration of the provisions of this chapter. ((A "special supervision program" is one embodying a degree of supervision substantially above the usual or the use of new techniques in addition to, or instead of, routine supervision techniques, and which meets the standards prescribed pursuant to this section. Such)) Consolidated juvenile services is a mechanism through which the department of social and health services supports local county comprehensive program plans in providing services to offender groups. Standards shall be sufficiently flexible to ((foster the development of new and improved supervision practices)) support current programs which have demonstrated effectiveness and efficiency, to foster development of innovative and improved services for juvenile offenders, to permit direct contracting with private vendors, and to encourage community support for and assistance to local programs. The secretary of social and health services shall seek advice from appropriate ((county officials)) juvenile justice system participants in developing standards and procedures for the operation of (~~"special supervision programs"~~) consolidated juvenile services programs and the distribution of funds under this chapter.

Sec. 4. Section 4, chapter 165, Laws of 1969 ex. sess. as amended by section 15, chapter 141, Laws of 1979 and RCW 13.06.040 are each amended to read as follows:

Any county or group of counties may make application to the department of social and health services in the manner and form prescribed by the department for financial aid for the cost of (~~"special supervision programs"~~) consolidated juvenile services programs. Any such application must include a plan or plans for providing (~~special supervision of juveniles on probation and a method for certifying that moneys received are spent only for these "special supervision programs"~~) consolidated services to juvenile offenders in accordance with standards of the department.

Sec. 5. Section 5, chapter 165, Laws of 1969 ex. sess. as last amended by section 9, chapter 151, Laws of 1979 and RCW 13.06.050 are each amended to read as follows:

No county shall be entitled to receive any state funds provided by this chapter until its application ((s)) and plan are approved, and unless and until the minimum standards prescribed by the department of social and health services are complied with and then only on such terms as are set forth (~~hereafter~~) in this section.

(1) (~~A base commitment rate for each county and for the state as a whole shall be calculated by the department of social and health services. The base commitment rate shall be determined by computing the ratio of the number of juveniles committed to state juvenile correctional institutions plus the number of juveniles who have been convicted of felonies and committed to state correctional institutions after a juvenile court has declined jurisdiction of their cases and remanded them for prosecution in the superior courts, to the county population; such ratio to be expressed in a rate per hundred thousand population, for each of the calendar years 1964 through 1968. The average of these rates for a county for the five year period or the average of the last two years of the period, whichever is higher, shall be the base commitment rate, as certified by the secretary. PROVIDED: That a county may elect as its base commitment rate the average of the base commitment rates of all counties in the state over the last two years of the period described above. The county and state population shall be that certified as of April 1st of each year by the office of financial management; such population figures to be provided to the secretary of social and health services not later than June 30th of each year.~~)

(2) ~~An annual commitment rate shall be calculated by the department at the end of each year for each participating county and for the state as a whole, in a like manner as provided in subsection (1). The annual commitment rate shall exclude commitments that fall within the high risk categories as defined by the department.~~

(3) ~~The amount that may be paid to a county pursuant to this chapter shall be the standard cost of the operation of a special supervision program based upon workload standards established by the department. Payment shall not exceed five thousand dollars per commitment reduction. The "commitment reduction number" is obtained by subtracting (a) the product of the most recent annual commitment rate and population of the county for the same year from (b) the product of the base commitment rate and population of the county for the same year employed in (a).~~

(4) ~~The distribution of funds to a county or a group of counties shall be based on criteria including but not limited to the county's per capita income, regional or county at-risk populations, juvenile crime or arrest rates, existing programs, and the effectiveness and efficiency of consolidating local programs towards reducing commitments to state correctional facilities for offenders whose standard range disposition does not include commitment of the offender to the department and reducing reliance on other traditional departmental services.~~

~~(2) The secretary will reimburse a county upon presentation and approval of a valid claim pursuant to the provisions of this chapter based on actual performance in ((reducing the annual commitment rate from its base commitment rate. Whenever a claim made by a county pursuant to this chapter, covering a prior year, is found to be in error, an adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.~~

~~(5) in the event a participating county earns in a payment period less than one-half of the sum paid in the previous payment period because of extremely unusual circumstances claimed by the county and verified by the secretary of the department of social and health services, the secretary may pay to the county a sum not to exceed actual program expenditures, provided, however, that in subsequent periods the county will be paid only the amount earned; PROVIDED: That the amendatory provisions of subsection (5) of this act may be applied to payment periods prior to May 20, 1971.~~

~~(6) If the amount received by a county in reimbursement of its expenditures in a calendar year is less than the maximum amount computed under subsection (3) above, the difference may be paid to the county as reimbursement of program costs during the next two succeeding years upon receipt of valid claims for reimbursement of program expenses.~~

~~(7)) meeting the terms and conditions of the approved plan and contract. Funds received by participating counties under this chapter shall not be used to replace local funds for existing programs ((for delinquent juveniles or to develop county institutional programs.~~

~~(8) Any county averaging less than thirty commitments annually during either the two-year or five-year period used to determine the base commitment rate as defined in subsection (1) above may:~~

~~(a) apply for subsidies under subsection (1); or~~

~~(b) as an alternative, elect to receive from the state the salary of one full-time additional probation officer and related employee benefits; or~~

~~(c) elect to receive from the state the salary and related employee benefits of one full-time additional probation officer and in addition, reimbursement for certain supporting services other than capital outlay and equipment whose total will not exceed a maximum limit established by the secretary of the department of social and health services; or~~

~~(d) elect to receive from the state reimbursement for certain supporting services other than capital outlay and equipment whose total cost will not exceed a maximum limit established by the secretary of the department of social and health services.~~

~~(9) in the event a county chooses one of the alternative proposals in subsection (8), it will be eligible for reimbursement only so long as the officer and supporting services are wholly used in the performance of probation services to supervision of persons eligible for state commitment and are paid the salary referred to in this section in accordance with a salary schedule adopted by rule of the department and:~~

~~(a) if its base commitment rate is below the state average, its annual commitment rate does not exceed the base commitment rate for the entire state; or~~

~~(b) if its base commitment rate is above the state average, its annual commitment rate does not in the year exceed by two its own base commitment rate.~~

~~(10) Where any county does not have a juvenile probation officer, but obtains such services by agreement with another county or counties, or where two or more counties mutually provide probation services by agreement for such counties, then under such circumstances the secretary may make the computations and payments under this chapter as though the counties served with probation services were one geographical unit)).~~

Sec. 6. Section 57, chapter 291, Laws of 1977 ex. sess. as last amended by section 5, chapter 299, Laws of 1981 and RCW 13.40.030 are each amended to read as follows:

(1) (a) The juvenile disposition standards commission 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 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 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 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 commission 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 may relate only to the length of the proposed terms and not to the nature of the security to be imposed. In developing proposed disposition standards between the effective date of this act and June 30, 1985, the commission shall consider the capacity of the state juvenile facilities and the projected impact of the proposed standards on that capacity through June 30, 1985.

(b) The secretary shall 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 no later than November 1st of each even-numbered year. At the same time the secretary shall submit a report on security at juvenile facilities during the preceding two-year period. The report shall include the number of escapes from each juvenile facility, the most serious offense for which each escapee had been confined, the number and nature of offenses found to have been committed by juveniles while on escape status, the number of authorized leaves granted, the number of failures to comply with leave requirements, the number and nature of offenses committed while on leave, and the number and nature of offenses committed by juveniles while in the community on minimum security status; to the extent this information is available to the secretary. The department shall include security status definitions in the security guidelines it submits to the legislature pursuant to this section.

(2) If the commission fails to propose disposition standards as provided in this section, the existing standards shall remain in effect and may be adopted by the legislature or referred to the commission for modification as provided in subsection (3) of this section. If the standards are referred for modification, the provisions of subsection (4) shall be applicable.

(3) The legislature may adopt the proposed standards or refer the proposed standards to the commission for modification. If the legislature fails to adopt or refer the proposed standards to the commission by February 15th of the following year, the proposed standards shall take effect without legislative approval on July 1st of that year.

(4) If the legislature refers the proposed standards to the commission for modification on or before February 15th, the commission 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.

(5) In developing and promulgating the permissible ranges of confinement under this section the commission 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 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 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 may be no less than eighty percent of the maximum term in the range.

Sec. 7. Section 57, chapter 291, Laws of 1977 ex. sess. as last amended by section 5, chapter 299, Laws of 1981 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 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, or statutory rape in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with 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. A community supervision order for a single offense may be for a period of up to one year and 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 confinement;

(4) "Confinement" means 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 court judge(s) or commissioner(s);

(6) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, 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," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

(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 over whom jurisdiction has been extended under RCW 13.40.300;

(12) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or ((a)) would impose a serious, and clear danger to society in light of the purposes of this chapter;

(13) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

(14) "Minor or first offender" means a person sixteen years of age or younger 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 and one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; rape in the second degree; 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; ((or)) statutory rape in the second degree; vehicular homicide; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

(15) "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;

(16) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(17) "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;

(18) "Secretary" means the secretary of the department of social and health services;

(19) "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;

(20) "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;

(21) "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. 8. Section 70, chapter 291, Laws of 1977 ex. sess. as last amended by section 13, chapter 299, Laws of 1981 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 the standard range of disposition for the offense.

If the court 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. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

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(5), as now or hereafter amended, shall be used to determine the range. A disposition outside 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 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(5), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

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) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, 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) If a respondent is found to be a middle offender:

(a) The court shall impose a determinate disposition within the standard range(s) for such offense: PROVIDED, That if the standard range includes a term of confinement exceeding thirty days, 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 or mitigating factors as set forth in RCW 13.40.150 as now or hereafter amended.

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition 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(5), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

(d) A disposition 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 pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230 as now or hereafter amended.

(5) 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.

(6) In its dispositional order, the court shall not suspend or defer the imposition or the execution of the disposition.

(7) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

Sec. 9. Section 73, chapter 291, Laws of 1977 ex. sess. as amended by section 69, chapter 155, Laws of 1979 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. In addition, restitution may be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which, pursuant to a plea agreement, are not prosecuted. 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. The court 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) A respondent under obligation to pay restitution may petition the court for modification of the restitution order.

NEW SECTION. Sec. 10. There is added to chapter 13.40 RCW a new section to read as follows:

(1) A juvenile sentenced to a term of confinement to be served under the supervision of the department shall not be released from the physical custody of the department prior to the release date established under RCW 13.40.210 except as otherwise provided in this section.

(2) A juvenile serving a term of confinement under the supervision of the department may be released on authorized leave from the physical custody of the department only if consistent with public safety and if:

(a) Sixty percent of the minimum term of confinement has been served; and

(b) The purpose of the leave is to enable the juvenile:

(i) To visit the juvenile's family for the purpose of strengthening or preserving family relationships;

(ii) To make plans for parole or release which require the juvenile's personal appearance in the community and which will facilitate the juvenile's reintegration into the community; or

(iii) To make plans for a residential placement out of the juvenile's home which requires the juvenile's personal appearance in the community.

(3) No authorized leave may exceed seven consecutive days. The total of all pre-minimum term authorized leaves granted to a juvenile prior to final discharge from confinement shall not exceed thirty days.

(4) Prior to authorizing a leave, the secretary shall require a written leave plan, which shall detail the purpose of the leave and how it is to be achieved, the address at which the juvenile shall reside, the identity of the person responsible for supervising the juvenile during the leave, and a statement by such person acknowledging familiarity with the leave plan and agreeing to supervise the juvenile and to notify the secretary immediately if the juvenile violates any terms or conditions of the leave. The leave plan shall include such terms and conditions as the secretary deems appropriate and shall be signed by the juvenile.

(5) Upon authorizing a leave, the secretary shall issue to the juvenile an authorized leave order which shall contain the name of the juvenile, the fact that the juvenile is on leave from a designated facility, the time period of the leave, and the identity of an appropriate official of the department to contact when necessary. The authorized leave order shall be carried by the juvenile at all times while on leave.

(6) Prior to the commencement of any authorized leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will reside during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave.

(7) The secretary may authorize a leave, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the period of time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. In cases of emergency or medical leave the secretary may waive all or any portions of subsections (2)(a), (3), (4), (5), and (6) of this section.

(8) If requested by the juvenile's victim or the victim's immediate family prior to confinement, the secretary shall give notice of any leave to the victim or the victim's immediate family.

(9) A juvenile who violates any condition of an authorized leave plan may be taken into custody and returned to the department in the same manner as an adult in identical circumstances.

(10) Notwithstanding the provisions of this section, a juvenile placed in minimum security status may participate in work, educational, community service, or treatment programs in the community up to twelve hours a day if approved by the secretary. Such a release shall not be deemed a leave of absence.

Sec. 11. Section 75, chapter 291, Laws of 1977 ex. sess. as amended by section 71, chapter 155, Laws of 1979 and RCW 13.40.210 are each amended to read as follows:

(1) The secretary shall, except in the case of a 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 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 juvenile committed to its custody which shall be within the prescribed range to which a juvenile has been committed. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the 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) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential

facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may, until June 30, 1985, recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary may have temporary authority until June 30, 1985, to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release. In no event shall a serious offender, as defined in RCW 13.40.020(1) be granted release under the provisions of this subsection.

(3) Following the juvenile's release pursuant to subsection (1) of this section, the secretary may require the 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. Such a parole program shall be mandatory for offenders released under subsection (2) of this section. The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal may require the 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 juvenile shall be discharged from the department's supervision.

((3)) (4) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a 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 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)) (5) 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. 12. Section 72.05.130, chapter 28, Laws of 1959 as last amended by section 8, chapter 217, Laws of 1979 ex. sess. and RCW 72.05.130 are each amended to read as follows:

The department shall establish, maintain, operate and administer a comprehensive program for the custody, care, education, treatment, instruction, guidance, control and rehabilitation of all persons who may be committed or admitted to institutions, schools, or other facilities controlled and operated by the department, except for the programs of education provided pursuant to RCW 28A.58.772 through 28A.58.776, as now or hereafter amended, which shall be established, operated and administered by the school district conducting the program, and in order to accomplish these purposes, the powers and duties of the secretary shall include the following:

(1) The assembling, analyzing, tabulating, and reproduction in report form, of statistics and other data with respect to children with behavior problems in the state of Washington, including, but not limited to, the extent, kind, and causes of such behavior problems in the different areas and population centers of the state. Such reports shall not be open to public inspection, but shall be open to the inspection of the governor and to the superior court judges of the state of Washington.

(2) The establishment and supervision of diagnostic facilities and services in connection with the custody, care, and treatment of mentally and physically handicapped, and behavior problem children who may be committed or admitted to any of the institutions, schools, or facilities controlled and operated by the department, or who may be referred for such diagnosis and treatment by any superior court of this state. Such diagnostic services may be established in connection with, or apart from, any other state institution under the supervision and direction of the secretary. Such diagnostic services shall be available to the superior courts of the state for persons referred for such services by them prior to commitment, or admission to, any school, institution, or other facility. Such diagnostic services shall also be available to other departments of the state. When the secretary determines it necessary, the secretary may create waiting lists and set priorities for use of diagnostic services for juvenile offenders on the basis of those most severely in need.

(3) The supervision of all persons committed or admitted to any institution, school, or other facility operated by the department, and the transfer of such persons from any such institution, school, or facility to any other such school, institution, or facility: PROVIDED, That where a person has been committed to a minimum security institution, school, or facility by any of the

superior courts of this state, a transfer to a close security institution shall be made only with the consent and approval of such court. This shall not apply to the state school for the deaf or the state school for the blind.

(4) The supervision of parole, discharge, or other release, and the post-institutional placement of all persons committed to Green Hill school and Maple Lane school, or such as may be assigned, paroled, or transferred therefrom to other facilities operated by the department. Green Hill school and Maple Lane school are hereby designated as "close security" institutions to which shall be given the custody of children with the most serious behavior problems.

NEW SECTION. Sec. 13. Section 6, chapter 165, Laws of 1969 ex. sess., section 16, chapter 141, Laws of 1979, section 1, chapter 60, Laws of 1981 and RCW 13.06.060 are each repealed.

Sec. 14. Section 3, chapter 160, Laws of 1913 as last amended by section 6, chapter 155, Laws of 1979 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 13.34.040, 13.34.180, and 13.40.070 as now or hereafter amended, and RCW 13.32A.150;

(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 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 legislative authority of the county, 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 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.

The administrator shall establish procedures for the collection of fines assessed under RCW 13.40.080 (2)(d) and (13) and for the payment of the fines into the county general fund.

Sec. 15. Section 74, chapter 291, Laws of 1977 ex. sess. as amended by section 70, chapter 155, Laws of 1979 and RCW 13.40.200 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, 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)~~ willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, 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, penalty assessments, or restitution or perform community service.

(3) (a) If the court finds that a respondent has willfully 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, penalty assessments, 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.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community service. The number of hours of community service in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

Sec. 16. Section 62, chapter 291, Laws of 1977 ex. sess. as last amended by section 8, chapter 299, Laws of 1981 and RCW 13.40.080 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the 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 shall be limited to:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim, and to an amount the juvenile has the means or potential means to pay; ~~((and))~~

(c) Attendance at up to two hours of counseling and/or up to ten hours of educational or informational sessions at a community agency: PROVIDED, That the state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to two hours of counseling and/or up to ten hours of educational or informational sessions; and

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed.

(3) In assessing periods of community service to be performed and restitution to be paid by a 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 juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(4) A diversion agreement 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 may not exceed an amount which the juvenile could be reasonably expected to pay during this period. If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether 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 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 divertee;

(d) The hearing shall be conducted by the juvenile court and 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 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.

(7) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(8) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The 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 mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the 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 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.

(9) When a 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 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.

(10) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. It shall immediately refer such 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 juvenile ~~((fails to make restitution or perform community service as required by))~~ violates the terms of the diversion agreement.

(11) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the 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 juvenile without entering into a diversion agreement: PROVIDED, That any 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 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 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 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 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 diveree's eighteenth birthday.

(13) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the diveree and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the diveree and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(14) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

(15) The authority to impose and collect fines under this section shall terminate on June 30, 1985.

Sec. 17. Section 1, chapter 170, Laws of 1975 1st ex. sess. as last amended by section 17, chapter 299, Laws of 1981 and RCW 13.40.300 are each amended to read as follows:

(1) In no case may a 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 juvenile offender's twenty-first birthday. A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(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 juvenile's eighteenth birthday and the court by written order setting forth its reasons 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 a disposition order or the enforcement of such an order 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) If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons.

(3) In no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday.

~~((3))~~ (4) 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.

Sec. 18. Section 61, chapter 291, Laws of 1977 ex. sess. as last amended by section 7, chapter 299, Laws of 1981 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 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 juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) 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), and (7) 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))~~ (4) 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.

~~((4))~~ (5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of 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 is accused of a felony and has a criminal history of at least one class A or class B felony, or two class C felonies, or at least two gross misdemeanors, or at least two 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 has been referred by a diversion unit for prosecution or desires prosecution instead of diversion.

~~((5))~~ (6) 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))~~ (5) and ~~((6))~~ (7) of this section, a case under this subsection may also be filed.

~~((6))~~ (7) Where a case is legally sufficient and falls into neither subsection ~~((4))~~ (5) nor ~~((5))~~ (6) 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 and the circumstances surrounding the commission of the alleged offense.

~~((7))~~ (8) 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))~~ (9) The responsibilities of the prosecutor under subsections (1) through ~~((7))~~ (8) 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. 19, Section 9, chapter 155, Laws of 1979 as amended by section 19, chapter 299, Laws of 1981 and RCW 13.50.050 are each amended to read as follows:

(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 (11) 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 RCW 13.50.010.

(4) Except as otherwise provided in this section and RCW 13.50.010, 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, to the juvenile or his or her attorney, 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) 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. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) 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.

(9) 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.

(10) 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.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) 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.

(12) The person making a motion pursuant to subsection (10) 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.

(13) If the court grants the motion to seal made pursuant to subsection (10) 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.

(14) 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 RCW 13.50.010(8).

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order.

(16) 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.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) 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.

(18) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted if the court finds that two years have elapsed since completion of the diversion agreement.

(19) If the court grants the motion to destroy records made pursuant to subsection (16) or (18) 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 (16) or (18) 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, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

Sec. 20. Section 10, chapter 155, Laws of 1979 and RCW 13.50.100 are each amended to read as follows:

(1) This section governs records not covered by RCW 13.50.050.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.

(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. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the state-wide juvenile court information system.

(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. 21. Section 7, chapter 214, Laws of 1959, section 203, chapter 141, Laws of 1979, section 94, chapter 136, Laws of 1981 and RCW 72.13.070 are each repealed.

NEW SECTION, Sec. 22. There is added to chapter 13.40 RCW a new section to read as follows:

(1) Notwithstanding the provisions of RCW 13.04.115, the secretary, with the consent of the secretary of the department of corrections, has the authority to transfer a juvenile presently or hereafter committed to the department of social and health services to the department of corrections for appropriate institutional placement in accordance with this section.

(2) The secretary of the department of social and health services may, with the consent of the secretary of the department of corrections, transfer a juvenile offender to the department of corrections if it is established at a hearing before a review board that continued placement of the juvenile offender in an institution for juvenile offenders presents a continuing and serious threat to the safety of others in the institution. The department of social and health services shall establish rules for the conduct of the hearing, including provision of counsel for the juvenile offender.

(3) A juvenile offender transferred to an institution operated by the department of corrections shall not remain in such an institution beyond the maximum term of confinement imposed by the juvenile court.

(4) A juvenile offender who has been transferred to the department of corrections under this section may, in the discretion of the secretary of the department of social and health services and with the consent of the secretary of the department of corrections, be transferred from an institution operated by the department of corrections to a facility for juvenile offenders deemed appropriate by the secretary.

NEW SECTION, Sec. 23. There is added to chapter 13.40 RCW a new section to read as follows:

A juvenile offender ordered to serve a term of confinement with the department of social and health services who is subsequently sentenced to the department of corrections may, with the consent of the department of corrections, be transferred by the secretary of social and health services to the department of corrections to serve the balance of the term of confinement ordered by the juvenile court. The juvenile and adult sentences shall be served consecutively. In no case shall the secretary credit time served as a result of an adult conviction against the term of confinement ordered by the juvenile court.

NEW SECTION, Sec. 24. Section 1 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the committee amendment was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, strike everything after "justice;" through "emergency;" on line 12 and insert "amending section 1, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.010; amending section 2, chapter 165, Laws of 1969 ex. sess. as amended by section 13, chapter 141, Laws of 1979 and RCW 13.06.020; amending section 3, chapter 165, Laws of 1969 ex. sess. as amended by section 14, chapter 141, Laws of 1979 and RCW 13.06.030; amending section 4, chapter 165, Laws of 1969 ex. sess. as amended by section 15, chapter 141, Laws of 1979 and RCW 13.06.040; amending section 5, chapter 165, Laws of 1969 ex. sess. as last amended by section 9, chapter 151, Laws of 1979 and RCW 13.06.050; amending section 57, chapter 291, Laws of 1977 ex. sess. as last amended by section 5, chapter 299, Laws of 1981 and RCW 13.40.030; amending section 57, chapter 291, Laws of 1977 ex. sess. as last amended by section 5, chapter 299, Laws of 1981 and RCW 13.40.020; amending section 70, chapter 291, Laws of 1977 ex. sess. as last amended by section 13, chapter 299, Laws of 1981 and RCW 13.40.160; amending section 73, chapter 291, Laws of 1977 ex. sess. as amended by section 69, chapter 155, Laws of 1979 and RCW 13.40.190; amending section 75, chapter 291, Laws of 1977 ex. sess. as

amended by section 71, chapter 155, Laws of 1979 and RCW 13.40.210; amending section 72.05.130, chapter 28, Laws of 1959 as last amended by section 8, chapter 217, Laws of 1979 ex. sess. and RCW 72.05.130; amending section 3, chapter 160, Laws of 1913 as last amended by section 6, chapter 155, Laws of 1979 and RCW 13.04.040; amending section 74, chapter 291, Laws of 1977 ex. sess. as amended by section 70, chapter 155, Laws of 1979 and RCW 13.40.200; amending section 62, chapter 291, Laws of 1977 ex. sess. as last amended by section 8, chapter 299, Laws of 1981 and RCW 13.40.080; amending section 1, chapter 170, Laws of 1975 1st ex. sess. as last amended by section 17, chapter 299, Laws of 1981 and RCW 13.40.300; amending section 61, chapter 291, Laws of 1977 ex. sess. as last amended by section 7, chapter 299, Laws of 1981 and RCW 13.40.070; amending section 9, chapter 155, Laws of 1979 as amended by section 19, chapter 299, Laws of 1981 and RCW 13.50.050; amending section 10, chapter 155, Laws of 1979 and RCW 13.50.100; adding new sections to chapter 13.40 RCW; repealing section 6, chapter 165, Laws of 1969 ex. sess., section 16, chapter 141, Laws of 1979, section 1, chapter 60, Laws of 1981 and RCW 13.06.060; repealing section 7, chapter 214, Laws of 1959, section 203, chapter 141, Laws of 1979, section 94, chapter 136, Laws of 1981 and RCW 72.13.070; prescribing penalties; and declaring an emergency."

On motion of Senator Talmadge, Engrossed Substitute House Bill No. 431, 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.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 431, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 431, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Barr - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 431, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, all bills passed this morning were ordered immediately transmitted to the House.

MOTION

At 10:17 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

SECOND READING

HOUSE BILL NO. 260, by Representatives Haugen and Clayton (by State Patrol request)

Authorizing the state patrol to charge fees for certain criminal records.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

On page 1, line 12, strike "(2)" and insert "((2))"

Renumber the remaining subsections consecutively.

On motion of Senator Warnke, the rules were suspended, House Bill No. 260, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator Warnke, is there any provision of the bill that allows charges for those fined for a concealed weapon's permit?"

Senator Warnke: "No, there is not."

Senator Pullen: "O.K., so the bill, in no way, would allow or permit a surcharge for anyone applying for a concealed weapon's permit?"

Senator Warnke: "No, the only thing that we are changing in law is to allow them to charge. Presently, they are paying out of the Washington State Patrol budget for the investigation and now the State Patrol can simply charge the ten or twelve dollars."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 260, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 260, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 01; absent, 07; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Warnke, Woody, Zimmerman - 40.

Voting nay: Senator Pullen - 1.

Absent: Senators Conner, Fleming, Owen, Quigg, Thompson, Williams, Wojahn - 7.

Excused: Senator Barr - 1.

HOUSE BILL NO. 260, as amended by the Senate, having received the 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 President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

April 16, 1983

Mr. President:

The Speaker has signed:
 SUBSTITUTE SENATE BILL NO. 3053,
 SENATE BILL NO. 3076,
 SENATE BILL NO. 3144,
 SUBSTITUTE SENATE BILL NO. 3174,
 SENATE BILL NO. 4021,
 SUBSTITUTE SENATE BILL NO. 4034, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 16, 1983

Mr. President:

The Speaker has signed:
 SUBSTITUTE HOUSE BILL NO. 81,
 HOUSE BILL NO. 387,
 SUBSTITUTE HOUSE BILL NO. 393,
 SUBSTITUTE HOUSE BILL NO. 482,
 SUBSTITUTE HOUSE BILL NO. 488,
 SUBSTITUTE HOUSE BILL NO. 533,
 SUBSTITUTE HOUSE BILL NO. 719, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 16, 1983

Mr. President:

The Speaker has signed:
 SUBSTITUTE SENATE BILL NO. 3081,
 SENATE BILL NO. 3084,
 SENATE BILL NO. 3097,
 SENATE BILL NO. 3172.

SENATE BILL NO. 3364.

SENATE BILL NO. 3588, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 16, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 59.

HOUSE BILL NO. 305.

HOUSE BILL NO. 357.

SUBSTITUTE HOUSE BILL NO. 539.

HOUSE BILL NO. 741.

SUBSTITUTE HOUSE BILL NO. 855.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 19, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 81.

HOUSE BILL NO. 387.

SUBSTITUTE HOUSE BILL NO. 393.

SUBSTITUTE HOUSE BILL NO. 482.

SUBSTITUTE HOUSE BILL NO. 488.

SUBSTITUTE HOUSE BILL NO. 533.

SUBSTITUTE HOUSE BILL NO. 719.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 59.

HOUSE BILL NO. 305.

HOUSE BILL NO. 357.

SUBSTITUTE HOUSE BILL NO. 539.

HOUSE BILL NO. 741.

SUBSTITUTE HOUSE BILL NO. 855.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 19.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 270, by Representatives Dellwo, Lewis, Stratton, Patrick, Charnley, Mitchell, Wang, Fiske, McClure, Tilly, Holland, Sanders, Silver, Brough, Ellis, Jacobsen, Todd and Isaacson

Providing for treatment and services for developmentally disabled persons.

The bill was read the second time.

MOTIONS

On motion of Senator McManus, the rules were suspended, Engrossed House Bill No. 270 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator McManus, do I understand correctly from the comments you made that if some funds are available beyond what are needed for other programs, this particular program will receive first priority over all other programs."

Senator McManus: "Senator Pullen, I can't speak to whether it will receive first priority. I think if there are funds available that the administration of the department, within their given rules and regulations as formulated by this body, would

have the authority to use those funds wherever they felt there was a priority issue. I think what we are talking about here is to the extent that funds are available within the developmentally disabled area."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 270.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 270, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 47.

Absent: Senator Wojahn - 1.

Excused: Senator Barr - 1.

ENGROSSED HOUSE BILL NO. 270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 239, by Representatives Pruitt, Barnes, Fisch, Miller, Long, Schoon, Patrick, Fisher, Jacobsen, Zellinsky, Silver, Belcher, Isaacson, Vekich, Dellwo, Tanner, Todd, Schmidt and Crane (by Secretary of State request)

Regulating exit polling.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendments were considered and adopted simultaneously:

On page 1, line 8, of the engrossed bill, being page 1, line 8, of the printed bill, after "place" strike "a building in which a polling place is located"

On page 1, line 9, of the engrossed bill, being page 1, line 9, of the printed bill, after "or" insert "in any public area"

On page 1, line 10, of the engrossed bill, being page 1, line 10 of the printed bill, strike "building" and insert "polling place"

Senator Newhouse moved adoption of the following amendment by Senators Newhouse, Woody and Thompson:

On page 1, line 9, after "within" strike "one" and insert "three"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Newhouse, Woody and Thompson.

ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse carried and the amendment was adopted by the following vote: Yeas, 26; nays, 22; absent, 00; excused, 01.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Granlund, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, Thompson, von Reichbauer, Woody, Zimmerman - 26.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Vogndild, Warnke, Williams, Wojahn - 22.

Excused: Senator Barr - 1.

MOTION

On motion of Senator Shinpoch, further consideration of Engrossed House Bill No. 239, as amended by the Senate, was deferred.

PERSONAL PRIVILEGE

Senator Fleming: "A point of personal privilege. Mr. President and members of the Senate. I would just like to share a couple of things with you on this point of personal privilege. Last night, Senator Pullen made an indication as if he was being overworked by the number of nights or hours that we were spending until ten o'clock. I realize, sometimes, Senator Pullen talks so long so many times, sometimes his memory gets a little foggy, so I just wanted to share with you some other times--as far as we being in until ten o'clock last night.

"In 1981, on the 92nd day, we worked twelve hours and fifty-five minutes--from 10:30 a.m. to 11:25 p.m. On the 93rd day, we worked twelve hours and twenty minutes--from 10:30 a.m. to 10:50 p.m. On the 94th day, we worked from 10:30 a.m. to 11:30 p.m.--thirteen hours. On the 99th day, we worked from 10:00 a.m. to 12:05 a.m.--fourteen hours and five minutes. On the 100th day, we worked from 10:30 a.m. to 11:00 p.m.--twelve hours and thirty minutes. On the 102nd day, we worked from 8:00 a.m. to 11:58 p.m.--fifteen hours and fifty-eight minutes. On the 103rd day, we worked from 9:00 a.m. to 1:05 a.m.--sixteen hours and five minutes. On the 104th day, we worked from 9:30 a.m. to 3:08 a.m.--seventeen hours and thirty-eight minutes.

"So, Senator Pullen, I want you to understand that working and trying to get things out of the legislature is not new and we have only gone to ten o'clock a few nights. I think Senator Bottiger and Senator Shinpoch have done a pretty good job of managing and getting as much, if not more, good legislation through the legislature in that time period. I don't think that ten hours was that long."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1035, by Committee on Labor (originally sponsored by Representative R. King)

Authorizing collective bargaining for state patrol officers on non-wage issues.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 1035 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 Patterson: "Senator Vognild, I haven't read the bill in detail, but I was looking at the summary and there is no mention as to whether or not there comes a point in time in all matters not relating to salaries and wages. Would there be authority for the state patrol to strike over these other grievances?"

Senator Vognild: "No, Senator Patterson. In fact, there probably is no actual law right now that says they cannot strike. If this bill passes, they will be put under the same provisions of binding arbitration that the other police and fire units are. That provision contains a strong no strike language."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1035.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1035, and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 29.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Guess, Haley, Hayner, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quitg, Sellar, Zimmerman - 18.

Absent: Senator Hansen - 1.

Excused: Senator Barr - 1.

SUBSTITUTE HOUSE BILL NO. 1035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 117, by Committee on Labor (originally sponsored by Representatives R. King, Fisch, Charnley, Martinis, Garrett, Rust, Lux, Jacobsen, D. Nelson and Hankins)

Modifying procedures for the reduction in force of community college faculty members due to a financial emergency.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 3, line 17, after "herein.", strike "The right of a faculty member to request a separate hearing is not impaired", and insert "Each faculty member notified of termination because of a reduction-in-force as provided in this section shall have the right to a separate hearing if the issues and material facts concerning such faculty member's termination are not substantially similar to the issues and material facts involved in the termination of other faculty members"

Senator Kiskaddon moved adoption of the following amendment:

On page 1, line 9, beginning with "A" strike all material down to and including "terminated;) on page 2, line 6, and insert "Each community college district shall adopt a procedure by January 1, 1984 relating to reductions-in-force in the event of a financial emergency. Such procedure shall be mutually agreed to by the board of trustees and the representative of the academic employees and shall provide mechanisms for determining whether a financial emergency does exist, the magnitude and specific elements of the financial emergency, whether a reduction-in-force will occur, the magnitude of the reduction-in-force, and how the reduction-in-force will be implemented. It shall be the goals of such procedure to maintain programs and to minimize the number of layoffs. Such procedure shall only be implemented due to the following conditions: (1) reduction of allotments by the governor pursuant to RCW 43.88.110(2), or (2) reduction by the legislature from one biennium to the next or within a biennium of appropriated funds based on constant dollars using the implicit price deflator. Such procedure shall provide for a final determination on whether a reduction-in-force will occur within thirty days of such reduction of allotments or such reduction by the legislature. The community college district board of trustees shall have responsibility for the final decision as to whether a financial emergency exists, whether a reduction-in-force should occur, or what the magnitude of such reduction-in-force should be. When ((~~a district board of trustees determines~~)) it is determined that a reduction-in-force of tenured or probationary faculty members ((~~may be~~)) is necessary due to a financial emergency ((~~as declared by the state board~~)), written notice of the reduction-in-force and separation from employment shall be given the faculty members so affected by the president or district president as the case may be. The total cost of the compensation for the employees who are notified shall not exceed the total reduction of allotments by the governor or the reduction of the appropriated funds by the legislature. Said notice shall clearly indicate that separation is not due to the job performance of the employee and hence is without prejudice to such employee and need only state in addition the basis for the reduction-in-force ((~~as one or more of the reasons enumerated in subsections (1) and (2) of this section~~)).

Said tenured or probationary faculty members will have a right to request a formal hearing when being dismissed pursuant to ((~~subsections (1) and (2) of~~)) this section. The only issue to be determined shall be whether under the applicable policies, rules or collective bargaining agreement the particular faculty member or members advised of severance are the proper ones to be terminated."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Kiskaddon.

ROLL CALL

The Secretary called the roll and the motion by Senator Kiskaddon failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 26; absent, 01; excused, 01.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Absent: Senator Conner - 1.

Excused: Senator Barr - 1.

MOTION

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 117, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Bottiger, Conner and Peterson 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 Substitute House Bill No. 117, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 117, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 25; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Goltz, Granlund, Hughes, McDermott, McManus, Moore, Peterson, Pullen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gaspard, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Owen, Patterson, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 25.

Absent: Senator Hansen - 1.

Excused: Senator Barr - 1.

SUBSTITUTE HOUSE BILL NO. 117, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Gaspard served notice that he would move to reconsider the vote by which Substitute House Bill No. 117, as amended by the Senate, failed to pass the Senate.

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

April 13, 1983

SSB 3838 Prime Sponsor, Committee on Social and Health Services: Providing for the licensing of social workers. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3838 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Lee, Rinehart, Talmadge, Thompson, Warnke, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

At 2:49 p.m., on motion of Senator Shinpoch, the Senate recessed until 5:00 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 5:00 p.m.

MOTION

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

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Gaspard moved the Senate reconsider the vote by which Substitute House Bill No. 117, as amended by the Senate, failed to pass the Senate.

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

MOTION

On motion of Senator Jones, Senators Metcalf, Quigg, Kiskaddon and von Reichbauer were excused.

The President declared the question before the Senate to be the roll on the motion by Senator Gaspard that the Senate reconsider the vote by which Substitute House Bill No. 117, as amended by the Senate, failed to pass the Senate.

ROLL CALL ON RECONSIDERATION

The Secretary called the roll and the motion for reconsideration by Senator Gaspard carried by the following vote: Yeas, 26; nays, 16; absent, 02; excused, 05.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Granlund, Guess, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Haley, Hayner, Hemstad, Jones, Lee, McCaslin, Newhouse, Patterson, Sellar, Zimmerman - 16.

Absent: Senators Goltz, Pullen - 2.

Excused: Senators Barr, Kiskaddon, Metcalf, Quigg, von Reichbauer - 5.

MOTIONS

On motion of Senator Shinpoch, further consideration of Substitute House Bill No. 117, as amended by the Senate, was deferred and the bill held its place on the calendar.

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 540, by Committee on Transportation (originally sponsored by Representatives Ebersole, Allen, Fisher, G. Nelson and Gallagher)

Permitting public transportation benefit areas to designate a person other than a county treasurer as the PTBA treasurer.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 540 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, Senator Goltz was excused.

On motion of Senator Bluechel, Senator Pullen was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 540.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 540, and the bill passed the Senate by the following vote: Yeas, 38; nays, 04; absent, 00; excused, 07.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 38.

Voting nay: Senators Craswell, Fuller, McCaslin, Zimmerman - 4.

Excused: Senators Barr, Goltz, Kiskaddon, Metcalf, Pullen, Quigg, von Reichbauer - 7.

SUBSTITUTE HOUSE BILL NO. 540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3624, by Senators Hughes, Zimmerman, Hurley, Bender, Wojahn, Hansen, Bottiger, McManus, Granlund, Owen, Vognild, Moore, Thompson, Gaspard, Peterson, Fleming, Woody, Bauer, Conner, Rasmussen, Warnke, Rinehart, Shinpoch, Talmadge, Williams, Goltz, McDermott, Hemstad, Lee, Fuller, Bluechel and Quigg

Establishing a conservation corps.

MOTIONS

On motion of Senator Hughes, Second Substitute Senate Bill No. 3624 was substituted for Senate Bill No. 3624 and the second substitute bill was placed on second reading and read the second time.

Senator Hughes moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This act shall be known as the civilian conservation corps act of 1983.

NEW SECTION. Sec. 2. The legislature declares that:

(1) A central element in the development of the state's young is the provision of meaningful work experience to teach the value of labor and membership in a productive society;

(2) It is important to provide an opportunity for group-oriented public service experiences for the state's young persons;

(3) The state is still benefiting from the wide range of public works accomplished by the conservation corps many years ago and that a similar program will likewise benefit future generations; and

(4) Values of hard work, public spiritedness, group achievement and cooperation, resource conservation, and environmental appreciation can and should be transmitted to society's youth through a conservation corps program.

NEW SECTION. Sec. 3. (1) There is established the ecology conservation corps within the department of ecology.

(2) Program goals shall include:

(a) Conservation, rehabilitation, and enhancement of the state's natural, historic, environmental, and recreational resources;

(b) Development of the state's youth resources through meaningful work experiences;

(c) Making outdoor and historic resources of the state available for public enjoyment;

(d) Teaching of the workings of natural, environmental, and biological systems, as well as basic employment skills;

(e) Assisting agencies in carrying out statutory assignments with limited funding resources; and

(f) Providing needed public services in both urban and rural settings.

(3) Specific work project areas of the conservation corps may include the following:

(a) Litter pickup as a supplement to the role of the litter patrol established by the model litter control and recycling act, chapter 70.93 RCW;

(b) Stream rehabilitation, including trash removal, in-stream debris removal, and clearance of log jams and silt accumulation;

(c) Minimum flow field work and stream gauging;

(d) Identification of indiscriminate solid waste dump sites;

(e) Laboratory and office assistance;

(f) General maintenance and custodial work at sewage treatment plants;

(g) Irrigation district assistance, including ditch cleaning and supervised work in surveying and engineering;

(h) Streambank erosion control; and

(i) Other projects as the director may determine. If a project requires certain levels of academic training, the director may assign corps members to categories of work projects according to educational background. If appropriate facilities are available, the director may authorize carrying out projects which involve overnight stays.

(4) The department shall avoid displacement of regular employees of the department.

(5) The director may adopt rules to carry out the purposes of this chapter. The director shall prepare a report concerning the activities of the corps members, costs and benefits of tasks completed, and progress towards accomplishing the purposes of this chapter. The report shall be submitted to the legislature within two years after the effective date of this act.

(6) The conservation corps shall use the youth employment exchange or, in its absence, other appropriate programs of the employment security department for recruitment of corps members.

NEW SECTION. Sec. 4. Conservation corps members shall be unemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States. The age requirements may be waived by

the department of ecology for members with special leadership or occupational skills; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. Special effort shall be made to recruit minority and disadvantaged youth who meet selection criteria of the conservation corps. Enrollment shall be for a period of six months which may be extended by mutual agreement of the corps and the corps member. Corps members shall be reimbursed at the minimum wage rate established by federal law: PROVIDED, That the conservation corps shall be operated, to the maximum extent possible, as a residential program and corps members being provided housing shall receive a stipend.

NEW SECTION, Sec. 5. Conservation corps members shall be selected based on their orientation towards public service, development of job skills and productive work habits, and character development. Special effort shall be made at the time of initial screening to explain rigorous productivity standards and special expectations and obligations of corps membership. An employment agreement shall be entered into by the corps member, indicating the member's understanding of, and willingness to abide by, such standards.

In the development of the corps program, the director of the department of ecology shall give consideration to providing corps members with a beneficial and meaningful work experience. Standards of productivity, behavior, and punctuality shall be developed and observed. Consideration shall be given to the development of a program that deserves the respect of the public, both in terms of service provided and personal development of corps members.

NEW SECTION, Sec. 6. The director of the department of ecology may enter into agreements with community colleges within the state's community college system and other educational and nonprofit institutions to provide special education in basic skills, including reading, writing, and mathematics for those conservation corps members who may benefit by participation in such classes. Classes shall be scheduled after corps working hours. Participation by members is not mandatory but shall be strongly encouraged. The participation shall be a primary factor in determining whether the opportunity for corps membership beyond six months shall be offered. Instruction related to the specific role of the department in resource conservation shall also be offered, either in a classroom setting or as is otherwise appropriate.

NEW SECTION, Sec. 7. (1) Facilities, supplies, instruments, and tools of the department of ecology shall be made available for use by the conservation corps to the extent that such use does not conflict with the normal duties of the department. The director of the department may purchase, rent, or otherwise acquire other necessary tools, facilities, supplies, and instruments. The director may enter into contracts with other public agencies at the state, local, or federal level for provision of services. Projects at the local level may include such tasks as road resurfacing, repair or replacement of street signs, operation and maintenance of park and recreation facilities, landscaping and public facility maintenance, and other appropriate projects.

(2) The department shall procure disability insurance for conservation corps members.

(3) The director may apply for, accept, and use grants or contributions of funds from any private source and may enter into agreements with the youth employment exchange or, in its absence, other appropriate programs of the employment security department for receipt and use of available funds to the extent that the use is consistent with the purposes of this chapter.

(4) Corps members are to be available at all times for emergency response services coordinated through the department of emergency services or other public agency. Duties may include sandbagging and flood cleanup, search and rescue, and other functions in response to emergencies.

NEW SECTION, Sec. 8. The director of ecology shall undertake a study to identify facilities which may lend themselves to providing residential accommodations for civilian conservation corps members in appropriate locations throughout the state. The study shall include an assessment of any needed costs for rehabilitation or renovation of such facilities, facility ownership, and potential for utilization agreements; any required lease or rental costs; and other appropriate matters. As a function of this study, the director shall seek an agreement with the Cispus educational center to establish a pilot residential conservation corps program. Such program shall utilize the dormitory facilities at the educational center and shall provide for meals and supervision at the center. The director may deduct appropriate amounts from wages of participating corps members to reflect costs of providing residential camp services. Results of this study shall be reported to the legislature by January 1, 1984.

NEW SECTION, Sec. 9. The director of ecology shall develop a community recycling pilot project. This recycling project shall utilize ecology conservation corps members in the establishment of recycling collection routes. As a function of this program, the department shall develop and produce, or contract to have developed and produced, a compartmentalized source separation container which may be used within the homes of a community for source separation of recyclable materials such as bottles, cans, paper, and other such materials. A public information process shall be undertaken to inform the residents of a selected community, town, or city, as identified by the director, of the nature of the project. Conservation corps members shall then contact community residents on a home-by-home basis, requesting participation in a recycling collection route and distributing the compartmentalized source separation containers to those homes participating. Thereafter, on a regular basis, the corps

members shall collect recyclable materials from the participating homes for recycling. Materials may then be delivered for reimbursement to the appropriate entity as determined by the director. All funds shall be returned, with receipt, to the recycling program supervisor. The director shall establish an advisory committee made up of representatives of the recycling community, a major state-wide industry group interested in recycling, the department of ecology, public interest groups, and such other persons as the director determines. This advisory committee shall monitor the development of the project and advise on various policy matters. These may include the appropriate use of collected funds and the feasibility of involvement of the conservation corps in other elements of the recycling system, such as providing labor to recycling centers for the various tasks associated with recycling, the appropriate disbursement of recycled materials generated through the recycling collection routes, and other matters as they develop. Consistent with its monitoring function, the committee shall assist the director in the development of a report to the legislature discussing the feasibility of the program and any problems encountered, the appropriateness of utilization of conservation corps members in such a community recycling project, generation of funds and costs, and the possibility of expansion of the program on a broader scale. The director shall present such a report to the legislature within two years after the effective date of this act.

NEW SECTION. Sec. 10. The state historic preservation officer shall review the state and national registers of historic places to identify publicly owned historic properties and sites within the state which are in need of rehabilitation or renovation and which could utilize ecology conservation corps members in such rehabilitation or renovation. Any such tasks shall be performed in such a way as not to conflict with the historic character of the structure as determined by the state historic preservation officer.

Conservation corps members shall be made available for tasks identified by the state historic preservation officer in the rehabilitation and renovation of historic sites within the state.

NEW SECTION. Sec. 11. The director shall develop a position of conservation corps coordinator, who shall be responsible for overall administration of the ecology conservation corps. The primary role of the conservation corps coordinator shall be the pursuit of agreements with other public entities, including federal, state, and local agencies, as well as with private, non-profit, resource conservation-related entities, for the provision of conservation corps services to projects which provide both a meaningful work experience and a worthwhile public benefit. Reimbursement for the cost of providing such services shall be required to the maximum extent possible. However, where such reimbursement is not available, conservation corps services may be provided without cost.

The conservation corps coordinator shall also, to the extent possible, be responsible for selection and retention of personnel and development of agreements with the community college system for provision of basic academic skills. Where other state resource agencies with conservation corps programs established by sections 3, 13, 19, 25, 31, and 37 of this act so request, the conservation corps coordinator may provide community college system coordinative services to these agencies.

NEW SECTION. Sec. 12. Sections 3 through 7 and 9 through 11 of this act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 13. (1) There is established the game conservation corps within the department of game.

(2) Program goals shall include:

(a) Conservation, rehabilitation, and enhancement of the state's natural, historic, environmental, and recreational resources;

(b) Development of the state's youth resources through meaningful work experiences;

(c) Making outdoor and historic resources of the state available for public enjoyment;

(d) Teaching of the workings of natural, environmental, and biological systems, as well as basic employment skills;

(e) Assisting agencies in carrying out statutory assignments with limited funding resources; and

(f) Providing needed public services in both urban and rural settings.

(3) Specific work project areas of the conservation corps may include habitat development, land clearing, construction projects, noxious weed control, brush cutting, reader board construction, painting, cleaning and repair of rearing ponds, fishtrap construction, brush clearance, spawning channel restoration to the extent that such restoration does not conflict with similar projects of the department of fisheries, log removal, nest box maintenance and cleaning, fence building, winter game feeding and herding, and such other projects as the director may determine. If appropriate facilities are available, the director may authorize carrying out projects which involve overnight stays.

(4) The department shall avoid displacement of regular employees of the department.

(5) The director may adopt rules to carry out the purposes of this chapter. The director shall prepare a report concerning the activities of the corps members, costs and benefits of tasks completed, and progress towards accomplishing the purposes of this chapter. The report shall be submitted to the legislature within two years after the effective date of this act.

(6) The conservation corps shall use the youth employment exchange or, in its absence, other appropriate programs of the employment security department for recruitment of corps members.

NEW SECTION. Sec. 14. Conservation corps members shall be unemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States. The age requirements may be waived by the department for members with special leadership or occupational skills; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. Special effort shall be made to recruit minority and disadvantaged youth who meet selection criteria of the conservation corps. Enrollment shall be for a period of six months which may be extended by mutual agreement of the corps and the corps member. Corps members shall be reimbursed at the minimum wage rate established by federal law: PROVIDED, That the conservation corps shall be operated, to the maximum extent possible, as a residential program and corps members being provided housing shall receive a stipend.

NEW SECTION. Sec. 15. Conservation corps members shall be selected based on their orientation towards public service, development of job skills and productive work habits, and character development. Special effort shall be made at the time of initial screening to explain rigorous productivity standards and special expectations and obligations of corps membership. An employment agreement shall be entered into by the corps member, indicating the member's understanding of, and willingness to abide by, such standards.

In the development of the corps program, the director shall give consideration to providing corps members with a beneficial and meaningful work experience. Standards of productivity, behavior, and punctuality shall be developed and observed. Consideration shall be given to the development of a program that deserves the respect of the public, both in terms of service provided and personal development of corps members.

NEW SECTION. Sec. 16. The director may enter into agreements with community colleges within the state's community college system and other educational and nonprofit institutions to provide special education in basic skills, including reading, writing, and mathematics for those conservation corps members who may benefit by participation in such classes. Classes shall be scheduled after corps working hours. Participation by members is not mandatory but shall be strongly encouraged. The participation shall be a primary factor in determining whether the opportunity for corps membership beyond six months shall be offered. Instruction related to the specific role of the department in resource conservation shall also be offered, either in a classroom setting or as is otherwise appropriate.

NEW SECTION. Sec. 17. (1) Facilities, supplies, instruments, and tools of the department shall be made available for use by the conservation corps to the extent that such use does not conflict with the normal duties of the department. The director may purchase, rent, or otherwise acquire other necessary tools, facilities, supplies, and instruments.

(2) The department shall procure disability insurance for conservation corps members.

(3) The director may apply for, accept, and use grants or contributions of funds from any private source and may enter into agreements with the youth employment exchange or, in its absence, other appropriate programs of the employment security department for receipt and use of available funds to the extent that the use is consistent with the purposes of this chapter.

(4) Corps members are to be available at all times for emergency response services coordinated through the department of emergency services or other public agency. Duties may include sandbagging and flood cleanup, search and rescue, and other functions in response to emergencies.

NEW SECTION. Sec. 18. Sections 13 through 17 of this act shall constitute a new chapter in Title 77 RCW.

NEW SECTION. Sec. 19. (1) There is established the natural resources conservation corps within the department of natural resources.

(2) Program goals shall include:

(a) Conservation, rehabilitation, and enhancement of the state's natural, historic, environmental, and recreational resources;

(b) Development of the state's youth resources through meaningful work experiences;

(c) Making outdoor and historic resources of the state available for public enjoyment;

(d) Teaching of the workings of natural, environmental, and biological systems, as well as basic employment skills;

(e) Employing agencies in carrying out statutory assignments with limited funding resources; and

(f) Providing needed public services in both urban and rural settings.

(3) Specific work project areas of the conservation corps may include research assistance, recreation projects, slash disposal, pit site reclamation, road deactivation, animal damage control, reforestation, wood cutting, firewood systems development, noxious weed control, fence construction and maintenance, wood products manufacturing, riparian area cleaning, spring development for grazing, erosion control, control of fires, and such other projects as the

commissioner may determine. If appropriate facilities are available, the commissioner may authorize carrying out projects which involve overnight stays.

(4) The department of natural resources shall avoid displacement of regular employees of the department.

(5) The commissioner may adopt rules to carry out the purposes of this chapter. The commissioner shall prepare a report concerning the activities of the corps members, costs and benefits of tasks completed, and progress towards accomplishing the purposes of this chapter. The report shall be submitted to the legislature within two years after the effective date of this act.

(6) The conservation corps shall use the youth employment exchange or, in its absence, other appropriate programs of the employment security department for recruitment of corps members.

NEW SECTION. Sec. 20. Conservation corps members shall be unemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States. The age requirements may be waived by the department of natural resources for members with special leadership or occupational skills; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. Special effort shall be made to recruit minority and disadvantaged youth who meet selection criteria of the conservation corps. Enrollment shall be for a period of six months which may be extended by mutual agreement of the corps and the corps member. Corps members shall be reimbursed at the minimum wage rate established by federal law; PROVIDED, That the conservation corps shall be operated, to the maximum extent possible, as a residential program and corps members being provided housing shall receive a stipend.

NEW SECTION. Sec. 21. Conservation corps members shall be selected based on their orientation towards public service, development of job skills and productive work habits, and character development. Special effort shall be made at the time of initial screening to explain rigorous productivity standards and special expectations and obligations of corps membership. An employment agreement shall be entered into by the corps member, indicating the member's understanding of, and willingness to abide by, such standards.

In the development of the corps program, the commissioner of public lands shall give consideration to providing corps members with a beneficial and meaningful work experience. Standards of productivity, behavior, and punctuality shall be developed and observed. Consideration shall be given to the development of a program that deserves the respect of the public, both in terms of service provided and personal development of corps members.

NEW SECTION. Sec. 22. The commissioner of public lands may enter into agreements with community colleges within the state's community college system and other educational and nonprofit institutions to provide special education in basic skills, including reading, writing, and mathematics for those conservation corps members who may benefit by participation in such classes. Classes shall be scheduled after corps working hours. Participation by members is not mandatory but shall be strongly encouraged. The participation shall be a primary factor in determining whether the opportunity for corps membership beyond six months shall be offered. Instruction related to the specific role of the department of natural resources in resource conservation shall also be offered, either in a classroom setting or as is otherwise appropriate.

NEW SECTION. Sec. 23. (1) Facilities, supplies, instruments, and tools of the department of natural resources shall be made available for use by the conservation corps to the extent that such use does not conflict with the normal duties of the department. The commissioner of public lands may purchase, rent, or otherwise acquire other necessary tools, facilities, supplies, and instruments.

(2) The department shall procure disability insurance for conservation corps members.

(3) The commissioner may apply for, accept, and use grants or contributions of funds from any private source and may enter into agreements with the youth employment exchange or, in its absence, other appropriate programs of the employment security department for receipt and use of available funds to the extent that the use is consistent with the purposes of this chapter.

(4) Corps members are to be available at all times for emergency response services coordinated through the department of emergency services or other public agency. Duties may include sandbagging and flood cleanup, search and rescue, and other functions in response to emergencies.

NEW SECTION. Sec. 24. Sections 19 through 23 of this act shall constitute a new chapter in Title 79 RCW.

NEW SECTION. Sec. 25. (1) There is established the fisheries conservation corps within the department of fisheries.

(2) Program goals shall include:

(a) Conservation, rehabilitation, and enhancement of the state's natural, historic, environmental, and recreational resources;

(b) Development of the state's youth resources through meaningful work experiences;

- (c) Making outdoor and historic resources of the state available for public enjoyment;
- (d) Teaching of the workings of natural, environmental, and biological systems, as well as basic employment skills;
- (e) Assisting agencies in carrying out statutory assignments with limited funding resources; and
- (f) Providing needed public services in both urban and rural settings.

(3) Specific work project areas of the conservation corps may include stream rehabilitation, fish hatchery operation and maintenance, fish tagging, and such other projects as the director may determine. If appropriate facilities are available, the director may authorize carrying out projects which involve overnight stays.

(4) The department shall avoid displacement of regular employees of the department.

(5) The director may adopt rules to carry out the purposes of this chapter. The director shall prepare a report concerning the activities of the corps members, costs and benefits of tasks completed, and progress towards accomplishing the purposes of this chapter. The report shall be submitted to the legislature within two years after the effective date of this act.

(6) The conservation corps shall use the youth employment exchange or, in its absence, other appropriate programs of the employment security department for recruitment of corps members.

NEW SECTION. Sec. 26. Conservation corps members shall be unemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States. The age requirements may be waived by the department for members with special leadership or occupational skills; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. Special effort shall be made to recruit minority and disadvantaged youth who meet selection criteria of the conservation corps. Enrollment shall be for a period of six months which may be extended by mutual agreement of the corps and the corps member. Corps members shall be reimbursed at the minimum wage rate established by federal law: PROVIDED, That the conservation corps shall be operated, to the maximum extent possible, as a residential program and corps members being provided housing shall receive a stipend.

NEW SECTION. Sec. 27. Conservation corps members shall be selected based on their orientation towards public service, development of job skills and productive work habits, and character development. Special effort shall be made at the time of initial screening to explain rigorous productivity standards and special expectations and obligations of corps membership. An employment agreement shall be entered into by the corps member, indicating the member's understanding of, and willingness to abide by, such standards.

In the development of the corps program, the director of fisheries shall give consideration to providing corps members with a beneficial and meaningful work experience. Standards of productivity, behavior, and punctuality shall be developed and observed. Consideration shall be given to the development of a program that deserves the respect of the public, both in terms of service provided and personal development of corps members.

NEW SECTION. Sec. 28. The director of fisheries may enter into agreements with community colleges within the state's community college system and other educational and nonprofit institutions to provide special education in basic skills, including reading, writing, and mathematics for those conservation corps members who may benefit by participation in such classes. Classes shall be scheduled after corps working hours. Participation by members is not mandatory but shall be strongly encouraged. The participation shall be a primary factor in determining whether the opportunity for corps membership beyond six months shall be offered. Instruction related to the specific role of the department of fisheries in resource conservation shall also be offered, either in a classroom setting or as is otherwise appropriate.

NEW SECTION. Sec. 29. (1) Facilities, supplies, instruments, and tools of the department shall be made available for use by the conservation corps to the extent that such use does not conflict with the normal duties of the department. The director may purchase, rent, or otherwise acquire other necessary tools, facilities, supplies, and instruments.

(2) The department shall procure disability insurance for conservation corps members.

(3) The director may apply for, accept, and use grants or contributions of funds from any private source and may enter into agreements with the youth employment exchange or, in its absence, other appropriate programs of the employment security department for receipt and use of available funds to the extent that the use is consistent with the purposes of this chapter.

(4) Corps members are to be available at all times for emergency response services coordinated through the department of emergency services or other public agency. Duties may include sandbagging and flood cleanup, search and rescue, and other functions in response to emergencies.

NEW SECTION. Sec. 30. Sections 25 through 29 of this act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. Sec. 31. (1) There is established the agriculture conservation corps within the department of agriculture.

(2) Program goals shall include:

(a) Conservation, rehabilitation, and enhancement of the state's natural, historic, environmental, and recreational resources;

(b) Development of the state's youth resources through meaningful work experiences;

(c) Making outdoor and historic resources of the state available for public enjoyment;

(d) Teaching of the workings of natural, environmental, and biological systems, as well as basic employment skills;

(e) Assisting agencies in carrying out statutory assignments with limited funding resources; and

(f) Providing needed public services in both urban and rural settings.

(3) Specific work project areas of the conservation corps may include insect detection and control, noxious weed removal, and irrigation district canal maintenance, and such other projects as the director may determine. If appropriate facilities are available, the director may authorize carrying out projects which involve overnight stays.

(4) The department of agriculture shall avoid displacement of regular employees of the department.

(5) The director may adopt rules to carry out the purposes of this chapter. The director shall prepare a report concerning the activities of the corps members, costs and benefits of tasks completed, and progress towards accomplishing the purposes of this chapter. The report shall be submitted to the legislature within two years after the effective date of this act.

(6) The conservation corps shall use the youth employment exchange or, in its absence, other appropriate programs of the employment security department for recruitment of corps members.

NEW SECTION. Sec. 32. Conservation corps members shall be unemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States. The age requirements may be waived by the department for members with special leadership or occupational skills; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. Special effort shall be made to recruit minority and disadvantaged youth who meet selection criteria of the conservation corps. Enrollment shall be for a period of six months which may be extended by mutual agreement of the corps and the corps member. Corps members shall be reimbursed at the minimum wage established by federal law: PROVIDED, That the conservation corps shall be operated, to the maximum extent possible, as a residential program and corps members being provided housing shall receive a stipend.

NEW SECTION. Sec. 33. Conservation corps members shall be selected based on their orientation towards public service, development of job skills and productive work habits, and character development. Special effort shall be made at the time of initial screening to explain rigorous productivity standards and special expectations and obligations of corps membership. An employment agreement shall be entered into by the corps member, indicating the member's understanding of, and willingness to abide by, such standards.

In the development of the corps program, the director shall give consideration to providing corps members with a beneficial and meaningful work experience. Standards of productivity, behavior, and punctuality shall be developed and observed. Consideration shall be given to the development of a program that deserves the respect of the public, both in terms of service provided and personal development of corps members.

NEW SECTION. Sec. 34. The director of agriculture may enter into agreements with community colleges within the state's community college system and other educational and non-profit institutions to provide special education in basic skills, including reading, writing, and mathematics for those conservation corps members who may benefit by participation in such classes. Classes shall be scheduled after corps working hours. Participation by members is not mandatory but shall be strongly encouraged. The participation shall be a primary factor in determining whether the opportunity for corps membership beyond six months shall be offered. Instruction related to the specific role of the department in resource conservation shall also be offered, either in a classroom setting or as is otherwise appropriate.

NEW SECTION. Sec. 35. (1) Facilities, supplies, instruments, and tools of the department of agriculture shall be made available for use by the conservation corps to the extent that such use does not conflict with the normal duties of the department. The director may purchase, rent, or otherwise acquire other necessary tools, facilities, supplies, and instruments.

(2) The department shall procure disability insurance for conservation corps members.

(3) The director may apply for, accept, and use grants or contributions of funds from any private source and may enter into agreements with the youth employment exchange or, in its absence, other appropriate programs of the employment security department for receipt and use of available funds to the extent that the use is consistent with the purposes of this chapter.

(4) Corps members are to be available at all times for emergency response services coordinated through the department of emergency services or other public agency. Duties may include sandbagging and flood cleanup, search and rescue, and other functions in response to emergencies.

NEW SECTION. Sec. 36. Sections 31 through 35 of this act shall constitute a new chapter in Title 15 RCW.

NEW SECTION. Sec. 37. In response to (1) the highest unemployment rate in the state of Washington since the great depression, (2) the need to conserve, improve, maintain, and renovate public lands and facilities which are used by millions of domestic and foreign visitors each year and serve as an important asset to tourism, and (3) the need to enhance stream habitats for the benefit of the state's fisheries, there is hereby created within the state parks and recreation commission the Washington conservation corps.

NEW SECTION. Sec. 38. (1) The Washington conservation corps shall provide jobs to individuals who at the time of hire are:

- (a) Between eighteen and twenty-five years of age;
- (b) Unemployed;
- (c) Residents of the state; and
- (d) Citizens or lawful permanent residents of the United States.

(2) Further eligibility requirements and qualifications for the specific jobs performed by the corps may be established by the commission.

NEW SECTION. Sec. 39. The Washington conservation corps shall work on projects which:

(1) Relate to the conservation, improvement, maintenance, or renovation of state park areas or facilities;

(2) Can be planned and initiated promptly;

(3) Are labor intensive;

(4) Do not require substantial expenditures for materials;

(5) Involve employment experiences applicable to future job opportunities;

(6) Result in lasting benefit to the public; and

(7) Address the employment needs of counties most severely affected by unemployment.

NEW SECTION. Sec. 40. The conservation corps shall use the youth employment exchange or, in its absence, other appropriate programs of the employment security department for recruitment of corps members.

NEW SECTION. Sec. 41. Washington conservation corps members shall be reimbursed at the minimum wage rate established by federal law: PROVIDED, That the conservation corps shall be operated, to the maximum extent possible, as a residential program and corps members being provided housing shall receive a stipend. Other provisions of law relating to civil service, hours of work, rate of compensation, sick leave, unemployment compensation, state retirement plans, and vacation leave do not apply to the Washington conservation corps except for the crew leaders, who shall be project employees, and the administrative and supervisory personnel. The state parks and recreation commission shall hire crew leaders and such other administrative and supervisory personnel as necessary to carry out the purposes of sections 37 through 44 of this act. The commission may make reasonable arrangements for supervision of stream habitat enhancement projects under section 39(1)(b) of this act.

NEW SECTION. Sec. 42. The maximum period of employment for a member of the corps shall be two thousand hours.

NEW SECTION. Sec. 43. The commission may apply for, accept, and use grants or contributions of funds from any private source and may enter into agreements with the youth employment exchange or, in its absence, other appropriate programs of the employment security department for receipt and use of available funds to the extent that the use is consistent with the purposes of sections 37 through 44 of this act.

NEW SECTION. Sec. 44. The state parks and recreation commission may adopt rules for the administration of the Washington conservation corps.

NEW SECTION. Sec. 45. The state parks and recreation commission shall prepare a report on the Washington conservation corps which shall be submitted to the governor and the legislature no later than December 1, 1984.

NEW SECTION. Sec. 46. Sections 37 through 44 of this act shall be added to chapter 43.51 RCW.

NEW SECTION. Sec. 47. There is added to chapter 41.06 RCW a new section to read as follows:

Provisions of law with respect to hours of work, vacation and sick leave, civil service, public retirement, and unemployment compensation are not applicable members of the conservation corps established under sections 3, 13, 19, 25, 31, and 37 of this act.

NEW SECTION. Sec. 48. There is added to chapter 50.08 RCW a new section to read as follows:

The employment security department is designated as the state program agency for application for and receipt of any federal funds allocated for purposes consistent with the conservation corps programs established by sections 3, 13, 19, 25, 31, and 37 of this act. The department shall use the youth employment exchange to allocate such funds consistent with federal law.

NEW SECTION. Sec. 49. 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 Guess moved the following amendment to the amendment be adopted:

On page 1, line 12, after "state's" strike "young" and insert "youth"

On motion of Senator Shinpoch, further discussion of Second Substitute Senate Bill No. 3624 was deferred and the bill held its place on the calendar.

SECOND READING

ENGROSSED HOUSE BILL NO. 284, by Representatives Tilly, Dickie, Tanner, Egger, Fisch, Nealey, Fuhrman, Braddock and Silver

Modifying provisions relating to solemnization of marriage.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, page 404, Laws of 1854 as last amended by section 69, chapter 81, Laws of 1971 and RCW 26.04.050 are each amended to read as follows:

The following named officers and persons are hereby authorized to solemnize marriages, to wit: Justices of the supreme court, judges of the court of appeals, judges of the superior courts, any regularly licensed or ordained minister or any priest of any church or religious denomination anywhere within the state, and (~~justices of the peace~~) judges of any court of limited jurisdiction, as defined in RCW 3.02.010, within their respective counties.

Sec. 2. Section 100, chapter 299, Laws of 1961 as last amended by section 8, chapter 162, Laws of 1980 and RCW 3.58.010 are each amended to read as follows:

The annual salary of each full time district court judge shall be ninety percent of the salary of a judge of a superior court: PROVIDED, That in cities having a population in excess of four hundred thousand, the city which pays the salary may increase such salary of its municipal judges to an amount not more than the salary paid the superior court judges in the county in which the court is located(~~(-PROVIDED FURTHER, That no full time district court judge shall perform any civil marriage between 8:00 a.m. and 5:00 p.m. Monday through Friday)~~); PROVIDED FURTHER, That a member of the legislature whose term of office is partly coextensive with or extends beyond the present term of office of any of the officials whose salary is increased by virtue of the provisions of RCW 43.03.010, 2.04.090, 2.06.060, 2.08.090, and 3.58.010, as now or hereafter amended, shall be eligible to be appointed or elected to any of the offices the salary of which is increased hereby but he shall not be entitled to receive such increased salary until after the expiration of his present term of office and his subsequent election or reelection to the office to which he was appointed or elected respectively during his term of office as legislator.

Sec. 3. Section 122, chapter 299, Laws of 1961 and RCW 3.66.110 are each amended to read as follows:

It shall be a breach of judicial ethics for any (~~justice of the peace~~) judge of any court of limited jurisdiction, as defined in RCW 3.02.010, to advertise in any manner that he or she is authorized to solemnize marriages. Any violation of this section shall be grounds for forfeiture of office."

On motion of Senator Vognild, Senator Hurley was excused.

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 284, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 284, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 284, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 00; excused, 08.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Excused: Senators Barr, Goltz, Hurley, Kiskaddon, Metcalf, Pullen, Quigg, von Reichbauer

ENGROSSED HOUSE BILL NO. 284, as amended by the Senate, having received the constitutional majority, 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. 304, by Representatives Walk, Vekich and Fisch (by State Patrol request)

Authorizing the appointment of state employees as special deputies in the state patrol.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the rules were suspended, Engrossed House Bill No. 304 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Deccio: "Senator Warnke, what would the duties be of the individual who is in the treasurer's office to be deputized?"

Senator Warnke: "The duties presently--and the limited authority granted by the patrol--are that they would accompany the large transactions of cash which come in and out of the state treasurer's office. This would allow that person to be deputized."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 304.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 304, and the bill passed the Senate by the following vote: Yeas, 40; nays, 01; absent, 00; excused, 08.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Sellar, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Voting nay: Senator Rinehart - 1.

Excused: Senators Barr, Goltz, Hurley, Kiskaddon, Metcalf, Pullen, Quigg, von Reichbauer - 8.

ENGROSSED HOUSE BILL NO. 304, having received the constitutional majority, 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. 313, by Representatives Belcher, Hankins and Walk (by Planning and Community Affairs Agency request) (by Office of Financial Management request) (by Department of General Administration request)

Transferring responsibility for state fire protection contracts to the planning and community affairs agency.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 313 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 313.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 313, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 00; excused, 08.

Voting yeas: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Excused: Senators Barr, Goltz, Hurley, Kiskaddon, Metcalf, Pullen, Quigg, von Reichbauer - 8.

HOUSE BILL NO. 313, having received the constitutional majority, 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 Judiciary (originally sponsored by Representatives Appelwick and Dellwo)

Equalizing interest on judgments.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, 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.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 328.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 328, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 00; excused, 08.

Voting yeas: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Excused: Senators Barr, Goltz, Hurley, Kiskaddon, Metcalf, Pullen, Quigg, von Reichbauer - 8.

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

On motion of Senator Shinpoch, Engrossed House Bill No. 724 was placed at the bottom of the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 359, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, B. Williams, Sommers, Lewis, Walk, Dellwo and Niemi)

Establishing guidelines for the regulation of health professions and occupations not now regulated.

The bill was read the second time.

MOTIONS

On motion of Senator McManus, the following Committee on Social and Health Services amendments were considered and adopted simultaneously:

On page 8, line 27, strike "a permanent fund" and insert "an account within the general fund"

On page 8, line 28, strike "fund" and insert "account"

On page 8, line 32, strike "fund" and insert "account"

On page 8, line 34, strike "fund" and insert "account"

On page 8, line 35, strike "fund" and insert "account"

On page 9, line 9, strike "fund" and insert "account"

On page 9, line 13, strike "fund" and insert "account"

On page 10, line 8, strike "fund" and insert "account"

Senator Moore moved adoption of the following amendment:

On page 11, after line 28, insert the following:

NEW SECTION. Sec. 14. There is added to chapter 18.29 RCW a new section to read as follows:

The director of licensing shall appoint a committee of three licensed dental hygienists to prepare and conduct examinations for dental hygiene licensure. The committee shall require an applicant for licensure to pass an examination consisting of written and practical tests upon such subjects and of such scope as the committee determines. The standards for passage of the examination shall be set by the committee.

At least two examinations shall be given each calendar year in conjunction with examinations for licensure of dentists under chapter 18.32 RCW.

NEW SECTION. Sec. 15. Section 29, chapter 16, Laws of 1923, section 2, chapter 47, Laws of 1969, section 31, chapter 158, Laws of 1979 and RCW 18.29.030 are each repealed.

NEW SECTION. Sec. 16. Sections 14 and 15 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing institutions, and shall take effect immediately."

Renumber the sections consecutively.

POINT OF ORDER

Senator Zimmerman: "Mr. President, a point of order. I ask for scope and object on this particular amendment."

Debate ensued.

MOTIONS

On motion of Senator Shipoch, further consideration of Substitute House Bill No. 359, as amended by the Senate, was deferred and the bill held its place on the calendar.

On motion of Senator Vognild, Senator Woody was excused.

SECOND READING

HOUSE BILL NO. 373, by Representatives Braddock, Kreidler, J. King, Stratton and Ballard

Making the appointment of county drug abuse administrative boards non-mandatory.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 373 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 373.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 373, and the bill passed the Senate by the following vote: Yeas, 40; nays, 00; absent, 00; excused, 09.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 40.

Excused: Senators Barr, Goltz, Hurley, Kiskaddon, Metcalf, Pullen, Quigg, von Reichbauer, Woody - 9.

HOUSE BILL NO. 373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 383, by Committee on Judiciary (originally sponsored by Representatives Rust, Mitchell and Fiske)

Modifying the standard of care of health care providers in negligence actions.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 383 was advanced to third reading, the second reading considered the third, and the bill was 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. 383.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 383, and the bill passed the Senate by the following vote: Yeas, 40; nays, 00; absent, 00; excused, 09.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 40.

Excused: Senators Barr, Goltz, Hurley, Kiskaddon, Metcalf, Pullen, Quigg, von Reichbauer, Woody - 9.

SUBSTITUTE HOUSE BILL NO. 383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Rasmussen, House Bill No. 390 held its place on the second reading calendar for action tomorrow, April 17, 1983.

MOTION

At 5:54 p.m., on motion of Senator Shinpoch, the Senate adjourned until 1:30 p.m., Sunday, April 17, 1983.

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

NINETY-EIGHTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, April 17, 1983

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Kiskaddon, Pullen and Woody. On motion of Senator Vognild, Senator Woody was excused. On motion of Senator Bluechel, Senators Kiskaddon and Pullen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Elizabeth Woody and Valerie Larson, presented the Colors. Reverend Raymond Hood, pastor of the Olympia-Lacey Church of God, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 16, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 95,

HOUSE BILL NO. 146,

HOUSE BILL NO. 180,

HOUSE BILL NO. 183, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 16, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 208,

HOUSE BILL NO. 259,

SUBSTITUTE HOUSE BILL NO. 266, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 95,

HOUSE BILL NO. 146,

HOUSE BILL NO. 180,

HOUSE BILL NO. 183,

HOUSE BILL NO. 208,

HOUSE BILL NO. 259,

SUBSTITUTE HOUSE BILL NO. 266.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 498, by Committee on Judiciary (originally sponsored by Representatives Crane, Armstrong, Padden, Jacobsen, Appelwick, Todd, Isaacson, Silver, Schoon, Holland and Johnson)

Modifying provisions relating to driving while intoxicated.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 498 was advanced to third reading, the second reading considered the third, and the bill was 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. 498.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 498, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Guigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Kiskaddon, Pullen, Woody - 3.

SUBSTITUTE HOUSE BILL NO. 498, having received the constitutional majority, 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. 747, by Representative Armstrong (by Uniform Legislation Commission request)

Revising provisions of the uniform limited partnership act.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, line 19 after "certificate" insert "or statement"

On motion of Senator Talmadge, the rules were suspended, House Bill No. 747, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 747, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 747, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Guigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Kiskaddon, Pullen, Woody - 3.

HOUSE BILL NO. 747, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 925, by Representatives McMullen and Armstrong

Enacting the Uniform Conflict of Laws--Limitations Act.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 925 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 925.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 925, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Taimadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Kiskaddon, Pullen, Woody - 3.

HOUSE BILL NO. 925, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Second Substitute Senate Bill No. 3624 and the pending striking amendment by Senator Hughes and the pending amendment to the amendment by Senator Guess on page 1, line 12, deferred April 16, 1983.

The President declared the question before the Senate to be adoption of the amendment by Senator Guess to the amendment by Senator Hughes.

The motion by Senator Guess carried and the amendment to the amendment was adopted.

MOTION

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

Amend the Senate amendment as follows:

Beginning on page 4, line 35 of the amendment, strike all of the material after the colon on line 35 and insert:

"PROVIDED, That eighty percent of the expenditures for conservation corps programs is to be used for residential conservation corps programs, or alternatively, eighty percent of conservation corps personnel are to be involved in residential conservation corps programs."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Haley to the Hughes amendment.

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

MOTION

Senator Williams moved the following amendments to the amendment be considered and adopted simultaneously:

Amend the amendment as follows:

On page 10 of the amendment, strike all of Sec. 10.

On page 35 of the amendment, following line 1, insert a new section to read as follows:

"NEW SECTION, Sec. 44. The state historic preservation officer shall review the state and national registers of historic places to identify publicly owned historic properties and sites within the state which are in need of rehabilitation or renovation and which could utilize conservation corps members in such rehabilitation or renovation. Any such task shall be performed in such a way as not to conflict with the historic character of the structure as determined by the state historic preservation officer.

Conservation corps members shall be made available for tasks identified by the state historic preservation officer in the rehabilitation and renovation of historic sites within the state."

Re-number the remaining sections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Williams, while we are in the process of adopting-- and rather than waiting and talking in the third reading--in the last two or three lines of that amendment, it says 'conservation corps members shall be made available for tasks identified by the state historic preservation officer in the rehabilitation

and renovating of historic sites within the state.' The first question that I would like to ask, where is the money going to come from for that renovation?"

Senator Williams: "Senator, I don't know. I am not a participant in sponsoring this bill or having developed it. The amendment doesn't speak to where those sources of funds will come from."

Guess: "The second question I would ask then--Senator Hughes, would you answer that question?"

Senator Hughes: "Yes, Senator Guess. The budget will reference a total amount of five million dollars for the civilian conservation corps to be broken down by the following basis--thirty-three percent to go to the Department of Ecology; twenty-two percent to go to the Department of Natural Resources; eleven percent to the Department of Agriculture, eleven to Game, eleven to Fisheries and eleven to Parks. These are percentages worked out with the various department heads and they are referenced in the budget."

Senator Guess: "I was curious--if a structure was on the historic preservation list or the natural register and it was, also, owned by a private person, could the employees--the conservation corps members--use state money to rehabilitate that particular structure for and in behalf and to the benefit of the private citizen who lived there?"

Senator Williams: "If I might answer that. My answer would be 'no' to that. The state funds cannot be used for the benefit of private structures--historic structures--owned by private citizens. State funds cannot be used for that."

Further debate ensued.

MOTION

On motion of Senator Clarke, the word "shall" on the first line of the last paragraph of the second amendment was changed to "may."

POINT OF ORDER

Senator Hayner: "A point of order, Mr. President. I have some concern about this amendment, because there is some doubt as to how it applies. I would bring up the question of scope and object on this amendment."

Debate ensued.

MOTION

On motion of Senator Shinpoch, further consideration of Second Substitute Senate Bill No. 3624 was deferred.

MOTION TO WITHDRAW POINT OF ORDER

On motion of Senator Zimmerman, and there being no objection, the Point of Order raised on April 16, 1983, on the amendment relating to Substitute House Bill No. 359 was withdrawn.

MOTION

At 2:11 p.m., on motion of Senator Shinpoch, the Senate recessed until 5:00 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 5:00 p.m.

PERSONAL PRIVILEGE

Senator Haley: "A point of personal privilege. I think a complaint is in order about the last two hours that the majority party has kept the minority party sitting around doing nothing on a beautiful Sunday afternoon when it would have been nice to have been home spending time with family. I just hope it doesn't happen again."

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Second Substitute Senate Bill No. 3624 and the pending striking amendment by Senator Hughes and the pending amendments to the amendment by Senator Williams, deferred earlier this afternoon.

POINT OF INQUIRY

Senator Hayner: "Senator Hughes, in section 44 of Second Substitute Senate Bill No. 3624, it states that the state historic preservation officer shall review the state natural register to identify publicly-owned historic property and sites within the state which are in need of rehabilitation or renovation. In the event that these properties are city or county property, I would assume that it is your intention that the state historical preservation officer would confer with those city and county groups to see if they were in accord with whatever was being suggested."

Senator Hughes: "Senator Hayner, I would agree totally and particularly if there is any litigation involved. I would think that would be incumbent upon the officer to do so and that is certainly the intention of this bill."

MOTION

On motion of Senator Hayner, and there being no objection, the Point of Order raised earlier this afternoon on the amendment relating to Second Substitute Senate Bill No. 3624 was withdrawn.

The President declared the question before the Senate to be adoption of the amendments by Senator Williams to the Hughes amendment.

The motion by Senator Williams carried and the amendments to the amendment were adopted.

The President declared the question before the Senate to be adoption of the Hughes amendment, as amended.

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

MOTIONS

On motion of Senator Hughes, the following title amendment was adopted:

On page 1, line 1 of the title, after "conservation;" strike the remainder of the title and insert "creating new sections; adding a new chapter to Title 90 RCW; adding a new chapter to Title 77 RCW; adding a new chapter to Title 79 RCW; adding a new chapter to Title 75 RCW; adding a new chapter to Title 15 RCW; adding new sections to chapter 43.51 RCW; adding a new section to chapter 41.06 RCW; and adding a new section to chapter 50.08 RCW."

On motion of Senator Hughes, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3624 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 Hurley: "Senator Hughes, I have seen some of the improvements in state parks--the trails, the bridges and things like this that we still have existing at this time. I know that all the benefits aren't just visible, but many of those benefits accrued to the workers themselves in many ways. I wonder if you can tell me if there is sufficient criteria in this bill to provide the discipline and the character development and the actual really good clear-cut work experience that some of these young people need."

Senator Hughes: "Thank you, Senator Hurley. I think that anybody who was present at the testimony before the Parks and Ecology Committee could not help but be moved by the very strong statements made by people who are now senior citizens--who were really given a second opportunity. Not to disagree with a single word of Senator Quigg, I think that the private sector, also, should be encouraged to develop a program like that. I would certainly lend my support to that. I think in a time when we have near record unemployment and in some areas of this state we have unemployment rivaling the levels of the depression, it is important that we provide work opportunity.

"Senator Hurley, in this bill, there is criteria for encouragement and advancement in their educational opportunities--for understanding and pursuing actively the efforts to conserve and preserve the resources of this state--the stressing of the importance of high moral character in group activity, so I think that the real benefits, in this state, will accrue for generation after generation. I strongly urge that you lend your support to this."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3624.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3624, and the bill passed the Senate by the following vote: Yeas, 41; nays, 06; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Barr, Craswell, Haley, McCaslin, Newhouse, Sellar - 6.

Absent: Senator Hemstad - 1.

Excused: Senator Pullen - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3624, having received the constitutional majority, 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. 446, by Representatives Sayan, Dellwo, Todd, Allen, Holland, Lux, Vekich, Patrick, Crane, Brough, Ebersole, Belcher, Fisch, Fisher, Niemi, Kreidler, Betzoff, Smitherman, Zellinsky, Ristuben, Powers and Miller.

Permitting access by employees to their personnel files.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendments were adopted simultaneously:

On page 1, line 7, after "inspect" strike "the" and insert "his or her own"

On page 1, line 7, after "personnel" strike "files" and insert "file(s)"

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 1, line 10, after "actions" insert "for the sole purpose of determining if the personnel file contains irrelevant or erroneous information"

On motion of Senator Vognild, the following amendment by Senators Vognild and Hayner was adopted:

On page 1, section 2, line 12, after the word "file" add "at the employer's place of business or"

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 446, 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 Fuller: "Senator Vognild, it says 'every employer shall'--and so on. Does this mean that employers who hire a great many persons on a casual basis will be forced to set up and maintain a personnel file of some kind?"

Senator Vognild: "No, Senator Fuller. What it means is that every employer who does, in the course of business maintain files, must allow the employee to inspect those files. It does not instruct any employer to maintain files if they do not now do it."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 446, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 446, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 18; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson,

Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 18.

Excused: Senator Pullen - 1.

ENGROSSED HOUSE BILL NO. 446, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Talmadge, the Senate resumed consideration of Engrossed House Bill No. 239, deferred April 16, 1983.

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 239, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Peterson: "Senator Talmadge, I raised the point when we had this bill under discussion--about in small communities where, perhaps, you only have one polling place--would this preclude, for instance, a campaign sign or that type of activity within three hundred feet of the polling place?"

Senator Talmadge: "My answer to that, Senator Peterson, would be 'no.' The reason for that is--first, it applies only to public property, not to private property. The person who had a yard sign in their yard, this bill would not affect that. Secondly, if you use the measurement of three hundred feet from the polling place, itself, as opposed to--say the school building or the church or the community center or where the polling took place--three hundred feet and one hundred feet may be pretty close to a wash."

Senator Peterson: "Then, it wouldn't preclude a yard sign or a sign in a window or something within three hundred feet of the polling place?"

Senator Talmadge: "No, it would not preclude a yard sign. If someone was parked in a parking lot with a sticker on the car, if that was not done for intentionally political purposes, I would suspect that this bill does not affect that either."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 239, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 239, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 03; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Hughes, Quigg, von Reichbauer - 3.

Excused: Senator Pullen - 1.

ENGROSSED HOUSE BILL NO. 239, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute House Bill No. 359 and the pending amendment by Senator Moore on page 11, after line 28, deferred April 16, 1983.

The President declared the question before the Senate to be adoption of the amendment by Senator Moore.

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

MOTIONS

On motion of Senator McManus, the following title amendment was adopted:

On page 1, line 8 of the title, after "18 RCW;" insert "adding a new section to chapter 18.29 RCW;" and on line 12, after "43.24.085" insert "; repealing section 29, chapter 16, Laws of 1923, section 2, chapter 47, Laws of 1969, section 31, chapter 158, Laws of 1979 and RCW 18.29.030; and declaring an emergency"

On motion of Senator McManus, the rules were suspended, Substitute House Bill No. 359, 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 Zimmerman: "Senator McManus, in connection with the amendment we did adopt, which deals with the testing of dental hygienists, do you see this as a beginning or an opening of the door to the full licensure beyond what their present scope of licensure does allow and do you see this as sort of an adopting of the bill that we had on the other side of the building?"

Senator McManus: "Thank you, Senator Zimmerman. No, I do not see this as opening the door for dental hygienists to achieve licensure. What this does is take care of some housekeeping that was required that probably should have been done in the House, but it slipped through the cracks and we are doing it here in the Senate. In no way does this detour from what this bill tries to gain, which is to set up this criteria to make it very explicit on what a group has to do to attain licensure from the state legislature."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 359, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 359, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 01; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Voting nay: Senator Barr - 1.

Excused: Senator Pullen - 1.

SUBSTITUTE HOUSE BILL NO. 359, as amended by the Senate, having received the constitutional majority, 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. 420, by Representatives Niemi, J. Williams and Belcher (by Cemetery Board request)

Changing the calculation of fees for the issuance of certification of authority by the cemetery board.

The bill was read the second time.

MOTION

Senator Vognilid moved adoption of the following amendment by Senators Vognilid and Bender:

On page 1, after line 21, insert the following:

"Sec. 2. Section 5, chapter 99, Laws of 1969 ex. sess. as last amended by section 11, chapter 21, Laws of 1979 and RCW 68.05.255 are each amended to read as follows:

Prior to the sale or transfer of ownership or control of any cemetery authority, any person, corporation or other legal entity desiring to acquire such ownership or control shall apply in writing for a new certificate of authority to operate a cemetery and shall comply with all provisions of Title 68 RCW relating to applications for, and the basis for granting, an original certificate of authority. The board shall, in addition, enter any order deemed necessary for the protection of all endowment care funds and/or prearrangement trust fund during such transfer. As a condition of applying for a new certificate of authority, the entity desiring to acquire such ownership or control must agree to be bound by all then existing prearrangement contracts and the board shall enter that agreement as a condition of the transfer: PROVIDED, That if the

board determines that it is in the public interest it may waive or condition the entity's assumption of those preexisting prearrangement contracts which are for cemetery merchandise or services when the entity seeking the certificate of authority obtains ownership from a federal or state chartered bank, savings and loan association, or credit union which acquired ownership or control of a cemetery through foreclosure of a first lien mortgage or deed of trust pursuant to chapter 61.12 or 61.24 RCW: PROVIDED FURTHER, That a waiver shall not be granted if the bank, savings and loan association, or credit union was a party to or participated in the operation or control of the cemetery authority which incurred those obligations.

Persons and business entities selling and persons and business entities purchasing ownership or control of a cemetery authority shall each file an endowment care fund report and/or a prearrangement trust fund report showing the status of such funds immediately before and immediately after such transfer on a written report form prescribed by the board. Failure to comply with this section shall be a gross misdemeanor and any sale or transfer in violation of this section shall be void."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Vognild and Bender.

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

MOTIONS

On motion of Senator Shinpoch, the following title amendment was adopted:

On page 1, line 1 of the title, after "board;" insert "amending section 5, chapter 99, Laws of 1969 ex. sess. as last amended by section 11, chapter 21, Laws of 1979 and RCW 68.05.255;"

On motion of Senator Shinpoch, the rules were suspended, House Bill No. 420, as amended by the Senate, was advanced to third reading, the second reading considered third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 420, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 420, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Pullen - 1.

HOUSE BILL NO. 420, as amended by the Senate, having received the constitutional 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 5:59 p.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Monday, April 18, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 18, 1983

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 Deccio, Fuller, Haley, Pullen and Woody.

The Sergeant at Arms Color Guard, consisting of Pages Jeanne Wilson and Kathryn Almy, presented the Colors. Reverend LeRoy H. Anenson, pastor of the Northlake Lutheran Church of Kenmore, and a guest of Senator Alan Bluechel, offered the prayer.

MOTION

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

MOTION

On motion of Senator Shipoch, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 436, by Representatives Monohon, Vekich, Patrick, Zellinsky, Smitherman, Belcher, Sanders, McClure, Taylor, Fisch, Ristuben, Powers, Egger, Jacobsen, Stratton, Isaacson, Long, P. King and Schoon

Exempting persons over sixty-five from fees for collecting wood from state beaches and parks.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the following Committee on Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. There is added to chapter 43.51 RCW a new section to read as follows:

Persons over the age of sixty-five are exempt from any permit or other administrative fee imposed by the commission for the collection of wood debris in state parks, if such wood is for personal use.

NEW SECTION. Sec. 2. Section 2, chapter 114, Laws of 1981 and RCW 43.51.390 are each repealed."

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 1 of the title after "commission;" strike the remainder of the title and insert "adding a new section to chapter 43.51 RCW; and repealing section 2, chapter 114, Laws of 1981 and RCW 43.51.390."

On motion of Senator Owen, the rules were suspended, Engrossed House Bill No. 436, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 436, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 436, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 05; excused, 00.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Böttiger, Clarke, Conner, Craswell, Fleming, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen.

Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Deccio, Fuller, Haley, Pullen, Woody - 5.

ENGROSSED HOUSE BILL NO. 436, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 390, by Committee on Local Government (originally sponsored by Representatives Moon, Isaacson, Haugen, Van Dyken, Hine, Brough, Appelwick, Todd, Powers, McClure, Fisher, Halsan and Ristuben)

Providing for the registration of bonds.

The bill was read the second time.

MOTIONS

Senator Thompson moved the following Committee on Local Government amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purposes of this chapter are to permit the state and local governments to conform with registration requirements of federal law which are necessary to exempt interest payments from federal income taxes when the state or local governments issue bonds or incur other obligations and to authorize the establishment and maintenance of differing systems of registering bonds and other obligations as these systems are developed and recognized, which may be instituted, discontinued, and reinstated from time to time. It is further the purpose of this chapter to grant local governments an alternative flexible authority to structure and sell their bond issues and to include a variety of features on their bonds.

This act shall be liberally construed to effect its purposes.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Bond" means any agreement which may or may not be represented by a physical instrument, including notes, warrants, or certificates of indebtedness, that evidences an indebtedness of the state or a local government or a fund thereof, where the state or local government agrees to pay a specified amount of money, with or without interest, at a designated time or times to either registered owners or bearers.

(2) "Local government" means any county, city, town, special purpose district, political subdivision, municipal corporation, or quasi municipal corporation, including any public corporation created by such an entity.

(3) "Obligation" means an agreement that evidences an indebtedness of the state or a local government, other than a bond, and includes, but is not limited to, conditional sales contracts, lease obligations, and promissory notes.

(4) "State" includes the state, agencies of the state, and public corporations created by the state or agencies of the state.

NEW SECTION. Sec. 3. (1) The state and local governments are authorized to establish a system of registering the ownership of their bonds or other obligations as to principal and interest, or principal only. Registration may include, without limitation: (a) A book entry system of recording the ownership of a bond or other obligation whether or not a physical instrument is issued; or (b) recording the ownership of a bond or other obligation together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond or other obligation and either the reissuance of the old bond or other obligation or the issuance of a new bond or other obligation to the new owner.

(2) The system of registration shall define the method or methods by which transfer of the registered bonds or other obligations shall be effective, and by which payment of principal and any interest shall be made. The system of registration may permit the issuance of bonds or other obligations in any denomination to represent several registered bonds or other obligations of smaller denominations. The system of registration may also provide for any writing relating to a bond or other obligation that is not issued as a physical instrument, for identifying numbers or other designations, for a sufficient supply of certificates for subsequent transfers, for record and payment dates, for varying denominations, for communications to the owners of bonds or other obligations, for accounting, canceled certificate destruction, registration and release of securing interests, and for such other incidental matters pertaining to the registration of bonds or other obligations as the issuer may deem to be necessary or appropriate.

(3) The state or a local government may appoint one or more of the fiscal agencies appointed from time to time by the state finance committee in accordance with chapter 43.80 RCW to act with respect to an issue of its bonds or other obligations as authenticating trustee, transfer agent, registrar, and paying or other agent and specify the rights and duties and means of compensation of any such fiscal agency so acting. The state and local governments

may also enter into agreements with the fiscal agency or agencies in connection with the establishment and maintenance by such fiscal agency or agencies of a central depository system for the transfer or pledge of bonds or other obligations.

(4) Nothing in this section precludes the issuer, or a trustee appointed by the issuer pursuant to any other provision of law, from itself performing, either alone or jointly with other issuers, fiscal agencies, or trustees, any transfer, registration, authentication, payment, or other function described in this section.

NEW SECTION. Sec. 4. A local government authorized to issue bonds shall determine for the bond issue its amount, date or dates, terms not in excess of the maximum term otherwise provided in law, conditions, bond denominations, interest rate or rates, which may be fixed or variable, interest payment dates, maturity or maturities, redemption rights, registration privileges, manner of execution, price, manner of sale, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may be as provided in section 3 of this act.

NEW SECTION. Sec. 5. Each local government authorized to issue bonds is authorized to establish lines of credit with any qualified public depository to be drawn upon in exchange for its bonds or other obligations, to delegate to its fiscal officer authority to determine the amount of credit extended, and to pay interest and other finance or service charges. The interest rates on such bonds or other obligations may be a fixed rate or rates set periodically or a variable rate or rates determined by agreement of the parties.

NEW SECTION. Sec. 6. Where bonds are issued by the state or a local government as physical instruments, the bonds shall be printed, engraved, lithographed, typed, or reproduced and the manual or facsimile signatures of both a designated officer and chairperson of the governing body or chief executive shall be included on each bond.

NEW SECTION. Sec. 7. The proceeds of any bonds issued by the state or a local government may be used to pay incidental costs and costs related to the sale and issuance of the bonds. Such costs include payments for fiscal and legal expenses, obtaining bond ratings, printing, engraving, advertising, establishing and funding reserve accounts and other accounts, an amount for working capital, capitalized interest for up to six months, necessary and related engineering, architectural, planning, and inspection costs, and other similar activities or purposes.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall be deemed to provide a complete, additional, and alternative method for the performance of those subjects authorized by these sections and shall be regarded as supplemental and additional to powers conferred by other state laws. Whenever bonds and other obligations are issued and sold in conformance with sections 1 through 7 of this act, such issuance and sale need not comply with contrary requirements of other state laws applicable to the issuance and sale of bonds or other obligations.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 10. The local government committee of the house of representatives shall study the provisions of law related to the issuance and sale of bonds, notes, warrants, and other obligations by local units of government, and shall report its findings and any recommended legislation to the house of representatives on or before January 1, 1985.

NEW SECTION. Sec. 11. There is added to chapter 43.80 RCW a new section to read as follows:

(1) The fiscal agencies designated pursuant to RCW 43.80.110 and 43.80.120 may be appointed by the state or a local government to act as registrar, authenticating agent, transfer agent, paying agent, or other agent in connection with the issuance by the state or local government of registered bonds or other obligations pursuant to a system of registration as provided by section 3 of this 1983 act and may establish and maintain on behalf of the state or local government a central depository system for the transfer or pledge of bonds or other obligations. The term "local government" shall be as defined in section 2 of this 1983 act.

(2) Whenever in the judgment of the fiscal agencies, certain services as registrar, authenticating agent, transfer agent, paying agent, or other agent in connection with the establishment and maintenance of a central depository system for the transfer or pledge of registered public obligations, or in connection with the issuance by any public entity of registered public obligations pursuant to a system of registration as provided in chapter RCW (sections 1 through 8 of this 1983 act), can be secured from private sources more economically than by carrying out such duties themselves, they may contract out all or any of such services to such private entities as such fiscal agencies deem capable of carrying out such duties in a responsible manner.

Sec. 12. Section 11, chapter 154, Laws of 1915 as last amended by section 2, chapter 56, Laws of 1970 ex. sess. and RCW 8.12.400 are each amended to read as follows:

(1) Such bonds shall be issued only in pursuance of ordinances of the city directing the issuance of the same, and by their terms shall be made payable on or before a date not to exceed twelve years from and after their date, which latter date may be fixed by resolution or ordinance by council or other legislative body of said city and shall bear interest at such rate

or rates as may be authorized by the council or other legislative body of said city, which interest shall be payable annually, or semiannually, as may be provided by resolution or ordinance (~~and each bond shall have attached thereto interest coupons for each interest payment~~): PROVIDED, That the legislative body of any city of the first class having a population of three hundred thousand inhabitants, or more, issuing any bonds hereunder may by ordinance, passed by unanimous vote, authorize the issuance of such bonds payable on or before a date not to exceed twenty-two years from and after the date of the issue of such bonds, and shall in such ordinance provide that said bonds shall be sold at not less than par and shall bear interest at such rate or rates as may be authorized by the legislative body.

Such bonds shall be in such denominations as shall be provided in the resolution or ordinance authorizing their issuance and shall be numbered from one upwards, consecutively, and each bond and any coupon shall be signed by the mayor and attested by the clerk or comptroller of such city: PROVIDED, HOWEVER, That ~~((said))~~ any coupons may in lieu of being so signed have printed thereon a facsimile of the signature of said officers and each bond shall have the seal of such city affixed thereto and shall refer to the improvement to pay for which the same shall be issued and to the ordinance authorizing the same. Each bond shall provide that the principal sum therein named, and the interest thereon, shall be payable out of the local improvement fund created for the payment of the cost and expense of such improvement, and not otherwise. Such bonds shall not be issued in any amount in excess of the cost and expense of the improvement. The bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 13. Section 12, chapter 154, Laws of 1915 and RCW 8.12.410 are each amended to read as follows:

(1) The bonds issued under the provisions of this chapter or any portion thereof may be sold by any authorized officer or officers of the city at not less than their par value and accrued interest, and the proceeds thereof shall be applied in payment of the awards, interest and costs of the improvement.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 14. Section 15, chapter 154, Laws of 1915 and RCW 8.12.440 are each amended to read as follows:

If the city shall fail, neglect or refuse to pay said bonds or to promptly collect any such assessments when due, the owner of any such bonds may proceed in his own name to collect such assessment and foreclose the lien thereof in any court of competent jurisdiction, and shall in addition to the principal of such bonds and interest thereon, recover five percent of such sum, together with the costs of such suit. Any number of ~~((holders))~~ owners of such bonds for any single improvement may join as plaintiffs and any number of owners of the property on which the same are a lien may be joined as defendants in such suit.

Sec. 15. Section 18, chapter 154, Laws of 1915 and RCW 8.12.460 are each amended to read as follows:

The city treasurer shall pay the interest on the bonds authorized to be issued by this chapter out of the respective local improvement funds from which they are payable. Whenever there shall be sufficient money in any local improvement fund against which bonds have been issued under the provisions of this chapter, over and above sufficient for the payment of interest on all unpaid bonds, to pay the principal of one or more bonds, the treasurer shall call in and pay such bonds. Such bonds shall be called in and paid in their numerical order, commencing with number one. Such call shall be made by publication in the city official newspaper in its first publication following the delinquency of the installment of the assessment or as soon thereafter as is practicable, and shall state that bonds No. (giving the serial numbers of the bonds called) will be paid on the day the next interest ~~((coupons))~~ payments on said bonds shall become due, and interest on said bonds shall cease upon such date: PROVIDED, That in any city ~~((or town))~~ not having an official newspaper, such publication may be made in any newspaper of general circulation published therein, or in case there be no such newspaper, then in a newspaper published in the county in which such city ~~((or town))~~ is located and of general circulation in such city ~~((or town))~~.

Sec. 16. Section 1, chapter 53, Laws of 1957 as last amended by section 3, chapter 56, Laws of 1970 ex. sess. and RCW 14.08.112 are each amended to read as follows:

(1) Municipalities, including any governmental subdivision which may be hereafter authorized by law to own, control and operate an airport or other air navigation facility, are hereby authorized to issue revenue bonds to provide part or all of the funds required to accomplish the powers granted them by chapter 14.08 RCW, and to construct, acquire by purchase or condemnation, equip, add to, extend, enlarge, improve, replace and repair airports, facilities and structures thereon including but not being limited to facilities for the servicing of aircraft and for the comfort and accommodation of air travelers, and other properties incidental to the operation of airports and to pay all costs incidental thereto.

The legislative body of the municipality shall create a special fund for the sole purpose of paying the principal of and interest on the bonds of each issue, into which fund the legislative body shall obligate the municipality to pay an amount of the gross revenue derived from its ownership, control, use and operation of the airport and all airport facilities and structures thereon and used and operated in connection therewith, including but not being limited to fees charged for all uses of the airport and facilities, rentals derived from leases of part or all of the airport, buildings and any or all air navigation facilities thereon, fees derived from concessions granted, and proceeds of sales of part or all of the airport and any or all buildings and structures thereon or equipment therefor, sufficient to pay the principal and interest as the same shall become due, and to maintain adequate reserves therefor if necessary. Revenue bonds and the interest thereon shall be payable only out of and shall be a valid claim of the ((holder)) owner thereof only as against the special fund and the revenue pledged to it, and shall not constitute a general indebtedness of the municipality.

Each revenue bond and any interest coupon attached thereto shall name the fund from which it is payable and state upon its face that it is only payable therefrom; however, all revenue bonds and any interest coupons issued under RCW 14.08.112 and 14.08.114 shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state. Each issue of revenue bonds may be bearer coupon bonds or may be registered either as to principal only or as to principal and interest as provided in section 3 of this 1983 act; shall be in the denomination or denominations the legislative body of the municipality shall deem proper; shall be payable at the time or times and at the place or places as shall be determined by the legislative body; shall bear interest at such rate or rates as authorized by the legislative body; shall be signed on behalf of the municipality by the chairman of the ((board of)) county ((commissioners)) legislative authority, mayor of the city or town, president of the port commission, and similar officer of any other municipality, shall be attested by the county auditor, the clerk or comptroller of the city or town, the secretary of the port commission, and similar officer of any other municipality, one of which signatures may be a facsimile signature, and shall have the seal of the municipality impressed thereon; ((each of the)) any interest coupons attached thereto shall be signed by the facsimile signatures of said officials. Revenue bonds shall be sold in the manner as the legislative body of the municipality shall deem best, either at public or private sale.

The municipality at the time of the issuance of revenue bonds may provide covenants as it may deem necessary to secure and guarantee the payment of the principal thereof and interest thereon, including but not being limited to covenants to create a reserve fund or account and to authorize the payment or deposit of certain moneys therein for the purpose of securing or guaranteeing the payment of the principal and interest, to establish and maintain rates, charges, fees, rentals and sales prices sufficient to pay the principal and interest and to maintain an adequate coverage over annual debt service, to appoint a trustee for the ((bondholders)) bond owners and a trustee for the safeguarding and disbursing of the proceeds of sale of the bonds and to fix the powers and duties of the trustee or trustees, and to make any and all other covenants as the legislative body may deem necessary to its best interest and that of its inhabitants to accomplish the most advantageous sale possible of the bonds. The legislative body may also provide that revenue bonds payable out of the same source or sources may later be issued on a parity with revenue bonds being issued and sold.

The legislative body of the municipality may include an amount for working capital and an amount necessary for interest during the period of construction of the airport or any facilities plus six months, in the principal amount of any revenue bond issue; if it deems it to be the best interest of the municipality and its inhabitants, it may provide in any contract for the construction or acquisition of an airport or facilities that payment therefor shall be made only in revenue bonds at the par value thereof.

If the municipality or any of its officers shall fail to carry out any of its or their obligations, pledges or covenants made in the authorization, issuance and sale of bonds, the ((holder)) owner of any bond or the trustee may bring action against the municipality and/or said officers to compel the performance of any or all of the covenants.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 17. Section 2, chapter 53, Laws of 1957 as last amended by section 4, chapter 56, Laws of 1970 ex. sess. and RCW 14.08.114 are each amended to read as follows:

When any municipality has outstanding revenue bonds or warrants payable solely from revenues derived from the ownership, control, use and operation of the airport and all its facilities and structures thereon used and operated in connection therewith, the legislative body thereof may provide for the issuance of funding or refunding bonds to fund or refund outstanding warrants or bonds or any part thereof at or before maturity, and may combine various outstanding warrants and various series and issues of outstanding bonds in the amount thereof to be funded or refunded and may issue funding or refunding bonds to pay any redemption premium and interest payable on the outstanding revenue warrants or bonds being funded or refunded. The legislative body of the municipality shall create a special fund for the sole purpose of paying the principal of and interest on funding or refunding bonds, into

which fund the legislative body shall obligate the municipality to pay an amount of the gross revenue derived from its ownership, control, use and operation of the airport and all airport facilities and structures thereon as provided in RCW 14.08.112, sufficient to pay the principal and interest as the same shall become due, and to maintain adequate reserves therefor if necessary. Bonds and the interest thereon shall be payable only out of and shall be a valid claim of the (~~holder~~) owner thereof only as against the special fund and the revenue pledged to it, and shall not constitute a general indebtedness of the municipality.

The net interest cost to maturity on funding or refunding bonds shall be at such rate or rates as shall be authorized by the legislative body.

The municipality may exchange funding or refunding bonds at par for the warrants or bonds which are being funded or refunded, or it may sell the funding or refunding bonds in the manner as it shall deem for the best interest of the municipality and its inhabitants, either at public or private sale. Funding or refunding bonds shall be governed by and issued under and in accordance with the provisions of RCW 14.08.112 with respect to revenue bonds unless there is a specific provision to the contrary in this section.

Sec. 18. Section 26, chapter 153, Laws of 1957 as last amended by section 4, chapter 195, Laws of 1973 1st ex. sess. and RCW 17.28.260 are each amended to read as follows:

(1) A mosquito control district shall have the power to issue general obligation bonds and to pledge the full faith and credit of the district to the payment thereof, for any authorized purpose or purposes of the mosquito control district: PROVIDED, That a proposition authorizing the issuance of such bonds shall have been submitted to the electors of the mosquito control district at a special or general election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said mosquito control district at the last preceding county or state general election.

General obligation bonds shall bear interest at a rate or rates as authorized by the board of trustees. The various annual maturities shall commence not more than two years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.

Such bonds shall never be issued to run for a longer period than ten years from the date of issue and may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

The bonds shall be signed by the presiding officer of the board of trustees of the district and shall be attested by the secretary of the board, one of which signatures may be a facsimile signature and the seal of the mosquito control district shall be impressed thereon. (~~Each of the~~) Any interest coupons shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities (~~of the first class~~) and towns and at a price not less than par and accrued interest.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy in excess of the constitutional and/or statutory tax limitations sufficient to meet the annual or semiannual payments of the principal and interest on the said bonds maturing as herein provided upon all taxable property within the mosquito control district.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 19. Section 6, chapter 59, Laws of 1955 as amended by section 1, chapter 100, Laws of 1980 and RCW 27.12.060 are each amended to read as follows:

(1) The board of library trustees of this district may contract indebtedness, and evidence it by issuing and selling, at par plus accrued interest, (~~coupon warrants~~) general obligation bonds of the district in such form as the board of library trustees shall determine, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. (~~Such warrants may be issued in advance of the tax levy.~~) Such (~~warrants~~) bonds, signed by the chairman and the secretary of the board of library trustees, shall be payable at such times as the board of library trustees shall provide, but shall not (~~longer than~~) have maximum term in excess of six years (~~from the date thereof~~).

The (~~warrants~~) bonds shall (~~be payable to bearer and shall have interest coupons attached providing~~) provide for the payment of interest semiannually on the first day of January and of July. At the option of the district board, the aggregate amount of (~~coupon warrants~~) bonds may include a sum sufficient to pay the annual interest for a period not exceeding one year from the issuing date of the (~~coupon warrants~~) bonds and, in that event, such interest shall be taken from the proceeds of the sale of the (~~coupon warrants~~) bonds and immediately placed in the (~~coupon warrant~~) general obligation bond fund of the district for payment of (~~the~~) interest (~~coupons maturing~~) becoming due during the first year of the (~~coupon warrants~~). The issuance thereof shall be recorded in the office of the county treasurer in a book kept for that purpose. All district warrants of every kind shall outlaw and become

void after six years from their maturity date but only if there is money in the proper fund available for their payment within such period)) bonds.

(2) Notwithstanding subsection (1) of this section, such general obligation bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

(3) A rural county library district shall be a public corporation with such powers as are necessary to carry out its functions and for taxation purposes shall have the power vested in municipal corporations for such purposes.

Sec. 20. Section 2, chapter 59, Laws of 1955 as last amended by section 6, chapter 56, Laws of 1970 ex. sess. and RCW 27.12.223 are each amended to read as follows:

(1) Bonds authorized by RCW 27.12.222 shall be serial in form and maturity and numbered from one upward consecutively. Only bond No. 1 of any issue shall be of a denomination other than a multiple of one hundred dollars. The resolution authorizing the issuance of the bonds shall fix the rate or rates of interest the bonds shall bear, and the place and date of payment of principal and interest. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. The bonds shall be signed by the chairman of the board of library trustees and attested by the secretary. Any coupons in lieu of being signed may bear the facsimile signature of such officers. Bonds shall be sold in such manner as the board of library trustees deems for the best interests of the district. All such bonds shall be legal securities for any bank or trust company for deposit with the state treasurer or any county or city treasurer as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 21. Section 28A.51.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 170, Laws of 1980 and RCW 28A.51.010 are each amended to read as follows:

The board of directors of any school district may borrow money and issue negotiable ((coupon)) bonds therefor for the purpose of:

- (1) Funding outstanding indebtedness or bonds theretofore issued; or
- (2) For the purchase of sites for all buildings, playgrounds, physical education and athletic facilities and structures authorized by law or necessary or proper to carry out the functions of a school district; or
- (3) For erecting all buildings authorized by law, including but not limited to those mentioned in subparagraph (2) immediately above or necessary or proper to carry out the functions of a school district, and providing the necessary furniture, apparatus, or equipment therefor; or
- (4) For improving the energy efficiency of school district buildings and/or installing systems and components to utilize renewable and/or inexhaustible energy resources; or
- (5) For major and minor structural changes and structural additions to buildings, structures, facilities and sites necessary or proper to carrying out the functions of the school district; or
- (6) For any or all of these purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed the limitation of indebtedness prescribed by chapter 39.36 RCW, as now or hereafter amended.

Bonds may be issued only when authorized by the vote of the qualified electors of the district as provided by law.

The bonds so issued shall be in such form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act, for such terms, bear such rate or rates of interest, be sold in such manner, and be payable and redeemable, as the board of directors shall determine in accordance with this chapter and chapter 39.44 RCW; PROVIDED, That such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 22. Section 28A.51.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.030 are each amended to read as follows:

(1) Upon receipt of a resolution from the board of directors of any school district authorizing the sale of all or any part of bonds authorized by an election as provided for in RCW 28A.51.020, the county treasurer of the county to which said school district belongs shall publish notice of the sale of the said bonds in accordance with the provisions of RCW 39.44.030. Said notices, in addition to such information as required in RCW 39.44.030, must give the amounts of bonds to be sold, the time to run, where payable, the option, if any, of the district to redeem, also naming the hour and day for considering bids, and asking bidders to name the price and rates of interest at which they will purchase such bonds or any of them. Such bonds may be issued in such denominations as provided for in RCW 39.44.011, and shall contain upon their faces the date and series of issue, rate or rates of interest, where payable, time to run, option, if any, of district to redeem and that the whole indebtedness of said district does not exceed the constitutional limit. Each bond so issued must be registered by the county treasurer, in a book to be kept for that purpose, which must show the number and such data as is necessary to secure a complete record of such bond, the series and amount of such bond, the person to whom the same is issued, the number of the district issuing, together with the names of directors signing the same; and the said bond shall be indorsed and bear a statement on the back thereof as provided in RCW 39.44.102; PROVIDED, That in the case of joint school districts the

bond or bonds shall be registered by the treasurer of each county in which any part of such school district shall lie; PROVIDED, That these bonds may be registered as provided in section 3 of this 1983 act in lieu of being so registered with the county treasurer.

(2) Notwithstanding subsection (1) of this section, such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 23. Section 28A.51.055, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.055 are each amended to read as follows:

In addition to the authorization of the use of facsimile signatures in chapter 39.44 RCW, the board of directors of any school district authorized by vote of the electorate to issue bonds for capital purposes or the payment of validated indebtedness, or any officer required by law to sign such bonds, in the manner in RCW 28A.51.055 through 28A.51.058 provided, may authorize one or more bonded persons to affix the signature of the designating officer to such bonds and any coupons. When the signature of such officer is so affixed to any such bond or bonds pursuant to such designation, the bond or bonds shall bind the school district and all persons concerned as though the signature were made by the designating officer.

Sec. 24. Section 28A.51.070, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 257, Laws of 1979 ex. sess. and RCW 28A.51.070 are each amended to read as follows:

(1) At the time named in said notice it shall be the duty of said board of directors to meet with the county treasurer at his office, and with him open said bids, and sell said bonds or any portion thereof to the person or persons making the most advantageous offer: PROVIDED, That said bids and the acceptance or rejection thereof and the sale of such bonds shall be in conformance with the provisions of RCW 39.44.030. Upon the sale of the bonds, the board of directors, as soon thereafter as practicable, shall deliver the bonds, properly executed, to the county treasurer, taking his receipt therefor. The county treasurer, upon payment of the price agreed upon, shall deliver the same to the person or persons to whom sold, and place the moneys arising from such sale to the credit of the general school fund of the district: PROVIDED, That where the bonds have been sold for the purchase of a schoolhouse site or sites or building one or more schoolhouses and providing the same with all necessary furniture, apparatus or equipment, or for any or all of these purposes, he shall place the money derived from such sale to the credit of the building fund of the district, and such fund is hereby created. The board of directors may provide that costs incurred relating to the sale and issuance of the bonds shall be paid from the bond proceeds. If the board of directors and the person or persons to whom the bonds are sold agree that the delivery of said bonds shall be in installments, the county treasurer shall hold said bonds, and deliver to purchasers only on written order of the board of directors to deliver at specified times the bonds designated by number and series.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 25. Section 28A.51.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.180 are each amended to read as follows:

(1) Whenever any bonds lawfully issued by any school district under the provisions of this chapter shall reach maturity and shall remain unpaid, or may be paid under any option provided in the bonds, the board of directors thereof shall have the power without any vote of the school district to fund the same by issuing ((coupon)) bonds conformable to the requirements of this chapter and sell the same at not less than their par value and use the proceeds exclusively for the purpose of retiring and canceling such outstanding bonds as aforesaid, or the said directors in their discretion may exchange such refunding bonds par for par for such outstanding bonds: PROVIDED, That such bonds shall be issued in such denominations as the school district issuing such bonds in its discretion shall determine and in accordance with RCW 39.44.011, shall be redeemable within the time provided by RCW 39.44.070, shall be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act, and shall draw a rate of interest not to exceed that allowed by law and as the school district issuing such bonds so designates.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 26. Section 28A.51.190, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.190 are each amended to read as follows:

Every holder of any of the bonds so issued as a bearer bond as provided in this chapter, within ten days after he shall become the owner or holder thereof, shall notify the county treasurer of the county in which such bonds are issued of his ownership, together with his full name and post office address, and the county treasurer of said county, in addition to the published notice in RCW 28A.51.210 provided for, shall deposit in the post office, properly stamped and addressed to each owner ((or holder)) of any such bonds subject to redemption or payment, a notice in like form, stating the time and place of the redemption of such bonds and the number of the bonds to be redeemed, and in case any owners of bonds shall fail to notify the treasurer of their ownership as aforesaid, then a notice mailed to the last holder of such bonds shall be deemed sufficient, and any and all such notices so mailed as aforesaid shall be deemed to be personal notice to the holders of such bonds, and at the expiration of the time therein named shall have the force to suspend the interest upon any such bonds.

Sec. 27. Section 28A.51.220, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.220 are each amended to read as follows:

If bonds issued under this chapter are not sold as in this chapter provided, the ~~((holders))~~ owners of unpaid warrants drawn on the county treasurer by such district for an indebtedness existing at the date of the election may exchange said warrants at the face value thereof and accrued interest thereon for ~~((coupon))~~ bonds issued under this chapter, at not less than par value and accrued interest of such bonds at the time of the exchange; such exchange to be made under such regulations as may be provided by the board of directors of such district.

Sec. 28. Section 28A.52.050, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 43, Laws of 1975 and RCW 28A.52.050 are each amended to read as follows:

(1) If the indebtedness of such school district is validated and ratified, as provided in this chapter, by three-fifths of the voters voting at such election, the board of directors of such school district, without any further vote, may borrow money and issue negotiable ~~((coupon))~~ bonds therefor in accordance with the provisions of chapter 39.44 RCW. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

Except as provided in RCW 39.44.100 for facsimile signatures, in all school districts of the second class, said bonds ~~((with the coupons))~~ must be signed by the board of directors and countersigned by the school district superintendent and in school districts of the first class said bonds, ~~((with the))~~ and any coupons, must be signed in the corporate name of the district by the president of the board of directors thereof.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 29. Section 28A.52.055, chapter 223, Laws of 1969 ex. sess. and RCW 28A.52.055 are each amended to read as follows:

When authorized to issue bonds, as provided in this chapter, the board of directors shall, at a meeting of such board, by resolution provide for the issue, sale, and disposition of the proceeds from the sale of such bonds, and the payment of interest and principal thereon, all in accordance with the provisions of chapter 39.44 RCW, and the money arising from the sale of the bonds issued under this chapter shall be applied as provided in RCW 28A.52.050: PROVIDED, That such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 30. Section 28A.52.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.52.060 are each amended to read as follows:

If bonds issued under this chapter are not sold as herein provided, the ~~((holders))~~ owners of unpaid warrants drawn on the county treasurer by such district for an indebtedness existing at the time of the adoption of the resolution mentioned in RCW 28A.52.020, may exchange said warrants at the face value thereof and accrued interest thereon for ~~((coupon))~~ bonds issued under this chapter, at not less than par value and accrued interest of such bonds at the time of the exchange; such exchange to be made under such regulations as may be provided by the board of directors of such district.

Sec. 31. 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 are each amended to read as follows:

Each issue or series of such bonds: Shall be sold at such price and at such rate or rates of interest; may be serial or term bonds; may mature at such time or times in not to exceed forty years from date of issue; may be sold at public or private sale; may be payable both principal and interest at such place or places; may be subject to redemption prior to any fixed maturities; may be in such denominations; may be payable to bearer or to the purchaser or purchasers thereof or may be registrable as to principal or principal and interest ~~((at the option of the holder))~~ as provided in section 3 of this 1983 act; may be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon, which may include the creation and maintenance of a reserve fund or account to secure the payment of such principal and interest and a provision that additional bonds payable out of the same source or sources may later be issued on a parity therewith, and such other terms, conditions, covenants and protective provisions safeguarding such payment, all as determined and found necessary and desirable by said boards of regents or trustees. If found reasonably necessary and advisable, such boards of regents or trustees may select a trustee for the owners ~~((and holders))~~ of each such issue or series of bonds and/or for the safeguarding and disbursements of the proceeds of their sale for the uses and purposes for which they were issued and, if such trustee or trustees are so selected, shall fix its or their rights, duties, powers, and obligations. The bonds of each such issue or series: Shall be executed on behalf of such universities or colleges by the president of the board of regents or the chairman of the board of trustees, and shall be attested by the secretary or the treasurer of such board, one of which signatures may be a facsimile signature; and shall have the seal of such university or college impressed, printed, or lithographed thereon, and ~~((the))~~ any interest coupons attached thereto shall be executed with the facsimile signatures of said officials. The bonds of each such issue or series and ~~((each))~~ any of the coupons attached thereto shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state even though they shall be payable solely from any special fund or funds.

Sec. 32. Section 28B.10.315, chapter 223, Laws of 1969 ex. sess. as last amended by section 23, chapter 56, Laws of 1970 ex. sess. and RCW 28B.10.315 are each amended to read as follows:

Such boards of regents or trustees may from time to time provide for the issuance of funding or refunding revenue bonds to fund or refund at or prior to maturity any or all bonds of other indebtedness, including any premiums or penalties required to be paid to effect such funding or refunding, heretofore or hereafter issued or incurred to pay all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities of the nature described in RCW 28B.10.300.

Such funding or refunding bonds and ~~((each of the))~~ any coupons attached thereto shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state.

Such funding or refunding bonds may be exchanged for or applied to the payment of the bonds or other indebtedness being funded or refunded or may be sold in such manner and at such price, and at such rate or rates of interest as the boards of regents or trustees deem advisable, either at public or private sale.

The provisions of this chapter relating to the maturities, terms, conditions, covenants, interest rate, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

Sec. 33. Section 28B.20.396, chapter 223, Laws of 1969 ex. sess. as last amended by section 25, chapter 56, Laws of 1970 ex. sess. and RCW 28B.20.396 are each amended to read as follows:

Bonds issued pursuant to the authority granted under subdivision (4) of RCW 28B.20.392—

(1) shall not constitute (a) an obligation, either general or special, of the state or (b) a general obligation of the University of Washington or of the board;

(2) shall be—

(a) either ~~((registered or))~~ in ~~((coupon))~~ bearer form or in registered form as provided in section 3 of this 1983 act, and

(b) issued in denominations of not less than one hundred dollars;

(3) shall state—

(a) the date of issue, and

(b) the series of the issue and be consecutively numbered within the series, and

(c) that the bond is payable only out of a special fund established for the purpose, and designate the fund;

(4) shall bear interest, payable either annually, or semiannually as the board may determine;

(5) shall be payable solely out of—

(a) revenue derived from operating, managing and leasing the university tract, and

(b) a special fund, created by the board for the purpose, consisting either of (i) a fixed proportion, or (ii) a fixed amount out of and not exceeding a fixed proportion, or (iii) a fixed amount without regard to any fixed proportion, of the revenue so derived;

(6) may contain covenants by the board in conformity with the provisions of RCW 28B.20.398(2);

(7) shall be payable at such times over a period of not to exceed thirty years, in such manner and at such place or places as the board determines;

(8) shall be executed in such manner as the board by resolution determines;

(9) shall be sold in such manner as the board deems for the best interest of the University of Washington.

Sec. 34. Section 28B.20.398, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.398 are each amended to read as follows:

(1) Any resolution of the board pursuant to the provisions of subdivision (4) of RCW 28B.20.392 shall provide for the creation of a special fund, in conformity with the provisions of subdivision (5)(b) of RCW 28B.20.396.

(2) Any resolution authorizing the issuance of bonds pursuant to the provisions of RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398 may contain covenants of the board to protect and safeguard the security and rights of the ~~((holders))~~ owners of any such bonds such as are then customary in connection with similar bonds and considered advisable in order to assure the maximum marketability for said bonds. Without limiting the generality of the foregoing, any such resolution may contain covenants as to—

(a) the creation of a special fund into which the proceeds of all bonds issued pursuant to the provisions of such resolution shall be deposited, the terms and conditions upon which payments may be made from such special fund, and for the payment of interest on bonds issued pursuant to such resolution from the moneys in said fund;

(b) maintaining rental and leasehold rates and other charges at a level sufficient at all times to provide revenue (i) to pay the interest on and principal of all bonds and other obligations payable from said revenue, (ii) to make all other payments from said revenues required under the provisions of any resolution adopted in connection with the issuance of warrants or

bonds under RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398 and (iii) to pay the operating, management, maintenance, repair and upkeep costs of the university tract;

(c) collection, deposit, custody and disbursement of the revenues from the university tract or any portions thereof including (i) a specification of the depositories to be designated, and (ii) authorization of such depositories, or other banks or trust companies, to act as fiscal agent of the board for the custody of the proceeds of bonds and the moneys held in any funds created pursuant to RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398, or any resolution authorizing such bonds, and to represent (~~bondholders~~) bond owners in the event of a default on such bonds or in the event of a default in the performance of any duty or obligation of the board in connection therewith, with such power and duty as such resolution may provide;

(d) creation and administration of reserve and other funds for the payment, at or prior to maturity, of any indebtedness chargeable against the revenues from the university tract and for creation of working funds, depreciation funds, replacement funds, reserves for extraordinary repairs and any other fund deemed necessary or desirable to insure the continued profitable operation of the said university tract;

(e) deposit of collateral security or indemnity bonds to secure the proceeds (i) of bonds issued pursuant to the provisions of such resolution and (ii) of all revenues which are pledged to secure the repayment of bonds issued pursuant to the provisions of such resolution and (iii) of all moneys deposited in any special fund created under the authority of RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398 or any covenant thereunder;

(f) the obligation of the board to maintain the building or buildings in good condition and to operate and manage the same in an economical and efficient manner;

(g) the amount and kind of insurance to be carried by the board in connection with the building or buildings, the companies in which such insurance shall be carried, the term thereof, the application of the proceeds of any such insurance, and adjustments of losses under any such policy of insurance;

(h) limitations upon the amount of additional bonds, warrants and other obligations payable out of the revenues from the building or buildings which may be thereafter issued and the terms and conditions upon which such additional bonds, warrants or other obligations may be issued;

(i) limitations upon the creation of additional liens or encumbrances on the building or buildings or the personal property used in connection therewith;

(j) the terms and conditions upon which the building or buildings, or any part thereof, may be sold, mortgaged, leased or otherwise disposed of, and the use or other disposition of the proceeds of any such sale, mortgage or lease;

(k) the methods of operation, management and maintenance of the building or buildings;

(l) accounting and auditing and the keeping of records, reports and audits with respect to the building or buildings;

(m) the amendment or modification of any resolution authorizing the issuance of bonds pursuant to the provisions of RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398, including the terms and conditions upon which such amendment or modification may be effected and the number, amount or percentage of assenting bonds necessary to effectuate the same;

(n) limitations upon the use of space or facilities in the building or buildings without payment therefor; and

(o) such other matters as may be necessary or desirable to insure a successful and profitable operation of the building or buildings.

(3) The term "building or buildings" as used in subdivision (2) of this section means the building or buildings or improvements upon the university tract with respect to which the revenues are pledged, under the terms of the resolution, to secure the payment of bonds issued under such resolution.

(4) The provisions of RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398 and of any resolution adopted in conformity with the provisions of this section shall constitute a contract with the (~~holders~~) owners of warrants or bonds issued pursuant thereto, and the provisions thereof shall be enforceable in any court of competent jurisdiction by any owner (~~or holder~~) of such warrants or bonds by mandamus or any other appropriate suit, action or proceeding at law or in equity.

(5) Bonds issued pursuant to the provisions of RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398 may be redeemed, at the option of the board, at such time or times, upon such terms and conditions, and at such premiums as the board specifies in the resolution.

(6) If the board fails to pay the required amounts into the special fund, established in conformity with subdivision (2) of this section, the (~~holder~~) owner of any bond or bonds affected thereby may maintain an action against the board to compel compliance with the terms of the resolution in this respect.

(7) Pending the preparation and execution of any bonds the issuance of which is authorized under the provisions of subdivision (2), temporary bonds may be issued in such form as the board determines.

Sec. 35. Section 35.22.590, chapter 7, Laws of 1965 and RCW 35.22.590 are each amended to read as follows:

(1) Whenever the issuance or sale of bonds or other obligations of any city of the first class has been authorized by vote of the people, as provided by any existing charter or laws, for any special improvement or purpose, the proceeds of the sale of such bonds including premiums if any shall be carried in a special fund to be devoted to the purpose for which such bonds were authorized, and no portion of such bonds shall be transferred or diverted to any other fund or purpose: PROVIDED, That nothing herein shall be held to prevent the transfer to the interest and redemption fund of any balance remaining in the treasury after the completion of such improvement or purpose so authorized: PROVIDED FURTHER, That nothing herein shall prevent the city council from disposing of such bonds, or any portion thereof, in such amounts and at such times as it shall direct, but no such bonds shall be sold for less than par. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 36. Section 35.37.090, chapter 7, Laws of 1965 and RCW 35.37.090 are each amended to read as follows:

(1) All general indebtedness bonds and any coupons shall be printed, engraved, or lithographed on good bond paper, signed by the mayor and attested by the clerk under the seal of the city or town. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 37. Section 35.37.100, chapter 7, Laws of 1965 and RCW 35.37.100 are each amended to read as follows:

General indebtedness bonds shall be sold in the manner the city or town authorities deem for the best interest of the city or town. ~~((The city or town treasurer shall keep a register of all bonds showing the number, date, amount, interest, name of payee, and when and where payable of every bond executed, issued and sold under this chapter.))~~

Sec. 38. Section 35.37.120, chapter 7, Laws of 1965 and RCW 35.37.120 are each amended to read as follows:

If the council of any city or town which has issued general indebtedness bonds fails to make any levy necessary to ~~((pay))~~ make principal or interest payments due on the bonds ~~((and interest coupons at maturity)),~~ the owner of any bond or ~~((coupon))~~ interest payment which has been presented to the treasurer and payment thereof refused because of the failure to make a levy may file the bond together with ~~((all))~~ any unpaid coupons with the county auditor, taking his receipt therefor.

The county auditor shall register bonds so filed ~~((in like manner and form as they were originally registered by the city or town treasurer of the city or town which issued them)),~~ and the county ~~((commissioners))~~ legislative authority at ((their)) its next session at which ~~((they levy))~~ it levies the annual county tax shall add to the city's or town's levy a sum sufficient to realize the amount of principal and interest past due and to become due prior to the next annual levy to be collected and held by the county treasurer and paid out only upon warrants drawn by the county auditor as the payments mature in favor of the owner of the bond as shown by the auditor's register. Similar levies shall be made in each succeeding year until the bonds and any coupons or interest payments are fully satisfied.

This remedy is alternative and in addition to any other remedy which the owner of such a bond or coupon may have.

Sec. 39. Section 35.41.030, chapter 7, Laws of 1965 as last amended by section 2, chapter 223, Laws of 1971 ex. sess. and RCW 35.41.030 are each amended to read as follows:

If the legislative body of a city or town deems it advisable to purchase, lease, condemn, or otherwise acquire, construct, develop, improve, extend, or operate any land, building, facility, or utility, and adopts an ordinance authorizing such purchase, lease, condemnation, acquisition, construction, development, improvement and to provide funds for defraying all or a portion of the cost thereof from the proceeds of the sale of revenue bonds, and such ordinance has been ratified by the voters of the city or town in those instances where the original acquisition, construction, or development of such facility or utility is required to be ratified by the voters under the provisions of RCW 35.67.030 and 35.92.070, such city or town may issue revenue bonds against the special fund or funds created solely from revenues. The revenue bonds so issued shall:

(1) Be registered bonds, as provided in section 3 of this 1983 act, or ~~((coupon))~~ bearer bonds;

(2) Be issued in such denominations as determined by the legislative body of the city or town;

(3) Be numbered from one upwards consecutively;

(4) Bear the date of their issue;

(5) Be serial or term bonds and the final maturity thereof shall not extend beyond the reasonable life expectancy of the facility or utility;

(6) Bear interest at such rate or rates as authorized by the legislative body of the city or town, with interest coupons attached unless such bonds are registered as to interest, in which no case no interest coupons need be attached;

(7) Be payable as to principal and interest at such place or time as may be designated therein;

(8) State upon their face that they are payable from a special fund, naming it, and the ordinance creating it, and that they do not constitute a general indebtedness of the city or town;

(9) Be signed by the mayor and bear the seal of the city or town and be attested by the clerk: PROVIDED, That the facsimile signatures of the mayor and clerk may be used when the ordinance authorizing the issuance of such bonds provides for the signatures thereof by an authenticating officer; and

(10) Be printed upon good bond paper: PROVIDED, That notwithstanding the provisions of this section, such revenue bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 40. Section 35.41.050, chapter 7, Laws of 1965 and RCW 35.41.050 are each amended to read as follows:

(1) Revenue warrants may be issued and such warrants and interest thereon may be payable out of the special fund or refunded through the proceeds of the sale of revenue bonds. Every revenue warrant and the interest thereon issued against the special fund shall be a valid claim of the ~~(holder)~~ owner thereof only as against that fund and the amount of revenue pledged to the fund, and shall not constitute an indebtedness of the city or town. Every revenue warrant shall state on its face that it is payable from a special fund, naming it and the ordinance creating it. Such warrants may be in any form, including bearer warrants or registered warrants as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 41. Section 35.45.030, chapter 7, Laws of 1965 as amended by section 1, chapter 44, Laws of 1967 ex. sess. and RCW 35.45.030 are each amended to read as follows:

(1) Local improvement bonds shall be in such denominations as may be provided in the ordinance authorizing their issue and shall be numbered from one upwards consecutively. Each bond shall ~~((1))~~ (a) be signed by the mayor and attested by the clerk, ~~((2))~~ (b) have the seal of the city or town affixed thereto, ~~((3))~~ (c) refer to the improvement to pay for which it is issued and the ordinance ordering it, ~~((4))~~ (d) provide that the principal sum therein named and the interest thereon shall be payable out of the local improvement fund created for the cost and expense of the improvement, or out of the local improvement guaranty fund, or, with respect to interest only, out of the general revenues of the city or town, and not otherwise, ~~((5))~~ (e) provide that the ~~(bondholders)~~ bond owners' remedy in case of nonpayment shall be confined to the enforcement of the special assessments made for the improvement and to the guaranty fund, and ~~((6) have attached thereto interest coupons for each interest payment)~~ (f) be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

~~((The))~~ Any interest coupons may be signed by the mayor and attested by the clerk, or in lieu thereof, may have printed thereon a facsimile of their signatures.

(2) Notwithstanding subsection (1) of this section, but subject to RCW 35.45.010, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 42. Section 35.45.040, chapter 7, Laws of 1965 as amended by section 2, chapter 323, Laws of 1981 and RCW 35.45.040 are each amended to read as follows:

(1) Local improvement bonds may be issued to the contractor or sold by the officers authorized by the ordinance directing their issue to do so, in the manner prescribed therein at the price established by the legislative authority of the city or town. Any portion of the bonds of any issue remaining unsold may be issued to the contractor constructing the improvement in payment thereof.

The proceeds of all sales of bonds shall be applied in payment of the cost and expense of the improvement.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 43. Section 35.45.050, chapter 7, Laws of 1965 as amended by section 11, chapter 116, Laws of 1971 ex. sess. and RCW 35.45.050 are each amended to read as follows:

Except when bonds have been issued with a fixed maturity schedule or with a fixed maximum annual retirement schedule as authorized in RCW 35.45.020, the city or town treasurer shall call in and pay the principal of one or more bonds of any issue in their numerical order whenever there is sufficient money in any local improvement fund, against which the bonds have been issued, over and above that which is sufficient for the payment of interest on all unpaid bonds of that issue. The call shall be made for publication in the city or town official newspaper in its first publication following the date of delinquency of any installment of the

assessment or as soon thereafter as practicable. The call shall state that bonds No. (giving the serial number or numbers of the bonds called) will be paid on the day the next interest ~~((coupons on the bonds become))~~ payments are due and that interest on those bonds will cease upon that date.

Sec. 44. Section 2, chapter 93, Laws of 1970 ex. sess. as amended by section 2, chapter 156, Laws of 1981 and by section 4, chapter 323, Laws of 1981 and RCW 35.45.150 are each reenacted and amended to read as follows:

In addition to the issuance of bonds and warrants in payment of the cost and expense of any local improvement, any city or town may also issue and sell installment notes payable out of the local improvement district fund. Such installment notes may be issued any time after the thirty day period allowed by law for the payment of assessments of any district without penalty or interest, and may bear any denomination or denominations, the aggregate of which shall represent the balance of the cost and expense of the local improvement district which is to be borne by the property owners therein.

Application of local improvement district funds for the reduction of the principal and interest amounts due on any notes herein provided to finance said improvement shall be made not less than once each year beginning with the issue date thereof. Appropriate notification of such application of funds shall be made by the city or town treasurer to the registered payees of said notes, except those notes owned by funds of the issuing municipality. Such notes may be registered as provided in section 3 of this 1983 act. If more than one local improvement installment note is issued for a single district, said notes shall be numbered consecutively. All notes issued shall bear on the face thereof: (1) The name of the payee; (2) the number of the local improvement district from whose funds the notes are payable; (3) the date of issue of each note; (4) the date on which the note, or the final installment thereon shall become due; (5) the rate or rates of interest, ~~((not to exceed twelve percent))~~ as provided by the city or town legislative authority, to be paid on the unpaid balance thereof, and; (6) such manual or facsimile signatures and attestations as are required by state statute or city charter to appear on the warrants of each issuing municipality.

The reverse side of each installment note issued pursuant to this section shall bear a tabular payment record which shall indicate at prescribed installment dates, the receipt of any local improvement district funds for the purpose of servicing the debt evidenced by said notes. Such receipts shall first be applied toward the interest due on the unpaid balance of the note, and any additional moneys shall thereafter apply as a reduction of the principal amount thereof. The tabular payment record shall, in addition to the above, show the unpaid principal balance due on each installment note, together with sufficient space opposite each transaction affecting said note for the manual signature of the city's or town's clerk, treasurer or other properly designated receiving officer of the municipality, or of any other registered payee presenting said note for such installment payments.

Whenever there are insufficient funds in a local improvement district to meet any payment of installment interest due on any note herein authorized, a noninterest-bearing defaulted installment interest certificate shall be issued by the city or town treasurer which shall consist of a written statement certifying the amount of such defaulted interest installment; the name of the payee of the note to whom the interest is due and the number of the local improvement district from whose funds the note and interest thereon is payable. Such certificates may be registered as provided in section 3 of this 1983 act. The certificate herein provided shall bear the manual signature of the city or town treasurer or his authorized agent. The defaulted installment interest certificate so issued shall be redeemed for the face amount thereof with any available funds in the local improvement guaranty fund.

Whenever at the date of maturity of any installment note issued pursuant to this section, there are insufficient funds in a local improvement district, due to delinquencies in the collection of assessments, to pay the final installment of the principal due thereon, the note shall be redeemed with any available funds in the local improvement guaranty fund for the amount of said final installment.

All certificates and notes issued pursuant to this section are to become subject to the same redemption privileges as apply to any local improvement district bonds and warrants now accorded the protection of the local improvement guaranty fund as provided in chapter 35.54 RCW, and whenever the certificates or notes issued as herein provided are redeemed by said local improvement guaranty fund, they shall be held therein as investments thereof in the same manner as prescribed for other defaulted local improvement district obligations.

Notwithstanding any other statutory provisions, local improvement installment notes authorized by this section which are within the protection of the local improvement guaranty fund law shall be considered legal investments for any available surplus funds of the issuing municipality which now or hereafter may be authorized to be invested in the city's or town's local improvement districts' bonds or warrants and shall be considered legal investments for all national and state banks, savings and loan institutions, and any and all other commercial banking or financial institutions to the same extent that the local improvement district bonds and any coupons issued pursuant to the provisions of this chapter have been and are legal

investments for such institutions. Any such local improvement installment notes may be transferred or sold by said city or town upon such terms or conditions and in such manner as the local governing body of said city or town may determine, or may be issued to another fund of the city or town: PROVIDED, HOWEVER, That the same shall not be sold at less than par plus accrued interest.

Notwithstanding the provisions of this section, such notes and certificates may be issued, and such notes may be sold, in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 45. Section 35.48.020, chapter 7, Laws of 1965 and RCW 35.48.020 are each amended to read as follows:

Any moneys in such revolving fund may be used for the purchase of unpaid delinquent local improvement warrants, or bonds and interest payments, or bonds and interest coupons thereon, issued by the city or town, payable from a local improvement district fund or condemnation award fund, to which the local improvement guaranty fund law is not applicable, if the assessment, or last installment thereof, against which the bonds or warrants have been issued, has been delinquent not more than thirty-two years. The maximum purchase price to be paid for said bonds or warrants shall be fixed by the municipality, and may from time to time be changed but shall never exceed fifty percent of the face value of the bonds, interest payments, interest coupons, or warrants: PROVIDED, That no warrants shall be issued payable from the revolving fund unless there is sufficient cash in said fund available for payment of such warrants.

Sec. 46. Section 7, chapter 270, Laws of 1975 1st ex. sess. as amended by section 1, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.2721 are each amended to read as follows:

(1) In addition to any other authority now provided by law, and subject only to constitutional limitations, the governing body of any municipality shall be authorized to acquire, construct, operate, and maintain a public transportation system and additions and betterments thereto, and to issue general obligation bonds for public mass transportation capital purposes including but not limited to replacement of equipment: PROVIDED, That the general indebtedness incurred under this section when considered together with all the other outstanding general indebtedness of the municipality shall not exceed the amounts of indebtedness authorized by chapter 39.36 RCW and chapter 35.58 RCW, as now or hereafter amended, to be incurred without and with the assent of the voters. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

Upon July 1, 1975 any such municipality is authorized to pledge that the taxes authorized, levied and collected to pay or secure the payment of any bonds issued after July 1, 1975 for authorized public transportation purposes shall continue to be levied, collected and applied until such bonds shall have been paid or sufficient funds for such payment shall have been duly provided and irrevocably set aside by the issuer for such payment. If any of the revenue from any tax or surcharge authorized by this or any other chapter shall have been pledged to secure the payment of any bonds as herein authorized, then as long as that pledge shall be in effect the legislature shall not withdraw the authority to levy and collect the tax. Any municipality is authorized to pledge for the payment or security of the principal of and interest on any bonds issued for authorized public transportation purposes all or any portion of any taxes authorized to be levied by the issuer, including, but not limited to, the local sales and use tax authorized pursuant to RCW 82.14.045, as now or hereafter amended. The preceding sentence notwithstanding, not more than ten percent of the motor vehicle excise taxes levied and collected pursuant to RCW 35.58.273 may be pledged for the payment or security of the principal of and interest on any bonds issued for authorized public transportation purposes after July 1, 1975 but before May 14, 1979, and no motor vehicle excise taxes may be pledged for bonds issued on or after May 14, 1979.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 47. Section 1, chapter 11, Laws of 1970 ex. sess. as last amended by section 24, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.58.450 are each amended to read as follows:

(1) Notwithstanding the limitations of chapter 39.36 RCW and any other statutory limitations otherwise applicable and limiting municipal debt, a metropolitan municipal corporation shall have the power to authorize and to issue general obligation bonds and to pledge the full faith and credit of the corporation to the payment thereof, for any authorized capital purpose of the metropolitan municipal corporation: PROVIDED, That a proposition authorizing the issuance of any such bonds to be issued in excess of three-fourths of one percent of the value of the taxable property therein, as the term "value of the taxable property" is defined in RCW 39.36.015, shall have been submitted to the electors of the metropolitan municipal corporation at a special election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said metropolitan municipal corporation at the last preceding state general election. Such general obligation bonds may be authorized in any total amount in one or more propositions

and the amount of such authorization may exceed the amount of bonds which could then lawfully be issued. Such bonds may be issued in one or more series from time to time out of such authorization but at no time shall the total general indebtedness of the metropolitan municipal corporation exceed five percent of the value of the taxable property therein, as the term "value of the taxable property" is defined in RCW 39.36.015. Both principal of and interest on such general obligation bonds may be made payable from annual tax levies to be made upon all the taxable property within the metropolitan municipal corporation in excess of the constitutional and/or statutory tax limit or may be made payable from any other taxes or any special assessments which the metropolitan municipal corporation may be authorized to levy or from any otherwise unpledged revenue which may be derived from the ownership or operation of properties or facilities incident to the performance of the authorized function for which such bonds are issued or may be made payable from any combination of the foregoing sources. The metropolitan council may include in the principal amount of such bond issue an amount for engineering, architectural, planning, financial, legal, urban design and other services incident to acquisition or construction solely for authorized capital purposes and may include an amount to establish a guaranty fund for revenue bonds issued solely for capital purposes.

General obligation bonds shall be sold as provided in RCW 39.44.030 and shall mature in not to exceed forty years from the date of issue. The various annual maturities shall commence not more than five years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

Such bonds shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature and the seal of the metropolitan corporation shall be impressed or imprinted thereon. ~~((Each of the))~~ Any interest coupons which may be attached shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities ~~((of the first class))~~ and towns at a price not less than par and accrued interest.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 48. Section 35.58.460, chapter 7, Laws of 1965 as last amended by section 8, chapter 70, Laws of 1974 ex. sess. and RCW 35.58.460 are each amended to read as follows:

(1) A metropolitan municipal corporation may issue revenue bonds to provide funds to carry out its authorized metropolitan water pollution abatement, water supply, garbage disposal or transportation purposes, without submitting the matter to the voters of the metropolitan municipal corporation. The metropolitan council shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the metropolitan council may obligate the metropolitan municipal corporation to pay such amounts of the gross revenue of the particular utility constructed, acquired, improved, added to, or repaired out of the proceeds of sale of such bonds, as the metropolitan council shall determine and may obligate the metropolitan municipal corporation to pay such amounts out of otherwise unpledged revenue which may be derived from the ownership, use or operation of properties or facilities owned, used or operated incident to the performance of the authorized function for which such bonds are issued or out of otherwise unpledged fees, tolls, charges, tariffs, fares, rentals, special taxes or other sources of payment lawfully authorized for such purpose, as the metropolitan council shall determine. The principal of, and interest on, such bonds shall be payable only out of such special fund or funds, and the owners ~~((and holders))~~ of such bonds shall have a lien and charge against the gross revenue of such utility or any other revenue, fees, tolls, charges, tariffs, fares, special taxes or other authorized sources pledged to the payment of such bonds.

Such revenue bonds and the interest thereon issued against such fund or funds shall be a valid claim of the ~~((holders))~~ owners thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the metropolitan municipal corporation.

Each such revenue bond shall state upon its face that it is payable from such special fund or funds, and all revenue bonds issued under this chapter shall be negotiable securities within the provisions of the law of this state. Such revenue bonds may be registered either as to principal only or as to principal and interest as provided in section 3 of this 1983 act, or may be bearer bonds; shall be in such denominations as the metropolitan council shall deem proper; shall be payable at such time or times and at such places as shall be determined by the metropolitan council; shall bear interest at such rate or rates as shall be determined by the metropolitan council; shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature, and the seal of the metropolitan municipal corporation shall be impressed or imprinted thereon; ~~((each of the))~~ any attached interest coupons shall be signed by the facsimile signatures of said officials.

Such revenue bonds shall be sold in such manner, at such price and at such rate or rates of interest as the metropolitan council shall deem to be for the best interests of the metropolitan municipal corporation, either at public or private sale.

The metropolitan council may at the time of the issuance of such revenue bonds make such covenants with the (~~(purchasers and holders)~~) owners of said bonds as it may deem necessary to secure and guarantee the payment of the principal thereof and the interest thereon, including but not being limited to covenants to set aside adequate reserves to secure or guarantee the payment of such principal and interest, to maintain rates sufficient to pay such principal and interest and to maintain adequate coverage over debt service, to appoint a trustee or trustees for the (~~(bondholders)~~) bond owners to safeguard the expenditure of the proceeds of sale of such bonds and to fix the powers and duties of such trustee or trustees and to make such other covenants as the metropolitan council may deem necessary to accomplish the most advantageous sale of such bonds. The metropolitan council may also provide that revenue bonds payable out of the same source may later be issued on a parity with revenue bonds being issued and sold.

The metropolitan council may include in the principal amount of any such revenue bond issue an amount to establish necessary reserves, an amount for working capital and an amount necessary for interest during the period of construction of any such metropolitan facilities plus six months. The metropolitan council may, if it deems it to be the best interest of the metropolitan municipal corporation, provide in any contract for the construction or acquisition of any metropolitan facilities or additions or improvements thereto or replacements or extensions thereof that payment therefor shall be made only in such revenue bonds at the par value thereof.

If the metropolitan municipal corporation shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the (~~(holder)~~) owner of any such bond may bring action against the metropolitan municipal corporation and compel the performance of any or all of such covenants.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 49. Section 6, chapter 110, Laws of 1967 and RCW 35.59.060 are each amended to read as follows:

(1) To carry out the purposes of this chapter any municipality shall have the power to appropriate and/or expend any public moneys available therefor and to issue general obligation bonds within the limitations now or hereafter prescribed by the Constitution and laws of this state. Such general obligation bonds shall be authorized, executed, issued and made payable as provided in Title 39 RCW. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. If the governing body of any municipality shall submit a proposition for the approval of general obligation bonds at any general or special election and shall declare in the ordinance or resolution setting forth such proposition that its purpose is the creation of a single integrated multi-purpose community center or a city-wide or county-wide system of such centers, all pursuant to this chapter, and that the creation of such center or system of centers constitutes a single purpose, such declaration shall be presumed to be correct and, upon the issuance of the bonds, such presumption shall become conclusive. The governing body of the issuing municipality may include in the principal amount of such bond issue an amount for engineering, architectural, planning, financial, legal, and other services incident to the acquisition or construction of multi-purpose community centers.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 50. Section 7, chapter 110, Laws of 1967 and RCW 35.59.070 are each amended to read as follows:

(1) To carry out the purposes authorized by this chapter the legislative body of any municipality shall have the power to issue revenue bonds, and to create a special fund or funds for the sole purpose of paying the principal of and interest on such bonds into which fund or funds the legislative body may obligate the municipality to pay all or part of the revenues derived from any one or more facilities or properties which will form part of the multi-purpose community center. The provisions of chapter 35.41 RCW not inconsistent with this chapter shall apply to the issuance and retirement of any revenue bonds issued for the purposes authorized in this chapter and for such purposes any municipality shall have and may exercise the powers, duties, and functions incident thereto held by cities and towns under such chapter 35.41 RCW. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. The legislative body of any municipality may fix the denominations of such bonds in any amount and the manner of executing such bonds, and may take such action as may be necessary and incidental to the issuance of such bonds and the retirement thereof.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 51. Section 35.60.040, chapter 7, Laws of 1965 and RCW 35.60.040 are each amended to read as follows:

(1) Any bonds to be issued by any municipality pursuant to the provisions of RCW 35.60-.030, shall be authorized and issued in the manner and within the limitations prescribed by the Constitution and laws of this state or charter of the municipality for the issuance and authorization of bonds thereof for public purposes generally and secured by a general tax levy as provided by law: PROVIDED, That the provisions of RCW 39.44.070 and 36.67.040 shall not apply to such bond issues. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 52. Section 35.61.100, chapter 7, Laws of 1965 as amended by section 14, chapter 42, Laws of 1970 ex. sess. and RCW 35.61.100 are each amended to read as follows:

Every metropolitan park district through its board of commissioners may contract indebtedness, and evidence this indebtedness by issuing warrants, short-term obligations as provided in chapter 39.50 RCW, or general obligation bonds, for park, boulevard, aviation landings, playgrounds and parkway purposes, and the extension and maintenance thereof, not exceeding three-fortieths of one percent of the value of the taxable property in such metropolitan park district, as the term "value of the taxable property" is defined in RCW 39.36.015.

Sec. 53. Section 35.61.160, chapter 7, Laws of 1965 and RCW 35.61.160 are each amended to read as follows:

(1) If incurring the indebtedness and issuing bonds therefor has been approved by the people, the commissioners of such metropolitan park district may issue the negotiable bonds of such district for the amount of such indebtedness and may dispose of said bonds either in payment of such indebtedness, or may advertise and sell said bonds in the open market for cash, but in no event shall said bonds be disposed of or negotiated at less than par. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 54. Section 35.61.170, chapter 7, Laws of 1965 as last amended by section 41, chapter 56, Laws of 1970 ex. sess. and RCW 35.61.170 are each amended to read as follows:

(1) Metropolitan park district bonds shall be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be made payable ~~((to the bearer;))~~ in not more than twenty years from date of issue, and bear interest at a rate or rates as authorized by the metropolitan park district, payable annually ~~((with coupons attached, for each interest payment)).~~ Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. They shall be numbered from one consecutively and shall be payable in the order of their number beginning with bond numbered one. The bonds shall be payable as therein designated in any city of the United States having a national bank.

The bonds and ~~((each))~~ any coupon shall be signed by the president of the board of park commissioners and shall be attested by the clerk of the board. The bonds shall be printed, engraved, or lithographed on good bond paper, and the bond shall state on its face that it is issued in accordance, and in strict compliance, with an act of the legislature of the state of Washington, entitled: "An act authorizing the formation of metropolitan park districts, providing for park officials, fixing their powers and duties, and declaring an emergency," approved March 11, 1907, and reenacted on March 22, 1943.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 55. Section 35.61.180, chapter 7, Laws of 1965 and RCW 35.61.180 are each amended to read as follows:

~~((Before the bonds are delivered to the purchaser, they shall be presented to the county treasurer who shall register them in a book kept for that purpose and known as the "metropolitan park bond register," in which register shall be entered the number of each bond, date of issue and maturity, amount, rate of interest to whom and when payable;))~~ The county treasurer shall receive no compensation other than his regular salary for receiving and disbursing the funds of a metropolitan park district. ~~((The board of park commissioners shall keep a register of such bonds similar to that provided for the county treasurer;))~~

Sec. 56. Section 35.61.200, chapter 7, Laws of 1965 and RCW 35.61.200 are each amended to read as follows:

~~((The))~~ Any coupons for the payment of interest on metropolitan park district bonds shall be considered for all purposes as warrants drawn upon the metropolitan park district fund against which the bonds were issued, and when presented after maturity to the treasurer of the county having custody of the fund. If there are no funds in the treasury to pay the coupons, the county treasurer shall endorse said coupons as presented for payment, in the same manner as county warrants are endorsed, and thereafter the coupon shall bear interest at the same rate as the bond to which it was attached. If there are no funds in the treasury to make payment on a bond not having coupons, the interest payment shall continue bearing interest at the bond

rate until it is paid, unless otherwise provided in the proceedings authorizing the sale of the bonds.

Sec. 57. Section 35.67.080, chapter 7, Laws of 1965 as last amended by section 42, chapter 56, Laws of 1970 ex. sess. and RCW 35.67.080 are each amended to read as follows:

The bonds shall: (1) Be registered bonds as provided in section 3 of this 1983 act or coupon bonds, (2) be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, (3) be numbered from one upwards consecutively, (4) bear the date of their issue, (5) be serial in form finally maturing not more than thirty years from date, (6) bear interest at the rate or rates as authorized by the legislative body of the city or town, payable annually or semiannually, ~~((with interest coupons attached;))~~ and the principal and interest shall be made payable at such place as may be designated; PROVIDED, That such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 58. Section 35.67.090, chapter 7, Laws of 1965 and RCW 35.67.090 are each amended to read as follows:

The bonds and ~~((each))~~ any coupon shall be signed by the mayor and attested by the clerk, and the seal of such city or town shall be affixed to each bond, but not ~~((the))~~ any coupons. Signatures on ~~((the))~~ any coupons may be printed or lithographic facsimile of the signatures of said officials. Said bonds shall be printed, engraved or lithographed, on good bond paper.

Sec. 59. Section 35.67.140, chapter 7, Laws of 1965 as last amended by section 43, chapter 56, Laws of 1970 ex. sess. and RCW 35.67.140 are each amended to read as follows:

A city or town may issue revenue bonds against the special fund or funds created solely from revenues. The revenue bonds so issued shall: (1) Be registered bonds as provided in section 3 of this 1983 act or coupon bonds, (2) be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, (3) be numbered from one upwards consecutively, (4) bear the date of their issue, (5) be serial in form finally maturing not more than thirty years from their date, (6) bear interest at the rate or rates as authorized by the legislative body of the city or town, payable annually or semiannually, ~~((with interest coupons attached;))~~ (7) be payable as to principal and interest at such place as may be designated therein, and (8) shall state upon their face that they are payable from a special fund, naming it and the ordinance creating it; PROVIDED, That such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 60. Section 35.67.150, chapter 7, Laws of 1965 and RCW 35.67.150 are each amended to read as follows:

Every revenue bond and any coupon shall be signed by the mayor and attested by the clerk. The seal of the city or town shall be attached to all bonds but not to ~~((the))~~ any coupons. Signatures on ~~((the))~~ any coupons may be printed or may be the lithographic facsimile of the signatures. The bonds shall be printed, engraved or lithographed upon good bond paper.

Sec. 61. Section 35.67.180, chapter 7, Laws of 1965 and RCW 35.67.180 are each amended to read as follows:

If a city or town fails to set aside and pay into the special fund created for the payment of revenue bonds and warrants the amount which it has obligated itself in the ordinance creating the fund to set aside and pay therein, the ~~((holder))~~ owner of any bond or warrant issued against the fund may bring suit against the city or town to compel it to do so.

Sec. 62. Section 35.73.060, chapter 7, Laws of 1965 as last amended by section 9, chapter 156, Laws of 1981 and RCW 35.73.060 are each amended to read as follows:

(1) The city may, in its discretion, by general or special ordinance, or both, instead of requiring immediate payment for the said work to be made by the owners of property included in the assessment roll, authorize the issuance of interest bearing bonds or warrants of the local improvement district, payable on or before a date not to exceed twelve years from and after their date. The bonds may be issued subject to call, the amount of the said assessment to be payable in installments or otherwise, and the bonds to be of such terms as may be provided in the ordinances and to bear interest at such rate or rates as may be prescribed in the ordinances. Such bonds or warrants may be of any form, including bearer bonds or bearer warrants, or registered bonds or registered warrants as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds or warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 63. Section 35.73.070, chapter 7, Laws of 1965 and RCW 35.73.070 are each amended to read as follows:

The bonds or warrants shall be payable only from the fund created by the special assessments upon the property in the local improvement district, and the ~~((holder))~~ owner of any bond or warrant shall look only to ~~((that))~~ this fund for the payment of the principal and interest thereof and shall have no claim or lien therefor against the city by which the same was issued except from that fund.

Sec. 64. Section 35.81.100, chapter 7, Laws of 1965 as last amended by section 44, chapter 56, Laws of 1970 ex. sess. and RCW 35.81.100 are each amended to read as follows:

(1) A municipality shall have the power to issue bonds from time to time in its discretion to finance the undertaking of any urban renewal project under this chapter, including, without

limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans for urban renewal projects, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall not pledge the general credit of the municipality and shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from, or held in connection with, its undertaking and carrying out of urban renewal projects under this chapter: PROVIDED, That payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of any urban renewal projects of the municipality under this chapter.

(2) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under the provisions of this chapter are declared to be issued for an essential public and governmental purpose, and together with interest thereon and income therefrom, shall be exempted from all taxes.

(3) Bonds issued under this section shall be authorized by resolution or ordinance of the local governing body and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered as provided in section 3 of this 1983 act, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(4) Such bonds may be sold at not less than ninety-eight percent of par at public or private sale, or may be exchanged for other bonds on the basis of par: PROVIDED, That such bonds may be sold to the federal government at private sale at not less than par and, in the event less than all of the authorized principal amount of such bonds is sold to the federal government, the balance may be sold at public or private sale at not less than ninety-eight percent of par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the federal government.

(5) The municipality may annually pay into a fund to be established for the benefit of such bonds any and all excess of the taxes received by it from the same property over and above the average of the annual taxes authorized without vote for a five-year period immediately preceding the acquisition of the property by the municipality for renewal purposes, such payment to continue until such time as all bonds payable from the fund are paid in full. Any other taxing unit in a municipality is authorized to allocate a like amount of such excess taxes to the municipality or municipalities in which it is situated.

(6) In case any of the public officials of the municipality whose signatures appear on any bonds or any coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds, issued pursuant to this chapter shall be fully negotiable.

(7) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this chapter or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the provisions of this chapter.

(8) Notwithstanding subsections (1) through (7) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 65. Section 35.82.140, chapter 7, Laws of 1965 as last amended by section 6, chapter 274, Laws of 1977 ex. sess. and RCW 35.82.140 are each amended to read as follows:

(1) Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, either coupon or registered as provided in section 3 of this 1983 act, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

The bonds may be sold at public or private sale.

In case any of the commissioners or officers of the authority whose signatures appear on any bond or any coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

In any suit, action or proceedings involving the validity or enforceability of any bond of an authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income shall be conclusively deemed to have been issued for a housing project of such character and said project shall be conclusively deemed to have been planned, located and constructed in accordance with the purposes and provisions of this chapter.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 66. Section 35.89.020, chapter 7, Laws of 1965 as last amended by section 46, chapter 56, Laws of 1970 ex. sess. and RCW 35.89.020 are each amended to read as follows:

(1) Water redemption bonds shall be in denominations of not more than one thousand nor less than one hundred dollars each, and shall bear interest at a rate or rates as authorized by the city or town council, payable semiannually, and shall bear a serial number and shall be signed by the mayor of the city or town and shall be otherwise executed in such manner and payable at such time and place not exceeding twenty years after the date of issue as the city or town council shall determine and such bonds shall be payable only out of the special fund created by authority of this chapter and shall be a valid claim of the ~~(holder)~~ owner thereof only against that fund and the fixed portion or amount of the revenues of the water system pledged to the fund, and shall not constitute an indebtedness of the city or town. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 67. Section 35.92.080, chapter 7, Laws of 1965 as last amended by section 47, chapter 56, Laws of 1970 ex. sess. and RCW 35.92.080 are each amended to read as follows:

(1) When the voters have adopted a proposition for any public utility and have authorized a general indebtedness, general city or town bonds may be issued. The bonds shall be registered bonds as provided in section 3 of this 1983 act or ~~((coupon))~~ bearer bonds; numbered from one up consecutively; bear the date of their issue; and bear interest at a rate or rates as authorized by the city or town council, payable semiannually, ~~((with interest coupons attached.))~~ and the principal and interest shall be made payable at such place as may be designated. Except as otherwise provided in RCW 39.44.100, the bonds and ~~((each))~~ any coupon shall be signed by the mayor and attested by the clerk under the seal of the city or town.

There shall be levied each year a tax upon the taxable property of the city or town sufficient to pay the interest and principal of the bonds then due, which taxes shall become due and collectible as other taxes: PROVIDED, That it may pledge to the payment of such principal and interest the revenue of the public utility being acquired, constructed, or improved out of the proceeds of sale of such bonds. Such pledge of revenue shall constitute a binding obligation, according to its terms, to continue the collection of such revenue so long as such bonds or any of them are outstanding, and to the extent that revenues are insufficient to meet the debt service requirements on such bonds, the governing body of the municipality shall provide for the levy of taxes sufficient to meet such deficiency.

The bonds shall be printed and engraved, or lithographed, on good bond paper. The bonds shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town. ~~((A register shall be kept of all the bonds, which shall show the number, date, amount, interest, to whom delivered, if coupon bonds, and the name of the payee, if registered bonds; and when and where payable, and each bond issued or sold.))~~

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 68. Section 35.92.100, chapter 7, Laws of 1965 as last amended by section 57, chapter 3, Laws of 1983 and RCW 35.92.100 are each amended to read as follows:

(1) When the voters of a city or town, or the corporate authorities thereof, have adopted a proposition for any public utility and either no general indebtedness has been authorized or the corporate authorities do not desire to incur a general indebtedness, and when the corporate authorities are authorized to exercise any of the powers conferred by this chapter without submitting the proposition to a vote, the corporate authorities may create a special fund for the sole purpose of defraying the cost of the public utility or addition, betterment, or extension thereto, into which special fund they may obligate and bind the city or town to set aside and pay a fixed proportion of the gross revenues of the utility, or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, and issue and sell bonds or warrants bearing interest at a rate or rates as authorized by the corporate authorities; payable semiannually, executed in such manner and payable at such times and places as the corporate authorities shall determine, but the bonds or warrants and the interest thereon shall be payable only out of the special fund and shall be a lien and charge against payments received from any utility local improvement district assessments pledged to secure such bonds. Such bonds shall be negotiable instruments within the meaning of the negotiable instruments law, Title 62A RCW, notwithstanding same are made payable out of a particular fund contrary to the provisions of RCW 62A.3-105. Such bonds and

warrants may be of any form, including bearer bonds or bearer warrants, or registered bonds or registered warrants as provided in section 3 of this 1983 act.

When corporate authorities deem it necessary to construct any sewage disposal plant, it may be considered as a part of the waterworks department of the city or town and the cost of construction and maintenance thereof may be chargeable to the water fund of the municipality, or to any other special fund which the corporate authorities may by ordinance designate.

In creating a special fund, the corporate authorities shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants, or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Rates shall be maintained adequate to service such bonds and to maintain the utility in sound financial condition.

The bonds or warrants and interest thereon issued against any such fund shall be a valid claim of the ((holder)) owner thereof only as against the special fund and its fixed proportion or amount of the revenue pledged thereto, and shall not constitute an indebtedness of the city or town within the meaning of constitutional provisions and limitations. Each bond or warrant shall state upon its face that it is payable from a special fund, naming it and the ordinance creating it. The bonds and warrants shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town, and they may provide in any contract for the construction and acquirement of the proposed improvement that payment therefor shall be made only in such bonds and warrants at par value thereof.

When a special fund is created and any such obligation is issued against it, a fixed proportion, or a fixed amount out of and not exceeding such fixed proportion, or a fixed amount without regard to any fixed proportion, of revenue shall be set aside and paid into such fund as provided in the ordinance creating it, and in case the city or town fails to thus set aside and pay such fixed proportion or amount, the ((holder)) owner of any bond or warrant against the fund may bring action against the city or town and compel such setting aside and payment: PROVIDED, That whenever the corporate authorities of any city or town shall so provide by ordinance then all such bonds thereafter issued shall be on a parity, without regard to date of issuance or authorization and without preference or priority of right or lien with respect to participation of special funds in amounts from gross revenues for payment thereof.

(2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 69. Section 35.92.150, chapter 7, Laws of 1965 and RCW 35.92.150 are each amended to read as follows:

(1) Such funding or refunding bonds, together with the interest thereon, issued against the special fund shall be a valid claim of the ((holder)) owner thereof only as against such fund, and the amount of the revenue of the utility pledged thereto, and shall not constitute an indebtedness of the city or town within the meaning of constitutional or statutory provisions and limitations. They shall be sold in such manner as the corporate authorities shall deem for the best interest of the municipality. The effective rate of interest on the bonds shall not exceed the effective rate of interest on warrants or bonds to be funded or refunded thereby. Interest on the bonds shall be paid semiannually. The bonds shall be executed in such manner and payable at such time and place as the legislative authority shall by ordinance determine. Nothing in this chapter shall prevent a city or town from funding or refunding any of its indebtedness in any other manner provided by law. Such bonds may be of any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 70. Section 35.92.160, chapter 7, Laws of 1965 and RCW 35.92.160 are each amended to read as follows:

When such funding or refunding bonds have been issued and the city or town fails to set aside and pay into the special fund from which they are payable, the amount without regard to any fixed proportion out of the gross revenue of the public utility which the city or town has, by ordinance, bound and obligated itself to set aside and pay into the special fund, the ((holder)) owner of any funding or refunding bond may bring action against the city or town and compel such setting aside and payment.

Sec. 71. Section 6, chapter 175, Laws of 1982 and RCW 36.58.150 are each amended to read as follows:

(1) A solid waste disposal district shall not have the power to levy an annual levy without voter approval, but it shall have the power to levy a tax, in excess of the one percent limitation, upon the property within the district for a one year period to be used for operating or capital purposes whenever authorized by the electors of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

A solid waste disposal district may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligated indebtedness

of the district, equal to three-eighths of one percent of the value of the taxable property within the district, and may provide for the retirement of the bonds by voter-approved bond retirement tax levies pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056. Such general obligation bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

A solid waste disposal district may issue revenue bonds to fund its activities. Such revenue bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such general obligation bonds or revenue bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 72. Section 36.62.070, chapter 4, Laws of 1963 as last amended by section 49, chapter 56, Laws of 1970 ex. sess. and RCW 36.62.070 are each amended to read as follows:

(1) Should a majority of all the votes cast upon the proposition be in favor of establishing the hospital, the ((board of)) county ((commissioners)) legislative authority shall proceed to issue bonds of the county not to exceed the amount specified in the proposition, in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest at a rate or rates as authorized by the ((board of)) county ((commissioners)) legislative authority, and payable annually or semiannually. The bonds shall be serial bonds ((finally maturing in)) with maturities not in excess of twenty years ((from date of issuance)). Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 73. Section 36.62.080, chapter 4, Laws of 1963 and RCW 36.62.080 are each amended to read as follows:

The county treasurer shall dispose of the bonds in the same manner as other county bonds, and they shall not be sold for less than par with accrued interest: PROVIDED, That such bonds may also be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 74. Section 36.67.030, chapter 4, Laws of 1963 as amended by section 79, chapter 3, Laws of 1983 and RCW 36.67.030 are each amended to read as follows:

Whenever any debt is incurred under the provisions of RCW 36.67.010, the ((board of commissioners)) legislative authority of the county may issue its negotiable bonds in the name of the county for the purposes designated in resolution or notice of election. Such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 75. Section 36.67.040, chapter 4, Laws of 1963 as last amended by section 10, chapter 156, Laws of 1981 and RCW 36.67.040 are each amended to read as follows:

(1) The bonds shall bear the date of issue(;) and shall ((be made payable to the bearer and)) bear interest at a rate or rates determined by the county legislative authority, payable semiannually((- with coupons attached for each interest payment)). Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. Except as otherwise provided in RCW 39.44.100, the bonds and ((each)) any coupon shall be signed by the chairman of the county legislative authority, or in counties having an elected executive, the elected executive officer, and shall be attested by the clerk of the county legislative authority, and the seal of the county legislative authority shall be affixed to each bond, but not to ((the)) any coupon. Each bond shall be printed, engraved, or lithographed on good bond paper.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 76. Section 36.67.050, chapter 4, Laws of 1963 and RCW 36.67.050 are each amended to read as follows:

The bonds may be exchanged at not less than their par value and accrued interest for an equal amount of warrants of the county issuing them or they may be sold by the county ((commissioners)) legislative authority at not less than their par value and accrued interest, in which event the proceeds shall be applied only for the purpose for which the bonds were issued: PROVIDED, That such bonds may also be sold in accordance with section 3 of this 1983 act.

Sec. 77. Section 36.67.060, chapter 4, Laws of 1963 as amended by section 1, chapter 188, Laws of 1975 1st ex. sess. and RCW 36.67.060 are each amended to read as follows:

Bonds issued under this chapter shall be serial in form and maturity and interest shall be paid and the principal of the bonds retired by an annual tax levy in accordance with the provisions of chapter 39.44 RCW and by any other moneys lawfully available and pledged therefor: PROVIDED, That such bonds may also be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 78. Section 36.67.070, chapter 4, Laws of 1963 and RCW 36.67.070 are each amended to read as follows:

((The)) Any coupons for the payment of interest on the bonds shall be considered for all purposes as warrants drawn upon the current expense fund of the county issuing bonds, and if

when presented to the treasurer of the county no funds are in the treasury to pay them, the treasurer shall indorse the coupons as presented for payment, in the same manner as county warrants are indorsed, and thereafter they shall bear interest at the same rate as county warrants presented and unpaid. If there are no funds in the treasury to make payment on a bond not having coupons, the interest payment shall continue bearing interest at the bond rate until it is paid, unless otherwise provided in the proceedings authorizing the sale of the bonds.

Sec. 79. Section 1, chapter 142, Laws of 1965 and RCW 36.67.510 are each amended to read as follows:

The ~~((board of))~~ county ~~((commissioners))~~ legislative authority of any county is hereby authorized for the purpose of carrying out the lawful powers granted to the counties by the laws of the state to contract indebtedness and to issue revenue bonds evidencing such indebtedness in conformity with this chapter. Such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 80. Section 3, chapter 142, Laws of 1965 as last amended by section 13, chapter 313, Laws of 1981 and RCW 36.67.530 are each amended to read as follows:

(1) When revenue bonds are issued for authorized purposes, said bonds shall be either registered as to principal only or as to principal and interest as provided in section 3 of this 1983 act, or shall be bearer bonds; shall be in such denominations, shall be numbered, shall bear such date, shall be payable at such time or times up to a maximum period of not to exceed thirty years and payable at the office of the county treasurer, and such other places as determined by the county ~~((commissioners))~~ legislative authority of the county; shall bear interest payable and evidenced to maturity on bonds not registered as to interest by coupons attached to said bonds bearing a coupon interest rate or rates as authorized by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority; shall be executed by the chairman of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, and attested by the clerk of the ~~((board))~~ legislative authority, and the seal of such ~~((board))~~ legislative authority shall be affixed to each bond, but not to ~~((the))~~ any coupon; and may have facsimile signatures of the chairman and the clerk imprinted on each bond and ~~((the))~~ any interest coupons in lieu of original signatures and the facsimile seal imprinted on each bond.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 81. Section 4, chapter 142, Laws of 1965 and RCW 36.67.540 are each amended to read as follows:

Bonds issued under the provisions of this chapter shall be payable solely out of the operating revenues of the county. Such bonds shall be authorized by resolution adopted by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, which resolution shall create a special fund or funds into which the ~~((board of))~~ county ~~((commissioners))~~ legislative authority may obligate and bind the county to set aside and pay any part or parts of, or all of, or a fixed proportion of, or fixed amounts of gross revenue received by the county from moneys for services or activities as stated in the resolution, for the purpose of paying the principal of and interest on such bonds as the same shall become due, and if deemed necessary to maintain adequate reserves therefor. Such fund or funds shall be drawn upon solely for the purpose of paying the principal and interest upon the bonds issued pursuant to this chapter.

The bonds shall be negotiable instruments within the provision and intent of the negotiable instruments law of this state, even though they shall be payable solely from such special fund or funds, and the tax revenue of the county may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. The bonds and ~~((the))~~ any coupons attached thereto shall state upon their face that they are payable solely from such special fund or funds. If the county fails to set aside and pay into such fund or funds, the payments provided for in such resolution, the ~~((holder))~~ owner of any such bonds may bring suit to compel compliance with the provisions of the resolution.

Sec. 82. Section 6, chapter 142, Laws of 1965 as last amended by section 51, chapter 56, Laws of 1970 ex. sess. and RCW 36.67.560 are each amended to read as follows:

(1) The ~~((board of))~~ county ~~((commissioners))~~ legislative authority of any county may by resolution, from time to time, provide for the issuance of funding or refunding revenue bonds to fund or refund any outstanding revenue bonds and any interest and premiums due thereon; ~~((and matured coupons evidencing interest upon any such bonds))~~ at or before the maturity of such bonds, and parts or all of various series and issues of outstanding revenue bonds ~~((and matured coupons))~~ in the amount thereof to be funded or refunded. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

The ~~((board))~~ county legislative authority shall create a special fund for the sole purpose of paying the principal of and interest on such funding or refunding revenue bonds, into which fund the ~~((commission))~~ legislative authority shall obligate and bind the county to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the revenue of the facility of the county sufficient to pay such principal and interest as the same shall become due, and if deemed necessary to maintain adequate reserves therefor.

Such funding or refunding bonds shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state, and the tax revenue of the county may not

be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds.

The county may exchange such funding or refunding bonds for the bonds, and any coupons being funded or refunded, or it may sell such funding or refunding bonds in the manner, at such price and at such rate or rates of interest as the ((board)) legislative authority shall deem to be for the best interest of the county and its inhabitants, either at public or private sale.

The provisions of this chapter relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 83. Section 13, chapter 218, Laws of 1963 as last amended by section 10, chapter 210, Laws of 1981 and RCW 36.68.520 are each amended to read as follows:

(1) A park and recreation service area shall not have power to levy an annual authorized levy, but it shall have the power to levy a tax upon the property included within the service area in the manner prescribed by section 2, Article ((7)) VII of the Constitution and by RCW 84.52.052.

The special voted levy may be either for operating fund or for capital outlay, or for a cumulative reserve fund.

(2) A service area may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness, equal to three-eighths of one percent of the value of the taxable property within the district, and may provide for the retirement thereof by levies in excess of dollar rate in accordance with the provisions of Article ((7)) VII, section 2 of the Constitution and RCW 84.52.056: PROVIDED, That such districts may issue bonds equal to two and one-half percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by the voters of the district at a special election called for the purpose. Such bonds may be in any form, including coupon bonds or registered bonds as provided in section 3 of this 1983 act.

(3) Notwithstanding subsection (2) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 84. Section 36.69.140, chapter 4, Laws of 1963 as last amended by section 19, chapter 210, Laws of 1981 and RCW 36.69.140 are each amended to read as follows:

(1) A park and recreation district shall have the power to levy an excess levy upon the property included within the district, in the manner prescribed by Article VII, section 2, of the Constitution and by RCW 84.52.052. Such excess levy may be either for operating funds or for capital outlay, or for a cumulative reserve fund. A park and recreation district may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness equal to three-eighths of one percent of the value of the taxable property within such district, as the term "value of the taxable property" is defined in RCW 39.36.015. A park and recreation district may additionally issue bonds equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by three-fifths of the voters of the district at a general or special election called for that purpose and may provide for the retirement thereof by levies in excess of dollar rate limitations in accordance with the provisions of RCW 84.52.056. When authorized by the voters of the district, the district may issue interest bearing warrants payable out of and to the extent of excess levies authorized in the year in which the excess levy was approved. Such bonds and warrants may be in any form, including coupon bonds or coupon warrants, or registered bonds or registered warrants as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 85. Section 36.69.200, chapter 4, Laws of 1963 as amended by section 80, chapter 3, Laws of 1983 and RCW 36.69.200 are each amended to read as follows:

(1) Whenever the board of park and recreation commissioners of any district shall determine that any proposed capital improvement would be of special benefit to all or to any portion of the district, it may establish local improvement districts within its territory; levy special assessments under the mode of annual installments extending over a period not exceeding twenty years, on all property specially benefited by a local improvement, on the basis of special benefits to pay in whole or in part the damage or costs of any improvements ordered in the district; and issue local improvement bonds in the improvement district to be repaid by the collection of local improvement assessments. The method of establishment, levying, collection and enforcement of such assessments and issuance and redemption of local improvement warrants and bonds and the provisions regarding the conclusiveness of the assessment roll and the review by the superior court of any objections thereto shall be as provided for the levying, collection, and enforcement of local improvement assessments and the issuance of local improvement bonds by cities ((of the first class)) and towns, insofar as consistent herewith. The

duties devolving upon the city treasurer are hereby imposed upon the county treasurer for the purposes hereof. The mode of assessment shall be determined by the board. Such bonds may be in any form, including coupon bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 86. Section 5, chapter 94, Laws of 1972 ex. sess. and RCW 36.69.370 are each amended to read as follows:

(1) When revenue bonds are issued for authorized purposes, said bonds shall be either registered as to principal only or principal and interest as provided in section 3 of this 1983 act or shall be bearer bonds; shall be in such denominations, shall be numbered, shall bear such date, shall be payable at such time or times up to a maximum period of not to exceed thirty years and payable ~~((at the office of the county treasurer, and such other places))~~ as determined by the park and recreation commissioners of the district; shall bear interest payable semiannually ~~((and evidenced to maturity by coupons attached to said bonds bearing a coupon interest rate or rates as authorized by the board of park and recreation commissioners))~~; shall be executed by the chairman of the board of park and recreation commissioners, and attested by the secretary of the board, and the seal of such board shall be affixed to each bond, but not to ~~((the))~~ any coupon; and may have facsimile signatures of the chairman and the secretary imprinted on ~~((the))~~ any interest coupons in lieu of original signatures.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 87. Section 6, chapter 94, Laws of 1972 ex. sess. and RCW 36.69.380 are each amended to read as follows:

Bonds issued under the provisions of this chapter shall be payable solely out of the operating revenues of the park and recreation district. Such bonds shall be authorized by resolution adopted by the board of park and recreation commissioners, which resolution shall create a special fund or funds into which the board of park and recreation commissioners may obligate and bind the district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or fixed amounts of gross revenue received by the district from moneys for services or activities as stated in the resolution, for the purpose of paying the principal of and interest on such bonds as the same shall become due, and if deemed necessary to maintain adequate reserves therefor. Such fund or funds shall be drawn upon solely for the purpose of paying the principal and interest upon the bonds issued pursuant to this chapter.

The bonds shall be negotiable instruments within the provision and intent of the negotiable instruments law of this state, even though they shall be payable solely from such special fund or funds, and the tax revenue of the district may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. The bonds and ~~((the))~~ any coupons attached thereto shall state upon their face that they are payable solely from such special fund or funds. If the county fails to set aside and pay into such fund or funds, the payments provided for in such resolution, the ~~((holder))~~ owner of any such bonds may bring suit to compel compliance with the provisions of the resolution.

Sec. 88. Section 7, chapter 94, Laws of 1972 ex. sess. and RCW 36.69.390 are each amended to read as follows:

The board of park and recreation commissioners may provide covenants as it may deem necessary to secure the payment of the principal of and interest on such bonds and may, but shall not be required to, include covenants to create a reserve fund or account and to authorize the payment or deposit of certain moneys therein for the purpose of securing the payment of such principal and interest; to establish, maintain, and collect rates, charges, fees, rentals, and the like on the facilities and service the income of which is pledged for the payment of such bonds, sufficient to pay or secure the payment of such principal and interest and to maintain an adequate coverage over annual debt service; and to make any and all other covenants not inconsistent with the provisions of this chapter which will increase the marketability of such bonds. The board may also provide that revenue bonds payable out of the same source or sources may later be sold on a parity with any revenue bonds being issued and sold. The provisions of this chapter and any resolution or resolutions providing for the authorization, issuance, and sale of such bonds shall constitute a contract with the ~~((holder))~~ owner of such bonds, and the provisions thereof shall be enforceable by any owner ~~((or holder))~~ of such bonds by mandamus or any appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction.

Sec. 89. Section 8, chapter 94, Laws of 1972 ex. sess. and RCW 36.69.400 are each amended to read as follows:

(1) The board of parks and recreation commissioners of any district may by resolution, from time to time, provide for the issuance of funding or refunding revenue bonds to fund or refund any outstanding revenue bonds and any interest and premiums due thereon~~((and matured coupons evidencing interest upon any such bonds))~~ at or before the maturity of such bonds, and parts or all of various series and issues of outstanding revenue bonds ~~((and matured coupons))~~ in the amount thereof to be funded or refunded.

The board shall create a special fund for the sole purpose of paying the principal of and interest on such funding or refunding revenue bonds, into which fund the board shall obligate and bind the district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the revenue of the recreational facility of the district sufficient to pay such principal and interest as the same shall become due, and if deemed necessary to maintain adequate reserves therefor.

Such funding or refunding bonds shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state, and the tax revenue of the district may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

The district may exchange such funding or refunding bonds for the bonds, and any coupons being funded or refunded, or it may sell such funding or refunding bonds in the manner, at such price and at such rate or rates of interest as the board shall deem to be for the best interest of the district and its inhabitants, either at public or private sale.

The provisions of this chapter relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 90, Section 36.76.080, chapter 4, Laws of 1963 as last amended by section 2, chapter 76, Laws of 1971 and RCW 36.76.080 are each amended to read as follows:

The ~~((board))~~ legislative authority of any county may, whenever a majority thereof so decides, submit to the voters of their county the question whether the ~~((board))~~ legislative authority shall be authorized to issue negotiable ~~((coupon))~~ road bonds of the county in an amount subject to the limitations on indebtedness provided for in RCW 39.36.020(2), for the purpose of constructing a new road or roads, or improving established roads within the county, or for aiding in so doing, as herein prescribed.

The word "improvement" wherever used in this ~~((act))~~ section and RCW 36.76.090, 36.76.100, 36.76.110, 36.76.120, and 36.76.130 shall embrace any undertaking for any or all of such purposes. The word "road" shall embrace all highways, roads, streets, avenues, bridges, and other public ways.

The provisions of this ~~((act))~~ section and RCW 36.76.090, 36.76.100, 36.76.110, 36.76.120, and 36.76.130 shall apply not only to roads which are or shall be under the general control of the county, but also to all parts of state roads in such county and to all roads which are situated or are to be constructed wholly or partly within the limits of any incorporated city or town therein, provided the ~~((board of))~~ county ((commissioners)) legislative authority finds that they form or will become a part of the public highway system of the county, and will connect the existing roads therein. Such finding may be made by the ~~((board of))~~ county ((commissioners)) legislative authority at any stage of the proceedings before the actual delivery of the bonds.

The constructing or improving of any and all such roads, or the aiding therein, is declared to be a county purpose.

The question of the issuance of bonds for any undertaking which relates to a number of different roads or parts thereof, whether intended to supply the whole expenditure or to aid therein, may be submitted to the voters as a single proposition in all cases where such course is consistent with the provisions of the state Constitution. If the county ~~((commissioners))~~ legislative authority, in submitting a proposition relating to different roads or parts thereof, finds that such proposition has for its object the furtherance and accomplishment of the construction of a system of public and county highways in such county, and constitutes and has for its object a single purpose, such finding shall be presumed to be correct, and upon the issuance of the bonds the presumption shall become conclusive.

No proposition for bonds shall be submitted which proposes that more than forty percent of the proceeds thereof shall be expended within any city or town or within any number of cities and towns.

Sec. 91, Section 36.76.090, chapter 4, Laws of 1963 as last amended by section 53, chapter 56, Laws of 1970 ex. sess. and RCW 36.76.090 are each amended to read as follows:

(1) The election may be held at such times and in the manner provided for holding general elections in this state, or it may be held as a special election ~~((at such time))~~ on one of the special election dates provided in RCW 29.13.010 as the ~~((board))~~ county legislative authority may designate. The ballots used must contain the words, "Bonds, Yes," and "Bonds, No". If three-fifths of the legal ballots cast on the question of issuing bonds for the improvement contemplated in RCW 36.76.080 are in favor of bonds, the ~~((board))~~ county legislative authority must issue negotiable bonds in due and legal form, and negotiate them in such manner as they may deem to be the best advantage of the county, at not less than par value. The bonds authorized by this section shall be issued in the name of the county, in denominations of not less than one hundred nor more than one thousand dollars; they shall ~~((be payable either (1) to some person or corporation (named therein) or the bearer, or (2) simply to the bearer, at such time as shall be stated therein;))~~ not ((more than)) have a maximum term in excess of twenty years

~~((after the date of issue)), and shall bear interest at a rate or rates as authorized by the ((board of)) county ((commissioners)) legislative authority, payable semiannually. The bonds may be in any form, including bearer bonds or may be registered as provided in section 3 of this 1983 act. They may be made payable in any city of the United States containing a national bank. They shall bear the signature of the chairman of the ((board)) county legislative authority, and be countersigned by the county auditor of the county with the seal of the county thereunto attached, and ((the)) any interest coupons shall be signed by said chairman and said county auditor((- and each bond so issued must be registered in the office of the county treasurer in a book provided for that purpose, which must show the date, number and amount of the bond, date of maturity, rate of interest, and the name and address of the person to whom issued)). The county seal need not be affixed to ((the)) any coupons. ((Each)) Any coupon must show the number of the bond to which it belongs. The bonds and any coupons shall be printed, engraved or lithographed on good bond paper.~~

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 92. Section 36.76.120, chapter 4, Laws of 1963 and RCW 36.76.120 are each amended to read as follows:

The county ((commissioners)) legislative authority must ascertain and levy annually a tax sufficient to pay the interest on all such bonds whenever it becomes due and to meet the annual maturities of principal as required by Title 39 RCW. All taxes levied either for interest or principal shall be a lien upon all property within the county and must be collected in the same manner as other taxes are collected. The county treasurer must pay out of any money accumulated from the taxes levied to pay the interest as aforesaid, the interest upon all such bonds when it becomes due as provided on the bond or, if coupons are attached to a bond, upon presentation at the place of payment of the proper coupon. ~~((AH)) Any interest payments or coupons so paid must be reported to the county ((commissioners)) legislative authority at ((their)) its first meeting thereafter. Whenever ((the)) any coupons are payable at any place other than the city in which the county treasurer keeps his office, the county treasurer shall seasonably remit to the state fiscal agent the amount of money required for the payment of any coupons which are about to fall due. When any such bonds or any coupons are paid, the county treasurer shall suitably and indelibly cancel them.~~

Sec. 93. Section 36.88.190, chapter 4, Laws of 1963 and RCW 36.88.190 are each amended to read as follows:

(1) The ((board)) county legislative authority may provide for the payment of the whole or any portion of the cost and expense of any duly authorized road improvement by bonds and/or warrants of the improvement district which bonds shall be issued and sold as herein provided, but no bonds shall be issued in excess of the cost and expense of the project nor shall they be issued prior to twenty days after the thirty days allowed for the payment of assessments without penalty or interest.

(2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 94. Section 36.88.200, chapter 4, Laws of 1963 as last amended by section 5, chapter 100, Laws of 1980 and RCW 36.88.200 are each amended to read as follows:

(1) Such bonds shall be numbered from one upwards consecutively, shall be in such denominations as may be provided by the county legislative authority in the resolution authorizing their issuance, shall mature on or before a date not to exceed twenty-two years from and after their date, shall bear interest at such rate or rates as authorized by the legislative authority payable annually or semiannually as may be provided by the legislative authority, shall be signed by the chairman of the legislative authority and attested by the county auditor, shall have the seal of the county affixed thereto, and shall be payable at the office of the county treasurer or elsewhere as may be designated by the legislative authority((- and shall have attached thereto interest coupons for each interest payment which said coupons shall be signed by the chairman of the legislative authority and attested by the auditor)). Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. In lieu of any signatures required in this section, the bonds and any coupons may bear the printed or engraved facsimile signatures of said officials.

Such bonds shall refer to the improvement for which they are issued and to the resolution creating the road improvement district therefor.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 95. Section 36.88.210, chapter 4, Laws of 1963 and RCW 36.88.210 are each amended to read as follows:

(1) The bonds issued under the provisions of this chapter may be issued to the contractor or sold by the ((board)) county legislative authority as authorized by the resolution directing their issuance at not less than their par value and accrued interest to the date of delivery. No bonds shall be sold except at public sale upon competitive bids and a notice calling for bids shall be published once a week for two consecutive weeks in the official newspaper of the county. Such

notice shall specify a place and designate a day and hour subsequent to the date of last publication thereof when sealed bids will be received and publicly opened for the purchase of said bonds. The proceeds of all sales of bonds shall be deposited in the county road improvement district fund and applied to the cost and expense of the district.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 96. Section 36.88.230, chapter 4, Laws of 1963 as amended by section 12, chapter 156, Laws of 1981 and RCW 36.88.230 are each amended to read as follows:

Whenever there shall be paid out of a guaranty fund any sum on account of principal or interest of a road improvement district bond or warrant, the county, as trustee for the fund, shall be subrogated to all the rights of the ~~((holder))~~ owner of the bond or any interest coupon or warrant so paid, and the proceeds thereof, or of the assessment underlying the same, shall become part of the guaranty fund. There shall also be paid into each guaranty fund the interest received from bank deposits or government securities of the fund, as well as any surplus remaining in any local improvement fund guaranteed hereunder after the payment of all outstanding bonds or warrants payable primarily out of such road improvement fund. Warrants drawing interest at a rate or rates not to exceed the rate determined by the county legislative authority shall be issued, as other warrants are issued by the county, against a guaranty fund to meet any liability accruing against it, and at the time of making its annual budget and tax levy the county shall provide from funds available for road purposes for the deposit in the guaranty fund of a sum sufficient with other resources of such fund to pay warrants so issued during the preceding fiscal year. As among the several issues of bonds or warrants guaranteed by the fund no preference shall exist, but defaulted ~~((interest coupons))~~ bonds, interest payments, and warrants shall be purchased out of the fund in the order of their presentation.

Every county establishing a guaranty fund for road improvement district bonds or warrants shall prescribe by resolution appropriate rules and regulations for the maintenance and operation of the guaranty fund not inconsistent herewith. So much of the money of a guaranty fund as is necessary may be used to purchase underlying bonds or warrants guaranteed by the fund, or to purchase certificates of delinquency for general taxes on property subject to local improvement assessments, or to purchase such property at tax foreclosures, for the purpose of protecting the guaranty fund. Said fund shall be subrogated to the rights of the county, and the county, acting on behalf of said fund, may foreclose the lien of general tax certificates of delinquency and purchase the property at the foreclosure sale for the account of said fund. Whenever the ~~((governing))~~ legislative authority of any county shall so cause a lien of general tax certificates of delinquency to be foreclosed and the property to be so purchased at a foreclosure sale, the court costs and costs of publication and expenses for clerical work and/or other expense incidental thereto, shall be chargeable to and payable from the guaranty fund. After so acquiring title to real property, a county may lease or sell and convey the same at public or private sale for such price and on such terms as may be determined by resolution of the ~~((board of commissioners or other))~~ county legislative body, and all proceeds resulting from such sales shall belong to and be paid into the guaranty fund.

Sec. 97. Section 36.88.240, chapter 4, Laws of 1963 and RCW 36.88.240 are each amended to read as follows:

~~((Neither the holder nor))~~ The owner of any bond or warrant issued under the provisions of this chapter shall not have any claim therefor against the county by which the same is issued, except for payment from the special assessments made for the improvement for which said bond or warrant was issued and except as against the improvement guaranty fund of such county, and the county shall not be liable to any ~~((holder or))~~ owner of such bond or warrant for any loss to the guaranty fund occurring in the lawful operation thereof by the county. The remedy of the ~~((holder or))~~ owner of a bond, or warrant in case of nonpayment, shall be confined to the enforcement of any assessments made in such road improvement district and to the guaranty fund. In case the bonds are guaranteed in accordance herewith a copy of the foregoing part of this section shall be plainly written, printed or engraved on each bond issued and guaranteed hereunder.

Sec. 98. Section 7, chapter 194, Laws of 1967 as amended by section 13, chapter 156, Laws of 1981 and RCW 36.88.470 are each amended to read as follows:

Whenever there shall be paid out of the guaranty fund any sum on account of principal or interest of a county road improvement district bond or warrant, the county, as trustee for the fund, shall be subrogated to all the rights of the ~~((holder))~~ owner of the bond or any interest coupon or warrant so paid, and the proceeds thereof, or of the assessment underlying the same, shall become part of the guaranty fund. There shall also be paid into each guaranty fund the interest received from investments of the fund, as well as any surplus remaining in any county road improvement fund guaranteed hereunder after the payment of all outstanding bonds or warrants payable primarily out of such utility conversion county road improvement district fund. Warrants drawing interest at a rate or rates not to exceed the rate determined by the county legislative authority shall be issued, as other warrants are issued by the county, against the guaranty fund to meet any liability accruing against it, and at the time of making its annual budget and tax levy the county shall provide from funds available for the deposit in

the guaranty fund of a sum sufficient with other resources of such fund to pay warrants so issued during the preceding fiscal year. As among the several issues of bonds or warrants guaranteed by the fund no preference shall exist, but defaulted (~~(interest-coupons;)~~) bonds, interest payments, and warrants shall be purchased out of the fund in the order of their presentation.

Every county establishing a guaranty fund for utility conversion road improvement district bonds or warrants shall prescribe by resolution appropriate rules and regulations for the maintenance and operation of such guaranty fund not inconsistent herewith. So much of the money of a guaranty fund as is necessary may be used to purchase underlying bonds or warrants guaranteed by the fund, or to purchase certificates of delinquency for general taxes on property subject to local improvement assessments, or to purchase such property at tax foreclosures, for the purpose of protecting the guaranty fund. The fund shall be subrogated to the rights of the county and the county, acting on behalf of the fund, may foreclose the lien of general tax certificates of delinquency and purchase the property at the foreclosure sale for the account of said fund. Whenever the (~~(governing)~~) legislative authority of any county shall so cause a lien of general tax certificates of delinquency to be foreclosed and the property to be so purchased at a foreclosure sale, the court costs and costs of publication and expenses for clerical work and/or other expense incidental thereto, shall be chargeable to and payable from the guaranty fund. After so acquiring title to real property, a county may lease or sell and convey the same at public or private sale for such price and on such terms as may be determined by resolution of the (~~(board-of)~~) county (~~(commissioners-or-other)~~) legislative (body) authority, and all proceeds resulting from such sales shall belong to and be paid into the guaranty fund.

Sec. 99. Section 4, chapter 109, Laws of 1967 as amended by section 4, chapter 30, Laws of 1970 ex. sess. and RCW 36.89.040 are each amended to read as follows:

(1) To carry out the purposes of this chapter counties shall have the power to issue general obligation bonds within the limitations now or hereafter prescribed by the Constitution and laws of this state. Such general obligation bonds shall be authorized, issued and made payable as provided in Title 39 RCW. The (~~(board-of)~~) county (~~(commissioners)~~) legislative authority shall determine the manner of execution of such bonds and may provide in the principal amount of such bond issue for costs of engineering, architectural, planning, financial, legal and other services incident to the purpose of such bonds. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

The question of issuance of bonds for any undertaking which relates to a number of different highways or parts thereof, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein, may be submitted to the voters of the county as a single proposition. If the (~~(board-of)~~) county (~~(commissioners)~~) legislative authority in submitting a proposition relating to different highways or parts thereof declare that such proposition has for its object the furtherance and accomplishment of the construction of a system of connected public highways within such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

The question of the issuance of bonds for any undertaking which relates to a number of different open spaces, park, recreation and community facilities, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein may be submitted to the voters as a single proposition. If the (~~(board-of)~~) county (~~(commissioners)~~) legislative authority in submitting a proposition relating to different open spaces, park, recreation and community facilities declare that such proposition has for its object the furtherance, accomplishment or preservation of an open space, park, recreation and community facilities system available to, and for the benefit of, all the residents of such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

The question of the issuance of bonds for any undertaking which relates to a number of different public health and safety facilities, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein may be submitted to the voters as a single proposition. If the (~~(board-of)~~) county (~~(commissioners)~~) legislative authority in submitting a proposition relating to different public health and safety facilities declare that such proposition has for its object the furtherance or accomplishment of a system of public health and safety facilities for the benefit of all the residents of such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

The question of the issuance of bonds for any undertaking which relates to a number of different storm water control facilities, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein may be submitted to the voters as a single proposition. If

the ~~((board of))~~ county ~~((commissioners))~~ legislative authority in submitting a proposition relating to different storm water control facilities declare that such proposition has for its object the furtherance, accomplishment or preservation of a storm water control facilities system for the benefit of all the residents of such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 100. Section 9, chapter 30, Laws of 1970 ex. sess. as amended by section 20, chapter 313, Laws of 1981 and RCW 36.89.100 are each amended to read as follows:

(1) Any county legislative authority may authorize the issuance of revenue bonds to finance any storm water control facility. Such bonds may be issued by the ~~((board))~~ county legislative authority in the same manner as prescribed in RCW 36.67.510 through 36.67.570. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

Each revenue bond shall state on its face that it is payable from a special fund, naming such fund and the resolution creating the fund.

Revenue bond principal, interest, and all other related necessary expenses shall be payable only out of the appropriate special fund or funds. Revenue bonds shall be payable from the revenues of the storm water control facility being financed by the bonds, a system of these facilities and, if so provided, from special assessments, installments thereof, and interest and penalties thereon, levied in one or more utility local improvement districts authorized by this 1981 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 101. Section 20, chapter 72, Laws of 1967 as amended by section 2, chapter 313, Laws of 1981 and RCW 36.94.200 are each amended to read as follows:

(1) The legislative authority of any county is hereby authorized for the purpose of carrying out the lawful powers granted by this chapter to contract indebtedness and to issue general obligation bonds pursuant to and in the manner provided for general county bonds in chapter 36.67 RCW and other applicable statutes; and to issue revenue bonds pursuant to and in the manner provided for revenue bonds in chapter 36.67 RCW and other applicable statutes. The county legislative authority may also issue local improvement district bonds in the manner provided for cities and towns. These general obligation bonds, revenue bonds, and local improvement district bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, any of these bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 102. Section 13, chapter 155, Laws of 1971 ex. sess. as amended by section 2, chapter 100, Laws of 1980 and RCW 36.95.130 are each amended to read as follows:

In addition to other powers provided for under this chapter, the board shall have the following powers:

(1) To perform all acts necessary to assure that the purposes of this chapter will be carried out fairly and efficiently;

(2) To acquire, build, construct, repair, own, maintain, and operate any necessary stations retransmitting simultaneous visual and aural signals intended to be received by the general public, relay stations, pick-up stations, or any other electrical or electronic system necessary: PROVIDED, That the board shall have no power to originate programs;

(3) To make contracts to compensate any owner of land or other property for the use of such property for the purposes of this chapter;

(4) To make contracts with the United States, or any state, municipality, or any department or agency of those entities for carrying out the general purposes for which the district is formed;

(5) To acquire by gift, devise, bequest, lease, or purchase real and personal property, tangible or intangible, including lands, rights of way, and easements, necessary or convenient for its purposes;

(6) To make contracts of any lawful nature (including labor contracts or those for employees' benefits), employ engineers, laboratory personnel, attorneys, other technical or professional assistants, and any other assistants or employees necessary to carry out the provisions of this chapter;

(7) To contract indebtedness or borrow money(;;) and to issue warrants or bonds to be paid from district revenues: PROVIDED, That the bonds, warrants, or other obligations may be in any form, including bearer or registered as provided in section 3 of this 1983 act: PROVIDED FURTHER, That such warrants and bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act):

(8) To prescribe tax rates for the providing of services throughout the area in accordance with the provisions of this chapter; and

(9) To apply for, accept, and be the holder of any permit or license issued by or required under federal or state law.

Sec. 103. Section 16, chapter 155, Laws of 1971 ex. sess. as amended by section 4, chapter 52, Laws of 1981 and RCW 36.95.160 are each amended to read as follows:

The treasurer of the county in which a district is located shall be ex officio treasurer of the district. The treasurer shall collect the excise tax provided for under this chapter and shall send notice of payment due to persons owing the tax: PROVIDED, That districts with fewer than twelve hundred persons subject to the excise tax and levying an excise tax of forty dollars or more per television set per year shall have the option of having the district (1) send the tax notices bimonthly, and (2) collect the excise taxes which shall then be forwarded to the county treasurer for deposit in the district account. There shall be deposited with him all funds of the district. All district payments shall be made by him from such funds upon warrants issued by the county auditor, except the sums to be paid out of any bond fund ~~((upon coupons or bonds presented to the treasurer))~~ for principal and interest payments on bonds. All warrants shall be paid in the order of issuance. The treasurer shall report monthly to the board, in writing, the amount in the district fund or funds.

Sec. 104. Section 3, chapter 184, Laws of 1971 ex. sess. and RCW 39.42.030 are each amended to read as follows:

The state finance committee shall by resolution determine the amount, date or dates, ~~((term:))~~ terms, conditions, denominations, maximum interest rate or rates, which may be fixed or variable, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, ~~((and))~~ covenants, and form, including bearer or registered as provided in section 3 of this 1983 act, of all evidences of indebtedness including the funding or refunding of any existing indebtedness.

Sec. 105. Section 1, chapter 151, Laws of 1923 as last amended by section 1, chapter 74, Laws of 1965 ex. sess. and RCW 39.44.010 are each amended to read as follows:

Hereafter ~~((all))~~ general obligation bonds, including refunding bonds, issued under lawful authority by any political subdivision, or municipal or quasi municipal corporation now or hereafter existing under the laws of the state of Washington, hereinafter in this amendatory act called the "issuer", ~~((shall))~~ may be issued as provided in this section. Such bonds may be serial in form and maturity and numbered from one upward consecutively. Except for the first interest payment which may be at any time not more than twelve months from date of issue, interest on all such bonds ~~((shall))~~ may be payable semiannually. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. The interest on ~~((coupon))~~ bearer bonds may only be evidenced by a single coupon and no more than one coupon rate may be fixed for all bonds maturing on the same date. The various annual maturities of such bonds, except refunding bonds, ~~((shall))~~ may commence not less than two years or more than five years from the date of issue and shall be fixed in the ordinance or resolution authorizing the sale of the same in amounts that will result in a difference of not more than five thousand dollars between the highest and lowest annual payment of principal and interest, excluding the years up to and including the year in which principal payments commence, computed on the anticipated effective interest rate such governing body shall in its discretion determine will be borne by such bonds. The provisions of this section shall not constitute any limitation on the number of coupon rates of interest or the amount of difference between the highest and lowest interest rates that may be specified by bidders: PROVIDED, That such governing body may, in its discretion, in the sale proceedings, limit the number of interest rates and the amount of difference between the highest and lowest rates bid.

Sec. 106. Section 3, chapter 151, Laws of 1923 as last amended by section 11, chapter 216, Laws of 1982 and RCW 39.44.030 are each amended to read as follows:

(1) Before any general obligation bonds issued by any county, city, town, school district, port district, or metropolitan park district shall be offered for sale the governing body issuing such bonds shall designate the maximum effective rate of interest said bonds shall bear, which shall not be in excess of that allowed by law. Except as provided in ~~((section 94, chapter 232, Laws of 1969 ex. sess.))~~ this section and RCW 39.44.900, when a vote of the electors shall have been taken on the question of the issuance of such bonds and the proposition submitted to the electors shall have specified the maximum effective rate of interest to be borne by said bonds, no increase of such maximum effective rate of interest shall be made by the governing body. All such bonds, including refunding bonds, shall be sold at public sale, and a notice calling for bids for the purchase of said bonds shall be published once a week for two consecutive weeks in the official newspaper of the issuer, and such other notice shall be given as the governing body may direct, or, if there be no official newspaper of the issuer, the publication shall be made in a newspaper of general circulation in the county in which the issuer is located. Such notice shall specify a place, and designate a day and hour, subsequent to the date of the last publication and at least ten days subsequent to the date of the first publication thereof when sealed bids will be received and publicly opened for the purchase of said bonds. The notice shall specify the maturity schedule and the maximum effective rate of interest such bonds shall bear, and shall require bidders to submit a bid specifying ~~((the))~~ (a) the lowest rate or rates of interest and premium, if any, above par, at which such bidder will purchase said bonds; or

((2)) (b) the lowest rate or rates of interest at which the bidder will purchase said bonds at par. The bonds shall be sold to the bidder offering to purchase the same at the lowest net interest cost to the issuer over the life thereof, subject to the right of the governing body to reject any and all bids. None of such bonds shall be sold at less than par and accrued interest, nor shall any discount or commission be allowed or paid to the purchaser or purchasers of such bonds. All bids shall be sealed and, except the bid of the state of Washington, if one is received, shall be accompanied by a good faith deposit of five percent, either in cash or by cashier's or certified check made payable to the treasurer of the issuer, of the amount of the principal par value of such bonds which shall be promptly returned if the bid is not accepted; and if the successful bidder shall fail or neglect to complete the purchase of said bonds by the time specified in the notice of sale for the delivery of said bonds, the amount of his deposit shall be forfeited to the issuer, and in that event the governing body may accept the bid of the one making the next best bid if such bidder agrees to purchase said bonds under the terms provided in his bid, or if all bids be rejected such governing body, if it decides to reoffer such bonds for sale, shall readvertise said bonds for sale in the same manner as herein provided for the original advertisement. If there be two or more equal bids and such bids are the best bids received, the governing body shall determine by lot which bid will be accepted.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 107. Section 1, chapter 52, Laws of 1941 as last amended by section 3, chapter 141, Laws of 1961 and RCW 39.44.100 are each amended to read as follows:

On all bonds hereafter issued by the state or any agency thereof or by any county, city, town, municipal corporation, quasi municipal corporation, junior taxing district, school district or other political subdivision of the state, the printed, engraved or lithographed facsimile signatures of the officers required by law to sign the bonds or any interest coupons thereon shall be sufficient signature on such bonds or coupons: PROVIDED, That such facsimile signatures shall not be used on the bonds of issues of less than one hundred thousand dollars par value and may always be used on interest coupons.

Whenever such facsimile signature reproduction of the signature of any officer is used in place of the personal signature of such officer, the issuing authority shall specify in a written order or requisition to the printer, engraver, or lithographer, the number of bonds or coupons upon which such facsimile signature is to be printed, engraved, or lithographed, and the manner of numbering the bonds or coupons upon which such signature shall be placed. Within ninety days after the completion of the printing, engraving, or lithographing of such bonds or coupons, the plate or plates used for the purpose of affixing the facsimile signature shall be destroyed and it shall be the duty of the issuing authority, within ninety days after receipt of the completed bonds or coupons, to ascertain that such plate or plates have been destroyed.

Sec. 108. Section 1, chapter 91, Laws of 1915 as amended by section 4, chapter 141, Laws of 1961 and RCW 39.44.110 are each amended to read as follows:

Upon the presentation at the office of the officer or agent hereinafter provided for, any bond which is bearer in form that has heretofore been or may hereafter be issued by any county, city, town, port, school district, or other municipal or quasi municipal corporation in this state, may, if so provided in the proceedings authorizing the issuance of the same, be registered as to principal in the name of the owner upon the books of such municipality to be kept in said office, such registration to be noted on the reverse of the bond by such officer or agent. The principal of any bond so registered shall be payable only to the payee, his legal representative, successors or assigns, and such bond shall be transferable to another registered holder or back to bearer only upon presentation to such officer or agent, with a written assignment duly acknowledged or proved. The name of the assignee shall be written upon any bond so transferred and in the books so kept in the office of such officer or agent.

Sec. 109. Section 2, chapter 91, Laws of 1915 as amended by section 5, chapter 141, Laws of 1961 and RCW 39.44.120 are each amended to read as follows:

If so provided in the proceedings authorizing the issuance of any such bonds, upon the registration thereof as to principal, or at any time thereafter, the coupons thereto attached, evidencing all interest to be paid thereon to the date of maturity, may be surrendered to the officer or agent hereinafter provided and the bonds shall also become registered as to interest. Such coupons shall be canceled by such officer or agent, who shall sign a statement endorsed upon such bond of the cancellation of all unmatured coupons and the registration of such bond. Thereafter the interest evidenced by such canceled coupons shall be paid at the times provided therein to the registered (~~holder~~) owner of such bond in lawful money of the United States of America mailed to his address.

Sec. 110. Section 3, chapter 91, Laws of 1915 as amended by section 1, chapter 79, Laws of 1971 ex. sess. and RCW 39.44.130 are each amended to read as follows:

The duties (~~herein~~) prescribed in this chapter as to the registration of bonds of any city or town shall be performed by the treasurer thereof, and as to those of any county, port or school district by the county treasurer of the county in which such port or school district lies; but any county, city, town, port or school district may designate by resolution any other officer for the performance of such duties, and any county, city, town, port or school district may designate

by resolution its legally designated fiscal agency or agencies for the performance of such duties, after making arrangements with such fiscal agency therefor, which arrangements may include provision for the payment by the ((bondholder)) bond owner of a fee ((not exceeding twenty-five cents)) for each registration.

Sec. 111. Section 1, chapter 229, Laws of 1977 ex. sess. and RCW 39.44.140 are each amended to read as follows:

Any county, city, town, political subdivision, or other municipal or quasi municipal corporation authorized to issue revenue bonds may include in the amount of any such issue funds for the purpose of establishing, maintaining or increasing reserves to:

- (1) Secure the payment of the principal of and interest on such revenue bonds; or
- (2) Provide for replacements or renewals of or repairs or betterments to revenue producing facilities; or
- (3) Provide for contingencies, including, but not limited to, loss of revenue caused by such contingencies.

The authority granted pursuant to this section is additional and supplemental to any existing authority to issue revenue bonds and nothing in this section shall prevent the issuance of such bonds pursuant to any other law: PROVIDED, That no such bond issue may include an amount in excess of fifteen percent thereof for the purpose of establishing, maintaining or increasing reserves as enumerated above.

Sec. 112. Section 4, chapter 216, Laws of 1982 and RCW 39.50.030 are each amended to read as follows:

(1) The issuance of short-term obligations shall be authorized by ordinance of the governing body which ordinance shall fix the maximum amount of the obligations to be issued or, if applicable, the maximum amount which may be outstanding at any time, the maximum term and interest rate or rates to be borne thereby, the manner of sale, maximum price, form including bearer or registered as provided in section 3 of this 1983 act, terms, conditions, and the covenants thereof: PROVIDED, That general obligation short-term obligations shall be sold at not less than the par value thereof. The ordinance may provide for designation and employment of a paying agent for the short-term obligations and may authorize a designated representative of the municipal corporation to act on its behalf and subject to the terms of the ordinance in selling and delivering short-term obligations authorized and fixing the dates, price, interest rates, and other details as may be specified in the ordinance. Short-term obligations issued under this section shall bear such fixed or variable rate or rates of interest as the governing body considers to be in the best interests of the municipal corporation. Variable rates of interest may be fixed in relationship to such standard or index as the governing body designates.

The governing body may make contracts for the future sale of short-term obligations pursuant to which the purchasers are committed to purchase the short-term obligations from time to time on the terms and conditions stated in the contract, and may pay such consideration as it considers proper for the commitments. Short-term obligations issued pursuant to these contracts shall mature no later than three years after the date of the contract, but obligations issued in anticipation of the receipt of taxes shall be paid within six months from the end of the fiscal year in which they are issued.

(2) Notwithstanding subsection (1) of this section, such short-term obligations may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 113. Section 2, chapter 170, Laws of 1895 as last amended by section 60, chapter 56, Laws of 1970 ex. sess. and RCW 39.52.020 are each amended to read as follows:

(1) Funding bonds authorized to be issued by this chapter shall be in denominations of not less than one hundred dollars, nor more than one thousand dollars, and shall be signed by the following corporate authorities: When issued by a county, the chairman of the ((board of)) county ((commissioners)) legislative authority, countersigned by the county treasurer and attested by the county auditor, who shall affix his official seal; when issued by a city or town, by its mayor, countersigned by its treasurer and attested by its clerk, who shall affix his official seal. They shall bear interest at a rate or rates as authorized by the corporate authorities, payable semiannually (~~which interest shall be evidenced by proper coupons attached to each bond~~). Such corporate authorities shall, by ordinance or resolution, provide for the manner of issuing and the form of said bonds, including bearer bonds or registered bonds as provided in section 3 of this 1983 act, and the time or times when the same shall be made payable; but no bonds issued under this chapter shall be issued for a longer period than twenty years, and when they shall be made payable at different periods within said twenty years, they shall be divided into series not to exceed twenty in number, but there shall be as many series as there are different times of payment, and all bonds included in each series shall be made payable at the same time. The principal and interest may be made payable at any place in the United States designated by the corporate authorities of such county, city or town. Such bonds shall not be issued to an aggregate amount in excess of the warrants or other outstanding indebtedness proposed to be funded thereby. They may be exchanged at not less than their par value for such warrants or other outstanding indebtedness, or may be sold at not less than their par

value, and the proceeds used exclusively for the purpose of retiring and canceling such warrants and interest thereon or other indebtedness: PROVIDED, That nothing in this chapter contained shall be deemed to authorize the issuing of any funding bonds which, other than that proposed to be funded under the provisions of this chapter, shall exceed any constitutional limitation of indebtedness, or any indebtedness which might be incurred with the assent of three-fifths of the voters of such county, city or town voting at an election to be held for that purpose.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 114. Section 3, chapter 170, Laws of 1895 as last amended by section 1, chapter 204, Laws of 1909 and RCW 39.52.030 are each amended to read as follows:

(1) Bonds may be issued without notice under the provisions of this chapter for the purpose of funding or refunding outstanding warrants in cases where the issuance of such bonds shall have been previously authorized by the voters of such county, city or town, when exchanged at not less than par value, or for the purpose of funding or refunding outstanding bonds, when exchanged at not less than par value, but before any other bonds shall be issued under the provisions of this chapter, such corporate authorities shall cause a notice of the proposed issuance of such bonds to be given by publication in a daily or weekly newspaper of general circulation published in the county proposing to issue such bonds, or in which county such city or town is situated, at least once a week for four consecutive weeks. Such notice shall state for what purpose and the total amount for which it is so proposed to issue bonds, and if to be divided into series, then into how many series the same are to be divided, and the amount of and period for which each series is to run, also the hour and day for considering bids for such bonds, and asking bidders to name the price and rate of interest at which they will purchase such bonds, and if such bonds are to be divided into series then to name such price and rate for each series of such bonds, separately; and at the time named in such notice it shall be the duty of the corporate authorities to meet with the treasurer of the county, city, or town proposing to issue such bonds, at his office, and with him open said bids, and shall sell said bonds to the person or persons making the most advantageous offer therefor: PROVIDED, HOWEVER, That said bonds shall never be sold or disposed of below par, and such corporate authorities shall have the right to reject any and all bids, and if all said bids shall be rejected, such corporate authorities shall proceed to readvertise the sale of said bonds in the manner herein provided.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 115. Section 10, chapter 300, Laws of 1981 and RCW 39.84.100 are each amended to read as follows:

(1) The principal of and the interest on any revenue bonds issued by a public corporation shall be payable solely from the funds provided for this payment from the revenues of the industrial development facilities funded by the revenue bonds. Each issue of revenue bonds shall be dated, shall bear interest at such rate or rates, and shall mature at such time or times as may be determined by the board of directors, and may be made redeemable before maturity at such price or prices and under such terms and conditions as may be fixed by the board of directors prior to the issuance of the revenue bonds or other revenue obligations.

(2) The board of directors shall determine the form and the manner of execution of the revenue bonds (~~(- including any interest coupons to be attached thereto;)~~) and shall fix the denomination or denominations of the revenue bonds and the place or places of payment of principal and interest. If any officer whose signature or a facsimile of whose signature appears on any revenue bonds or any coupons ceases to be an officer before the delivery of the revenue bonds, the signature shall for all purposes have the same effect as if he had remained in office until delivery. The revenue bonds may be issued in coupon or in registered form, as provided in section 3 of this 1983 act, or both as the board of directors may determine, and provisions may be made for the registration of any coupon revenue bonds as to the principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. A public corporation may sell revenue bonds at public or private sale for such price and bearing interest at such fixed or variable rate as may be determined by the board of directors.

(3) The proceeds of the revenue bonds of each issue shall be used solely for the payment of all or part of the project cost of or for the making of a loan in the amount of all or part of the project cost of the industrial development facility for which authorized and shall be disbursed in such manner and under such restrictions, if any, provided in the resolution authorizing the issuance of the revenue bonds or in the trust agreement securing the bonds. If the proceeds of the revenue bonds of any series issued with respect to the cost of any industrial development facility exceeds the cost of the industrial development facility for which issued, the surplus shall be deposited to the credit of the debt service fund for the revenue bonds or used to purchase revenue bonds in the open market.

(4) A public corporation may issue interim notes in the manner provided for the issuance of revenue bonds to fund industrial development facilities prior to issuing other revenue bonds

to fund such facilities. A public corporation may issue revenue bonds to fund industrial development facilities that are exchangeable for other revenue bonds when these other revenue bonds are executed and available for delivery.

(5) The principal of and interest on any revenue bonds issued by a public corporation shall be secured by a pledge of unexpended bond proceeds and the revenues and receipts received by the public corporation from the industrial development facilities funded by the revenue bonds pursuant to financing documents. The resolution under which the revenue bonds are authorized to be issued and any financing document may contain agreements and provisions respecting the maintenance or use of the industrial development facility covered thereby, the fixing and collection of rents, purchase price payments or loan payments, the creation and maintenance of special funds from such revenues or from revenue bond proceeds, the rights and remedies available in the event of default, and other provisions relating to the security for the bonds, all as the board of directors consider advisable which are not in conflict with this chapter.

(6) The governing body of the municipality under whose auspices the public corporation is created shall approve by resolution any agreement to issue revenue bonds adopted by a public corporation, which agreement and resolution shall set out the amount and purpose of the revenue bonds. Additionally, no issue of revenue bonds, including refunding bonds, may be sold and delivered by a public corporation without a resolution of the governing body of the municipality under whose auspices the public corporation is created, adopted no more than sixty days before the date of sale of the revenue bonds specifically, approving the resolution of the public corporation providing for the issuance of the revenue bonds.

(7) All revenue bonds issued under this chapter and ~~(all)~~ any interest coupons applicable thereto are negotiable instruments within the meaning of Article 8 of the Uniform Commercial Code, Title 62A RCW, regardless of form or character.

(8) Notwithstanding subsections (1) and (2) of this section, such bonds and interim notes may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 116. Section 43.52.3411, chapter 8, Laws of 1965 as amended by section 2, chapter 1, Laws of 1981 1st ex. sess. and RCW 43.52.341 are each amended to read as follows:

For the purposes provided for in this chapter, an operating agency shall have power to issue revenue bonds or warrants payable from the revenues of the utility properties operated by it. Whenever the board of a joint operating agency shall deem it advisable to issue bonds or warrants to construct or acquire any public utility or any works, plants or facilities or any additions or betterments thereto or extensions thereof it shall provide therefor by resolution, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof as near as may be. Such cost may include funds for working capital, for payment of expenses incurred in the acquisition or construction of the utility and for the repayment of advances made to the operating agency by any public utility district or city. Except as otherwise provided in RCW 43.52.343, all the provisions of law as now or hereafter in effect relating to revenue bonds or warrants of public utility districts shall apply to revenue bonds or warrants issued by the joint operating agency including, without limitation, provisions relating to: The creation of special funds and the pledging of revenues thereto; the time and place of payment of such bonds or warrants and the interest rate or rates thereon; the covenants that may be contained therein and the effect thereof; the execution, issuance, sale, funding, or refunding, redemption and registration of such bonds or warrants; and the status thereof as negotiable instruments, as legal securities for deposits of public moneys and as legal investments for trustees and other fiduciaries and for savings and loan associations, banks and insurance companies doing business in this state. However, for revenue bonds or warrants issued by an operating agency, the provisions under RCW 54.24.030 relating to additional or alternate methods for payment may be made a part of the contract with the ~~(holders)~~ owners of any revenue bonds or warrants of an operating agency. The board may authorize the managing director or the treasurer of the operating agency to sell revenue bonds or warrants maturing one year or less from the date of issuance, and to fix the interest rate or rates on such revenue bonds or warrants with such restrictions as the board shall prescribe. Such bonds and warrants may be in any form, including bearer bonds or bearer warrants, or registered bonds or registered warrants as provided in section 3 of this 1983 act. Such bonds and warrants may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 117. Section 2, chapter 80, Laws of 1969 ex. sess. as amended by section 1, chapter 216, Laws of 1982 and RCW 43.80.110 are each amended to read as follows:

Fiscal agencies shall be appointed for the payment of bonds and any coupons issued by this state or by any subdivision thereof. The appointed fiscal agencies may be located in any major city of the country. No bonds hereafter issued by this state or by any affected subdivision thereof, shall be by their terms made payable at a specific place other than: (1) The office of the designated fiscal agencies; (2) offices of the state or local treasurers or fiscal offices of any affected subdivision; or (3) the offices of trustees if provided for in the indenture, as provided for by the terms of the bonds. As used in this chapter, bonds do not include short-term obligations.

Fiscal agencies may be authorized to register bonds in accordance with section 3 of this 1983 act.

Bonds and any coupons of subdivisions may be paid at one or more of the state's fiscal agents and/or at the office of the state treasurer or offices of local treasurers as provided for in the terms of the bonds.

Sec. 118. Section 47.56.140, chapter 13, Laws of 1961 as last amended by section 62, chapter 56, Laws of 1970 ex. sess. and RCW 47.56.140 are each amended to read as follows:

The revenue bonds may be issued and sold by the ~~((authority))~~ department of transportation from time to time and in such amounts as it deems necessary to provide sufficient funds for the construction of the bridge, and to pay interest on outstanding bonds issued for its construction during the period of actual construction and for six months after completion thereof.

The ~~((authority))~~ department of transportation shall determine the form, conditions, and denominations of the bonds, and the maturity dates which the bonds to be sold shall bear and the interest rate thereon. All bonds of the same issue need not bear the same interest rate. Principal and interest of the bonds ~~((shall))~~ may be payable at such place as determined by the ~~((authority, and may contain provisions for registration as to principal or interest, or both))~~ department. They ~~((shall))~~ may be in ~~((coupon))~~ any form including bearer bonds or registered bonds as provided in section 3 of this 1983 act, with interest payable at such times as determined by the ~~((authority))~~ department, and shall mature at such times and in such amounts as the ~~((authority))~~ department prescribes. The ~~((authority))~~ department may provide for the retirement of the bonds at any time prior to maturity, and in such manner and upon payment of such premiums as it may determine in the resolution providing for the issuance of the bonds. All such bonds shall be signed by the state auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor. The countersignature of the governor on such bonds and the signature of the state auditor on ~~((such))~~ any coupons may be their printed or lithographed facsimile signatures. Successive issues of such bonds within the limits of the original authorization shall have equal preference with respect to the redemption thereof and the payment of interest thereon. The ~~((authority))~~ department may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. The bonds shall be negotiable instruments under the law merchant. All bonds issued and sold hereunder shall be sold on sealed bids to the highest and best bidder after such advertising for bids as the ~~((authority))~~ department deems proper. The ~~((authority))~~ department may reject any and all bids and may thereafter sell the bonds at private sale under such terms and conditions as it deems most advantageous to its own interests; but not at a price below that of the best bid which was rejected. The ~~((authority))~~ department may contract loans and borrow money through the sale of bonds of the same character as those herein authorized, from the United States or any agency thereof, upon such conditions and terms as may be agreed to and the bonds shall be subject to all the provisions of this chapter, except the requirement that they be first offered at public sale.

Temporary or interim bonds, certificates, or receipts, of any denomination, and with or without coupons attached, signed by the state auditor, may be issued and delivered until bonds are executed and available for delivery.

Sec. 119. Section 49, chapter 145, Laws of 1967 ex. sess. and RCW 47.56.243 are each amended to read as follows:

After transfer of such moneys pursuant to RCW 47.56.242, all valid claims against such accounts, including proper claims for refunds for unused commute media and other prepaid toll fees, may be satisfied, and any outstanding bonds or any coupons may be redeemed by payment from the motor vehicle fund upon proper application to and approval by the ~~((highway commission))~~ department of transportation.

Neither the provisions of this section nor of RCW 47.56.242 shall be construed to preclude any remedy otherwise available to bond owners or coupon holders.

Sec. 120. Section 34, chapter 34, Laws of 1939 as last amended by section 1, chapter 221, Laws of 1959 and RCW 52.16.020 are each amended to read as follows:

In each county in which a fire protection district is situated, there are hereby created in the county treasurer's office, for the use of each said district, the following funds: (1) Expense fund; (2) ~~((coupon warrant fund; (3)))~~ reserve fund; ~~((4))~~ (3) local improvement district No. fund; and ~~((5))~~ (4) general obligation bond fund. All taxes levied for administrative, operative, and maintenance purposes and for the purchase of firefighting equipment and apparatus and for the housing thereof, when collected, and proceeds from the sale of ~~((coupon warrants))~~ general obligation bonds shall be placed by the county treasurer in the expense fund. All taxes levied for the payment of ~~((coupon warrants))~~ general obligation bonds and interest thereon, when collected, shall be placed by the county treasurer in the ~~((coupon warrant))~~ general obligation bond fund. ~~((Proceeds from the sale of general obligation bonds shall be placed by the county treasurer in the expense fund;))~~ The board of fire commissioners may include in its annual budget items of possible outlay to be provided for and held in reserve for any district purpose, and taxes shall be levied therefor, and all such taxes, when collected, shall be placed by the county treasurer in the reserve fund; said reserve fund, or any part thereof, may be transferred by the county treasurer to any other funds of the district at any time

upon order of the board of fire commissioners. All special (~~taxes~~) assessments levied against the lands in any improvement district within the district, when collected, shall be placed by the county treasurer in the local improvement district fund for such local improvement district.

Sec. 121. Section 37, chapter 34, Laws of 1939 and RCW 52.16.050 are each amended to read as follows:

The county treasurer shall pay out money received for the account of the district upon warrants issued by the county auditor against the proper funds of the district. Said warrants shall be issued on vouchers approved and signed by a majority of the district board and by the secretary thereof. The county treasurer shall also be authorized to pay (~~coupon warrants~~) general obligation bonds and the accrued interest thereon in accordance with their terms out of the (~~coupon warrant~~) general obligation bond fund (~~upon presentation of such warrants or interest coupons thereof~~) when interest or principal payments become due. The county treasurer shall report in writing monthly to the secretary of the district the amount of money held by him in each fund and the amounts of receipts and disbursements for each fund during the preceding month.

Sec. 122. Section 3, chapter 176, Laws of 1953 as last amended by section 66, chapter 56, Laws of 1970 ex. sess. and RCW 52.16.061 are each amended to read as follows:

(1) The board of fire commissioners of the district shall have authority to contract indebtedness and to refund same for any general district purpose, including expenses of maintenance, operation and administration, and the acquisition of firefighting facilities, and evidence the same by the issuance and sale at par plus accrued interest of (~~coupon warrants~~) general obligation bonds of the district in such denominations, in such form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act, and payable at such time or times not longer than six years from the issuing date of (~~said coupon warrants~~) the bonds; said date to be specified thereon, as the board shall determine and provide. Such (~~coupon warrants shall be payable to bearer, shall have interest coupons attached providing for the payment of~~) bonds shall pay interest at such rate or rates as authorized by the board, payable semiannually on the first day of January and of July following in each year: PROVIDED, That at the option of district board the aggregate amount of (~~coupon warrants~~) bonds may include a sum sufficient to pay the annual interest thereon for a period not exceeding one year from the issuing date of the (~~coupon warrants~~) bonds and in that event such interest shall be taken from the proceeds of the sale of the (~~coupon warrants~~) bonds and immediately placed in the (~~coupon warrant~~) general obligation fund of the district, for the payment of the interest (~~coupon maturing~~) payments becoming due during the first year of the (~~coupon warrants~~) bonds. The issuance of the coupon warrants, prior to delivery thereof to the purchaser, shall be recorded in the office of the county treasurer in a book kept for that purpose. Said coupon warrants when issued shall constitute general obligations of the district. All outstanding district warrants of every kind shall outlaw and become void after six years, from the maturity date thereof where money shall be available in the proper fund of the district within that time for their payment) bonds. Such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 123. Section 39, chapter 34, Laws of 1939 as last amended by section 1, chapter 130, Laws of 1975 1st ex. sess. and RCW 52.16.070 are each amended to read as follows:

Except as authorized by virtue of the issuance and sale of (~~district coupon warrants and~~) general obligation bonds, and the creation of local improvements districts and the issuance of local improvement bonds and warrants of the fire protection district, the board of fire commissioners shall have no authority to incur expenses or other financial obligations payable in any year in excess of the aggregate amount of taxes levied for that year, revenues derived from contracts, leases and fire protection services rendered to any other municipal corporation, person, firm or corporation, or state agency, grants, bequests, gifts or donations whether received from governmental or nongovernmental sources, and the cash balances on hand in the expense and reserve funds of the district on the first day of that year. In the event that there are any unpaid warrants drawn on any district fund or funds for expenses and obligations incurred outstanding at the end of any calendar year, the same may be paid from taxes collected in the subsequent year or years, revenues, grants, bequests, gifts or donations.

Sec. 124. Section 5, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 67, chapter 56, Laws of 1970 ex. sess. and RCW 52.16.100 are each amended to read as follows:

(1) Bonds issued pursuant to RCW 52.16.080 and 52.16.090 shall be serial in form and maturity and numbered from one up consecutively. They shall bear interest at a rate or rates as authorized by the board of fire commissioners, payable semiannually from date of said bonds until the principal thereof is paid (~~with interest coupons evidencing such interest to be attached thereto~~). The first annual maturity shall be two years from the date of issue of (~~said~~) such bonds and the various annual maturities shall be as nearly as practicable in such amounts as will, together with the interest on all outstanding bonds, be met by equal annual tax levies for the payment of the principal and interest of said bonds. Bonds issued under (~~this act~~) RCW 52.16.080 and 52.16.090 may not run for more than twenty years from the date of issue and except for bond No. 1, may only be in multiples of one hundred dollars. Such bonds

may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 125. Section 6, chapter 24, Laws of 1951 2nd ex. sess. and RCW 52.16.110 are each amended to read as follows:

(1) Such bonds shall be signed by the chairman of the board of fire commissioners and attested by the secretary of said board under the seal of the district and ~~((the))~~ any interest coupons to be attached thereto shall be signed with the facsimile signatures of said officials. Said bonds shall be sold in such manner as the board of fire commissioners shall deem to be for the best interest of the district and at a price not less than par.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 126. Section 8, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 52, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.130 are each amended to read as follows:

To carry out the purposes for which fire protection districts are created, the board of fire commissioners of any such district is hereby authorized to levy each year, in addition to the levy or levies provided in ~~((this act))~~ RCW 52.16.120 for the payment of the principal and interest of any outstanding general obligation bonds ~~((and the levies necessary to pay the principal and interest of any coupon warrants heretofore issued and outstanding))~~, an ad valorem tax on all taxable property located in such district not to exceed fifty cents per thousand dollars of assessed value: PROVIDED, That in no case may the total general levy for all purposes, except the levy for the retirement of general obligation bonds, exceed one dollar per thousand dollars of assessed value. Levies in excess of one dollar per thousand dollars of assessed value or in excess of aggregate dollar rate limitations or both may be made for any district purpose when so authorized at a special election under the provisions of RCW 84.52.052. Any such tax when so levied shall be certified to the proper county officials for the collection of the same as for other general taxes. Such taxes when collected shall be placed in the appropriate district fund or funds as provided by law, and shall be paid out on warrants of the auditor of the county in which the district is situated, upon authorization of the board of fire commissioners of such district.

Sec. 127. Section 9, chapter 24, Laws of 1951 2nd ex. sess. as amended by section 53, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.140 are each amended to read as follows:

Notwithstanding the limitation of dollar rates contained in RCW 52.16.130, the board of fire commissioners of any such district is hereby authorized to levy, in addition to any levy for the payment of the principal and interest of any outstanding general obligation bonds ~~((and levies necessary to pay the principal and interest of any coupon warrants heretofore issued and outstanding))~~, an ad valorem tax on all property located in such district of not to exceed fifty cents per thousand dollars of assessed value when such levy will not take dollar rates which other taxing districts may lawfully claim and which will not cause the combined levies to exceed the constitutional and/or statutory limitations, and such additional levy, or any portion thereof, may also be made when dollar rates of other taxing units is released therefor by agreement with the other taxing units from their authorized levies.

Sec. 128. Section 9, chapter 53, Laws of 1961 as last amended by section 54, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.160 are each amended to read as follows:

Notwithstanding the limitation of dollar rates contained in RCW 52.16.130, and in addition to any levy for the payment of the principal and interest of any outstanding general obligation bonds ~~((and levies necessary to pay the principal and interest of any coupon warrants heretofore issued and outstanding))~~ and in addition to any levy authorized by RCW 52.16.130, 52.16.140 or any other statute, if in any county where there are one or more townships in existence making annual tax levies and such township or townships are disorganized as a result of a county-wide disorganization procedure prescribed by statute and is no longer making any tax levy, or any township or townships for any other reason no longer makes any tax levy, the board of fire commissioners of any fire protection district within such county is hereby authorized to levy each year an ad valorem tax on all taxable property within such district of not to exceed fifty cents per thousand dollars of assessed value, which levy may be made only if it will not cause the combined levies to exceed the constitutional and/or statutory limitations.

Sec. 129. Section 45, chapter 34, Laws of 1939 as last amended by section 68, chapter 56, Laws of 1970 ex. sess. and RCW 52.20.060 are each amended to read as follows:

(1) Said district board shall also have authority, if in accordance with the adopted means of financing said local improvement district, to issue and sell at par and accrued interest coupon or registered warrants payable within three years from the date thereof exclusively from the local improvement fund of the district. Such coupon or registered warrants shall ~~((be payable with))~~ bear semiannual interest ~~((to-bearer))~~ and shall be in such form as the board shall determine and shall state on their face that they are payable exclusively from the local improvement fund of the district ~~((and shall be registered in the county treasurer's office, as~~

provided herein for the registry of general coupon warrants of the district)). Interest ((coupons thereon)) shall be payable on the first day of January and of July. Such warrants may be registered as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 130. Section 1, chapter 255, Laws of 1947 and RCW 52.34.010 are each amended to read as follows:

The board of fire commissioners of any fire protection district now existing or which may hereafter be organized under the laws of the state of Washington may commence a special proceeding in the superior court of the state of Washington in and by which the proceedings for the organization of the fire district or for the formation of any local improvement district therein, or proceedings for the authorization, issuance and sale of coupon or registered warrants or general obligation bonds issued pursuant to RCW 52.16.061, either of the fire district or for a local improvement district therein, or both, whether such bonds or coupon or registered warrants, or any of them, have or have not been sold, or proceedings for any contract of the district involving the fire district or any local improvement district therein and any other proceedings which may affect the legality of the proceedings concerned or any or all of the proceedings above outlined, may be judicially examined, approved and confirmed.

Sec. 131. Section 6, chapter 255, Laws of 1947 and RCW 52.34.060 are each amended to read as follows:

Upon the hearing of such special proceedings, the court shall have power and jurisdiction to examine and determine the legality and validity of, and to approve and confirm, each and all of the proceedings for the organization of the fire protection district and for the formation of any local improvement district therein under the provisions of the law relating to such districts from and including the petition for the organization of the fire district and for the formation of any local improvement district therein and all other proceedings which affect the legality of said districts, or the validity and legality of any coupon or registered warrants or bonds either of the fire district or for a local improvement district therein and all proceedings had by the fire district for any contract of the district involving the fire district or any local improvement district therein, and any other proceeding which may affect the legality of any of the proceedings concerned.

Sec. 132. Section 6, chapter 65, Laws of 1955 and RCW 53.08.050 are each amended to read as follows:

(1) A district may establish local improvement districts within the district, and levy special assessments, in annual installments extending over a period not exceeding ten years on all property specially benefited by the local improvement, on the basis of special benefits, to pay in whole or in part the damages or costs of the local improvement, and issue local improvement bonds to be paid from local improvement assessments. The levy and collection of such assessments and issuance of such bonds shall be as provided for the levy and collection of local improvement assessments and the issuance of local improvement bonds by cities ((of the first class)) and towns, insofar as consistent with this title: PROVIDED, That the duties of the treasurers of such cities and towns in connection therewith shall be performed by the county treasurer. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 133. Section 3, chapter 236, Laws of 1959 as last amended by section 69, chapter 56, Laws of 1970 ex. sess. and RCW 53.34.030 are each amended to read as follows:

Whenever any port district shall determine to acquire or construct any one or more projects authorized under the provisions of this chapter, the commission of such district shall have the power and is authorized to issue negotiable revenue bonds and notes from time to time in one or more series or installments in such principal amount as, in the opinion of the commission, shall be necessary to provide sufficient money for the acquisition, construction, reconstruction, extension or improvement thereof as set forth in RCW 53.34.010, including engineering, inspection, legal and financial fees and costs, working capital, interest on such bonds and notes during construction and for a reasonable period thereafter, establishment of reserves to secure such bonds and notes and all other expenditures of such district incidental, necessary or convenient to the establishment of such projects on a sound financial basis, and to issue negotiable revenue bonds and notes for the purpose of renewing or refunding such outstanding bonds and notes in whole or in part at or prior to maturity. All such revenue bonds or notes ((and coupons thereto attached)) shall be negotiable instruments within the meaning and purposes of the negotiable instruments law and shall be sold by the commission in such manner and for such price as the commission deems for the best interests of the district: PROVIDED, That the bonds and warrants may be in any form, including bearer bonds or bearer notes, or registered bonds or registered notes as provided in section 3 of this 1983 act. The commission may provide in any contract for the construction or acquisition of all or any part of a project or projects or for the additions or betterments thereto or extensions or improvements thereof that payment therefor shall be made only in such revenue bonds or notes(~~PROVIDED FURTHER:~~

That)). Any revenue bonds issued under the authority of this act shall have a final maturity not to exceed forty years from date of issue.

Sec. 134. Section 4, chapter 236, Laws of 1959 as last amended by section 70, chapter 56, Laws of 1970 ex. sess. and RCW 53.34.040 are each amended to read as follows:

(1) Revenue bonds and notes may be issued by one or more resolutions and may be secured by trust agreement by and between the district and one or more corporate trustees, depositories, or fiscal agents, which may be any trust company or state or national bank having powers of a trust company within or without the state of Washington. Such bonds or notes shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denominations, be in such form either coupon or registered as provided in section 3 of this 1983 act, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places within or without the state of Washington, and be subject to such terms of redemption and at such redemption premiums as such resolution, resolutions, or trust agreements may provide. No proceedings for the issuance of such bonds or notes shall be required other than those required by the provisions of this chapter, and none of the provisions of any other laws relative to the terms and conditions for the issuance, payment, redemption, registration, sale or delivery of bonds of public bodies, corporation, or political subdivisions of this state shall be applicable to bonds or notes issued by port districts pursuant to this chapter.

(2) Notwithstanding subsection (1) of this section, such bonds and notes may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 135. Section 5, chapter 236, Laws of 1959 and RCW 53.34.050 are each amended to read as follows:

Any resolution, resolutions, or trust agreements authorizing the issuance of any bonds or notes of a port district may contain covenants and agreements on the part of the district to protect and safeguard the security and payment of such bonds or notes, which shall be a part of the contract with the ~~((holders))~~ owners of such obligations thereby authorized as to:

(1) Pledging all or any part of the revenues, income, receipts, profits and other moneys derived by the district issuing such obligations from the ownership, operation, management, lease, or sale of any one or more of the projects constructed from the proceeds thereof to secure the payment of bonds or notes;

(2) The establishment and collection of rates, rentals, tolls, charges, license, and other fees to be charged by the district and the amounts to be raised in each year for the services and commodities sold, leased, furnished, or supplied by any one or more of the projects established from the proceeds of such obligations, and the deposit, use, and disposition of the revenues of the district received therefrom;

(3) The setting aside of reserves or sinking funds for such obligations, and the deposit, investment, and disposition thereof;

(4) Limitations on the purpose or purposes to which the proceeds of sale of any issue of bonds or notes then or thereafter issued payable from the revenues of any such project or projects may be applied, and pledging such proceeds to secure the payment of such bonds or notes;

(5) Limitations on the issuance of additional revenue bonds or notes of the district, the terms and conditions upon which such additional revenue bonds or notes may be issued and secured, and the refunding of outstanding or other bonds or notes;

(6) The procedure, if any, by which the terms of any contract with ~~((bondholders))~~ bond owners may be amended or abrogated, the amount of bonds or notes the ~~((holders))~~ owners of which must consent thereto, and the manner in which such consent may be given;

(7) Limitations on the amount of moneys derived from any project or projects to be expended for operating, administrative or other expenses of the district in connection with any such project or projects;

(8) The employment of independent auditors and engineers or other technical consultants to advise and assist the district in the operation, management, and improvement of any project or projects;

(9) Limitations or prohibitions on rendering free service in connection with any project or projects;

(10) Specifying conditions constituting events of default and vesting in one or more trustees including trustees which may be appointed by the ~~((bondholders and noteholders))~~ bond owners and note owners, such special rights, property rights, powers, and duties with respect to the property and revenues of any project or projects as the commission of the district may deem advisable the better to secure the payment of such bonds and notes;

(11) Prescribing conditions controlling the acquisition, sale, lease, or other disposition of real and personal property used or useful in connection with any project or projects, the amount and kinds of policies of insurance to be carried by the district in connection therewith, and the use and disposition of the proceeds of policies of insurance; and

(12) Any other matters of like or different character which in any way affect the security or protection of bonds or notes of the district.

Sec. 136. Section 12, chapter 92, Laws of 1911 as amended by section 2, chapter 179, Laws of 1921 and RCW 53.36.040 are each amended to read as follows:

(1) Any port commission is hereby authorized, prior to the receipt of taxes raised by levy, to borrow money or issue the warrants of the district in anticipation of the revenues to be derived by such district and such warrants shall be redeemed from the first money available from such taxes when collected. Such warrants may be in any form, including bearer warrants or registered warrants as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 137. Section 4, chapter 59, Laws of 1957 as last amended by section 73, chapter 56, Laws of 1970 ex. sess. and RCW 53.40.030 are each amended to read as follows:

(1) The port commission shall determine the form, conditions, and denominations of all such bonds, the maturity date or dates which the bonds so sold shall bear, and the interest rate or rates thereon. It shall not be necessary that all bonds of the same authorized issue bear the same interest rate or rates. Principal and interest of the bonds shall be payable at such place or places as may be fixed and determined by the port commission. The bonds may contain provisions for registration thereof as to principal only or as to both principal and interest as provided in section 3 of this 1983 act. The bonds shall (be issued in coupon form with) have interest payable at such time or times as may be determined by the port commission and in such amounts as it may prescribe. The port commission may provide for retirement of bonds issued under this chapter at any time or times prior to their maturity, and in such manner and upon the payment of such premiums as may be fixed and determined by resolution of the port commission.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 138. Section 4, chapter 122, Laws of 1949 as last amended by section 4, chapter 183, Laws of 1959 and RCW 53.40.040 are each amended to read as follows:

Bonds authorized under the provisions of this chapter shall be payable solely out of operating revenues of the port district. Such bonds shall be authorized by resolution adopted by the port commission, which resolution shall create a special fund or funds into which the port commission may obligate and bind the port district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the gross revenue of the port district for the purpose of paying the principal of and interest on such bonds as the same shall become due, and if deemed necessary to maintain adequate reserves therefor. Such fund or funds shall be drawn upon solely for the purpose of paying the principal and interest upon the bonds issued pursuant to this chapter.

The bonds shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state, even though they shall be payable solely from such special fund or funds, and the tax revenue of the port district may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. The bonds and (the) any coupons attached thereto shall state upon their face that they are payable solely from such special fund or funds. If the port commission fails to set aside and pay into such fund or funds the payments provided for in such resolution, the (holder) owner of any such bonds may bring suit to compel compliance with the provisions of the resolution.

Sec. 139. Section 9, chapter 122, Laws of 1949 as last amended by section 74, chapter 56, Laws of 1970 ex. sess. and RCW 53.40.110 are each amended to read as follows:

(1) The bonds issued pursuant to the provisions of this chapter shall bear interest at such rate or rates as authorized by the port commission; shall be signed on behalf of the port district by the president of the port commission and shall be attested by the secretary of the port commission, one of which signatures may be a facsimile signature, and shall have the seal of the port district impressed thereon; ((each of the) any interest coupons attached thereto shall be signed by the facsimile signatures of said officials. Such bonds shall be sold in the manner and at such price as the port commission shall deem best, either at public or private sale.

The port commission may provide such covenants as it may deem necessary to secure the payment of the principal of and interest on such bonds and may but shall not be required to include covenants to create a reserve fund or account and to authorize the payment or deposit of certain moneys therein for the purpose of securing the payment of such principal and interest; to establish, maintain, and collect tariffs, rates, charges, fees, rentals, and sales prices on facilities and services the income of which is pledged for the payment of such bonds, sufficient to pay or secure the payment of such principal and interest and to maintain an adequate coverage over annual debt service; and to make any and all other covenants not inconsistent with the provisions of this chapter which will increase the marketability of such bonds. The port commission may also provide that revenue bonds payable out of the same source or sources may later be issued on a parity with any revenue bonds being issued and sold. The provisions of this chapter and any resolution or resolutions providing for the authorization, issuance, and sale of such bonds shall constitute a contract with the (holders) owners of such bonds, and the

provisions thereof shall be enforceable by any owner (~~or holder~~) of such bonds by mandamus or any appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 140. Section 8, chapter 122, Laws of 1949 as last amended by section 75, chapter 56, Laws of 1970 ex. sess. and RCW 53.40.130 are each amended to read as follows:

(1) The port commission of any port district may by resolution, from time to time, provide for the issuance of funding or refunding revenue bonds to fund or refund any outstanding revenue warrants, bonds, and any premiums and interest due thereon (~~and matured coupons evidencing interest upon any such bonds~~) at or before the maturity of such warrants or bonds, and may combine various outstanding revenue warrants and parts or all of various series and issues of outstanding revenue bonds and any matured coupons in the amount thereof to be funded or refunded.

The port commission shall create a special fund for the sole purpose of paying the principal of and interest on such funding or refunding revenue bonds, into which fund the commission shall obligate and bind the port district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the gross revenue of the port district sufficient to pay such principal and interest as the same shall become due, and if deemed necessary to maintain adequate reserves therefor.

Such funding or refunding bonds shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state, and the tax revenue of the port district may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

The port district may exchange such funding or refunding bonds for the warrants, bonds, and any coupons being funded or refunded, or it may sell such funding or refunding bonds in the manner, at such rate or rates of interest and at such price as the port commission shall deem to be for the best interest of the district and its inhabitants, either at public or private sale.

The provisions of this chapter relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 141. Section 3, chapter 7, Laws of 1941 and RCW 53.43.030 are each amended to read as follows:

(1) Such funding or refunding bonds shall be the general obligation bonds of the district issuing the same, payable out of and from annual taxes upon all the taxable property within the port district levied and collected as are other port district taxes. Such bonds shall run for a period of not exceeding twenty years from date thereof, and shall mature and be payable on the amortization plan prescribed by RCW 39.44.010: PROVIDED, HOWEVER, That any such bonds may be issued to mature commencing at the end of the first year after date thereof, and the foregoing amortization plan may be departed from when, in view of other taxation and financial burdens of any such port district, it shall be to the advantage of the port district and of the owners of the property therein, in the judgment of the board of commissioners thereof, to depart from such amortization plan; and said bonds or any part thereof maturing on or after ten years from date thereof may be made redeemable on any interest payment date prior to their dates of fixed maturity, at the option of the port district, upon such prior notice thereof as shall be determined by resolution of said board and as expressed upon the face of the bonds thus subjected to the right of prior redemption. The board of commissioners shall have the right to apply to the payment of said bonds and to the prior redemption thereof any other moneys or funds belonging to said port district which are legally available for such purpose.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act): PROVIDED, That the issuance of such bonds shall be subject to RCW 53.43.040(2).

Sec. 142. Section 4, chapter 7, Laws of 1941 as amended by section 17, chapter 156, Laws of 1981 and RCW 53.43.040 are each amended to read as follows:

(1) Such funding or refunding bonds shall bear interest at a rate or rates fixed by the board after the sale of said bonds, or, in the event of the issuance thereof by exchange, prior to such exchange; and the form of said bonds (~~and interest coupons which shall be attached thereto~~), which may be bearer or registered as provided in section 3 of this 1983 act, their execution, and said bonds in all other respects, shall be as permitted by law and as provided by resolution of said board. Funding or refunding bonds may be issued by way of sale, or by exchange of such funding or refunding bonds for the warrants, bonds, or other instruments evidencing the indebtedness thus to be funded or refunded (~~PROVIDED, That~~).

(2) Such funding or refunding bonds (~~thus~~) issued after sale (~~thereof~~) of such bonds, or by exchange thereof, shall not exceed, in principal amount, the principal and interest of the indebtedness thereby funded or refunded, and the funding or refunding bonds shall bear a

lower rate of interest than the rate of interest borne by the indebtedness funded or refunded thereby.

(3) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 143. Section 2, chapter 239, Laws of 1947 as last amended by section 76, chapter 56, Laws of 1970 ex. sess. and RCW 53.44.020 are each amended to read as follows:

(1) Such funding or refunding bonds shall bear interest as fixed by the board after the sale of the bonds, or, in the event of the issuance thereof by exchange, prior to such exchange; and the form of the bonds ((and interest coupons which shall be attached thereto)), which may be bearer or registered as provided in section 3 of this 1983 act, their execution, and the bonds in all other respects, shall be as permitted by law and as provided by resolution of the board.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 144. Section 8, chapter 390, Laws of 1955 as amended by section 1, chapter 218, Laws of 1959 and RCW 54.16.070 are each amended to read as follows:

(1) A district may contract indebtedness or borrow money for any corporate purpose on its credit or on the revenues of its public utilities, and to evidence such indebtedness may issue general obligation bonds or revenue obligations, the general obligation bonds not to be sold for less than par and accrued interest; may issue and sell local utility district bonds of districts created by the commission, and may purchase with surplus funds such local utility district bonds, and may create a guaranty fund to insure prompt payment of all local utility district bonds.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 145. Section 14, chapter 390, Laws of 1955 and RCW 54.16.130 are each amended to read as follows:

The commission shall by resolution establish the method of procedure in all matters relating to local utility districts. A public utility district may determine by resolution what work shall be done or improvements made at the expense, in whole or in part, of the property specially benefited thereby; and adopt and provide the manner, machinery and proceedings in any way relating to the making and collecting of assessments therefor in pursuance thereof. Except as herein otherwise provided or as may hereafter be set forth by resolution, all matters and proceedings relating to the local utility district, the levying and collection of assessments, the issuance and redemption of local improvement warrants and bonds, and the enforcement of local assessment liens hereunder, shall be governed, as nearly as may be, by the laws relating to local improvements for cities ~~((of the first class))~~ and towns: PROVIDED, That no protest against a local utility district improvement shall be received after twelve o'clock noon of the day set for hearing. Such bonds and warrants may be in any form, including bearer bonds or bearer warrants, or registered warrants or registered bonds as provided in section 3 of this 1983 act. Such bonds and warrants may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

The commission may determine to finance the project by bonds or warrants secured by assessments against the property within the local utility district: Or it may finance the project by revenue bonds, in which case no bonds or warrants shall be issued by the local utility district, but assessments shall be levied upon the taxable property therein on the basis of special benefits up to, but not exceeding the total cost of the improvement and in such cases the entire principal and interest of such assessments shall be paid into a revenue bond fund of the district, to be used for the sole purpose of the payment of revenue bonds.

Sec. 146. Section 1, chapter 12, Laws of 1971 and RCW 54.24.018 are each amended to read as follows:

(1) Whenever the commission shall deem it advisable that the public utility district purchase, purchase and condemn, acquire, or construct any such public utility, or make any additions or betterments thereto, or extensions thereof, the commission shall provide therefor by resolution, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and specify whether general or utility indebtedness is to be incurred, the amount of such indebtedness, the amount of interest and the time in which all general bonds (if any) shall be paid, not to exceed thirty years. In the event the proposed general indebtedness to be incurred will bring the indebtedness of the public utility district to an amount exceeding three-fourths of one percent of the value of the taxable property of the public utility district, as the term "value of the taxable property" is defined in RCW 39.36.015, the proposition of incurring such indebtedness and the proposed plan or system shall be submitted to the qualified electors of said public utility district for their assent at the next general election held in such public utility district.

Whenever the commission (or a majority of the qualified voters of such public utility district, voting at said election, when it is necessary to submit the same to said voters) shall have adopted a system or plan for any such public utility, as aforesaid, and shall have authorized indebtedness therefor by a three-fifths vote of the qualified voters of such district, voting at said election, general or public utility bonds may be used as hereinafter provided. Said general

bonds shall be serial in form and maturity and numbered from one upwards consecutively. The various annual maturities shall commence not later than the tenth year after the date of issue of such bonds. The general bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. The resolution authorizing the issuance of the bonds shall fix the rate or rates of interest the bonds shall bear and the place and date of the payment of both principal and interest. The bonds shall be signed by the president of the commission, attested by the secretary of the commission, and the seal of the public utility district shall be affixed to each bond but not to ~~((the))~~ any coupons: PROVIDED, HOWEVER, That ~~((said))~~ any coupons, in lieu of being so signed, may have printed thereon ~~((a))~~ facsimiles of the signature of such officers. The principal and interest of such general bonds shall be paid from the revenue of such public utility district after deducting costs of maintenance, operation, and expenses of the public utility district, and any deficit in the payment of principal and interest of said general bonds shall be paid by levying each year a tax upon the taxable property within said district sufficient to pay said interest and principal of said bonds, which tax shall be due and collectible as any other tax. Said bonds shall be sold in such manner as the commission shall deem for the best interest of the district.

(2) All bonds and warrants issued under the authority of this ~~((act))~~ chapter shall be legal securities, which may be used by any bank or trust company for deposit with the state treasurer, or any county or city treasurer, as security for deposits, in lieu of a surety bond, under any law relating to deposits of public moneys.

(3) When the commission shall not desire to incur a general indebtedness in the purchase, condemnation and purchase, acquisition, or construction of any such public utility, or addition or betterment thereto, or extension thereof, it shall have the power to create a special fund or funds for the sole purpose of defraying the cost of such public utility, or addition or betterment thereto, or extension thereof, into which special fund or funds it may obligate and bind the district to set aside and pay a fixed proportion of the gross revenues of such public utility, or any fixed amount out of, and not exceeding a fixed proportion of, such revenues, or a fixed amount without regard to any fixed proportion, and to issue and sell revenue bonds or warrants bearing interest at such rate or rates, payable semiannually, executed in such manner, and payable at such times and places as the commission shall determine, but such bonds or warrants and the interest thereon, shall be payable only out of such special fund or funds. In creating any such special fund or funds, the commission shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenues previously pledged as a fund for the payment of bonds or warrants, and shall not set aside into such special fund or funds a greater amount or proportion of the revenues and proceeds than, in its judgment, will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenues so previously pledged. Any such bonds or warrants, and interest thereon, issued against any such fund, as herein provided, shall be a valid claim of the ~~((holder))~~ owner thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state on its face that it is payable from a special fund, naming such fund and the resolution creating it. Said bonds and warrants shall be sold in such manner as the commission shall deem for the best interests of the district ~~((and))~~. The commission may provide in any contract for the construction and acquisition of a proposed improvement or utility that payment therefor shall be made only in such bonds or warrants at the par value thereof. In all other respects, the issuance of such utility bonds or warrants and payment therefor shall be governed by the public utility laws for cities and towns. The revenue or utility bonds or warrants may be in any form, including bearer bonds or bearer warrants, or registered bonds or registered warrants as provided in section 3 of this 1983 act.

(4) Notwithstanding subsections (1) through (3) of this section, any of such bonds and warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 147, Section 2, chapter 182, Laws of 1941 as amended by section 4, chapter 218, Laws of 1959 and RCW 54.24.030 are each amended to read as follows:

(1) Whenever the commission shall deem it advisable to issue revenue obligations for the purpose of defraying the cost or part of the cost of such public utility or any additions or betterments thereto or extensions thereof, it shall have power as a part of such plan and system to create a special fund or funds for the purpose of defraying the cost of such public utility, or additions or betterments thereto or extensions thereof, into which special fund or funds it may obligate and bind the district to set aside and pay a fixed proportion of the gross revenues of such public utility, and all additions or betterments thereto or extensions thereof, or any fixed amount out of, and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, or an amount of such revenues equal to a fixed percentage of the aggregate principal amount of revenue obligations at any time issued against the special fund or funds, and to issue and sell revenue obligations payable as to both principal and interest only out of such fund or funds.

Such revenue obligations shall bear such date or dates, mature at such time or times, be in such denominations, be in such form, either coupon or registered, as provided in section 3 of this 1983 act, or both, carry such registration privileges, be made transferable, exchangeable, and interchangeable, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption as the commission shall by resolution determine.

Any resolution or resolutions authorizing the issuance of any revenue obligations maturing in not exceeding six years from the date thereof (hereinafter in this section referred to as "short term obligations") may contain, in addition to all other provisions authorized by this title, and as an alternate method for the payment thereof, provisions which shall be a part of the contract with the holders of the short term obligations thereby authorized as to:

((+)) (a) Refunding the short term obligations at or prior to maturity and, if so provided, outstanding bonds by the issuance of revenue bonds of the district either by the sale of bonds and application of the proceeds to the payment of the short term obligations and outstanding bonds or by the exchange of bonds for the short term obligations;

((2)) (b) Satisfying, paying, or discharging the short term obligations at the election of the district by the tender or delivery of revenue bonds of the district in exchange therefor: PROVIDED, That the aggregate principal amount of bonds shall not exceed by more than five percent the aggregate principal amount of the short term obligations, to satisfy, pay, or discharge said short term obligations for which the bonds are tendered or delivered;

((3)) (c) Exchanging or converting the short term obligations at the election of the (holder) owner thereof for or into the bonds of the district: PROVIDED, That the aggregate principal amount of the bonds shall not exceed by more than five percent the aggregate principal amount of the short term obligations to be exchanged for or converted into bonds;

((4)) (d) Pledging bonds of the district as collateral to secure payment of the short term obligations and providing for the terms and conditions of the pledge and the manner of enforcing the pledge, which terms and conditions may provide for the delivery of the bonds in satisfaction of the short term obligations: PROVIDED, That the aggregate principal amount of the bonds pledged shall not exceed by more than five percent the aggregate principal amount of the short term obligations to secure said short term obligations for which they are pledged;

((5)) (e) Depositing bonds in escrow or in trust with a trustee or fiscal agent or otherwise providing for the issuance and disposition of the bonds as security for carrying out any of the provisions in any resolution adopted pursuant to this section and providing for the powers and duties of the trustee, fiscal agent, or other depository and the terms and conditions upon which the bonds are to be issued, held and disposed of;

((6)) (f) Any other matters of like or different character which relate to any provision or provisions of any resolution adopted pursuant to this section.

A district shall have power to make contracts for the future sale from time to time of revenue obligations by which the purchasers shall be committed to purchase such revenue obligations from time to time on the terms and conditions stated in such contract; and a district shall have power to pay such consideration as it shall deem proper for such commitments.

(2) Notwithstanding subsection (1) of this section, such revenue obligations may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 148, Section 5, chapter 182, Laws of 1941 as amended by section 5, chapter 218, Laws of 1959 and RCW 54.24.040 are each amended to read as follows:

In creating any special fund for the payment of revenue obligations, the commission shall have due regard to the cost of operation and maintenance of the plant or system constructed or added to, and to any proportion or amount of the revenues previously pledged as a fund for the payment of revenue obligations, and shall not set aside into such special fund or funds a greater amount or proportion of the revenues and proceeds than in its judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenues so previously pledged. Any such revenue obligations and interest thereon issued against any such fund as herein provided shall be a valid claim of the (holder) owner thereof only as against such special fund and the proportion or amount of the revenues pledged to such fund, but shall constitute a prior charge over all other charges or claims whatsoever, including the charge or lien of any general obligation bonds against such fund and the proportion or amount of the revenues pledged thereto. Such revenue obligations shall not constitute an indebtedness of such district within the meaning of the constitutional provisions and limitations. Each revenue obligation shall state on its face that it is payable from a special fund, naming such fund and the resolution creating it, or shall describe such alternate method for the payment thereof as shall be provided by the resolution authorizing same.

It is the intention hereof that any pledge of the revenues or other moneys or obligations made by a district shall be valid and binding from the time that the pledge is made; that the revenues or other moneys or obligations so pledged and thereafter received by a district shall immediately be subject to the lien of such pledge without any physical delivery or further act, and that the lien of any such pledge shall be valid and binding as against any parties having claims of any kind in tort, contract, or otherwise against a district irrespective of whether such

parties have notice thereof. Neither the resolution or other instrument by which a pledge is created need be recorded.

Sec. 149. Section 3, chapter 182, Laws of 1941 as last amended by section 6, chapter 218, Laws of 1959 and RCW 54.24.050 are each amended to read as follows:

Any resolution creating any such special fund or authorizing the issue of revenue obligations payable therefrom, or by such alternate method of payment as may be provided therein, shall specify the title of such revenue obligations as determined by the commission and may contain covenants by the district to protect and safeguard the security and the rights of the ~~((holders))~~ owners thereof, including covenants as to, among other things:

(1) The purpose or purposes to which the proceeds of sale of such obligations may be applied and the use and disposition thereof;

(2) The use and disposition of the gross revenues of the public utility, and any additions or betterments thereto or extensions thereof, the cost of which is to be defrayed with such proceeds, including the creation and maintenance of funds for working capital to be used in the operation of the public utility and for renewals and replacements to the public utility;

(3) The amount, if any, of additional revenue obligations payable from such fund which may be issued and the terms and conditions on which such additional revenue obligations may be issued;

(4) The establishment and maintenance of adequate rates and charges for electric energy, water, and other services, facilities, and commodities sold, furnished, or supplied by the public utility;

(5) The operation, maintenance, management, accounting, and auditing of the public utility;

(6) The terms and prices upon which such revenue obligations or any of them may be redeemed at the election of the district;

(7) Limitations upon the right to dispose of such public utility or any part thereof without providing for the payment of the outstanding revenue obligations; and

(8) The appointment of trustees, depositaries, and paying agents to receive, hold, disburse, invest, and reinvest all or any part of the income, revenues, receipts, and profits derived by the district from the operation, ownership, and management of its public utility.

Sec. 150. Section 4, chapter 182, Laws of 1941 as last amended by section 78, chapter 56, Laws of 1970 ex. sess. and RCW 54.24.060 are each amended to read as follows:

(1) Such utility revenue obligations shall be sold and delivered in such manner, at such rate or rates of interest and for such price or prices and at such time or times as the commission shall deem for the best interests of the district. The commission may, if it deem it to be the best interest of the district, provide in any contract for the construction or acquisition of the public utility, or the additions or betterments thereto or extensions thereof, that payment therefor shall be made only in such revenue obligations at the par value thereof.

(2) Notwithstanding subsection (1) of this section, such obligations may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 151. Section 9, chapter 182, Laws of 1941 as last amended by section 2, chapter 37, Laws of 1981 and RCW 54.24.100 are each amended to read as follows:

(1) All revenue obligations, including funding and refunding revenue obligations, shall be executed in such manner as the commission may determine: PROVIDED, That warrants may be signed as provided in RCW 54.24.010. ~~((The))~~ Any interest coupons attached to any revenue obligations may be executed with facsimile or lithographed signatures, or otherwise, as the commission may determine.

(2) Notwithstanding subsection (1) of this section, such obligations may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 152. Section 1, chapter 150, Laws of 1957 and RCW 54.24.200 are each amended to read as follows:

Every public utility district in the state is hereby authorized, by resolution, to create a fund for the purpose of guaranteeing, to the extent of such fund, and in the manner hereinafter provided, the payment of such of its local improvement bonds and/or warrants as the commission may determine issued to pay for any local improvement within any local utility district established within the boundaries of the public utility district. Such fund shall be designated "local improvement guaranty fund, public utility district No.". For the purpose of maintaining such fund the public utility district shall set aside and pay into it such proportion as the commissioners may direct by resolution of the monthly gross revenues of its public utilities for which local improvement bonds and/or warrants have been issued and guaranteed by said fund: PROVIDED, HOWEVER, That any obligation to make payments into said fund as herein provided shall be junior to any pledge of said gross revenues for the payment of any outstanding or future general obligation bonds or revenue bonds of the district. The proportion may be varied from time to time as the commissioners deem expedient: PROVIDED, FURTHER, That under the existence of the conditions set forth in subdivisions (1) and (2), hereunder, and when consistent with the covenants of a public utility district securing its bonds, the proportion shall be as therein specified, to wit:

(1) When bonds and/or warrants of a local utility district have been guaranteed and are outstanding and the guaranty fund does not have a cash balance equal to twenty percent of all bonds and/or warrants originally guaranteed hereunder, excluding bonds and/or warrants which have been retired in full, then twenty percent of the gross monthly revenues from each public utility for which such bonds and/or warrants have been issued and are outstanding but not necessarily from users in other parts of the public utility district as a whole, shall be set aside and paid into the guaranty fund: PROVIDED, That when, under the requirements of this subdivision, the cash balance accumulates so that it is equal to twenty percent of the total original guaranteed bonds and/or warrants, exclusive of any issue of bonds and/or warrants of a local utility district which issue has been paid and/or redeemed in full, or equal to the full amount of all bonds and/or warrants guaranteed, outstanding and unpaid, which amount might be less than twenty percent of the original total guaranteed, then no further revenue need be set aside and paid into the guaranty fund so long as such condition continues:

(2) When warrants issued against the guaranty fund remain outstanding and uncalled, for lack of funds, for six months from date of issuance, or when (~~coupons;~~) bonds (~~and/or~~), warrants, or any coupons or interest payments guaranteed hereunder have been matured for six months and have not been redeemed, then twenty percent of the gross monthly revenue, or such portion thereof as the commissioners determine will be sufficient to retire the warrants or redeem the coupons, interest payments, bonds and/or warrants in the ensuing six months, derived from all the users of the public utilities for which such bonds and/or warrants have been issued and are outstanding in whole or in part, shall be set aside and paid into the guaranty fund: PROVIDED, That when under the requirements of this subdivision all warrants, coupons, bonds and/or warrants specified in this subdivision have been redeemed and interest payments made, no further income need be set aside and paid into the guaranty fund under the requirements of this subdivision unless other warrants remain outstanding and unpaid for six months or other coupons, bonds and/or warrants default or interest payments are not made: PROVIDED, FURTHER, HOWEVER, That no more than a total of twenty percent of the gross monthly revenue shall be required to be set aside and paid into the guaranty fund by these subdivisions (1) and (2).

Sec. 153. Section 3, chapter 150, Laws of 1957 as amended by section 19, chapter 156, Laws of 1981 and RCW 54.24.220 are each amended to read as follows:

When a (~~coupon;~~) bond (~~and/or~~), warrant, or any coupon or interest payment guaranteed (~~hereby~~) by the guaranty fund matures and there are not sufficient funds in the local utility district bond redemption fund to pay it, the county treasurer shall pay it from the local improvement guaranty fund of the public utility district; if there are not sufficient funds in the guaranty fund to pay it, it may be paid by issuance and delivery of a warrant upon the local improvement guaranty fund.

When the cash balance in the local improvement guaranty fund is insufficient for the required purposes, warrants drawing interest at a rate determined by the commission may be issued by the district auditor, against the fund to meet any liability accrued against it and shall issue them upon demand of the (~~holders~~) owners of any matured coupons, bonds, interest payments, and/or warrants guaranteed hereby, or to pay for any certificate of delinquency for delinquent installments of assessments as provided hereinafter. Guaranty fund warrants shall be a first lien in their order of issuance upon the guaranty fund.

Sec. 154. Section 6, chapter 150, Laws of 1957 and RCW 54.24.250 are each amended to read as follows:

When there is paid out of a guaranty fund any sum on the principal or interest upon local improvement bonds, and/or warrants, or on the purchase of certificates of delinquency, the public utility district, as trustee, for the fund, shall be subrogated to all rights of the (~~holder~~) owner of the bonds, and/or warrants, any interest coupons, or delinquent assessment installments so paid; and the proceeds thereof, or of the assessment underlying them, shall become a part of the guaranty fund. There shall also be paid into the guaranty fund the interest received from the bank deposits of the fund, as well as any surplus remaining in the local utility district funds guaranteed hereunder, after the payment of all outstanding bonds and/or warrants payable primarily out of such local utility district funds. As among the several issues of bonds and/or warrants guaranteed by the fund, no preference shall exist, but defaulted interest coupons and bonds and/or warrants shall be purchased out of the fund in the order of their presentation.

The commissioners shall prescribe, by resolution, appropriate rules for the guaranty fund consistent herewith. So much of the money of a guaranty fund as is necessary and not required for other purposes hereunder may be used to purchase property at county tax foreclosure sales or from the county after foreclosure in cases where the property is subject to unpaid local improvement assessments securing bonds and/or warrants guaranteed hereunder and such purchase is deemed necessary for the purpose of protecting the guaranty fund. In such cases the funds shall be subrogated to all rights of the district. After so acquiring title to real property, the district may lease or resell and convey it in the same manner that county property may be leased or resold and for such prices and on such terms as may be determined by resolution of

the commissioners. All proceeds resulting from such resales shall belong to and be paid into the guaranty fund.

Sec. 155. Section 18, chapter 210, Laws of 1941 as last amended by section 65, chapter 195, Laws of 1973 1st ex. sess. and RCW 56.16.040 are each amended to read as follows:

(1) Whenever any such sewer district shall hereafter adopt a plan for a sewer system as herein provided, or any additions and betterments thereto, or whenever any reorganized sewer district shall hereafter adopt a plan for any additions or betterments thereto, and the qualified voters of any such sewer district or reorganized sewer district shall hereafter authorize a general indebtedness for all the said plan, or any part thereof, or any additions and betterments thereto or for refunding in whole or in part bonds theretofore issued, general obligation bonds for the payment thereof may be issued as hereinafter provided.

The bonds shall be serial in form and maturity and numbered from one up consecutively. The bonds shall bear interest at such rate or rates as authorized by the board of sewer commissioners, payable semiannually from date of said bonds until principal thereof is paid (~~with interest coupons, evidencing such interest to maturity, attached~~). The various annual maturities shall commence with the second year after the date of issue of the bonds, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of said bonds and interest: PROVIDED, That only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars. Such bonds may be of any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

((Such)) The general obligation bonds shall never be issued to run for a longer period than thirty years from the date of the issue and shall as nearly as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issue of the bonds.

The bonds shall be signed by the presiding officer of the board of sewer commissioners and shall be attested by the secretary of such board under the seal of the sewer district, and ~~((the))~~ any interest coupons shall be signed by the facsimile signature of the presiding officer of the board of sewer commissioners and shall be attested by the facsimile signature of the secretary of such board.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy in excess of the constitutional and/or statutory tax limitations sufficient to meet the annual or semiannual payments of principal and interest on the said bonds maturing as herein provided upon all taxable property within such sewer district.

Said bonds shall be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district, and at a price not less than par and accrued interest.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 156. Section 19, chapter 210, Laws of 1941 as last amended by section 1, chapter 25, Laws of 1975 1st ex. sess. and RCW 56.16.060 are each amended to read as follows:

(1) When sewer revenue bonds are issued for authorized purposes, said bonds shall be in bearer form or registered as to principal or interest or both, as provided in section 3 of this 1983 act, and may provide for conversion between registered and coupon bonds; shall be in such denominations, shall be numbered, shall bear such date, shall be payable at such time or times up to a maximum period of not to exceed thirty years and at such place or places one of which must be the office of the treasurer of the county in which the district is located, or of the county in which fifty-one percent or more of the area of the district is located such place or places to be determined by the board of commissioners of the district; shall bear interest at such rate or rates payable at such time or times as authorized by the board of sewer commissioners; shall be executed by the president of the board of commissioners and attested by the secretary thereof, one of which signatures may, with the written permission of the signator whose facsimile signature is being used, be a facsimile and have the seal of the district impressed thereon; and may have facsimile signatures of the president and secretary imprinted on ~~((the))~~ any interest coupons in lieu of original signatures.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 157. Section 21, chapter 210, Laws of 1941 as last amended by section 2, chapter 25, Laws of 1975 1st ex. sess. and RCW 56.16.080 are each amended to read as follows:

(1) In creating any special fund or funds the sewer commissioners of such sewer district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds, and the interest thereon, issued against any such fund as herein provided, shall be a valid claim of the ~~((holder))~~ owner thereof only as against the said special fund and its fixed proportion or

amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such sewer district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner, at such prices and at such rate or rates of interest as the sewer commissioners shall deem for the best interests of the sewer district, either at public or private sale, and the said commissioners may provide in any contract for the construction and acquirement of the proposed improvement that payment therefor shall be made in such bonds at par value thereof.

When any such special fund shall have been heretofore or shall be created and any such bonds shall have been heretofore or shall hereafter be issued against the same, a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund or authorizing such bonds. In case any sewer district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the ~~(holder)~~ owner of any bond payable from such special fund may bring suit or action against the sewer district and compel such setting aside and payment.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 158. Section 45, chapter 210, Laws of 1941 and RCW 56.16.130 are each amended to read as follows:

~~(The)~~ Any coupons ~~(hereinbefore mentioned)~~ for the payment of interest on bonds of any sewer district shall be considered for all purposes as warrants drawn upon the general fund of the said sewer district issuing such bonds, and when presented to the treasurer of the county having custody of the funds of such sewer district at maturity, or thereafter, and when so presented, if there are not funds in the treasury to pay the said coupons, it shall be the duty of the county treasurer to endorse said coupons as presented for payment, in the same manner as county warrants are indorsed, and thereafter said coupons shall bear interest at the same rate as the bonds to which they were attached. When there are no funds in the treasury to make interest payments on bonds not having coupons, the overdue interest payment shall continue bearing interest at the bond rate until it is paid, unless otherwise provided in the proceedings authorizing the sale of the bonds.

Sec. 159. Section 4, chapter 58, Laws of 1974 ex. sess. as last amended by section 5, chapter 45, Laws of 1981 and RCW 56.20.015 are each amended to read as follows:

In addition to all of the powers and authorities set forth in Title 56 RCW, any sewer district shall have all of the powers of cities as set forth in chapter 35.44 RCW. Sewer districts may also exercise all of the powers permitted to a water district under Title 57 RCW, except that a sewer district may not exercise water district powers in any area within its boundaries which is part of an existing district which previously shall have been duly authorized to exercise water district powers in such area without the consent by resolution of the board of commissioners of such district.

A sewer district shall have the power to issue general obligation bonds for water system purposes: PROVIDED, That a proposition to authorize general obligation bonds payable from excess tax levies for water system purposes pursuant to chapters 57.16 and 57.20 RCW shall be submitted to all of the qualified voters within that part of the sewer district which is not contained within another existing district duly authorized to exercise water district powers, and the taxes to pay the principal of and interest on the bonds approved by such voters shall be levied only upon all of the taxable property within such part of the sewer district. Such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 160. Section 8, chapter 18, Laws of 1959 as last amended by section 4, chapter 299, Laws of 1977 ex. sess. and RCW 57.16.030 are each amended to read as follows:

(1) The commissioners may, without submitting a proposition to the voters, authorize by resolution the district to issue revenue bonds for the construction costs, interest during the period of construction and six months thereafter, working capital or other costs of any part or all of the general comprehensive plan. The amount of the bonds to be issued shall be included in the resolution submitted.

Any resolution authorizing the issuance of revenue bonds may include provision for refunding any local improvement district bonds of a district, out of the proceeds of sale of revenue bonds, and a district may pay off any outstanding local improvement bonds with such funds either by purchase in the open market below their par value and accrued interest or by call at par value and accrued interest at the next succeeding ~~((coupon maturity))~~ interest payment date. The bonds may be in any form, including bearer bonds or registered bonds as provided by section 3 of this 1983 act.

When a resolution authorizing revenue bonds has been adopted the commissioners may forthwith carry out the general comprehensive plan to the extent specified.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 161. Section 9, chapter 114, Laws of 1929 as last amended by section 15, chapter 17, Laws of 1982 1st ex. sess. and RCW 57.16.050 are each amended to read as follows:

(1) A district may establish local improvement districts within its territory; levy special assessments under the mode of annual installments extending over a period not exceeding twenty years, on all property specially benefited by a local improvement, on the basis of special benefits to pay in whole or in part the damage or costs of any improvements ordered in the district; and issue local improvement bonds in the improvement district to be repaid by the collection of local improvement assessments. Such bonds may be of any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. The levying, collection and enforcement of such assessments and issuance of bonds shall be as provided for the levying, collection, and enforcement of local improvement assessments and the issuance of local improvement bonds by cities ~~((of the first class))~~ and towns insofar as consistent herewith. The duties devolving upon the city or town treasurer are hereby imposed upon the county treasurer of the county in which the real property is located for the purposes hereof. The mode of assessment shall be determined by the water commissioners by resolution. When in the petition or resolution for the establishment of a local improvement district, and in the comprehensive plan or amendment thereto or plan providing for additions and betterments to the original plan, previously adopted, it is provided that the assessments shall be for the sole purpose of payment into the revenue bond fund for the payment of revenue bonds, then the local improvement district shall be designated as a "utility local improvement district." No warrants or bonds shall be issued in a utility local improvement district, but the collection of interest and principal on all assessments in the utility local improvement district shall be paid into the revenue bond fund.

(2) Such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 162. Section 11, chapter 114, Laws of 1929 as last amended by section 71, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.20.010 are each amended to read as follows:

(1) When general district indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations has been authorized, the district may issue its general obligation bonds in payment thereof. The bonds shall be serial in form and maturity and numbered from one up consecutively and shall bear interest at such rate or rates as authorized by the board of water commissioners payable semiannually ~~((with interest coupons attached))~~. The various annual maturities shall commence with the second year after the date of the issue, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of the bonds and interest. Only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars. The bonds may be of any form, including bearer bonds and registered bonds as provided in section 3 of this 1983 act.

The bonds shall not ~~((be issued to run for a longer period than))~~ have terms in excess of twenty years ~~((from the date of issue))~~ and shall as nearly as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issuance of the bonds. The bonds shall be signed by the president of the board and attested by the secretary, under the seal of the district. ~~((The))~~ Any interest coupons shall be signed by the facsimile signature of the president and attested by the facsimile signature of the secretary.

There shall be levied by the officers or governing body charged with the duty of levying taxes, an annual levy in excess of the constitutional and/or statutory tax limitations sufficient to meet the annual or semiannual payments of principal and interest on the bonds upon all taxable property within the district.

The bonds shall be sold in such manner as the commissioners deem for the best interest of the district, and at a price not less than par and accrued interest.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 163. Section 16, chapter 251, Laws of 1953 as amended by section 72, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.20.015 are each amended to read as follows:

(1) The board of water commissioners of any water district may by resolution, without submitting the matter to the voters of the district, provide for the issuance of refunding general obligation bonds to refund any outstanding general obligation bonds, or any part thereof, at maturity thereof, or before the maturity thereof if they are subject to call for prior redemption or all of the ~~((holders))~~ owners thereof consent thereto.

(2) The total cost to the district over the life of the refunding bonds shall not exceed the total cost to the district which the district would have incurred but for such refunding over the remainder of the life of the bonds to be refunded thereby.

(3) The refunding bonds may be exchanged for the bonds to be refunded thereby, or may be sold in such manner as the board of water commissioners deems to be for the best interest of the district, and the proceeds of such sale used exclusively for the purpose of paying, retiring, and canceling the bonds to be refunded and interest thereon. Such bonds may be of any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(4) The provisions of RCW 57.20.010, ~~((specifying))~~ concerning the form and maturities of general obligation bonds and providing for annual tax levies in excess of the constitutional and/or statutory tax limitations shall apply to the refunding general obligation bonds issued under this section.

(5) Notwithstanding subsections (1) and (4) of this section, such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 164. Section 3, chapter 128, Laws of 1939 as last amended by section 3, chapter 25, Laws of 1975 1st ex. sess. and RCW 57.20.020 are each amended to read as follows:

(1) Whenever any issue or issues of water revenue bonds have been authorized in compliance with the provisions of RCW 57.16.010 through 57.16.040, said bonds shall be in bearer form or registered as to principal or interest or both, as provided in section 3 of this 1983 act, and may provide for conversion between registered and coupon bonds; shall be in such denominations, shall be numbered, shall bear such date, and shall be payable at such time or times up to a maximum period of not to exceed thirty years as shall be determined by the board of water commissioners of the district; shall bear interest at such rate or rates payable at such time or times as authorized by the board; shall be payable at the office of the county treasurer of the county in which the water district is located and may also be payable at such other place or places as the board of water commissioners may determine; shall be executed by the president of the board of water commissioners and attested and sealed by the secretary thereof, one of which signatures may, with the written permission of the signator whose facsimile signature is being used, be a facsimile; and may have facsimile signatures of said president or secretary imprinted on ~~((the))~~ any interest coupons in lieu of original signatures.

The water district commissioners shall have power and are required to create a special fund or funds for the sole purpose of paying the interest and principal of such bonds into which special fund or funds the said water district commissioners shall obligate and bind the water district to set aside and pay a fixed proportion of the gross revenues of the water supply system or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount or amounts without regard to any fixed proportion and such bonds and the interest thereof shall be payable only out of such special fund or funds, but shall be a lien and charge against all revenues and payments received from any utility local improvement district or districts pledged to secure such bonds, subject only to operating and maintenance expenses.

In creating any such special fund or funds the water district commissioners of such water district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds and interest thereon issued against any such fund as herein provided shall be a valid claim of the ~~((holder))~~ owner thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such water district within the meaning of the constitutional provisions and limitations. Each such bond ~~((or warrant))~~ shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner, at such price and at such rate or rates of interest as the water district commissioners shall deem for the best interests of the water district, either at public or private sale, and the said commissioners may provide in any contract for the construction and acquirement of the proposed improvement (and for the refunding of outstanding local improvement district obligations, if any) that payment therefor shall be made in such bonds at par value thereof.

When any such special fund shall have been heretofore or shall be hereafter created and any such bonds shall have been heretofore or shall hereafter be issued against the same a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount or amounts without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund or authorizing such bonds, and in case any water district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the ~~((holder))~~ owner of any bond payable from such special fund may bring suit or action against the water district and compel such setting aside and payment.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

(3) The water district commissioners of any water district, in the event that such water revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of water supply to those receiving such service, such rates and charges to be fixed as deemed necessary by such water district commissioners, so that uniform charges will be made for the same class of customer or service.

In classifying customers served or service furnished by such water supply system, the board of water commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair and

replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates shall be made on a monthly basis as may be deemed proper by such commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements and all other charges necessary for efficient and proper operation of the system.

Sec. 165. Section 2, chapter 82, Laws of 1935 as amended by section 2, chapter 102, Laws of 1937 and RCW 57.20.080 are each amended to read as follows:

Whenever there shall be paid out of a guaranty fund any sum on account of principal or interest upon a local improvement bond, or on account of purchase of certificates of delinquency, the water district, as trustee for the fund, shall be subrogated to all rights of the ~~((holder))~~ owner of the bonds, or any interest ((coupons)), or delinquent assessment installments, so paid; and the proceeds thereof, or of the assessment or assessments underlying the same, shall become a part of the guaranty fund. There shall also be paid into each guaranty fund the interest received from the bank deposits of the fund, as well as any surplus remaining in the local improvement funds guaranteed ~~((under this act))~~ by the guaranty fund, after the payment of all outstanding bonds payable primarily out of such local improvement funds. As among the several issues of bonds guaranteed by the fund, no preference shall exist, but defaulted ~~((interest coupons;))~~ bonds and any defaulted interest payments shall be purchased out of the fund in the order of their presentation.

The commissioners of every water district operating under ~~((the provisions of this act))~~ RCW 57.20.030, 57.20.080, and 57.20.090 shall prescribe, by resolution, appropriate rules and regulations for the guaranty fund, not inconsistent herewith. So much of the money of a guaranty fund as is necessary and is not required for other purposes under ~~((the terms of this act))~~ RCW 57.20.030, 57.20.080, and 57.20.090 may, at the discretion of the commissioners of the water district, be used to purchase property at county tax foreclosure sales or from the county after foreclosure in cases where such property is subject to unpaid local improvement assessments securing bonds guaranteed ~~((under this act))~~ by the guaranty fund and such purchase is deemed necessary for the purpose of protecting the guaranty fund. In such cases the said fund shall be subrogated to all rights of the water district. After so acquiring title to real property, the water district may lease or resell and convey the same in the same manner that county property is authorized to be leased or resold and for such prices and on such terms as may be determined by resolution of the board of water commissioners. Any provision of law to the contrary notwithstanding, all proceeds resulting from such resales shall belong to and be paid into the guaranty fund.

Sec. 166. Section 3, chapter 82, Laws of 1935 as amended by section 3, chapter 102, Laws of 1937 and RCW 57.20.090 are each amended to read as follows:

~~((Neither the holder nor))~~ The owner of any local improvement bonds guaranteed under the provisions of ~~((this act))~~ RCW 57.20.030, 57.20.080, and 57.20.090 shall not have any claim therefor against the water district by which the same is issued, except for payment from the special assessments made for the improvement for which said local improvement bonds were issued, and except as against the local improvement guaranty fund of said water district; and the water district shall not be liable to any ~~((holder or))~~ owner of such local improvement bond for any loss to the guaranty fund occurring in the lawful operation thereof by the water district. The remedy of the ~~((holder or))~~ owner of a local improvement bond, in case of nonpayment, shall be confined to the enforcement of the assessment and to the guaranty fund. A copy of the foregoing part of this section shall be plainly written, printed or engraved on each local improvement bond guaranteed by ~~((this act))~~ RCW 57.20.030, 57.20.080, and 57.20.090. The establishment of a local improvement guaranty fund by any water district shall not be deemed at variance from any comprehensive plan heretofore adopted by such water district.

In the event any local improvement guaranty fund hereunder authorized at any time has a balance therein in cash, and the obligations guaranteed thereby have all been paid off, then such balance shall be transferred to the maintenance fund of the water district.

Sec. 167. Section 22, chapter 114, Laws of 1929 and RCW 57.20.130 are each amended to read as follows:

~~((The))~~ Any coupons ((hereinbefore mentioned)) for the payment of interest on said bonds shall be considered for all purposes as warrants drawn upon the general fund of the said water district issuing such bonds, and when presented to the treasurer of the county having custody of the funds of such water district at maturity, or thereafter, and when so presented, if there are not funds in the treasury to pay the said coupons, it shall be the duty of the county treasurer to endorse said coupons as presented for payment, in the same manner as county warrants are indorsed, and thereafter said coupons shall bear interest at the same rate as the bond to which it was attached. When there are no funds in the treasury to make interest payments on bonds not having coupons, the overdue interest payment shall continue bearing interest at the bond rate until it is paid, unless otherwise provided in the proceedings authorizing the sale of the bonds.

Sec. 168. Section 9, chapter 236, Laws of 1967 as last amended by section 3, chapter 222, Laws of 1979 ex. sess. and RCW 67.28.160 are each amended to read as follows:

(1) To carry out the purposes of this chapter the legislative body of any municipality shall have the power to issue revenue bonds without submitting the matter to the voters of the municipality: PROVIDED, That the legislative body shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the legislative body may obligate the municipality to pay all or part of amounts collected from the special taxes provided for in RCW 67.28.180, and/or to pay such amounts of the gross revenue of all or any part of the facilities constructed, acquired, improved, added to, repaired or replaced pursuant to this chapter, as the legislative body shall determine: PROVIDED, FURTHER, That the principal of and interest on such bonds shall be payable only out of such special fund or funds, and the owners (~~and holders~~) of such bonds shall have a lien and charge against the gross revenue pledged to such fund.

Such revenue bonds and the interest thereon issued against such fund or funds shall constitute a claim of the (~~holders~~) owners thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the municipality.

Each such revenue bond shall state upon its face that it is payable from such special fund or funds, and all revenue bonds issued under this chapter shall be negotiable securities within the provisions of the law of this state. Such revenue bonds may be registered either as to principal only or as to principal and interest as provided in section 3 of this 1983 act, or may be bearer bonds; shall be in such denominations as the legislative body shall deem proper; shall be payable at such time or times and at such places as shall be determined by the legislative body; shall be executed in such manner and bear interest at such rate or rates as shall be determined by the legislative body.

Such revenue bonds shall be sold in such manner as the legislative body shall deem to be for the best interests of the municipality, either at public or private sale.

The legislative body may at the time of the issuance of such revenue bonds make such covenants with the (~~purchasers and holders~~) owners of said bonds as it may deem necessary to secure and guaranty the payment of the principal thereof and the interest thereon, including but not being limited to covenants to set aside adequate reserves to secure or guaranty the payment of such principal and interest, to pledge and apply thereto part or all of any lawfully authorized special taxes provided for in RCW 67.28.180, to maintain rates, charges or rentals sufficient with other available moneys to pay such principal and interest and to maintain adequate coverage over debt service, to appoint a trustee or trustees for the (~~bondholders~~) bond owners, to safeguard the expenditure of the proceeds of sale of such bonds and to fix the powers and duties of such trustee or trustees and to make such other covenants as the legislative body may deem necessary to accomplish the most advantageous sale of such bonds. The legislative body may also provide that revenue bonds payable out of the same source may later be issued on a parity with revenue bonds being issued and sold.

The legislative body may include in the principal amount of any such revenue bond issue an amount for engineering, architectural, planning, financial, legal, and other services and charges incident to the acquisition or construction of public stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center facilities, an amount to establish necessary reserves, an amount for working capital and an amount necessary for interest during the period of construction of any facilities to be financed from the proceeds of such issue plus six months. The legislative body may, if it deems it in the best interest of the municipality, provide in any contract for the construction or acquisition of any facilities or additions or improvements thereto or replacements or extensions thereof that payment therefor shall be made only in such revenue bonds.

If the municipality shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the (~~holder~~) owner of any such bond may bring action against the municipality and compel the performance of any or all of such covenants.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 169. Section 11, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.110 are each amended to read as follows:

(1) To carry out the purpose of this chapter, any cultural arts, stadium and convention district shall have the power to issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness equal to three-eighths of one percent of the value of taxable property within such district, as the term "value of taxable property" is defined in RCW 39.36.015. A cultural arts, stadium and convention district is additionally authorized to issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to three-fourths of one percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, and to provide for the retirement thereof by excess levies when approved by the voters at a special election called for that purpose in the manner prescribed by section 6, Article VIII and section 2, Article VII of the

Constitution and by RCW 84.52.056. General obligation bonds may not be issued with ((a maturity)) maturities in excess of forty years. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 170. Section 12, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.120 are each amended to read as follows:

(1) To carry out the purposes of this chapter, the cultural arts, stadium and convention district shall have the power to issue revenue bonds: PROVIDED, That the district governing body shall create or have created a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the governing body may obligate the district to pay such amounts of the gross revenue of all or any part of the facilities constructed, acquired, improved, repaired or replaced pursuant to this chapter, as the governing body shall determine: PROVIDED FURTHER, That the principal of and interest on such bonds shall be payable only out of such special fund or funds, and the owners ((and holders)) of such bonds shall have a lien and charge against the gross revenue pledged to such fund. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

The governing body of a district shall have such further powers and duties in carrying out the purposes of this chapter as provided in RCW 67.28.160.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 171. Section 5, chapter 147, Laws of 1974 ex. sess. as amended by section 1, chapter 121, Laws of 1981 and RCW 70.37.050 are each amended to read as follows:

The authority shall establish rules concerning its exercise of the powers authorized by this chapter. The authority shall receive from applicants requests for the providing of bonds for financing of health care facilities and shall investigate and determine the need and the feasibility of providing such bonds. Whenever the authority deems it necessary or advisable for the benefit of the public health to provide financing for a health care facility, it shall adopt a system and plan therefor and shall declare the estimated cost thereof, as near as may be, including as part of such cost funds necessary for the expenses incurred in the financing as well as in the construction or purchase or other acquisition or in connection with the rental or other payment for the use thereof, interest during construction, reserve funds and any funds necessary for initial start-up costs, and shall issue and sell its bonds for the purposes of the proposed plan or system: PROVIDED, That if a certificate of need is required for the proposed project no such plan and system shall be adopted until such certificate has been issued pursuant to chapter 70.38 RCW by the secretary of the department of social and health services. The authority shall have power as a part of such system or plan to create a special fund or funds for the purpose of defraying the cost of such project and for other projects of the same participant subsequently or at the same time approved by it and for their maintenance, improvement, reconstruction, remodeling and rehabilitation, into which special fund or funds it shall obligate and bind the participant to set aside and pay from the gross revenues of the project or from other sources an amount sufficient to pay the principal and interest of the bonds being issued, reserves and other requirements of the special fund and to issue and sell bonds payable as to both principal and interest out of such fund or funds relating to the project or projects of such participant.

Such bonds shall bear such date or dates, mature at such time or times, be in such denominations, be in such form, either coupon or registered, or both, as provided in section 3 of this 1983 act, carry such registration privileges, be made transferable, exchangeable, and interchangeable, be payable in such medium of payment, at such place or places, be subject to such terms of redemption, bear such rate or rates of interest, and be sold in such manner, at such price, as the authority shall determine. Such bonds shall be executed by the chairman, by either its duly elected secretary or its executive director, and by the trustee if the authority determines to utilize a trustee for the bonds. Execution of the bonds may be by manual or facsimile signature: PROVIDED, That at least one signature placed thereon shall be manually subscribed.

Sec. 172. Section 6, chapter 264, Laws of 1945 as last amended by section 15, chapter 84, Laws of 1982 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.

(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) of this section.

(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 and sell (a) revenue bonds ((or), revenue warrants, or other revenue obligations 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, warrants, or other obligations to be issued and sold in the same manner and subject to the same provisions as provided for the issuance of revenue bonds, warrants, or other obligations by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW, as may hereafter be amended, (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, or (c) interest-bearing warrants to be drawn on a fund pending deposit in such fund of money sufficient to redeem such warrants and to be issued and paid in such manner and upon such terms and conditions as the board of commissioners may deem to be in the best interest of the district; 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. Any of such bonds, warrants, or other obligations may be in any form, including bearer or registered as provided in section 3 of this 1983 act. Notwithstanding the provisions of this subsection, such bonds, warrants, or other obligations may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

(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 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.

(8) 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.

(9) 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.

(10) 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.

Sec. 173. Section 13, chapter 264, Laws of 1945 as last amended by section 86, chapter 56, Laws of 1970 ex. sess. and RCW 70.44.120 are each amended to read as follows:

(1) All general obligation bonds shall be serial in form and maturity and numbered from one upwards consecutively. The various annual maturities shall commence not later than the tenth year after the date of issue of such bonds. The resolution authorizing the issuance of the bonds shall fix the rate or rates of interest the bonds shall bear and the place and dates of the payment of both principal and interest. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. The bonds shall be signed by the president of the commission, attested by the secretary of the commission, and the seal of the public hospital district shall be affixed to each bond but not to ~~((the))~~ any coupons: PROVIDED, HOWEVER, That ~~((said))~~ any coupons, in lieu of being so signed, may have printed thereon a facsimile of the signatures of such officers.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 174. Section 5, chapter 132, Laws of 1973 as amended by section 3, chapter 6, Laws of 1975 and RCW 70.95A.040 are each amended to read as follows:

(1) All bonds issued by a municipality under the authority of this chapter shall be secured solely by revenues derived from the lease or sale of the facility. Bonds and any interest coupons issued under the authority of this chapter shall not constitute nor give rise to a pecuniary liability of the municipality or a charge against its general credit or taxing powers. Such limitation shall be plainly stated upon the face of each of such bonds. The use of the municipality's name on revenue bonds authorized hereunder shall not be construed to be the giving or lending of the municipality's financial guarantee or pledge, i.e. credit to any private person, firm, or corporation as the term credit is used in Article 8, section 7 of the Washington state Constitution.

(2) The bonds referred to in subsection (1) of this section, may (a) be executed and delivered at any time and from time to time, (b) be in such form and denominations, (c) be of such tenor, (d) be in ~~((registered or))~~ bearer or registered form either as to principal or interest or both, as provided in section 3 of this 1983 act, and may provide for conversion between registered and coupon bonds of varying denominations, (e) be payable in such installments and at such time or times not exceeding forty years from their date, (f) be payable at such place or places, (g) bear interest at such rate or rates as may be determined by the governing body, payable at such place or places within or without this state and evidenced in such manner, (h) be redeemable prior to maturity, with or without premium, and (i) contain such provisions not inconsistent herewith, as shall be deemed for the best interest of the municipality and provided for in the proceedings of the governing body whereunder the bonds shall be authorized to be issued.

(3) Any bonds issued under the authority of this chapter, may be sold at public or private sale in such manner and at such time or times as may be determined by the governing body to be most advantageous. The municipality may pay all expenses, premiums and commissions which the governing body may deem necessary or advantageous in connection with the authorization, sale and issuance thereof from the proceeds of the sale of said bonds or from the revenues of the facilities.

(4) All bonds issued under the authority of this chapter, and ~~((and))~~ any interest coupons applicable thereto shall be investment securities within the meaning of the uniform commercial code and shall be deemed to be issued by a political subdivision of the state.

(5) The proceeds from any bonds issued under this chapter shall be used only for purposes qualifying under Section 103(c)(4)(f) of the Internal Revenue Code of 1954, as amended.

(6) Notwithstanding subsections (2) and (3) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 175. Section 6, chapter 132, Laws of 1973 and RCW 70.95A.050 are each amended to read as follows:

(1) The principal of and interest on any bonds issued under the authority of this chapter (a) shall be secured by a pledge of the revenues derived from the sale or lease of the facilities out of which such bonds shall be made payable, (b) may be secured by a mortgage covering all or any part of the facilities, (c) may be secured by a pledge or assignment of the lease of such facilities, or (d) may be secured by a trust agreement or such other security device as may be deemed most advantageous by the governing body.

(2) The proceedings under which the bonds are authorized to be issued under the provisions of this chapter, and any mortgage given to secure the same may contain any agreements and provisions customarily contained in instruments securing bonds, including, without limiting the generality of the foregoing, provisions respecting (a) the fixing and collection of rents for any facilities covered by such proceedings or mortgage, (b) the terms to be incorporated in the lease of such facilities, (c) the maintenance and insurance of such facilities, (d) the creation and maintenance of special funds from the revenues of such facilities, and (e) the rights and remedies available in the event of a default to the ~~((bondholders))~~ bond owners or to the trustee under a mortgage or trust agreement, all as the governing body shall deem advisable and as shall not be in conflict with the provisions of this chapter: PROVIDED, That in making any such agreements or provisions a municipality shall not have the power to obligate itself except with respect to the facilities and the application of the revenues therefrom, and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers.

(3) The proceedings authorizing any bonds under the provisions of this chapter and any mortgage securing such bonds may provide that, in the event of a default in the payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings or mortgage, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues from the facilities in accordance with such proceedings or the provisions of such mortgage.

(4) Any mortgage made under the provisions of this chapter, to secure bonds issued thereunder, may also provide that, in the event of a default in the payment thereof or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed and the mortgaged property sold under proceedings in equity or in any other manner now or hereafter permitted by law. Such mortgage may also provide that any trustee under such mortgage or the ~~((holder))~~ owner of any of the bonds secured thereby may become the purchaser at any foreclosure sale if the highest bidder therefor. No breach of any such agreement shall impose any pecuniary liability upon a municipality or any charge upon their general credit or against their taxing powers.

(5) The proceedings authorizing the issuance of bonds hereunder may provide for the appointment of a trustee or trustees for the protection of the ~~((holders))~~ owners of the bonds, whether or not a mortgage is entered into as security for such bonds. Any such trustee may be a bank with trust powers or a trust company and shall be located in the United States, within or without the state of Washington, shall have the immunities, powers and duties provided in said proceedings, and may, to the extent permitted by such proceedings, hold and invest funds deposited with it in direct obligations of the United States, obligations guaranteed by the United States or certificates of deposit of a bank (including the trustee) which are continuously secured by such obligations or guaranteed by the United States. Any bank acting as such trustee may, to the extent permitted by such proceedings, buy bonds issued hereunder to the same extent as if it were not such trustee. Said proceedings may provide for one or more co-trustees, and any co-trustee may be any competent individual over the age of twenty-one years or a bank having trust powers or trust company within or without the state. The proceedings authorizing the bonds may provide that some or all of the proceeds of the sale of the bonds, the revenues of any facilities, the proceeds of the sale of any part of a facility, of any insurance policy or of any condemnation award be deposited with the trustee or a co-trustee and applied as provided in said proceedings.

Sec. 176. Section 8, chapter 132, Laws of 1973 and RCW 70.95A.070 are each amended to read as follows:

Any bonds issued under the provisions of this chapter and at any time outstanding may at any time and from time to time be refunded by a municipality by the issuance of its refunding bonds in such amount as the governing body may deem necessary but not exceeding an amount sufficient to refund the principal of the bonds to be so refunded, together with any unpaid interest thereon and any premiums and commissions necessary to be paid in connection therewith: PROVIDED, That an issue of refunding bonds may be combined with an issue of additional revenue bonds on any facilities. Any such refunding may be effected whether the

bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by exchange of the refunding bonds for the bonds to be refunded thereby: PROVIDED FURTHER, That the (~~holders~~) owners of any bonds to be so refunded shall not be compelled without their consent to surrender their bonds for payment or exchange except on the terms expressed on the face thereof. Any refunding bonds issued under the authority of this chapter shall be subject to the provisions contained in RCW 70.95A.040 and may be secured in accordance with the provisions of RCW 70.95A.050.

Sec. 177. Section 29, chapter 117, Laws of 1895 as amended by section 1, chapter 87, Laws of 1921 and RCW 85.05.290 are each amended to read as follows:

(1) Upon the establishment of any district under the provisions of this chapter and the establishment of a system of diking therein as provided for in this act, the board of commissioners of such diking district may, upon petition of the landowners owning a majority of all the lands within such district to be benefited thereby, issue bonds for the total amount of the cost of construction of said improvements, together with the costs of the establishment thereof, including damages assessed and compensation made to landowners for right of way and the expenses and costs of the entire proceeding payable at a time not less than five years nor longer than ten years from the date thereof(~~(-and such)~~). The commissioners may, at any time thereafter without such petition issue bonds for the purpose of funding any outstanding warrants or obligations of such district, and in case of such last named issue, all the outstanding warrants of such district shall immediately become due and payable upon receipt of the money by the county treasurer from the sale of said bonds, and upon a call of such outstanding obligations to be issued by him(~~(-which)~~). The call shall be made by said treasurer immediately upon receipt of the proceeds from the sale of said bonds by publication for two weeks successively in the county paper authorized to do the county printing(~~(-and)~~). Such warrants and outstanding obligations shall cease to draw interest at the end of thirty days after the date of the first publication of said call, such last named bonds shall be payable at a time not less than five years nor longer than ten years from the date thereof: PROVIDED, That no bonds shall, under the provisions hereof, be sold for less than their par value.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 178. Section 30, chapter 117, Laws of 1895 as last amended by section 87, chapter 56, Laws of 1970 ex. sess. and RCW 85.05.300 are each amended to read as follows:

(1) Said bonds shall be numbered from one upwards, consecutively, and be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be (~~made~~) payable (~~(to the bearer)~~) in not more than ten years nor less than five years from the date of their issue, and bear interest at a rate or rates as authorized by the commissioners of the diking district payable annually(~~(-with coupons attached for each interest payment)~~). The bonds may be in any form, including bearer bonds or registered bonds as provided in section 1 of this 1983 act. The bonds and (~~each~~) any coupon shall be signed by the chairman of the board of diking commissioners, and shall be attested by the secretary of said board, and the seal of such district shall be affixed to each bond, but not to (~~the~~) any coupons.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 179. Section 34, chapter 117, Laws of 1895 and RCW 85.05.340 are each amended to read as follows:

It shall be the duty of such diking commissioners, annually, to levy an assessment sufficient for the payment of (~~(the coupons hereinbefore mentioned as they fall due. Said)~~) principal and interest on any bonds issued by the diking district. Any coupons shall be considered for all purposes as warrants drawn upon the funds of the district issuing bonds under the provisions of this act, and, when presented to the county treasurer and no funds are in the treasury to pay said coupons, it shall be his duty to indorse said coupons as presented for payment in the same manner as other warrants upon the funds of said district are indorsed, and thereafter said coupons shall bear interest at the same rate as other warrants so presented and unpaid. When there are no funds in the treasury to make interest payments on bonds not having coupons, the overdue interest payments shall bear interest at the same rate as unpaid warrants that are presented to the county treasurer.

Sec. 180. Section 1, chapter 156, Laws of 1913 as last amended by section 88, chapter 56, Laws of 1970 ex. sess. and RCW 85.05.480 are each amended to read as follows:

(1) Whenever by reason of any extraordinary occurrence or other casualty there occur such changes in conditions as to warrant, in the opinion of the commissioners of any diking district, an estimate for making repairs and improvements, including the yearly maintenance expense in an amount equal to twenty-five percent of the estimated cost of the original improvements, as provided for in RCW 85.05.090 the funds therefor may be provided by the issuance of bonds of said diking district, payable in not to exceed ten years, and to pay the same, such commissioners shall make a levy extending over such period of time and in such amount as shall be necessary to take care of such bonds and interest, and such levy when

made shall state the year for which it is made and the amount thereof, and thereafter, the county auditor shall each year extend such levy without any further orders from said commissioners: PROVIDED, HOWEVER, That if for any cause whatsoever, said levy shall not be sufficient to take care of said bonds and interest or pay said fixed estimate a further levy shall be made for that purpose. The bonds may be in any form, including bearer bonds and registered bonds as provided in section 3 of this 1983 act. Said bonds shall be sold at not less than par and shall bear interest at such rate or rates as authorized by the commissioners of the diking district, and the proceeds thereof shall be used in such repairs, improvements or maintenance or warrants issued in payment therefor and for no other purpose: PROVIDED, HOWEVER, That such bonds shall only be issued when they are presented to and filed with such commissioners and shall become a part of their record, a petition of property owners owning at least sixty percent of all the acreage in such district requesting the issuance of such bonds.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 181. Section 1, chapter 69, Laws of 1925 ex. sess. and RCW 85.05.510 are each amended to read as follows:

(1) Where a diking district shall have been organized under this chapter (~~(17 of the Laws of 1895 as amended)~~), and the lands of such district shall consist wholly of tidelands as defined by law, or other unsurveyed lands, and the object of such district is to reclaim said lands and place them under cultivation, and such a district(~~s shall have~~) has adopted a system of dikes for said district, including a pumping plant, if necessary, the board of commissioners of such district may, upon the petition of the landowners owning a majority of all the lands within the district, in addition to the method now provided by law for the issuance of bonds of diking districts, issue bonds under the provisions of RCW 85.05.510 through 85.05.550 for the total estimated or actual cost of constructing said improvements, including the cost of the establishment of said district and the damages awarded and compensation paid to landowners for right of way, and the expenses and costs of all necessary court proceedings. Where bonds by such district are issued under the provisions of RCW 85.05.510 through 85.05.550, the board shall determine under which of the three following schedules said bonds shall be payable:

SCHEDULE 1

If the board shall determine on ten annual payments, commencing one and ending ten years after date of such bonds, the installments thereof shall become due and collectible as follows:

For the first year	5%
For the second year	5%
For the third year	5%
For the fourth year	10%
For the fifth year	10%
For the sixth year	10%
For the seventh year	10%
For the eighth year	15%
For the ninth year	15%
For the tenth year	15%

SCHEDULE 2

If the board shall determine on fifteen annual payments, commencing in the first year and ending in the fifteenth year, the installments thereof shall become due and collectible as follows:

For the first year	5%
For the second year	5%
For the third year	5%
For the fourth year	5%
For the fifth year	6%
For the sixth year	6%
For the seventh year	6%
For the eighth year	6%
For each succeeding year	8%

SCHEDULE 3

The board may, however, determine on ten annual installments, the first of such annual installments to be collected at a time to be specified by the board, commencing not later than six years after the date of such bonds, in which event the following schedule shall be adopted for collection thereof:

For the first installment	5%
For the second installment	5%
For the third installment	5%
For the fourth installment	10%
For the fifth installment	10%
For the sixth installment	10%
For the seventh installment	10%

For the eighth installment	15%
For the ninth installment	15%
For the tenth installment	15%

The commissioners may at any time, without petition issue bonds for the purpose of funding any outstanding warrant indebtedness of such district. In case of such an issue all the outstanding warrants of such district to be refunded shall immediately become due and payable upon receipt of the money by the county treasurer, and it shall be the duty of the county treasurer to issue a call for the payment of such warrants and to publish notice thereof in two successive weekly issues of the official county paper of such county. Such warrants so refunded shall cease to draw interest at the end of thirty days after the date of the first publication of said notice. Bonds to refund warrants shall be payable as specified in this section. No bonds shall be sold for less than their par value. Where bonds are authorized to cover the estimated cost of an improvement, any unsold portion of such issue shall, upon the completion of said improvement, be canceled.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 182, Section 2, chapter 69, Laws of 1925 ex. sess. as amended by section 21, chapter 156, Laws of 1981 and RCW 85.05.520 are each amended to read as follows:

(1) Said bonds shall be numbered from one upwards consecutively and shall be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue and an interest rate or rates determined by the commission, payable annually or semiannually, as the commissioners shall direct ~~((with coupons attached for each interest payment, and shall be made payable to bearer))~~. The bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. Said bonds and any coupons shall be signed by the chairman of the board and attested by the secretary, and the seal of such district shall be affixed to each bond, but not to ~~((said))~~ any coupons. Bonds shall be paid in the order of their numbers, and each bond shall specify its due date.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 183, Section 3, chapter 69, Laws of 1925 ex. sess. and RCW 85.05.530 are each amended to read as follows:

Before ~~((said))~~ principal and interest payments on bonds shall become due and in time to pay the annual installments thereof, the commissioners of said district shall, on or before the first Monday in October in each year, levy an assessment against the property of the district benefited sufficient to pay said installments of interest and/or interest and principal at their maturity, including any default in either principal or interest. Said assessment shall be in proportion to benefits and shall be collected by the county treasurer and kept as a separate fund for the sole purpose of paying the said interest and principal on said bonds, and every bond issue of such district shall constitute an irrevocable pledge of a sufficient amount of determined benefits to pay the principal and interest upon said bonds as the same mature. Said bonds and any interest coupons ~~((shall))~~ may be payable at the office of the county treasurer ~~((provided that))~~. Where an authorized issue exceeds the sum of one hundred thousand dollars the same may be made payable at the office of the fiscal agency of the state of Washington in New York City.

Sec. 184, Section 26, chapter 115, Laws of 1895 and RCW 85.06.260 are each amended to read as follows:

(1) Upon the establishment of any district under the provisions of this chapter and the establishment of a system of drainage therein as provided for in this chapter, the board of commissioners of such drainage district may, upon petition of a majority of all the landowners owning land within such district to be benefited thereby, issue bonds for the total amount of the costs of construction of said improvement, together with the costs of the establishment thereof, including damages assessed and compensation made to landowners for right-of-way and the expenses and costs of the entire proceeding, payable at a time not less than five years nor longer than ten years from the date thereof ~~((and))~~. Such commissioners may, at any time thereafter, issue such bonds in the manner and form herein prescribed for the purpose of funding any outstanding warrants or obligations of such district, and in case of such last named issue all the outstanding warrants shall immediately become due and payable upon receipt of the money by the county treasurer from the sale of said bonds, and upon a call of such outstanding obligations to be issued by him ~~((which))~~. The call shall be made by said treasurer immediately upon receipt of the proceeds from the sale of said bonds by publication for two successive weeks in the county paper authorized to do the county printing ~~((and))~~. Such warrants and outstanding obligations shall cease to draw interest at the end of thirty days after the date of the first publication: PROVIDED, That no bonds shall, under the provisions hereof, be sold for less than their par value.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 185, Section 27, chapter 115, Laws of 1895 as last amended by section 89, chapter 56, Laws of 1970 ex. sess. and RCW 85.06.270 are each amended to read as follows:

(1) Said bonds shall be numbered from one upwards, consecutively, and be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be made payable ~~((to the bearer))~~ in not more than ten years nor less than five years from the date of their issue, and bear interest at a rate or rates as authorized by the commissioners of the drainage district, payable annually ~~((with coupons attached for each interest payment))~~. The bonds may be in any form, including bearer or registered, as provided in section 3 of this 1983 act. The bonds and ~~((each))~~ any coupon shall be signed by the chairman of the board of drainage commissioners, and shall be attested by the secretary of said board, and the seal of such district shall be affixed to each bond, but not to ~~((the))~~ any coupons.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 186. Section 31, chapter 115, Laws of 1895 and RCW 85.06.310 are each amended to read as follows:

It shall be the duty of such drainage commissioners annually to levy an assessment sufficient for the payment of ~~((the coupons hereinbefore mentioned as they fall due. Said))~~ principal and interest on any bonds issued by the drainage district. Any coupons shall be considered for all purposes as warrants drawn upon the funds of the district issuing bonds under the provisions of this chapter, and, when presented to the county treasurer, and no funds are in the treasury to pay said coupons, it shall be his duty to indorse said coupons as presented for payment in the same manner as other warrants upon the funds of said district are indorsed, and thereafter said coupons shall bear interest at the same rate as other warrants so presented and unpaid. When there are no funds in the treasury to make interest payments on bonds not having coupons, the overdue interest payments shall bear interest at the same rate as unpaid warrants that are presented to the county treasurer.

Sec. 187. Section 1, chapter 174, Laws of 1927 as last amended by section 90, chapter 56, Laws of 1970 ex. sess. and RCW 85.06.321 are each amended to read as follows:

(1) If any default shall have occurred in the payment of interest or principal of bonds of a drainage district and the board of drainage commissioners finds that any considerable number of owners of assessed lands are not and will not be able to pay assessments sufficient to meet without further default the principal of bonds still outstanding, the district, with the assent of the ~~((holders))~~ owners of all outstanding bonds not yet callable for payment, may issue refunding bonds pursuant to the plan prescribed in RCW 85.06.321 through 85.06.329, and use the proceeds, together with money derived from assessments, to pay the outstanding bonds. The ~~((maturity date))~~ maximum terms of refunding bonds shall be either twelve or seventeen years from their date, as the board shall determine, but they may be paid before maturity as hereinafter provided. Bonds shall be numbered consecutively from one up, be in denominations of one hundred, five hundred or one thousand dollars, be dated the first day of the month in which they are issued, ~~((be payable to bearer,))~~ draw interest ~~((evidenced by coupons))~~ payable semiannually at such rate or rates as authorized by the board of drainage commissioners, and be executed in the name and under the seal of the district by the president and the secretary of the board. Interest shall be payable on the first days of January and July of each year except that the first interest payment date shall be July first of the year following that in which the bonds were issued. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 188. Section 1, chapter 174, Laws of 1927 and RCW 85.06.327 are each amended to read as follows:

~~((Before refunding bonds are delivered the county treasurer shall register them in a book kept for that purpose to be known as the bond register, in which shall be entered the number and amount of each bond, the dates of issue, maturity, call and payment, the rate of interest, and to whom payable.))~~ Proceeds of a sale of bonds shall be paid by the purchaser to the treasurer, and every exchange of refunding bonds for outstanding bonds shall be made through the treasurer.

Sec. 189. Section 1, chapter 103, Laws of 1935 and RCW 85.07.060 are each amended to read as follows:

(1) Any board of commissioners of any diking or drainage district may, at any time, without petition and on its own motion, issue bonds of such district for the purpose of funding any outstanding warrants of such district. No bonds so issued shall be sold for less than their par value. They may be sold at public or private sale. Any department or agency of the state of Washington having power to invest funds is hereby authorized and empowered to use the same to buy such bonds.

(2) Such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 190. Section 2, chapter 103, Laws of 1935 as last amended by section 91, chapter 56, Laws of 1970 ex. sess. and RCW 85.07.070 are each amended to read as follows:

(1) Said bonds shall be numbered consecutively from one upwards and shall be in denominations of not less than one hundred dollars nor more than one thousand dollars each. They shall bear the date of issue, shall be made payable ~~((to the bearer))~~ in not more than ten years from the date of their issue, and shall bear interest at a rate or rates as authorized by the board of commissioners, payable annually ~~((with coupons attached for each interest payment))~~. The bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. The bonds and ~~((each))~~ any coupon shall be signed by the chairman of the board of commissioners of each district and shall be attested by the secretary of said board. The seal, if any, of such district shall be affixed to each bond, but it need not be affixed to ~~((the))~~ any coupon.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 191. Section 3, chapter 103, Laws of 1935 and RCW 85.07.080 are each amended to read as follows:

~~((When said bonds are sold, but before they are delivered to the purchaser, they shall be presented to the county treasurer who shall register them in a book kept for that purpose and known as the bond register, in which he shall enter the number of each bond, the date of issue, the maturity, amount and rate of interest, when payable, and to whom sold.))~~ The proceeds derived from the sale of said bonds shall be paid by the purchaser thereof to the county treasurer for the use, benefit, and account of the district issuing same.

Sec. 192. Section 6, chapter 103, Laws of 1935 and RCW 85.07.110 are each amended to read as follows:

It shall be the duty of the commissioners of such district annually to levy ~~((an))~~ assessments sufficient to pay ~~((the coupons upon))~~ interest on such bonds as they fall due. They may at any time levy such additional assessment as they deem best to redeem and retire such bonds. Commencing not less than five years before the due date of such bonds, they shall determine the number of equal annual levies necessary to retire such bonds at maturity, and annually thereafter levy an assessment sufficient to liquidate all of said bonds by maturity. Such levies for interest and redemption of the bonds shall be added to the annual cost of the maintenance of the diking or drainage system of said district. Such assessments shall be collected by the county treasurer and kept as a special fund for the sole purpose of paying interest upon and liquidating said bonds.

Sec. 193. Section 17, chapter 176, Laws of 1913 as last amended by section 1, chapter 125, Laws of 1933 and RCW 85.08.240 are each amended to read as follows:

(1) The cost of improvement shall be paid by assessments upon the property benefited. said assessments to be levied and apportioned as hereinafter prescribed. At the hearing provided for in RCW 85.08.160, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall determine in what manner and within how many years said assessments shall be paid, and shall also at such hearing determine whether the evidence of indebtedness for the cost of said improvement shall be bonds or warrants. If bonds, it shall fix either ten or fifteen annual installments for the payment of said assessment. If warrants, it shall fix not to exceed five annual installments for the payment of said assessment. In case bonds are to be issued and the ~~((board))~~ county legislative authority shall determine on ten annual installments for the payment of said assessment, the installments thereof shall become due and collectible as follows:

For the 1st year	5%
For the 2nd year	5%
For the 3rd year	5%
For the 4th year	10%
For the 5th year	10%
For the 6th year	10%
For the 7th year	10%
For the 8th year	15%
For the 9th year	15%
For the 10th year	15%

In case bonds are to be issued and the ~~((board))~~ county legislative authority shall determine on fifteen annual installments for the payment of said assessment, the installments thereof shall become due and collectible as follows:

For the 1st year	5%
For the 2nd year	5%
For the 3rd year	5%
For the 4th year	5%
For the 5th year	6%
For the 6th year	6%
For the 7th year	6%
For the 8th year	6%
For each succeeding year	8%

PROVIDED, That if at any time before the bonds of the district, or any thereof, are sold it shall appear to the ~~((board))~~ county legislative authority that it will be for the best interests of

the district that the bonds of the district to be paid in fifteen annual installments, shall be paid in annual installments beginning after the expiration of five years from the date of the bonds, the ((board)) county legislative authority shall be authorized to provide, by resolution entered in its minutes, that such bonds shall be paid in fifteen annual installments and shall become due and collectible as follows:

For the 6th year	5%
For the 7th year	5%
For the 8th year	5%
For the 9th year	5%
For the 10th year	6%
For the 11th year	6%
For the 12th year	6%
For the 13th year	6%
For each succeeding year	8%

AND, PROVIDED FURTHER, That the ((board)) county legislative authority may by resolution to that effect provide that the bonds sold shall include a sum sufficient to pay the first four years' interest or less, to accrue on said bonds.

In case warrants are to be issued no annual installments shall be less than one-tenth nor more than one-half of the entire assessment.

In the event that the entire assessment upon any single tract or parcel of land, or contiguous tracts or groups of tracts belonging to the same owner is twenty-five dollars or less, such assessment shall become due and payable at the time the first general taxes next after the date of the levy shall become due, and the terms of this chapter relating to the payment of assessments in installments shall not apply to such assessments. The bonds shall be of such denomination, not less than one hundred dollars or more than five hundred dollars as the county ((commissioners)) legislative authority shall by resolution prescribe. The interest thereon shall be payable semiannually and the bonds shall be numbered consecutively, be ((coupon)) in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act, and shall recite that they are secured to be paid by assessments upon the property of drainage (or diking or sewerage) improvement district number of county, and that they are not a general obligation of such county. They shall be payable in their serial order, on any ((semiannual coupon)) interest payment date, on the call of the treasurer whenever there shall be sufficient money in the bond redemption fund of the district against which they are issued, over and above that necessary for the payment of interest on all outstanding bonds, to pay the principal of one or more bonds at the next ((coupon)) interest payment date: PROVIDED, That the proportionate amount of the entire issue of bonds called in the respective years shall not be in excess of the following bond redemption schedule:

First, in case the assessment is payable in ten annual installments:

For the 1st year	10%
For the 2nd year	10%
For the 3rd year	10%
For the 4th year	10%
For the 5th year	10%
For the 6th year	10%
For the 7th year	10%
For the 8th year	15%
For the 9th year	15%

Second, in case the assessment is payable in fifteen annual installments:

For the 1st year	10%
For the 2nd year	6%
For the 3rd year	6%
For the 4th year	6%
For the 5th year	6%
For the 6th year	6%
For the 7th year	5%
For the 8th year	5%
For the 9th year	10%
For the 10th year	10%
For the 11th year	10%
For the 12th year	10%
For the 13th year	10%

And in case the assessment is payable commencing five years after the issue of said bonds the proportionate amount of the entire issue of bonds called in the respective years shall not be in excess of the following bond redemption schedule:

For the 6th year	10%
For the 7th year	6%
For the 8th year	6%
For the 9th year	6%

For the 10th year	6%
For the 11th year	6%
For the 12th year	5%
For the 13th year	5%
For the 14th year	10%
For the 15th year	10%
For the 16th year	10%
For the 17th year	10%
For the 18th year	10%

The treasurer shall give notice of such call by publication in the county official newspaper once each week for two consecutive weeks, the first publication of which notice shall be at least fifteen days prior to the next ~~((coupon))~~ interest payment date, stating that bonds number (giving their serial number or numbers) will be paid on the date the next ~~((coupons))~~ interest payments on said bonds shall become due, and interest upon such bonds shall thereupon cease upon such date. Each warrant and bond shall bear the date of its issuance and recite that it is payable on or before the first day of January of the third year after the last installment of the assessment upon which it is based shall become due. Each bond shall state on its face that bonds of the district cannot be called for payment at an earlier maturity than in accordance with the schedule therefor applicable thereto as herein provided, which schedule shall be printed on the face of the bonds. Each warrant and bonds shall be signed by a majority of the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority and attested by the county auditor under his seal, and ~~((each))~~ any coupon shall have printed thereon a facsimile of the signature of such officers. ~~Where coupons are attached, interest coupon number 1 ((on such bonds)) shall be for the amount of interest due from the date of the issuance of said bonds to the first day of July in the year in which the first installment of the assessment becomes due and payable. ((The county treasurer shall register said bonds and warrants before the issuance thereof in a book kept for that purpose and shall certify on each thereof under his seal that it has been so registered, and that the signatures thereon are the genuine signatures of said county commissioners and the county auditor, and that the seal attached is the seal of the county auditor.))~~ Neither bonds nor warrants shall be issued until after the expiration of the thirty days from the first publication of the notice given by the treasurer as provided in ~~((section 4435))~~ RCW 85.08.420 and shall not be issued in any amount in excess of that portion of the assessment remaining unpaid after the expiration of such thirty day period.

(2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 194. Section 18, chapter 176, Laws of 1913 as amended by section 24, chapter 130, Laws of 1917 and RCW 85.08.280 are each amended to read as follows:

(1) The ~~((board-of))~~ county ~~((commissioners))~~ legislative authority shall offer for sale the warrants and bonds or any part thereof, issued under the provisions of this chapter, and pay the proceeds thereof into the construction fund. Such sale shall be at public offering and under such rules and regulations and on such notice as they may determine, and the ~~((commissioners))~~ county legislative authority may accept the highest and best bid for such bonds or warrants received at such offering, or may reject any or all bids received. Any warrants or bonds issued under the provisions of this chapter or such portions thereof as shall remain unsold or undisposed of may be issued to the contractor constructing the improvement or any part thereof in payment therefor, and in case the improvement or any part thereof shall be constructed by the board of supervisors as in this chapter provided, may be issued in payment for work, labor and material performed and furnished therefor.

(2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 195. Section 30, chapter 176, Laws of 1913 as last amended by section 24, chapter 156, Laws of 1981 and RCW 85.08.430 are each amended to read as follows:

After the expiration of said thirty-day period, payment of assessments in full, with interest to the next ~~((coupon))~~ interest payment date which is more than thirty days from the date of such payment, may be made at any time; PROVIDED, That the aggregate amount of such advance payments in any year, together with the total amount of the assessments due at the beginning of said year, shall not exceed the total amount of the bonds which may be called in that year according to the applicable bond redemption schedule. The treasurer shall accept payments of assessments in advance, in the order tendered, until the limit herein set forth has been reached.

The assessments contained in the assessment roll shall bear interest from the expiration of the thirty-day period at a rate determined by the county legislative authority and interest upon the entire assessment then unpaid shall be due and payable at the time each of said installments becomes due and payable as a part thereof.

The assessments contained in said assessment roll shall be liens upon the property assessed, such lien shall be of equal rank with other liens assessed against the property for local improvements and paramount to all other liens except the lien of general taxes, and shall

relate back to and take effect as of the date when the county legislative authority determined to proceed with the construction of the improvement as provided in RCW 85.08.220.

Sec. 196. Section 1, chapter 211, Laws of 1929 as last amended by section 1, chapter 38, Laws of 1933 ex. sess. and RCW 85.09.010 are each amended to read as follows:

(1) Whenever any bonds and/or warrants of any diking or drainage improvement district of this state shall become payable or be outstanding and the ~~((board or boards of county commissioners))~~ legislative authority or authorities of the county or counties wherein such district lies shall determine that it will be for the best interests of the owners of the lands included in such district to issue refunding bonds and to levy ~~((am))~~ assessments to meet such obligations, they may levy such assessments and fix the time for the payment thereof and fix the installments in which such assessment shall be paid; and they may issue refunding bonds of the district in the manner hereinafter provided, to provide funds with which to pay such outstanding bonds and/or warrants.

Such refunding bonds (except in case the refunding loan shall be from the United States) shall be payable in such series and at such time or times over a period not exceeding twenty-five years as the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall determine; they shall bear interest payable semiannually on January first and July first of each year at such rate or rates as the said ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall determine; and all bonds shall be payable at any interest paying date on or before the due date thereof.

The assessments to support such refunding bonds shall become due in annual installments over a period not exceeding twenty-five years in amounts and installments adequate to retire the bonds as they fall due, as may be fixed by the ~~((board of))~~ county ~~((commissioners and shall bear the same rate of interest as the said bonds))~~ legislative authority; and any and all assessments may be paid at any time, with interest to next interest paying date.

If such refunding bonds are to be deposited with, and the refunding loan to be procured from the Reconstruction Finance Corporation or any other loaning agency created by act of the congress of the United States, or from the United States, pursuant to any act of the congress of the United States, the assessment to support said refunding bonds may be spread over such period of years, and shall become due in such installments, and bear such interest as shall be required by the Reconstruction Finance Corporation or such other loaning agency or by such proper official of the United States or by said act of congress; and the bonds shall be payable in such series, and at such times, and shall bear such rate or rates of interest as may be prescribed by the Reconstruction Finance Corporation or such other loaning agency or by such official of the United States or by such act of congress. The ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall have power to contract for the sale of said bonds to the United States, the Reconstruction Finance Corporation or other loaning agency created by act of congress, and to procure a refunding loan from the United States, the Reconstruction Finance Corporation or other loaning agency, on such terms and under such regulations, and to levy an assessment to pay said bonds in such installments or series, and over such period, as the Reconstruction Finance Corporation or such other loaning agency or the proper official of the United States or such act of congress may prescribe; and it shall not in such case be necessary to sell such refunding bonds at public sale.

In case no sale of such refunding bonds can in the judgment of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority be made on more advantageous terms, the county ~~((commissioners))~~ legislative authority may exchange such refunding bonds of the district at not less than par value and at not more than the rate of interest of the old bonds and/or warrants for an equal or greater amount of the outstanding bonds and/or warrants of said district without offering them at public sale.

When any assessment or installments of assessments to meet such refunding bonds, shall be delinquent for a period of two years, certificates of delinquency thereon shall be issued to the county, and foreclosure thereof shall forthwith be effected in the manner provided for such foreclosure of assessments in drainage and diking improvement districts.

When any land subject to an assessment to support refunding bonds issued pursuant to this chapter shall be conveyed by a county treasurer's deed to satisfy irrigation district assessments, such irrigation district deed shall eliminate all such drainage and/or diking assessments or installments thereof which are delinquent at the date of issuance thereof; but all such drainage and/or diking assessments or installments thereof not yet delinquent at the date of issuance of such deed shall remain a lien against such land and the title conveyed by the irrigation district deed shall be subject thereto.

Except as herein otherwise provided, all the provisions of chapter ~~((176 of the Laws of 1913 and acts amendatory thereof))~~ 85.08 RCW including joint action by the ~~((boards of commissioners))~~ legislative authorities of both counties in case of a district extending into two counties shall apply to and be the law and shall govern the form and manner of said sale and issuance and payment of the refunding bonds, the rate or rates of interest they shall bear, and the form of such bonds, including bearer bonds or registered bonds as provided in section 3 of this 1983 act, the levy of the assessment to support the ~~((same))~~ bonds, appeals to the courts from actions by the county ~~((commissioners))~~ legislative authority, the manner of the collection of said

assessments, and all other matters pertaining to the said refunding bonds and the assessment to meet the same, and except as herein otherwise provided, refunding bonds authorized, issued and disposed of under the provisions of this chapter shall entitle the (~~holders and~~) owners thereof to the same rights and privileges, shall constitute a lien on the same property and be paid in the same manner as the original bonds refunded by said bond issue.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 197. Section 3, chapter 26, Laws of 1949 and RCW 85.16.030 are each amended to read as follows:

(1) In maintaining a system of improvements of any such district the supervisors thereof may at any time, with the approval of the (~~board~~) county legislative authority and upon determination by such (~~board~~) county legislative authority that an emergency exists, make expenditures in excess of the last annual maintenance levy theretofore made, which excess amount or amounts shall in such event be included in the maintenance levy for the succeeding year except as otherwise herein provided.

When, owing to floods, earthquakes, inadequate maintenance or any other cause, it shall be found by the (~~board~~) county legislative authority, after consideration of the supervisors' recommendations, plans and specifications and schedules of estimated costs of maintenance work required, that necessary maintenance work will require extraordinary maintenance expenditures and the (~~board~~) county legislative authority shall have authorized such extraordinary maintenance work to be done as herein provided, the (~~board~~) county legislative authority may provide that the levy to meet such extraordinary expenditures shall be spread over a term of years and warrants or bonds issued to meet the same. Such terms shall not exceed five years if warrants are issued, and shall be either ten or fifteen years if bonds are issued, all as the (~~board~~) county legislative authority shall determine. The form, tenor, and amount of such bonds and warrants, the number of installments in which the assessments shall be paid, and the time and method of payment of assessments shall be the same as provided in RCW 85.08.240, for the original construction cost of a system of improvements: PROVIDED HOWEVER, That said bonds and warrants may be in denominations of one thousand dollars. Such bonds and warrants may be in any form, including bearer bonds or bearer warrants, or registered bonds or registered warrants as provided in section 3 of this 1983 act. In case maintenance bonds or warrants to cover extraordinary maintenance expenditures are issued as herein provided, then a maintenance bond or warrant redemption fund for each separate issue of bonds or warrants shall be created into which all moneys derived from assessments levied to pay each issue shall be paid. Such redemption fund shall be applied first to the payment of the interest due upon such bonds or warrants and second to the payment of the principal thereof. After payment in full of principal and interest of any such issue of bonds or warrants, any balance thereafter remaining in any such redemption fund shall be paid into the district's maintenance fund.

(2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 198. Section 13, chapter 26, Laws of 1949 as last amended by section 92, chapter 56, Laws of 1970 ex. sess. and RCW 85.16.180 are each amended to read as follows:

(1) The (~~board~~) county legislative authority shall thereupon enter an order authorizing the contemplated extraordinary maintenance work to be done and authorizing the issuance of temporary construction warrants to pay the cost of said work as it progresses, which warrants may bear interest at such rate or rates of interest as the (~~board~~) county legislative authority shall determine. Bonds or warrants to pay the costs of such extraordinary maintenance may be issued and sold at one time or from time to time and in such series and amounts as may be found practicable and as determined by the board.

(2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 199. Section 17, chapter 225, Laws of 1909 and RCW 85.24.160 are each amended to read as follows:

The owner of any lot or parcel of land charged with any assessment, as hereinbefore provided, may redeem the same from all liability by paying the entire assessment charged against such lot or parcel of land, or part thereof, without interest, within thirty days after notice to him of such assessment, as herein provided, or may redeem same any time after the bonds (~~(above specified)~~) authorized in RCW 85.24.230 shall have been issued by paying the full amount of all the principal and interest to the end of the interest year then expiring or next to expire. The board shall pay the interest on the bonds authorized to be issued under this chapter out of the respective local improvement funds, from which they are payable, and whenever there shall be sufficient money in any of such funds against which bonds have been issued under provisions of this chapter, over and above the amount necessary for the payment of interest on all unpaid bonds, and sufficient to pay the principal of one or more bonds, the board shall call in and pay such bond: PROVIDED, Said bonds shall be called in and paid in their numerical order: PROVIDED FURTHER, That such call shall be made by publication in one

or more newspapers on the day following the delinquencies of the installment of the assessment, or as soon thereafter as practicable and shall state that bonds Nos. (giving serial number and numbers of the bonds called) will be paid on the day the interest (~~coupons~~) payments on such bonds shall become due, and interest upon such bonds shall cease upon such date.

Sec. 200. Section 16, chapter 225, Laws of 1909 as last amended by section 27, chapter 156, Laws of 1981 and RCW 85.24.230 are each amended to read as follows:

(1) Any such district by and through its board of commissioners, may, by resolution of such board, cause to be issued in the name of the district, bonds for the whole cost of the improvement, less such amounts as shall have been paid within the thirty days provided for redemption, as herein specified. Such bonds shall be called Local Improvement Bonds, Diking and Drainage District No. in and counties, state of Washington, and shall be payable in not more than ten years after date, and shall be subject to annual call by the board, in such manner and amount as there may be cash on hand to pay, in the respective local improvement fund, from which such bonds are payable (~~interest to be paid at the office of the treasurer of the fund~~).

The board shall have the right to fix the beginning of the maturity of said bonds at not later than five years from date thereof. Said bonds shall bear interest at a rate or rates determined by the board, and shall be in such denominations as the board may determine, and shall be sold at not less than par and accrued interest, or said bonds may be exchanged at not less than par and accrued interest for outstanding warrants. All warrants and bonds provided for in this chapter shall be retired in their numerical order. In making sale of said bonds the board shall advertise the same for sale to the highest bidder, upon such notice as it may determine. Such bonds and warrants may be in any form, including bearer bonds or bearer warrants, or registered bonds or registered warrants as provided in section 3 of this 1983 act.

Any bonds issued hereunder shall be subject to annual call by the treasurer of the board at the expiration of any year before maturity, in such manner and amounts as there may be cash on hand with which to pay the same in the said fund from which the same may be payable. Such call for payment shall be made by publishing notice of such call in a newspaper in each county in which said district is situated for three consecutive issues beginning not more than twenty days before the expiration of any year from the date of such bond, and interest on said bonds shall cease at the date named in such call.

~~((Said bonds shall have attached thereto interest coupons representing the annual or semiannual interest for the term of said bond.))~~

The bonds and any interest coupons shall be signed by the chairman and secretary of said board, provided that ~~(the)~~ any interest coupons may be executed by a facsimile of said signatures in lieu thereof.

~~((It shall be the duty of the board to keep a register of all such bonds.))~~

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter . . . RCW (sections 1 through 8 of this 1983 act).

Sec. 201. Section 109, chapter 72, Laws of 1937 and RCW 86.09.325 are each amended to read as follows:

The ex officio district treasurer shall pay out moneys collected or deposited with him in behalf of the district, or portions thereof, upon warrants issued by the county auditor against the proper funds of the districts, except the sums to be paid out of the bond fund (~~upon the coupons or bonds presented to the treasurer~~) for interest and principal payments on bonds.

Sec. 202. Section 188, chapter 72, Laws of 1937 and RCW 86.09.562 are each amended to read as follows:

Said county treasurer shall pay out the moneys received or deposited with him or any portion thereof upon warrants issued by the county auditor of the same county of which the district treasurer is an officer against the proper funds of the district except the sums to be paid out of the bond funds (~~upon the coupons or bonds presented to such treasurer~~) for interest and principal payments on bonds.

Sec. 203. Section 191, chapter 72, Laws of 1937 and RCW 86.09.571 are each amended to read as follows:

(1) Said bonds shall on their face pledge the full faith and credit of the district to their payment, shall be in such form as the ~~(state director)~~ department of ecology shall prescribe, shall be in such denominations as the board shall determine, shall be serial and with maturities providing a definite schedule of amortization, shall be payable at such place as shall be designated thereon, not more than thirty-five years from their date, and shall be numbered consecutively; PROVIDED, That the annual levy for bond purposes shall not in any year exceed by more than thirty percent the normal annual levy required by the amortized plan of payment of said bonds and interest against all the assessable lands in the district. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter . . . RCW (sections 1 through 8 of this 1983 act).

Sec. 204. Section 194, chapter 72, Laws of 1937 as last amended by section 93, chapter 56, Laws of 1970 ex. sess. and RCW 86.09.580 are each amended to read as follows:

(1) Said bonds shall bear the date of their issue, shall ~~((be made payable to bearer with))~~ have interest at a rate or rates as authorized by the district board, payable semiannually on the first day of January and of July in each year until paid ((and with coupons attached, for each interest payment)). Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 205. Section 195, chapter 72, Laws of 1937 and RCW 86.09.583 are each amended to read as follows:

(1) Said bonds shall be signed by the president of the district board and shall be attested by the secretary and the seal of the district affixed to each bond but not to ~~((the))~~ any coupons. ~~((The))~~ Any coupons shall be signed by the same officers but the signature on the coupons may appear by lithographic facsimile.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 206. Section 196, chapter 72, Laws of 1937 and RCW 86.09.586 are each amended to read as follows:

(1) Said bonds shall express upon their face that they were issued by authority of this chapter, stating its title and date of approval and shall also state the number of issue of which said bonds are a part.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 207. Section 200, chapter 72, Laws of 1937 as last amended by section 94, chapter 56, Laws of 1970 ex. sess. and RCW 86.09.598 are each amended to read as follows:

(1) Said utility bonds shall be numbered consecutively, shall mature in series amortized in a definite schedule during a period not to exceed twenty years from the date of their issuance, shall be in such denominations and form and shall be payable, with annual or semiannual interest at such rate or rates and at such place as the ~~((state director))~~ department of ecology shall provide. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 208. Section 202, chapter 72, Laws of 1937 and RCW 86.09.604 are each amended to read as follows:

(1) Upon approval of the ~~((state director))~~ department of ecology first obtained, the district board shall have authority to issue and dispose of short term general obligation bonds of the district in such amount or amounts, not exceeding the aggregate amount of the district's collected revenue for the year next previous to the date of their issue, on such conditions and in such form as said ~~((state director))~~ department of ecology shall prescribe including issuance and sale in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act). Such bonds shall not run for a longer term than five years and may be issued without a district election authorizing them: PROVIDED, That a second issue of such bonds shall not be authorized until all outstanding short term bonds of the previous issue have been paid. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

Sec. 209. Section 203, chapter 72, Laws of 1937 and RCW 86.09.607 are each amended to read as follows:

(1) Bonds of flood control districts issued under the provisions of this chapter shall not be sold nor disposed of for less than ninety percent of par and where issued in exchange for labor or service, materials or machinery and appliances, such labor or service and/or property given in exchange shall be appraised in writing and approved by the ~~((state director))~~ department of ecology.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 210. Section 205, chapter 72, Laws of 1937 and RCW 86.09.613 are each amended to read as follows:

General obligation bonds of the district ~~((and their interest coupons))~~ of an earlier issue shall carry no preference as to payment over those of subsequent issue. Such bonds ~~((and their coupons))~~ shall be paid in the order of their respective maturity dates. When there is not sufficient money in the general bond fund to pay all bond maturities and interest then due, the county treasurer shall pay the interest on the due and unpaid bond or bonds of the earliest maturity in accordance with their numerical order, beginning with the bond having the smallest number, to the extent of the available money in the general bond fund.

Sec. 211. Section 17, chapter 153, Laws of 1961 and RCW 86.15.170 are each amended to read as follows:

(1) The ~~((board))~~ county legislative authority may authorize the issuance of general obligation bonds to finance any flood control improvement. Such general obligation bonds may be issued only when authorized by the voters pursuant to RCW 84.52.056. Such bonds shall be issued on behalf of the zone or participating zones and be approved by the voters of the zone

or participating zones when the improvement has by the resolution, provided in RCW 86.15.110, been found to be of benefit to a zone or participating zones. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Such bonds may be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 212. Section 8, chapter 136, Laws of 1967 ex. sess. and RCW 86.15.178 are each amended to read as follows:

(1) The ((board)) county legislative authority may authorize the issuance of revenue bonds to finance any flood control improvement. Such bonds may be issued and sold by the ((board)) county legislative authority in the same manner as prescribed in RCW 36.67.510 through 36.67.570 pertaining to counties. Such bonds shall be issued on behalf of the zone or participating zones when the improvement has by the resolution, provided in RCW 86.15.110, been found to be of benefit to a zone or participating zones. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

Each revenue bond shall state on its face that it is payable from a special fund, naming such fund and the resolution creating the fund.

Revenue bond principal, interest, and all other related necessary expenses shall be payable only out of the appropriate special fund.

A zone or participating zones shall have a lien for delinquent service charges, including interest thereon, against the premises benefited by a flood control improvement, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such lien shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67.200 through 35.67.290.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 213. Section 15, page 679, Laws of 1889-90 as last amended by section 1, chapter 119, Laws of 1977 ex. sess. and RCW 87.03.200 are each amended to read as follows:

(1) At ((such)) the election provided for in RCW 87.03.190, there shall be submitted to the electors of said district possessing the qualifications prescribed by law the question of whether or not the bonds of said district in the amount and of the maturities determined by the board of directors shall be issued. Bonds issued under the provisions of this act shall be serial bonds payable in legal currency of the United States in such series and amounts as shall be determined and declared by the board of directors in the resolution calling the election: PROVIDED, That the first series shall mature not later than ten years and the last series not later than forty years from the date thereof: PROVIDED FURTHER, That bonds, authorized by a special election held in the district under the provisions of a former statute, which has subsequent to said authorization been amended, but not issued prior to the amendment of said former statute, may be issued in the form provided in said former statute, and any such bonds heretofore or hereafter so issued and sold are hereby confirmed and validated.

Notice of such bond election must be given by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least two weeks (three times). Such notices must specify the time of holding the election, and the amount and maturities of bonds proposed to be issued; and said election must be held and the results thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of law governing the election of the district officers: PROVIDED, That no informality in conducting such election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds Yes" and "Bonds No," or words equivalent thereto. If a majority of the votes cast are cast "Bonds Yes," the board of directors shall thereupon have authority to cause bonds in said amount and maturities to be issued. If the majority of the votes cast at any bond election are "Bonds No," the result of such election shall be so declared and entered of record: but if contract is made or is to be made with the United States as in RCW 87.03.140 provided, and bonds are not to be deposited with the United States in connection with such contract, the question submitted at such special election shall be whether contract shall be entered into with the United States. The notice of election shall state under the terms of what act or acts of congress contract is proposed to be made, and the maximum amount of money payable to the United States for construction purposes exclusive of penalties and interest. The ballots for such election shall contain the words "Contract with the United States Yes" and "Contract with the United States No," or words equivalent thereto. And whenever thereafter said board, in its judgment, deems it for the best interest of the district that the question of issuance of bonds for said amount, or any amount, or the question of entering into a contract with the United States, shall be submitted to said electors, it shall so declare, by resolution recorded in its minutes, and may thereupon submit such question to said electors in the same manner and with like effect as at such previous election.

(2) All bonds issued under this act shall bear interest at such rate or rates as the board of directors may determine, payable semiannually on the first day of January and of July of each year. The principal and interest shall be payable at the office of the county treasurer of the county in which the office of the board of directors is situated, or if the board of directors shall

so determine at the fiscal agency of the state of Washington in New York City, said place of payment to be designated in the bond. The bonds may be in such denominations as the board of directors may in its discretion determine, except that bonds other than bond number one of any issue shall be in a denomination that is a multiple of one hundred dollars. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. Said bonds shall be negotiable in form, signed by the president and secretary, and the seal of the district shall be affixed thereto. ~~((The county treasurer shall register said bonds before the issuance thereof in a book kept for that purpose, and shall certify on each thereof under his seal that it has been so registered.))~~ The printed, engraved, or lithographed facsimile signatures of the president and secretary of the district's board of directors ~~((and the county treasurer))~~ shall be sufficient signatures on the bonds or any coupons: PROVIDED, That such facsimile signatures on the bonds may be used only after the filing, by the officer whose facsimile signature is to be used, with the secretary of state of his manual signature certified by him under oath, whereupon that officer's facsimile signature has the same legal effect as his manual signature: PROVIDED, FURTHER, That either the president of the board of directors' or the secretary's signature on the bonds shall be manually subscribed: AND PROVIDED FURTHER, That whenever such facsimile reproduction of the signature of any officer is used in place of the manual signature of such officer, the district's board of directors shall specify in a written order or requisition to the printer, engraver, or lithographer the number of bonds or any coupons upon which such facsimile signature is to be printed, engraved, or lithographed and the manner of numbering the bonds or any coupons upon which such signature shall be placed. Within ninety days after the completion of the printing, engraving, or lithographing of such bonds or any coupons, the plate or plates used for the purpose of affixing the facsimile signature shall be destroyed, and it shall be the duty of the district's board of directors, within ninety days after receipt of the completed bonds or any coupons, to ascertain that such plate or plates have been destroyed. Every printer, engraver, or lithographer who, with the intent to defraud, prints, engraves, or lithographs a facsimile signature upon any bond or any coupon without written order of the district's board of directors, or fails to destroy such plate or plates containing the facsimile signature upon direction of such issuing authority, shall be guilty of felony.

(3) Whenever the electors shall vote to authorize the issuance of bonds of the district such authorization shall nullify and cancel all unsold bonds previously authorized, and if the question is submitted to and carried by the electors at the bond election, any bond issue may be exchanged in whole or in part, at par, for any or all of a valid outstanding bond issue of the district when mutually agreeable to the owner or owners thereof and the district, and the amount of said last bond issue in excess, if any, of that required for exchange purposes, may be sold as in the case of an original issue. The bonds of any issue authorized to be exchanged in whole or in part for outstanding bonds shall state on their face the amount of such issue so exchanged, and shall contain a certificate of the treasurer of the district as to the amount of the bonds exchanged, and that said outstanding bonds have been surrendered and canceled: PROVIDED FURTHER, That where bonds have been authorized and unsold, the board of directors may submit to the qualified voters of the district the question of canceling said previous authorization, which question shall be submitted upon the same notice and under the same regulations as govern the submission of the original question of authorizing a bond issue. At such election the ballots shall contain the words "Cancellation Yes," and "Cancellation No," or words equivalent thereto. If at such election a majority of the votes shall be "Cancellation Yes," the said issue shall be thereby canceled and no bonds may be issued thereunder. If the majority of said ballots shall be "Cancellation No," said original authorization shall continue in force with like effect as though said cancellation election had not been held: PROVIDED, That bonds deposited with the United States in payment or in pledge may call for the payment of such interest at such rate or rates, may be of such denominations, and call for the repayment of the principal at such times as may be agreed upon between the board and the secretary of the interior.

(4) Each issue shall be numbered consecutively as issued, and the bonds of each issue shall be numbered consecutively and bear date at the time of their issue. ~~((Coupons for the interest shall be attached to each bond, signed by the president of the board and the secretary. The signatures of the president and secretary may, however, appear by printed, engraved or lithographed facsimile.))~~ The bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval, and shall also state the number of issue of which such bonds are a part. ~~((The secretary shall keep a record of bonds sold, their number, the date of sale, the price received and the name of the purchaser.))~~ In case the money received by the sale of all bonds issued be insufficient for the completion of plans of the canals and works adopted, and additional bonds be not voted, or a contract calling for additional payment to the United States be not authorized and made, as the case may be, it shall be the duty of the board of directors to provide for the completion of said plans by levy of assessments therefor. It shall be lawful for any irrigation districts which have heretofore issued and sold bonds under the law then in force, to issue in place thereof an

amount of bonds not in excess of such previous issue, and to sell the same, or any part thereof, as hereinafter provided, or exchange the same, or any part thereof, with the ((holders)) owners of such previously issued bonds which may be outstanding, upon such terms as may be agreed upon between the board of directors of the district and the holders of such outstanding bonds: PROVIDED, That the question of such reissue of bonds shall have been previously voted upon favorably by the legally qualified electors of such district, in the same manner as required for the issue of original bonds, and the said board shall not exchange any such bonds for a less amount in par value of the bonds received; all of such old issue in place of which new bonds are issued shall be destroyed whenever lawfully in possession of said board. Bonds issued under the provisions of this section may, when so authorized by the electors, include a sum sufficient to pay the interest thereon for a period not exceeding the first four years. Whenever an issue of bonds shall have been authorized pursuant to law, and any of the earlier series shall have been sold, and the later series, or a portion thereof, remain unsold, the directors may sell such later series pursuant to law, or such portion thereof as shall be necessary to pay the earlier series, or said directors may exchange said later series for the earlier series at not less than the par value thereof, said sale or exchange to be made not more than six months before the maturity of said earlier series and upon said exchange being made the maturing bonds shall be disposed of as hereinbefore provided in the case of bonds authorized to be exchanged in whole or in part for outstanding bonds.

(5) Notwithstanding subsections (1) through (4) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 214. Section 16, page 681, Laws of 1889-90 as last amended by section 2, chapter 43, Laws of 1933 and RCW 87.03.210 are each amended to read as follows:

(1) The board may sell the bonds of the district or pledge the same to the United States from time to time in such quantities as may be necessary and most advantageous to raise money for the construction, reconstruction, betterment or extension of such canals and works, the acquisition of said property and property rights, the payment of outstanding district warrants when consented to in writing by the director of conservation and development, and to such extent as shall be authorized at said election, the assumption of indebtedness to the United States for the district lands, and otherwise to fully carry out the objects and purposes of the district organization, and may sell such bonds, or any of them, at private sale whenever the board deems it for the best interest of the district so to do: PROVIDED, That no election to authorize bonds to refund outstanding warrants shall be held and canvassed after the expiration of the year 1934. The board of directors shall also have power to sell said bonds, or any portion thereof, at private sale, and accept in payment therefor, property or property rights, labor and material necessary for the construction of its proposed canals or irrigation works, power plants, power sites and lines in connection therewith, whenever the board deems it for the best interests of the district so to do. If the board shall determine to sell the bonds of the district, or any portion thereof, at public sale, the secretary shall publish a notice of such sale for at least three weeks in such newspaper or newspapers as the board may order. The notice shall state that sealed proposals will be received by the board, at its office, for the purchase of the bonds to be sold, until the day and hour named in the notice. At the time named in the notice, the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder and may reject all bids: PROVIDED, That such bonds shall not be sold for less than ninety percent of their face value: AND PROVIDED, FURTHER, That the proceeds of all bonds sold for cash must be paid by the purchaser to the county treasurer of the county in which the office of the board is located, and credited to the bond fund.

(2) Notwithstanding subsection (1) of this section, such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 215. Section 17, page 681, Laws of 1889-90 as last amended by section 16, chapter 209, Laws of 1981 and RCW 87.03.215 are each amended to read as follows:

Said bonds and interest thereon and all payments due or to become due to the United States or the state of Washington under any contract between the district and the United States or the state of Washington accompanying which bonds of the district have not been deposited with the United States or the state of Washington, as in RCW 87.03.140 provided, shall be paid by revenue derived from an annual assessment upon the real property of the district, and all the real property in the district shall be and remain liable to be assessed for such payments until fully paid as hereinafter provided. And in addition to this provision and the other provisions herein made for the payment of said bonds and interest thereon as the same may become due, said bonds, or the contract with the United States or the state of Washington accompanying which bonds have not been deposited with the United States or the state of Washington, shall become a lien upon all the water rights and other property acquired by any irrigation district formed under the provisions of this chapter, and upon any canal or canals, ditch or ditches, flumes, feeders, storage reservoirs, machinery and other works and improvements acquired, owned or constructed by said irrigation district, and if default shall be made in the payment of the principal of said bonds or interest thereon, or any payment required by the contract with the United States, or the state of Washington, according to the terms thereof, the ((holder)) owner of said bonds, or any part thereof or the United States or the state of

Washington as the case may be, shall have the right to enter upon and take possession of all the water rights, canals, ditches, flumes, feeders, storage reservoirs, machinery, property and improvements of said irrigation district, and to hold and control the same, and enjoy the rents, issues and profits thereof, until the lien hereby created can be enforced in a civil action in the same manner and under the same proceedings as given in the foreclosure of a mortgage on real estate. This section shall apply to all bonds heretofore issued or any contract heretofore made with the United States, or which may hereafter be issued or made by any district: PROVIDED, That when any such contract made after December 1, 1981, between any district and the United States or the state of Washington covers only the real property in a portion or portions of the district, all payments due or to become due to the United States or the state of Washington shall be paid by revenue derived from an annual assessment upon the real property only in that portion or portions of the district covered by the contract and the real property shall be and remain liable to be assessed for such payments until fully paid and any assessment lien which attaches thereto shall be the exclusive lien notwithstanding other liens provided for in this section. In the event of a contract between the district and the United States or the state of Washington accompanying which bonds of the district have not been deposited with the United States or the state of Washington as provided in RCW 87.03.140 and the contract covers real property in only a portion or portions of the district, the question of whether the district should enter the contract shall be submitted only to those qualified electors who hold title or evidence of title to real property within that portion or portions of the district and in the same manner as provided in RCW 87.03.200.

Sec. 216. Section 22, page 683, Laws of 1889-90 as last amended by section 1, chapter 169, Laws of 1967 and RCW 87.03.260 are each amended to read as follows:

The board of directors shall in each year before said roll is delivered by the secretary to the respective county treasurers, levy an assessment sufficient to raise the ensuing annual interest on the outstanding bonds, and all payments due or to become due in the ensuing year to the United States or the state of Washington under any contract between the district and the United States or the state of Washington accompanying which bonds of the district have not been deposited with the United States or the state of Washington as in this act provided. Beginning in the year preceding the maturity of the first series of the bonds of any issue, the board must from year to year increase said assessment for the ensuing years in an amount sufficient to pay and discharge the outstanding bonds as they mature. Similar levy and assessment shall be made for the expense fund which shall include operation and maintenance costs for the ensuing year. The board shall also at the time of making the annual levy, estimate the amount of all probable delinquencies on said levy and shall thereupon levy a sufficient amount to cover the same and a further amount sufficient to cover any deficit that may have resulted from delinquent assessments for any preceding year. The board shall also, at the time of making the annual levy, estimate the amount of the assessments to be made against lands owned by the district, including local improvement assessments, and shall levy a sufficient amount to pay said assessments. All lands owned by the district shall be exempt from general state and county taxes: PROVIDED, HOWEVER, That in the event any lands, and any improvements located thereon, acquired by the district by reason of the foreclosure of irrigation district assessments, shall be by said district resold on contract, then and in that event, said land, and any such improvements, shall be by the county assessor immediately placed upon the tax rolls for taxation as real property and shall become subject to general property taxes from and after the date of said contract, and the secretary of the said irrigation district shall be required to immediately report such sale within ten days from the date of said contract to the county assessor who shall cause the property to be entered on the tax rolls as of the first day of January following.

The board may also at the time of making the said annual levy, levy an amount not to exceed twenty-five percent of the whole levy for the said year for the purpose of creating a surplus fund. This fund may be used for any of the district purposes authorized by law. The assessments, when collected by the county treasurer, shall constitute a special fund, or funds, as the case may be, to be called respectively, the "Bond Fund of Irrigation District," the "Contract Fund of Irrigation District," the "Expense Fund of Irrigation District," the "~~((Coupon))~~ Warrant Fund of Irrigation District," the "Surplus Fund of Irrigation District".

If the annual assessment roll of any district has not been delivered to the county treasurer on or before the 15th day of January in the year 1927, and in each year thereafter, he shall notify the secretary of the district by registered mail that said assessment roll must be delivered to the office of the county treasurer forthwith. If said assessment roll is not delivered within ten days from the date of mailing of said notice to the secretary of the district, or if said roll when delivered is not equalized and the required assessments levied as required by law, or if for any reason the required assessment or levy has not been made, the county treasurer shall immediately notify the ~~((board of county commissioners))~~ legislative authority of the county in which the office of the board of directors is situated, and said ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall cause an assessment roll for the said district to be prepared and shall equalize the same if necessary and make the levy required by this chapter in the

same manner and with like effect as if the same had been equalized and made by the said board of directors, and all expenses incident thereto shall be borne by the district. In case of neglect or refusal of the secretary of the district to perform the duties imposed by law, then the treasurer of the county in which the office of the board of directors is situated must perform such duties, and shall be accountable therefor, on his official bond, as in other cases.

At the time of making the annual levy in the year preceding the final maturity of any issue of district bonds, the board of directors shall levy a sufficient amount to pay and redeem all bonds of said issue then remaining unpaid. All surplus remaining in any bond fund after all bonds are paid in full must be transferred to the surplus fund of the district.

Any surplus moneys in the surplus fund or any surplus moneys in the bond fund when so required by the board of directors shall be invested by the treasurer of said county under the direction of said board of directors in United States (~~gold-bearing~~) bonds or bonds of the state of Washington, or any bonds pronounced by the treasurer of the state of Washington as valid security for the deposit of public funds, and in addition thereto any bonds or warrants of said district, all of which shall be kept in the surplus fund until needed by the district for the purposes authorized by law.

Sec. 217. Section 34, page 688. Laws of 1889-90 as last amended by section 22, chapter 129, Laws of 1921 and RCW 87.03.430 are each amended to read as follows:

~~(Upon the presentation of the coupons due to)~~ Whenever interest payments on bonds are due, the treasurer of said county (~~-he~~) shall pay the same from the bond fund belonging to such district and deposited with such treasurer. Whenever, after ten years from the issuance of said bonds, said fund shall amount to the sum of ten thousand dollars, the board of directors may direct the treasurer to pay such an amount of said bonds not due as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising in some daily newspaper for such period of time not less than four weeks as the board shall order for sealed proposals for the redemption of said bonds. Said proposals shall be opened by the board in open meeting, at a time to be named in the notice, and the lowest bid for said bonds must be accepted: PROVIDED, That no bond shall be redeemed under the foregoing provision at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the (~~holders~~) owners of said bonds shall desire to have the same redeemed, as herein provided for, said money shall be invested by the treasurer of said county, under the direction of the board, in United States (~~gold-bearing~~) bonds, or the bonds of the state, which shall be kept in said bond fund, and may be used to redeem said district bonds whenever the (~~holders~~) owners thereof may desire.

Sec. 218. Section 2, chapter 276. Laws of 1961 as last amended by section 1, chapter 83, Laws of 1979 and RCW 87.03.440 are each amended to read as follows:

The treasurer of the county in which is located the office of the district shall be ex officio treasurer of the district, and any county treasurer handling district funds shall be liable upon his official bond and to criminal prosecution for malfeasance and misteasance, or failure to perform any duty as county or district treasurer. The treasurer of each county in which lands of the district are located shall collect and receipt for all assessments levied on lands within his county. There shall be deposited with the district treasurer all funds of the district. He shall pay out such funds upon warrants issued by the county auditor against the proper funds of the district, except the sums to be paid out of the bond fund (~~upon coupons or bonds presented to the treasurer~~) for interest and principal payments on bonds: PROVIDED, That in those districts which designate their own treasurer, the treasurer may issue the warrants or any checks when the district is authorized to issue checks. All warrants shall be paid in the order of their issuance. The district treasurer shall report, in writing, on the first Monday in each month to the directors, the amount in each fund, the receipts for the month preceding in each fund, and file the report with the secretary of the board. The secretary shall report to the board, in writing, at the regular meeting in each month, the amount of receipts and expenditures during the preceding month, and file the report in the office of the board.

The preceding paragraph of this section notwithstanding, the board of directors or board of control of an irrigation district which lies in more than one county and which had assessments in each of two of the preceding three years equal to at least five hundred thousand dollars may designate some other person having experience in financial or fiscal matters as treasurer of the district. In addition, the board of directors of an irrigation district which lies entirely within one county may designate some other person having experience in financial or fiscal matters as treasurer of the district if the board has the approval of the county treasurer to designate some other person. If the board designates a treasurer, it shall require a bond with a surety company authorized to do business in the state of Washington in an amount and under the terms and conditions which it finds from time to time will protect the district against loss. The premium on the bond shall be paid by the district. The designated treasurer shall collect and receipt for all irrigation district assessments on lands within the district and shall act with the same powers and duties and be under the same restrictions as provided by law for county treasurers acting in matters pertaining to irrigation districts, except the powers, duties, and restrictions in RCW 87.56.110 and 87.56.210 which shall continue to be those of county treasurers.

In those districts which have designated their own treasurers, the provisions of law pertaining to irrigation districts which require certain acts to be done and which refer to and involve a county treasurer or the office of a county treasurer or the county officers charged with the collection of irrigation district assessments, except RCW 87.56.110 and 87.56.210 shall be construed to refer to and involve the designated district treasurer or the office of the designated district treasurer.

Any claim against the district for which it is liable under existing laws shall be presented to the board as provided in RCW 4.96.020 and upon allowance it shall be attached to a voucher and approved by the chairman and signed by the secretary and directed to the proper official for payment: PROVIDED, That in the event claimant's claim is for crop damage the claimant in addition to filing his claim within the one hundred twenty day limit and in the manner specified in RCW 4.96.020 must file with the secretary of the district, or in his absence one of the directors, not less than three days prior to the severance of the crop alleged to be damaged, a written preliminary notice pertaining to the crop alleged to be damaged. Such preliminary notice, so far as claimant is able, shall advise the district; that the claimant has filed a claim or intends to file a claim against the district for alleged crop damage; shall give the name and present residence of the claimant; shall state the cause of the damage to the crop alleged to be damaged and the estimated amount of damage; and shall accurately locate and describe where the crop alleged to be damaged is located. Such preliminary notice may be given by claimant or by anyone acting in his behalf and need not be verified. No action may be commenced against an irrigation district for crop damages unless claimant has complied with the provisions of RCW 4.96.020 and also with the preliminary notice requirements of this section.

Sec. 219. Section 3, chapter 276, Laws of 1961 as amended by section 2, chapter 83, Laws of 1979 and RCW 87.03.441 are each amended to read as follows:

The directors may provide by resolution that the secretary may deposit the following temporary funds in a local bank in the name of the district: (1) A fund to be known as "general fund" in which shall be deposited all moneys received from the sale of land, except such portion thereof as may be obligated for bond redemption, and all rentals, tolls, and all miscellaneous collections. This fund shall be transmitted to the district treasurer or disbursed in such manner as the directors may designate. (2) A fund to be known as "fiscal fund" in which shall be deposited all collections made by the district as fiscal agent of the United States. (3) A "revolving fund" in such amount as the directors shall by resolution determine, acquired by the issue of coupon or registered warrants or by transfer of funds by warrant drawn upon the expense fund. This fund may be disbursed by check signed by the secretary or such other person as the board may designate, in the payment of such expenditures as the board may deem necessary. This fund shall be reimbursed by submitting copies of approved vouchers and/or copy of payrolls to the county auditor with a claim voucher specifying the fund upon which warrants for such reimbursements shall be drawn. The warrants for such reimbursements shall be made out by the auditor to the "secretary's revolving fund."

Sec. 220. Section 41, page 692, Laws of 1889-90 as last amended by section 28, chapter 156, Laws of 1981 and RCW 87.03.470 are each amended to read as follows:

(1) The board of directors may, at any time when in their judgment it may be advisable, call a special election and submit to the qualified electors of the district the question whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this chapter including any purpose for which the bonds of the district or the proceeds thereof might be lawfully used. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of RCW 87.03.200. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used and the number of installments in which it is to be paid. At such election the ballot shall contain the words "Assessment Yes" and "Assessment No." If the majority of the votes cast are "Assessment Yes" the board may immediately or at intervals thereafter incur indebtedness to the amount of said special assessment for any of the purposes for which the proceeds of said assessment may be used, and may provide for the payment of said indebtedness by the issue and sale of ((coupon)) notes of the district to an amount equal to said authorized indebtedness, which ((coupon)) notes shall be payable in such equal installments not exceeding three in number as the board shall direct. Said ((coupon)) notes shall be payable by assessments levied at the time of the regular annual levy each year thereafter until fully paid. The amount of the assessments to be levied shall be ascertained by adding fifteen percent for anticipated delinquencies to the whole amount of the indebtedness incurred and interest. Each assessment so levied shall be computed and entered on the assessment roll by the secretary of the board, and collected at the same time and in the same manner as other assessments provided for herein, and when collected shall be paid to the county treasurer of the county to the credit of said district, for the purposes specified in the notice of such special election: PROVIDED, HOWEVER, That the board of directors may at their discretion issue said ((coupon)) notes in payment for labor or material, or both, used in connection with the purposes for which such indebtedness was authorized. ((Coupon)) Notes issued under this section shall bear interest at a rate

determined by the board, payable semiannually. Such notes may be in any form, including bearer notes or registered notes as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such notes may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 221. Section 42, page 693, Laws of 1889-90 as last amended by section 29, chapter 156, Laws of 1981 and RCW 87.03.475 are each amended to read as follows:

(1) The board shall incur no debt or liability in excess of the express provisions of this title. It may without an election and levy therefor pay the necessary costs and expenses of organizing and may make surveys, do engineering work, and conduct a general investigation to determine the feasibility of the proposed irrigation project, and may incur an indebtedness therefor prior to levy, which indebtedness on account of surveys, engineering and investigations shall not exceed fifty cents an acre, and shall be assessable against the lands within the district. In cases of emergency, making it necessary to incur indebtedness in order to continue the operation of the irrigation system or any part thereof, the board by resolution may incur such indebtedness not exceeding the amount actually necessary to meet the requirements of the emergency. It may incur indebtedness necessary to carry on the ordinary administrative affairs of the district and if the district acquires an irrigation system before making its first regular annual levy, the board may incur such indebtedness necessary to pay the ordinary expenses of operation and maintenance until the regular annual levy is made.

The board may issue warrants for the payment of any indebtedness incurred under this section, which shall bear interest at a rate or rates determined by the board, and it shall include in its next annual levy for the payment of the expenses of operation and maintenance, the amount of all warrants issued by virtue hereof.

The board may issue as a general obligation of the district coupon or registered warrants in denominations not in excess of five hundred dollars, bearing interest (~~evidenced by coupons payable semiannually at a rate~~) as determined by the board. Such warrants may be registered as provided in section 3 of this 1983 act. Such warrants shall mature in not more than five years and may be used, or the proceeds thereof, in the purchase of grounds and buildings, machinery, vehicles, tools or other equipment for use in operation, maintenance, betterment, reconstruction or local improvement work, and for creating a revolving fund for carrying on such work as in this title provided. The proceeds of the warrants shall be paid to the district treasurer who shall place them in an appropriate fund and pay them out upon warrants of the district. The maximum indebtedness hereby authorized shall not exceed one dollar per acre of the total irrigable area within the district. No warrant shall be sold for less than par. They shall state on their face that they are a general obligation of the district, the purposes for which they are used, and that they are payable on or before maturity. They shall be retired by assessments levied in accordance with the provisions of this title at the time other assessments are levied.

The board may accumulate by assessment a fund to be designated as the "capital fund" to be used for the purposes for which the above warrants may be used. The total of such fund shall not exceed one dollar per acre of the total irrigable area in the district and shall be accumulated in not less than five annual installments. The fund shall not be permanently depleted or reduced but shall be replaced from year to year by assessments on any lands of the district benefited by the use thereof. The reasonable value of all grounds, buildings, machinery, vehicles, tools or other equipment on hand, purchased with such fund, and the revolving fund, if any, derived from such fund, shall be a part of the capital fund.

(2) Notwithstanding subsection (1) of this section, such warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 222. Section 11, chapter 162, Laws of 1917 as last amended by section 7, chapter 185, Laws of 1979 ex. sess. and RCW 87.03.485 are each amended to read as follows:

In the event that the said board shall approve said petition, the board shall fix a time and place for the hearing thereof and shall publish a notice once a week for two consecutive weeks preceding the date of such hearing and the last publication shall not be more than seven days before such date and shall mail such a notice on or before the second publication date by first class mail, postage prepaid, to each owner or reputed owner of real property within the proposed local improvement district, as shown on the rolls of the county treasurer as of a date not more than twenty days immediately prior to the date such notice was mailed. Such notice must be published in a newspaper of general circulation in each county in which any portion of the land proposed to be included in such local improvement district lies. Such notice shall state that the lands within said described boundaries are proposed to be organized as a local improvement district, stating generally the nature of the proposed improvement; that bonds for such local improvement district are proposed to be issued as the bonds of the irrigation district, or that a contract is proposed to be entered into between the district and the United States or the state of Washington, or both, that the lands within said local improvement district are to be assessed for such improvement, that such bonds or contract will be a primary obligation of such local improvement district and a general obligation of the irrigation district and stating a time and place of hearing thereon. At the time and place of hearing named in said notice, all persons interested may appear before the board and show cause for or against the

formation of the proposed improvement district and the issuance of bonds or the entering into of a contract as aforesaid. Upon the hearing the board shall determine as to the establishment of the proposed local improvement district. Any landowner whose lands can be served or will be benefited by the proposed improvement, may make application to the board at the time of hearing to include such land and the board of directors in such cases shall, at its discretion, include such lands within such district. The board of directors may exclude any land specified in said notice from said district provided, that in the judgment of the board, the inclusion thereof will not be practicable.

As an alternative plan and subject to all of the provisions of this chapter, the board of directors may initiate the organization of a local improvement district as herein provided. To so organize a local improvement district the board shall adopt and record in its minutes a resolution specifying the lands proposed to be included in such local improvement district or by describing the exterior boundaries of such proposed district or by both. Said resolution shall state generally the plan, character and extent of the proposed improvements, that the land proposed to be included in such improvement district will be assessed for such improvements; and that ~~((coupon))~~ local improvement district bonds of the irrigation district will be issued or a contract entered into as hereinabove in this section provided to meet the cost thereof and that such bonds or contract will be a primary obligation of such local improvement district and a general obligation of the irrigation district. Said resolution shall fix a time and place of hearing thereon and shall state that unless a majority of the holders of title or of evidence of title to lands within the proposed local improvement district file their written protest at or before said hearing, consent to the improvement will be implied.

A notice containing a copy of said resolution must be published once a week for two consecutive weeks preceding the date of such hearing and the last publication shall not be more than seven days before such date, and shall be mailed on or before the second publication date by first class mail, postage prepaid, to each owner or reputed owner of real property within the proposed local improvement district, as shown on the rolls of the county treasurer as of a date not more than twenty days immediately prior to the date such notice was mailed, and the hearing thereon shall not be held in less than twenty days from the adoption of such resolution. Such notice must be published in one newspaper, of general circulation, in each county in which any portion of the land proposed to be included in such local improvement district lies. Said hearing shall be held and all subsequent proceedings conducted in accordance with the provisions of this act relating to the organization of local improvement districts initiated upon petition.

Sec. 223. Section 12, chapter 162, Laws of 1917 as last amended by section 30, chapter 156, Laws of 1981 and RCW 87.03.490 are each amended to read as follows:

(1) If decision shall be rendered in favor of the improvement, the board shall enter an order establishing the boundaries of the said improvement district and shall adopt plans for the proposed improvement and determine the number of annual installments not exceeding fifty in which the cost of said improvement shall be paid. The cost of said improvement shall be provided for by the issuance of local improvement district ~~((coupon))~~ bonds of the district from time to time, therefor, either directly for the payment of the labor and material or for the securing of funds for such purpose, or by the irrigation district entering into a contract with the United States or the state of Washington, or both, to repay the cost of said improvement. Said bonds shall bear interest at a rate or rates determined by the board, payable semiannually ~~((evidenced by coupons))~~, and shall state upon their face that they are issued as bonds of the irrigation district; that all lands within said local improvement district shall be primarily liable to assessment for the principal and interest of said bonds and that said bonds are also a general obligation of the said district. The bonds may be in such denominations as the board of directors may in its discretion determine, except that bonds other than bond number one of any issue shall be in a denomination that is a multiple of one hundred dollars, and no bond shall be sold for less than par. Any contract entered into for said local improvement by the district with the United States or the state of Washington, or both although all the lands within said local improvement district shall be primarily liable to assessment for the principal and interest thereon, shall be a general obligation of the irrigation district. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

No election shall be necessary to authorize the issuance of such local improvement bonds or the entering into of such a contract. Such bonds, when issued, shall be signed by the president and secretary of the irrigation district with the seal of said district affixed ~~((and shall be registered by the treasurer of the irrigation district with his seal affixed))~~. The printed, engraved, or lithographed facsimile signatures of the president and secretary of the district's board of directors shall be sufficient signatures on the bonds or any coupons: PROVIDED, That such facsimile signatures on the bonds may be used only after the filing, by the officer whose facsimile signature is to be used, with the secretary of state of his manual signature certified by him under oath, whereupon that officer's facsimile signature has the same legal effect as his manual signature: PROVIDED, FURTHER, That either the president of the board of directors or the secretary's signature on the bonds shall be manually subscribed: AND PROVIDED FURTHER, That whenever such facsimile reproduction of the signature of any officer is used in place of

the manual signature of such officer, the district's board of directors shall specify in a written order or requisition to the printer, engraver, or lithographer the number of bonds or any coupons upon which such facsimile signature is to be printed, engraved, or lithographed and the manner of numbering the bonds or any coupons upon which such signature shall be placed. Within ninety days after the completion of the printing, engraving, or lithographing of such bonds or any coupons, the plate or plates used for the purpose of affixing the facsimile signature shall be destroyed, and it shall be the duty of the district's board of directors, within ninety days after receipt of the completed bonds or any coupons, to ascertain that such plate or plates have been destroyed. Every printer, engraver, or lithographer who, with the intent to defraud, prints, engraves, or lithographs a facsimile signature upon any bond or coupon without written order of the district's board of directors, or fails to destroy such plate or plates containing the facsimile signature upon direction of such issuing authority, shall be guilty of felony.

The proceeds from the sale of such bonds shall be deposited with the treasurer of the district, who shall place them in a special fund designated "Construction fund of local improvement district number _____."

Whenever such improvement district has been organized, the boundaries thereof may be enlarged to include other lands which can be served or will be benefited by the proposed improvement upon petition of the owners thereof and the consent of the United States or the state of Washington, or both, in the event the irrigation district has contracted with the United States or the state of Washington, or both, to repay the cost of the improvement: PROVIDED, That at such time the lands so included shall pay their equitable proportion upon the basis of benefits of the improvement theretofore made by the said local improvement district and shall be liable for the indebtedness of the said local improvement district in the same proportion and same manner and subject to assessment as if said lands had been incorporated in said improvement district at the beginning of its organization.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 224. Section 2, chapter 128, Laws of 1935 as last amended by section 31, chapter 156, Laws of 1981 and RCW 87.03.510 are each amended to read as follows:

There is hereby established for each irrigation district in this state having local improvement districts therein a fund for the purpose of guaranteeing to the extent of such fund and in the manner herein provided, the payment of its local improvement bonds and warrants issued or contract entered into to pay for the improvements provided for in this act. Such fund shall be designated "local improvement guarantee fund" and for the purpose of maintaining the same, every irrigation district shall hereafter levy from time to time, as other assessments are levied, such sums as may be necessary to meet the financial requirements thereof: PROVIDED, That such sums so assessed in any year shall not be more than sufficient to pay the outstanding warrants or contract indebtedness on said fund and to establish therein a balance which shall not exceed five percent of the outstanding obligations thereby guaranteed. Whenever any bond ((or) redemption payment, interest ((coupon) payment, or contract payment of any local improvement district shall become due and there is insufficient funds in the local improvement district fund for the payment thereof, there shall be paid from said local improvement district guarantee fund, by warrant or by such other means as is called for in the contract, a sufficient amount, which together with the balance in the local improvement district fund shall be sufficient to redeem and pay said bond or coupon or contract payment in full. Said warrants against said guarantee fund shall draw interest at a rate determined by the board and said bonds and ((coupons)) and interest payments shall be paid in their order of presentation or serial order. Whenever there shall be paid out of the guarantee fund any sum on account of principal or interest of a local improvement bond or warrant or contract the irrigation district, as trustee for the fund, shall be subrogated to all of the rights of the ((holder)) owner of the bond ((or interest coupon)) or contract amount so paid, and the proceeds thereof, or of the assessment underlying the same shall become part of the guarantee fund. There shall also be paid into such guarantee fund any interest received from bank deposits of the fund, as well as any surplus remaining in any local improvement district fund, after the payment of all of its outstanding bonds or warrants or contract indebtedness which are payable primarily out of such local improvement district fund.

Sec. 225. Section 15, chapter 162, Laws of 1917 as amended by section 30, chapter 129, Laws of 1921 and RCW 87.03.515 are each amended to read as follows:

It shall be lawful for any irrigation district which has issued local improvement district bonds for said improvements, as in this chapter provided, to issue in place thereof an amount of general bonds of the irrigation district not in excess of such issue of local improvement district bonds, and to sell the same, or any part thereof, or exchange the same, or any part thereof, with the ((holders)) owners of such previously issued local improvement district bonds for the purpose of redeeming said bonds: PROVIDED, HOWEVER, That all the provisions of this chapter regarding the authorization and issuing of bonds shall apply, and: PROVIDING, FURTHER, That the issuance of said bonds shall not release the lands of the local improvement district or districts from liability for special assessments for the payment thereof: AND PROVIDED

FURTHER. That the lien of any issue of bonds of the district prior in point of time to the issue of bonds or local improvement district bonds herein provided for, shall be deemed a prior lien.

Sec. 226. Section 8, chapter 70, Laws of 1970 ex. sess. and RCW 87.03.522 are each amended to read as follows:

In lieu of the issuance of local improvement district (~~((coupon))~~) bonds or the entering into a contract with the United States or the state of Washington, or both, to secure the funds for or to repay the cost of any improvement to be charged, in whole or in part, against any local improvement district organized pursuant to this chapter, any irrigation district may finance the cost of said local improvement with any general district funds which may be available for said purpose and provide, in such manner as the district's directors may determine, for the repayment, with or without interest as the district's directors determine, through assessments against the lands in the local improvement district levied in the same manner authorized by this chapter of said general district moneys thus advanced.

Sec. 227. Section 2, chapter 161, Laws of 1923 and RCW 87.19.010 are each amended to read as follows:

Whenever the board of directors of any irrigation district shall deem it for the best interest of said district that any or all outstanding bonds of said district be refunded, they shall so declare by resolution duly adopted and recorded in the minutes of said board and shall, with the written approval of the state director of the department of (~~((conservation and development))~~) ecology, submit the question to the legally qualified electors of said district at a general election or at a special election called for that purpose and if a majority of said electors voting at said election vote in favor thereof the directors of said district shall issue and exchange said bonds for those outstanding, or sell said bonds and retire said outstanding bonds. The bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 228. Section 3, chapter 161, Laws of 1923 as last amended by section 96, chapter 56, Laws of 1970 ex. sess. and RCW 87.19.030 are each amended to read as follows:

(1) Said bonds shall be issued in series and in denominations of not less than one hundred dollars nor more than one thousand dollars. The first series shall mature not later than ten years and the last series not later than forty years. Each series shall be numbered from one, up consecutively, shall bear the date of their issue, and shall bear interest at any rate or rates as authorized by the board of directors of said district, payable semiannually on the first day of January and July of each year. (~~((with interest coupons attached))~~) and the principal and interest (~~((shall))~~) may be made payable at the office of the county treasurer of the county in which the office of the board of directors is situated, or at any fiscal agency of the state of Washington. Said bonds shall be negotiable in form and the bonds (~~((and interest coupons))~~) shall be signed by the president and secretary of the board of directors of said district and the seal of said district, affixed. The signatures of the president and secretary may, however, appear by lithographic facsimile. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 229. Section 2, chapter 120, Laws of 1929 and RCW 87.22.020 are each amended to read as follows:

Before any proposition for the issuance of limited liability refunding bonds, as provided for in this chapter, of an irrigation district in this state shall be submitted to the electors thereof, the board of directors of said district shall at their option have authority, upon the written consent of the (~~((holders))~~) owners of at least fifty-one percent of the face value of the bonds proposed to be refunded, and upon the written approval of the state department of (~~((conservation and development))~~) ecology, and of the owners of fifty-one percent of the acreage of the land within the district, to institute proceedings in the superior court of the proper county to determine the irrigable acreage of the lands which shall be subject to assessment for the payment of said refunding bonds and the interest thereon, and to determine the maximum benefits to be received by said lands from said proposed refunding bonds, in the manner herein provided.

Sec. 230. Section 3, chapter 120, Laws of 1929 and RCW 87.22.030 are each amended to read as follows:

The said board of directors shall institute such proceedings by filing a petition in the superior court of the county in which the greater part of the lands in the district are situated. Said petition shall give the name of the district, shall set out the nature of its water rights and the general character of its irrigation works and distribution system, shall state the amount, maturity schedule of minimum annual installments of principal and maximum interest rate of the proposed refunding bonds, shall state the approximate irrigable acreage in the district and the probable approximate aggregate annual income therefrom during the life of the proposed refunding bonds, shall recite that the required consent of the (~~((holders))~~) owners of the bonds to be refunded has been obtained and shall state such other matter, if any, the said board of directors may deem pertinent to the proceedings, shall pray for the determination of the irrigable acreage and of the maximum benefits aforesaid and shall be signed and verified by the president of the said board of directors.

Sec. 231. Section 19, chapter 120, Laws of 1929 and RCW 87.22.145 are each amended to read as follows:

Refunding bonds provided for under this chapter may be exchanged for any or all of the bonds to be refunded on such basis as may be agreed upon between the board of directors of the district and the ~~((bondholders))~~ bond owners: PROVIDED, That said refunding bonds shall not be issued in a greater sum than the total aggregate face value of the bonds to be refunded.

Sec. 232. Section 20, chapter 120, Laws of 1929 as last amended by section 97, chapter 56, Laws of 1970 ex. sess. and RCW 87.22.150 are each amended to read as follows:

(1) Said refunding bonds shall be issued in such denominations as the board shall determine, but in the same denominations so far as practicable as the bonds to be refunded and shall mature at the date specified in the notice of election but not in any event later than thirty years from the date thereof, and shall be payable in minimum annual installments specified on a percentage basis and amortized to provide for full payment of the bonds with interest at maturity: PROVIDED, That in lieu of the annual payments of principal and semiannual payments of interest as provided in this chapter, the court may prescribe the form, manner of payment, and interest rate or rates of the refunding bonds, in the decree determining maximum benefits and irrigable acreage; and said decree may grant the district the right to pay at the date of any annual or semiannual payment, one or more next accruing annual or semiannual installments less the interest on that part of the principal thus paid in advance: AND PROVIDED, In all cases in which the court determines the form, manner of payment, and interest rate of the refunding bonds in the decree determining maximum benefits, all notices provided in this chapter and any other provision thereof, shall be given and construed in conformity with the terms and conditions of said bond prescribed in said decree. Such bonds may be in any registered form as provided for in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued in any registered form and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 233. Section 24, chapter 120, Laws of 1929 and RCW 87.22.175 are each amended to read as follows:

Said bonds ~~((shall provide for registration as to both principal and interest in the county treasurer's office at which they are payable;))~~ shall be signed by the president of the board and secretary of the district and the seal of the district shall be impressed thereon. The term "registration book" as used in chapter 87.22 RCW shall constitute the method of registration adopted in conformance with section 3 of this 1983 act.

Sec. 234. Section 26, chapter 120, Laws of 1929 and RCW 87.22.190 are each amended to read as follows:

Said bonds shall be transferable only on the registration book ~~((of the county treasurer's office at which the same are payable))~~ and any attempted transfer of said bonds not recorded in said registration book shall be void so far as the rights of the district are concerned.

Sec. 235. Section 37, chapter 120, Laws of 1929 as amended by section 7, chapter 42, Laws of 1931 and RCW 87.22.275 are each amended to read as follows:

Except as herein otherwise specifically provided, refunding bonds, authorized, issued and disposed of under the provisions of this chapter shall entitle the ~~((holders and))~~ owners thereof to the same rights and privileges, shall constitute a lien on the same property and shall be paid in the same manner as the original bonds refunded by said bond issue, and said refunding bonds shall be retired by the exaction of annual assessments levied against all the lands in the district: PROVIDED, HOWEVER, That any lands in the district against which no benefits are determined by the decree determining maximum benefits may be excluded from the district in the same manner in which lands may now be excluded from the districts against which there are no bond issues, and said lands so excluded shall be forever free of the liens of said refunding bonds; AND PROVIDED FURTHER, That no assessments against any tract of land shall exceed the amount specified under RCW 87.22.230.

Sec. 236. Section 18, chapter 185, Laws of 1979 ex. sess. and RCW 87.28.015 are each amended to read as follows:

Irrigation districts may also issue interest bearing warrants to provide interim financing pending the issuance of district revenue bonds. The items, form and content, and the manner of the issuance and sale of such interest bearing warrants as well as any covenants for the redemption of such warrants shall be established by resolution of the district's board of directors. Such warrants may be in any form, including bearer warrants or registered warrants as provided in section 3 of this 1983 act. Such warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 237. Section 2, chapter 57, Laws of 1949 as last amended by section 9, chapter 185, Laws of 1979 ex. sess. and RCW 87.28.020 are each amended to read as follows:

(1) Said bonds shall be in such form as the board of directors shall determine; shall be in bearer form or registered as to principal or interest or both as provided in section 3 of this 1983 act, and may provide for conversion between registered and coupon bonds; shall be in such denominations, shall be numbered, shall bear such date and shall be payable at such time or times up to a maximum of not to exceed forty years as shall be determined by the board of

directors; shall bear interest at such rate or rates, payable at such time or times as authorized by the board of directors; shall be payable at the office of the county treasurer of the county in which the principal office of the district is located or at such other place as the board of directors shall provide and specify in the bonds; shall be executed by the president of the board of directors and attested and sealed by the secretary thereof and may have facsimile signatures of the president and secretary imprinted on ~~((the))~~ any interest coupons in lieu of original signatures and the facsimile seal of the district and the facsimile signature of either the president or the secretary on the bonds in lieu of a manual signature. Said bonds may provide that the same or any part thereof at the option of the board of directors may be redeemed in advance of maturity on any interest payment date upon the terms and conditions established by the board, may include in the amount of the issue funds for the purpose of paying interest on the bonds during the period of construction of the facility being financed by the proceeds of the bonds, and may include in the amount of the issue funds for the purpose of establishing, maintaining, or increasing reserves in the manner, for the purposes, and subject to the restrictions set forth in RCW 39.44.140.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 238. Section 5, chapter 57, Laws of 1949 as amended by section 12, chapter 185, Laws of 1979 ex. sess. and RCW 87.28.040 are each amended to read as follows:

Any such bonds, and interest thereon, issued against a special fund as herein provided shall be a valid claim of the ~~((holder))~~ owner thereof only as against said special fund or funds and its fixed proportion or amount of the revenue pledged to such fund or funds and shall not constitute a general indebtedness against the issuing irrigation district. Each such bond shall state upon its face that it is payable from a special fund or funds only, naming the special fund or funds and the resolution creating the fund or funds.

Sec. 239. Section 6, chapter 57, Laws of 1949 as last amended by section 100, chapter 56, Laws of 1970 ex. sess. and RCW 87.28.070 are each amended to read as follows:

(1) Such revenue bonds shall be sold in such manner as the board of directors shall deem for the best interests of the irrigation district, either at public or at private sale and at any price and at any rate or rates of interest, but if the board of directors shall dispose of said bonds in exchange for construction of improvements or for materials, such bonds shall not be disposed of for less than par for value received by the district.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 240. Section 8, chapter 57, Laws of 1949 as amended by section 13, chapter 185, Laws of 1979 ex. sess. and RCW 87.28.100 are each amended to read as follows:

When a special fund has been created and bonds have been issued as herein provided, the fixed proportion or amount of the revenues pledged to the payment of the bonds and interest shall be set aside and paid into the special fund monthly as collected, as provided in the resolution creating the fund, and in case any irrigation district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the ~~((holder))~~ owner of any bond against the special fund may bring appropriate court action against the district and compel such setting aside and payment.

Sec. 241. Section 11, chapter 57, Laws of 1949 and RCW 87.28.110 are each amended to read as follows:

Said county treasurer shall have authority to pay said bonds and any appurtenant coupons in accordance with their terms from any moneys on hand in said special fund and when said bonds with interest have been fully paid, any moneys remaining in the fund shall be transferred to the expense fund of the district and the special fund closed.

Sec. 242. Section 22, chapter 185, Laws of 1979 ex. sess. and RCW 87.28.150 are each amended to read as follows:

The board of directors of any irrigation district may, by resolution, without submitting the matter to the voters of the district, provide for the issuance of refunding revenue bonds to refund one or more of the following: Outstanding assessment bonds, revenue bonds, contracts with the United States or state of Washington, or any part thereof, and all outstanding local improvement district bonds, at maturity thereof, or before maturity thereof if they are subject to call for prior redemption or if all of the ~~((holders))~~ owners thereof consent thereto. The refunding bonds shall be issued in the manner and for the purposes set forth in chapter 39.53 RCW.

Whenever district bonds or contracts payable in whole or part from assessments have been refunded pursuant to this section, all assessments remaining unpaid shall thereafter when collected be paid into the revenue bond redemption fund established for payment of the refunding revenue bonds, and the cash balances, if any, in the reserve or guaranty funds for such refunded bonds and the proceeds received from any other assets owned by such funds shall be used in whole or in part as a reserve or guaranty fund for the refunding revenue bonds or be transferred in whole or in part to any other funds of the district as the board of directors may determine. In the event that any warrants are outstanding against the local improvement guaranty fund of the district at the time of the issuance of such refunding revenue

bonds, said bonds shall be issued in an amount sufficient also to fund and pay such outstanding warrants.

Sec. 243. Section 2, chapter 121, Laws of 1929 as amended by section 1, chapter 39, Laws of 1941 and RCW 87.64.010 are each amended to read as follows:

Whenever the state shall now or hereafter own, the entire issue of the bonds of any irrigation, diking or drainage district, and in the judgment of the director of ~~((conservation and development))~~ ecology such district is, or will be, unable to meet its obligations to the state as they mature, and in the judgment of the director of ~~((conservation and development))~~ ecology the investment of the state can be made more secure by extending, without refunding, the time of payment of any or all said bonds and ~~((for appurtenant))~~ interest ~~((coupons))~~ payments, or by the exchange of the bonds held by the state for refunding bonds of such district issued as in the manner provided by law at the same or a lower rate of interest and/or for a longer term, or by the cancellation of a portion of the bonds held by the state and/or interest accrued thereon, and the exchange of the remaining bonds held by the state for the refunding bonds of the district issued in the manner provided by law at the same or a lower rate of interest and/or for the same or a longer term, the director of ~~((conservation and development))~~ ecology shall be and is hereby authorized and empowered to enter into contract with the district so extending the time of payment of said bonds and ~~((for appurtenant))~~ interest ~~((coupons))~~ payments, without refunding or to so exchange the bonds held by the state for such refunding bonds or to cancel a portion of the bonds held by the state and/or interest accrued thereon, and exchange the remaining bonds held by the state for such refunding bonds as in his judgment will be for the best interest of the state.

Sec. 244. Section 3, chapter 121, Laws of 1929 as last amended by section 3, chapter 39, Laws of 1941 and RCW 87.64.020 are each amended to read as follows:

Whenever the state shall, now or hereafter, own a portion of the bonds of any irrigation, diking or drainage district, and in the judgment of the director of ~~((conservation and development))~~ ecology such district is, or will be, unable to meet its obligations as they mature, and in the judgment of the director of ~~((conservation and development))~~ ecology the investment of the state can be made more secure by extending, without refunding, the time of payment of any or all said bonds and ~~((for appurtenant))~~ interest ~~((coupons))~~ payments or by exchanging the bonds held by the state for the refunding bonds of the district issued in the manner provided by law at the same or a lower rate of interest and/or for a longer term, or by the cancellation of a portion of the bonds held by the state and/or interest accrued thereon, and the exchange of the remaining bonds held by the state for the refunding bonds of the district issued in the manner provided by law at the same or a lower rate of interest and/or for a longer term, the director of ~~((conservation and development))~~ ecology shall be and is hereby authorized and empowered to enter into contract with the district so extending the time of payment of said bonds and ~~((for appurtenant))~~ interest ~~((coupons))~~ payments, without refunding, or to so exchange the bonds held by the state for such refunding bonds or to cancel a portion of the bonds held by the state and/or interest accrued thereon, and exchange the remaining bonds held by the state for such refunding bonds as in his judgment will be for the best interest of the state: PROVIDED, That the ~~((holders))~~ owners of at least ninety percent of all the other bonds of said district shall make and execute the same arrangement with the district: AND PROVIDED FURTHER, That when, in addition to owning a portion of the first issue of bonds of any such irrigation, diking or drainage district, the state also owns all the outstanding second issue of bonds of such district, the director of ~~((conservation and development))~~ ecology shall be and he is hereby authorized and empowered to surrender and cancel said second issue of bonds held by the state upon whatsoever terms and conditions he shall deem to be the best interest of the state: AND PROVIDED FURTHER, That whenever ~~((those holding))~~ the owners of at least ninety percent of all other bonds of such district and/or other evidences of indebtedness are willing to release their existing obligations against said district and to substitute therefor a contract to pay such existing indebtedness in whole or in part from the proceeds of the sale of lands owned by the district at the time of such settlement, or acquired by the district through levies then existing, the director of ~~((conservation and development))~~ ecology shall be and he is hereby authorized and empowered to cancel the bonds held by the state upon whatsoever terms that he shall deem most beneficial for the state, or if deemed beneficial to the state, he may release the state's bonds and join with the other holders in the above mentioned contract for the sale of the district land as hereinbefore stated: AND PROVIDED FURTHER, That the director of ~~((conservation and development))~~ ecology be and he is hereby authorized to accept in any settlement made under this chapter, refunding bonds of any irrigation district that may be issued in accordance with chapter ~~((+20 of the Session Laws of 1929 of the state of Washington (chapter 87-22 RCW)))~~ 87.22 RCW, or any amendment thereto, and he is hereby authorized, when in his judgment it is to the interest of the state, to participate in the refunding of bonds of an irrigation district held under said chapter ~~((+20))~~ 87.22 RCW, or any amendment thereto.

Sec. 245. Section 10, chapter 236, Laws of 1907 as last amended by section 101, chapter 56, Laws of 1970 ex. sess. and RCW 88.32.140 are each amended to read as follows:

(1) In all cases, the county, as the agent of the local improvement district, shall, by resolution of its ~~((board of))~~ county ~~((commissioners))~~ legislative authority, cause to be issued in the

name of the county, the bonds for such local improvement district for the whole estimated cost of such improvement, less such amounts as shall have been paid within the thirty days provided for redemption, as hereinabove specified. Such bonds shall be called "Local Improvement Bonds, District No. County of State of Washington", and shall be payable not more than ten years after date, and shall be subject to annual call by the county treasurer, in such manner and amounts as he may have cash on hand to pay the same in the respective local improvement fund from which such bonds are payable, interest to be paid at the office of the county treasurer. Such bonds shall be issued and delivered to the contractor for the work from month to month in such amounts as the engineer of the government, in charge of the improvement, shall certify to be due on account of work performed, or, if said ~~((board of))~~ county ~~((commissioners))~~ legislative authority resolves so to do, such bonds may be offered for sale after thirty days public notice thereof given, to be delivered to the highest bidder therefor, but in no case shall such bonds be sold for less than par, the proceeds to be applied in payment for such improvement; PROVIDED, That unless the contractor for the work shall agree to take such bonds in payment for his work at par, such work shall not be begun until the bonds shall have been sold and the proceeds shall have been paid into a fund to be called "Local Improvement Fund No. County of", and the ~~((holder))~~ owner or ~~((holders))~~ owners of such bonds shall look only to such fund for the payment of either the principal or interest of such bonds.

Such bonds shall be issued in denominations of one hundred dollars each, and shall be substantially in the following form:

"Local Improvement Bond, District Number of the County of State of Washington.

No. N.B. \$.....

This bond is not a general debt of the county of and has not been authorized by the voters of said county as a part of its general indebtedness. It is issued in pursuance of an act of the legislature of the state of Washington, passed the day of A.D. 1907, and is a charge against the fund herein specified and its issuance and sale is authorized by the resolution of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, passed on the day of A.D. 1907. The county of a municipal corporation of the state of Washington, hereby promises to pay to or bearer, one hundred dollars, lawful money of the United States of America, out of the fund established by resolution of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority on the day of A.D. 19... and known as local improvement fund district number of county; and not otherwise.

"This bond is payable ten years after date, and is subject to annual call by the county treasurer at the expiration of any year before maturity in such manner and amounts as he may have cash on hand to pay the same in the said fund from which the same is payable, and shall bear interest at the rate of percent per annum, payable semiannually; both principal and interest payable at the office of the county treasurer. ~~((A coupon is hereto attached for each installment of interest to accrue thereon, and said interest shall be paid only on presentation and surrender of such coupon to the county treasurer, but in case this bond is called for payment before maturity each and every coupon representing interest not accrued at the expiration of the call shall be void.))~~ The ~~((board of))~~ county ~~((commissioners))~~ legislative authority of said county, as the agent of said local improvement district No. established by resolution No. has caused this bond to be issued in the name of said county, as the bond of said local improvement district, the proceeds thereof to be applied in part payment of so much of the cost of the improvement of the rivers, lakes, canals or harbors of county, under resolution No. as is to be borne by the owners of property in said local improvement district, and the said local improvement fund, district No. of county, has been established by resolution for said purpose; and the ~~((holder or holders))~~ owner or owners of this bond shall look only to said fund for the payment of either the principal or interest of this bond.

"The call for the payment of this bond or any bond, issued on account of said improvement, may be made by the county treasurer by publishing the same in an official newspaper of the county for ten consecutive issues, beginning not more than twenty days before the expiration of any year from date hereof, and if such call be made, interest on this bond shall cease at the date named in such call.

"This bond is one of a series of bonds, aggregating in all the principal sum of dollars, issued for said local improvement district, all of which bonds are subject to the same terms and conditions as herein expressed.

"In witness whereof the said county of has caused these presents to be signed by its chairman of its ~~((board of))~~ county ~~((commissioners))~~ legislative authority, and countersigned by its county auditor and sealed with its corporate seal, attested by its county clerk, this

..... day of, in the year of our Lord one thousand nine hundred and

The County of
By
Chairman (~~(Board of)~~) County (~~(Commissioners)~~) Legislative Authority.

Countersigned, County Auditor.

Attest, Clerk."

(There shall be attached to each bond such number of coupons, not exceeding twenty, as shall be required to represent the interest thereon, payable semiannually, for the term of said bonds, which coupon shall be substantially in the following form:

*Number \$.....

On the day of A.D. 19..... the county of Washington, promises to pay to the bearer at the office of its county treasurer dollars, being one-half year's interest due that day on Bond No. of the bonds of local improvement district No. the same being payable only from the fund of said district known as Local Improvement Fund, District No. of county, and not otherwise: PROVIDED, That this coupon is subject to all the terms and conditions contained in the bond to which it is annexed, and if said bond be called for payment before maturity hereof, then this coupon shall be void:

.....
County Auditor-*)

The bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 246. Section 11, chapter 236, Laws of 1907 and RCW 88.32.160 are each amended to read as follows:

Each and every bond issued for any such improvement shall be signed by the chairman of the (~~(board of)~~) county (~~(commissioners)~~) legislative authority and the county auditor, sealed with the corporate seal of the county, and attested by the county clerk. (~~(Each of such coupons shall bear the signature of the county auditor.)~~) The bonds issued for each local improvement district shall be in the aggregate for such an amount as authorized by the resolution of the (~~(board of)~~) county (~~(commissioners)~~) legislative authority with reference to such river, lake, canal or harbor improvement, and each issue of such bonds shall be numbered consecutively, beginning with number 1. (~~(The county auditor shall keep in his office a register of all such bonds, in which he shall enter the local improvement district, for which the same are issued, and the number and total amount of each bond, and the term of payment.)~~)

Sec. 247. Section 12, chapter 236, Laws of 1907 and RCW 88.32.170 are each amended to read as follows:

The owner of any lot or parcel of land charged with any assessment as provided for hereinaabove, may redeem the same from all liability by paying the entire assessment charged against such lot or parcel of land, or part thereof, without interest, within thirty days after notice to him of such assessment, as herein provided, or may redeem the same at any time after the bonds above specified shall have been issued, by paying the full amount of all the principal and interest to the end of the interest year then expiring, or next to expire. The county treasurer shall pay the interest on the bonds authorized to be issued under RCW 88.32.010 through 88.32.220 out of the respective local improvement funds from which they are payable, and whenever there shall be sufficient money in any local improvement fund, against which bonds have been issued under the provisions of RCW 88.32.010 through 88.32.220, over and above the amount necessary for the payment of interest on all unpaid bonds, and sufficient to pay the principal of one or more bonds, the county treasurer shall call in and pay such bonds, provided that such bonds shall be called in and paid in their numerical order: PROVIDED, FURTHER, That such call shall be made by publication in the county official newspaper, on the day following the delinquency of the installment of the assessment, or as soon thereafter as practicable, and shall state that bonds numbers (giving the serial number or numbers of the bonds called), will be paid on the day the (~~(proper)~~) interest (~~(coupon)~~) payment on said bonds shall become due, and interest upon such bonds shall cease upon such date. If the county shall fail, neglect or refuse to pay said bonds or promptly to collect any of said assessments when due, the owner of any such bonds may proceed in his own name to collect such assessment and foreclose the lien thereof in any court of competent jurisdiction, and shall recover in addition to the amount of such bonds and interest thereon, five percent, together with the costs of such suit. Any number of (~~(holders)~~) owners of such bonds for any single improvement, may join as plaintiffs and any number of owners of the property on which the same are a lien may be joined as defendants in such suit.

Sec. 248. Section 5, chapter 158, Laws of 1919 as last amended by section 93, chapter 75, Laws of 1977 and RCW 89.16.050 are each amended to read as follows:

In carrying out the purposes of this chapter, the director of the department of ecology of the state of Washington shall be authorized and empowered:

To make surveys and investigations of the wholly or partially unreclaimed and undeveloped lands in this state and to determine the relative agricultural values, productiveness and uses, and the feasibility and cost of reclamation and development thereof;

To formulate and adopt a sound policy for the reclamation and development of the agricultural resources of the state, and from time to time select for reclamation and development such lands as may be deemed advisable, and the director may in his discretion advise as to the formation and assist in the organization of reclamation districts under the laws of this state;

To purchase the bonds of any reclamation district whose project is approved by the director and which is found to be upon a sound financial basis, to contract with any such district for making surveys and furnishing engineering plans and supervision for the construction of its project, or for constructing or completing its project and to advance money to the credit of the district for any or all of such purposes, and to accept the bonds, ((coupon)) notes or ((coupon)) warrants of such district in payment therefor, and to expend the moneys appropriated from the reclamation account in the purchase of such bonds, notes or warrants or in carrying out such contracts: PROVIDED, That interest not to exceed the annual rate provided for in the bonds, notes or warrants agreed to be purchased, shall be charged and received for all moneys advanced to the district prior to the delivery of the bonds, notes or warrants and the amount of such interest shall be included in the purchase price of such bonds, notes or warrants: PROVIDED FURTHER, That no district, the bonds, notes or warrants of which have been purchased by the state under the provisions of the state reclamation act, shall thereafter during the life of said bonds, notes or warrants make expenditures of any kind from the bond or ((coupon)) warrant funds of the district or incur obligations chargeable against such funds or issue any additional ((coupon)) notes without previous written approval of the director of ecology of the state of Washington, and any obligations incurred without such approval shall be void;

To sell and dispose of any reclamation district bonds acquired by the director, at public or private sale, and to pay the proceeds of such sale into the reclamation account: PROVIDED, That such bonds shall not be sold for less than the purchase price plus accrued interest, except in case of a sale to an agency supplied with money by the United States of America, or to the United States of America in furtherance of refunding operations of any irrigation district, diking or drainage district, or diking or drainage improvement district, now pending or hereafter carried on by such district, in which case the director shall have authority to sell any bonds of such district owned by the state of Washington under the provisions of the state reclamation act, to the United States of America, or other federal agency on such terms as said United States of America, or other federal agency shall prescribe for bonds of the same issue of such district as that held by the state of Washington in connection with such refunding operations;

To borrow money upon the security of any bonds, including refunding bonds, of any reclamation district, acquired by the director, on such terms and rate of interest and over such period of time as the director may see fit, and to hypothecate and pledge reclamation district bonds or refunding bonds acquired by the director as security for such loan. Such loans shall have, as their sole security, the bonds so pledged and the revenues therefrom, and the director shall not have authority to pledge the general credit of the state of Washington: PROVIDED, That in reloading any money so borrowed, or obtained from a sale of bonds it shall be the duty of the director to fix such rates of interest as will prevent impairment of the reclamation revolving account;

To purchase delinquent general tax or delinquent special assessment certificates chargeable against lands included within any reclamation district obligated to the state under the provisions of the state reclamation act, and to purchase lands included in such districts and placed on sale on account of delinquent taxes or delinquent assessments with the same rights, privileges and powers with respect thereto as a private holder and owner of said certificates, or as a private purchaser of said lands: PROVIDED, That the director shall be entitled to a delinquent tax certificate upon application to the proper county treasurer therefor without the necessity of a resolution of the ((board of)) county ((commissioners)) legislative authority authorizing the issuance of certificates of delinquency required by law in the case of the sale of such certificates to private purchasers;

To sell said delinquent certificates or the lands acquired at sale on account of delinquent taxes or delinquent assessments at public or private sale, and on such conditions as the director shall determine;

To, whenever the director shall deem it advisable, require any district with which he may contract, to provide such safeguards as he may deem necessary to assure bona fide settlement and development of the lands within such district, by securing from the owners of lands therein agreements to limit the amount of their holdings to such acreage as they can properly farm and to sell their excess land holdings at reasonable prices;

To employ all necessary experts, assistants and employees and fix their compensation and to enter into any and all contracts and agreements necessary to carry out the purposes of this chapter;

To have the assistance, cooperation and services of, and the use of the records and files in, all the departments and institutions of the state, particularly the office of the commissioner of

public lands, the state department of agriculture, Washington State University, and the University of Washington; and all state officers and the governing authorities of all state institutions are hereby authorized and directed to cooperate with the director in furthering the purpose of this chapter:

To cooperate with the United States in any plan of land reclamation, land settlement or agricultural development which the congress of the United States may provide and which may effect the development of agricultural resources within the state of Washington, and the director shall have full power to carry out the provisions of any cooperative land settlement act that may be enacted by the United States.

Sec. 249. Section 109, chapter 254, Laws of 1927 and RCW 89.30.325 are each amended to read as follows:

Said county treasurer shall pay out the moneys received or deposited with him or any portion thereof upon warrants issued by the county auditor against the proper funds of the district except the sums to be paid out of the bond fund (~~(upon the coupons or)~~ for principal and interest payments on bonds ((presented to such treasurer))).

Sec. 250. Section 138, chapter 254, Laws of 1927 and RCW 89.30.412 are each amended to read as follows:

The reclamation district board shall have authority to evidence district indebtedness by the issuance and sale of negotiable general obligation bonds of the district. Such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 251. Section 139, chapter 254, Laws of 1927 and RCW 89.30.415 are each amended to read as follows:

Said bonds shall be in such denominations as the board shall determine, shall be serial in form with maturities providing a definite schedule of amortization and shall be payable at such place as shall be designated thereon: PROVIDED, That such bonds may also be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 252. Section 140, chapter 254, Laws of 1927 as last amended by section 102, chapter 56, Laws of 1970 ex. sess. and RCW 89.30.418 are each amended to read as follows:

Said bonds shall bear the date of their issue, shall be (~~(made payable to bearer))~~ in any form, including bearer or registered as provided in section 3 of this 1983 act, with interest at a rate or rates as authorized by the reclamation district board, payable semiannually on the first day of January and of July in each year(~~(-with coupons attached, for each interest payment))~~); PROVIDED, That such bonds may also be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 253. Section 141, chapter 254, Laws of 1927 and RCW 89.30.421 are each amended to read as follows:

(1) Said bonds shall be signed by the president of the district board and shall be attested by the secretary and the seal of the district affixed to each bond but not to (~~(the))~~ any coupons. (~~(The))~~ Any coupons shall be signed by the same officers but the signature on (~~(the))~~ any coupons may appear by lithographic facsimile.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 254. Section 143, chapter 254, Laws of 1927 as amended by section 15, chapter 149, Laws of 1933 and RCW 89.30.427 are each amended to read as follows:

(1) In any instance where the district, general improvement or divisional district is selling, renting or leasing water or electric energy under the provisions of this chapter and there is reasonable certainty of a permanent fixed income from this source, the district board shall have authority to create a special fund derived from a fixed proportion of the gross income thus obtained and to issue bonds of the district payable from such special fund and to sell the same to raise revenue for the payment or amortization of the cost of the construction and/or the operation and maintenance of the reclamation district or general improvement or divisional district works and for such other purposes as the state of Washington and/or the United States may require: PROVIDED, That the state of Washington may, through the director of ((conservation and development)) ecology, enter into a contract with the reclamation district, improvement or divisional district or districts or the United States to purchase, rent or lease and to sell or resell and/or distribute all or any part of the electric energy developed or to be developed at the reclamation, improvement or divisional district works at a price sufficient to amortize the cost of power development over a period of fifty years after the completion of such power development and to provide a surplus sufficient to reduce the cost of reclaiming the lands of the district or districts within economic limits: AND PROVIDED FURTHER, That no contract or contracts as in this section provided shall be finally consummated or become binding in any way whatsoever until the legislature of the state of Washington in special or regular session shall approve the same, and provided further in such sale and/or distribution of power by the director of ((conservation and development)) ecology preference in the purchase and/or distribution thereof shall be given to municipal corporations and cooperative associations: AND PROVIDED FURTHER, That general improvement and divisional districts shall have (in addition to the powers granted them in chapter 254 of the Session Laws of 1927 and in this act) the same powers as are given to the reclamation districts under RCW 89.30.007.

(2) Such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 255. Section 145, chapter 254, Laws of 1927 as last amended by section 33, chapter 156, Laws of 1981 and RCW 89.30.433 are each amended to read as follows:

Said bonds shall mature in series amortized in a definite schedule during a period not to exceed sixty years from the date of their issuance, shall be in such denominations and form including bearer bonds or registered bonds as provided in section 3 of this 1983 act, and shall be payable, with annual or semiannual interest at a rate or rates the board shall provide; PROVIDED, That such bonds may also be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 256. Section 173, chapter 254, Laws of 1927 and RCW 89.30.517 are each amended to read as follows:

(1) For the purpose of furthering or carrying out any of the objects for which a general improvement or divisional district was organized, for the purpose of raising additional moneys for that purpose or for refunding outstanding improvement or divisional district bonds, the district board shall have authority to issue and sell ~~((the))~~ negotiable ~~((coupon))~~ bonds ~~((of the district))~~ in such amounts as shall be approved by the electors of the general improvement or divisional district at an election called for that purpose, as herein provided.

(2) Notwithstanding the provisions of RCW 89.30.520 through 89.30.568, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 257. Section 174, chapter 254, Laws of 1927 as last amended by section 103, chapter 56, Laws of 1970 ex. sess. and RCW 89.30.520 are each amended to read as follows:

(1) Bonds issued under the provisions of this chapter shall be negotiable, serial bonds, in such series, maturities and denominations as the board shall determine, payable in legal currency of the United States, at such place as the board shall provide, from funds derived from the levy and collection of special assessments against the benefited lands within the operation of the general improvement or divisional district and shall draw interest at a rate or rates as the board shall authorize. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 258. Section 182, chapter 254, Laws of 1927 and RCW 89.30.544 are each amended to read as follows:

The reclamation district board shall tabulate said abstracts of election returns and if it appears that a majority of the votes cast at any such election are in favor of the proposition submitted at said election, the board shall so declare and enter a resolution authorizing the issuance of bonds in the amounts and maturities and for the objects proposed. Such bonds may be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 259. Section 183, chapter 254, Laws of 1927 and RCW 89.30.547 are each amended to read as follows:

(1) General improvement or divisional district bonds issued under the provisions of this chapter shall not be sold for less than ninety percent of their par value, and refunding bonds shall not be sold or exchanged for less than their par value.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 260. Section 186, chapter 254, Laws of 1927 and RCW 89.30.556 are each amended to read as follows:

(1) All general improvement or divisional district bonds issued under the provisions of this chapter shall be negotiable in form, shall be signed by the president of the reclamation district board and secretary of said district and shall have the seal of the district impressed thereon.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 261. Section 206, chapter 254, Laws of 1927 and RCW 89.30.616 are each amended to read as follows:

Assessments against lands in any general improvement or divisional district authorized under this chapter, when collected by the county treasurer shall constitute a special fund or funds as the case may be, to be called respectively, the "bond fund of general improvement or divisional district No.", the "contract fund of general improvement or divisional district No.", the "~~((coupon))~~ warrant fund of general improvement or divisional district No.", and any other special fund authorized by law.

Sec. 262. Section 260, chapter 254, Laws of 1927 and RCW 89.30.778 are each amended to read as follows:

Said board in such event may provide for the payment of said indebtedness by the issue and sale of ~~((coupon))~~ notes of the district to an amount equal to said authorized indebtedness which ~~((coupon))~~ notes shall be payable in such equal installments, not exceeding three in number, as the board shall direct. Such notes may be in any form, including bearer notes or registered notes as provided in section 3 of this 1983 act. Such notes may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 263. Section 261, chapter 254, Laws of 1927 and RCW 89.30.781 are each amended to read as follows:

Said (~~coupon~~) notes shall be payable exclusively by assessments levied at the time of the regular annual levy each year thereafter until fully paid. All the lands within the general improvement district or divisional district as the case may be, shall be and remain liable to an annual assessment for the payment of said (~~coupon~~) notes with interest until fully paid.

Sec. 264. Section 262, chapter 254, Laws of 1927 and RCW 89.30.784 are each amended to read as follows:

(Coupon) (1) Notes issued under the provisions of this chapter shall bear interest at a rate (not to exceed seven percent per annum) or rates authorized by the district board, payable semiannually.

(2) Notwithstanding subsection (1) of this section, such notes may be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 265. Section 45, chapter 23, Laws of 1911 and RCW 91.08.465 are each amended to read as follows:

Should the owners of any lands assessed to pay for an improvement contemplated by this chapter, fail to pay the assessments thereon in full on or before the day fixed by the treasurer's notice as the time for payment without interest, the board shall provide and issue bonds of the district to the total amount of the unpaid assessments, which bonds may either be issued to persons contracting to perform the work of making the improvement, or exchange with them for warrants; or be issued in exchange for work or materials; or they may be sold outright as hereinafter provided. Such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 266. Section 46, chapter 23, Laws of 1911 as last amended by section 105, chapter 56, Laws of 1970 ex. sess. and RCW 91.08.480 are each amended to read as follows:

(1) Such bonds shall be issued pursuant to an order made by the board and by their terms shall be made payable on or before a date not to exceed ten years from and after the date of their issue, which latter date shall also be fixed by such order. They shall bear interest at the rate or rates as authorized by the board, which interest shall be payable semiannually at periods named; (~~shall have attached thereto interest coupons for each interest payment;~~) shall be of such denomination as shall be provided in the order directing the issue, but not less than one hundred dollars nor more than one thousand dollars; shall be numbered from one upward consecutively and each bond shall be signed by the president of the board and attested by its clerk: PROVIDED, HOWEVER, That (~~said~~) any coupons may, in lieu of being so signed, have printed thereon facsimile signatures of said officers. Each bond shall in the body thereof refer to the improvement to pay for which the same is issued; shall provide that the principal sum therein named and the interest thereon shall be payable out of the fund created for the payment of the cost and expense of said improvement, and not otherwise; and shall not be issued in an amount which, together with the assessments already paid, will exceed the cost and expense of the said condemnation and improvement. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 267. Section 47, chapter 23, Laws of 1911 and RCW 91.08.485 are each amended to read as follows:

(1) Said bonds, whether sold or exchanged, shall be disposed of for not less than their par value and accrued interest.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 268. Section 48, chapter 23, Laws of 1911 and RCW 91.08.490 are each amended to read as follows:

(1) Before making any sale of such bonds the board shall advertise the sale and invite sealed bids therefor, by publication in the county official newspaper at least once, and in such other manner as it sees fit, for a period of thirty days. At the time and place fixed for receiving bids the board shall open all bids presented and may either award the bonds to the highest bidder or reject all bids. Delivery of the bonds and payment therefor may be as required by the board. The purchaser of any such bonds shall pay the money due therefor to the county treasurer, who shall place it in the district fund.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 269. Section 50, chapter 23, Laws of 1911 and RCW 91.08.510 are each amended to read as follows:

(Neither) The (~~holder nor~~) owner of any bond issued under authority of this chapter shall not have any claim therefor against any person, body or corporation, except from the special assessment made for the improvement for which such bond was issued; but his remedy in case of nonpayment shall be confined to the enforcement of such assessment. A copy of this section shall be plainly written, printed or engraved on each bond so issued.

NEW SECTION. Sec. 270. The following acts or parts of acts are each repealed:

- (1) Section 35.41.040, chapter 7, Laws of 1965 and RCW 35.41.040;
- (2) Section 36.67.080, chapter 4, Laws of 1963 and RCW 36.67.080;
- (3) Section 5, chapter 170, Laws of 1895 and RCW 39.52.040;
- (4) Section 1, chapter 218, Laws of 1941 and RCW 53.39.010;
- (5) Section 2, chapter 218, Laws of 1941 and RCW 53.39.020;
- (6) Section 3, chapter 218, Laws of 1941, section 82, chapter 232, Laws of 1969 ex. sess., section 72, chapter 56, Laws of 1970 ex. sess. and RCW 53.39.030;
- (7) Section 4, chapter 218, Laws of 1941 and RCW 53.39.040;
- (8) Section 5, chapter 218, Laws of 1941, section 1, chapter 33, Laws of 1943, section 1, chapter 62, Laws of 1947 and RCW 53.39.050;
- (9) Section 2, chapter 33, Laws of 1943 and RCW 53.39.060;
- (10) Section 6, chapter 218, Laws of 1941, section 3, chapter 33, Laws of 1943 and RCW 53.39.070;
- (11) Section 7, chapter 218, Laws of 1941, section 4, chapter 33, Laws of 1943 and RCW 53.39.080;
- (12) Section 8, chapter 218, Laws of 1941 and RCW 53.39.900;
- (13) Section 5, chapter 33, Laws of 1943 and RCW 53.39.910;
- (14) Section 6, chapter 33, Laws of 1943 and RCW 53.39.920;
- (15) Section 9, chapter 218, Laws of 1941 and RCW 53.39.930;
- (16) Section 35, chapter 117, Laws of 1895 and RCW 85.05.350;
- (17) Section 32, chapter 115, Laws of 1895 and RCW 85.06.320;
- (18) Section 3, chapter 103, Laws of 1935 and RCW 85.07.080;
- (19) Section 7, chapter 161, Laws of 1923 and RCW 87.19.070;
- (20) Section 25, chapter 120, Laws of 1929 and RCW 87.22.180;
- (21) Section 27, chapter 120, Laws of 1929 and RCW 87.22.190;
- (22) Section 10, chapter 57, Laws of 1949 and RCW 87.28.105;
- (23) Section 187, chapter 254, Laws of 1927 and RCW 89.30.559; and
- (24) Section 188, chapter 254, Laws of 1927 and RCW 89.30.562.

Sec. 271, Section 13, chapter 218, Laws of 1963 as last amended by section 83, chapter ... (SHB 390), Laws of 1983 and RCW 36.68.520 are each amended to read as follows:

(1) A park and recreation service area shall not have power to levy an annual authorized levy, but it shall have the power to levy a tax upon the property included within the service area in the manner prescribed by section 2, Article VII of the Constitution and by RCW 84.52.052.

The special voted levy may be either for operating fund or for capital outlay, or for a cumulative reserve fund.

(2) A service area may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness, equal to three-eighths of one percent of the value of the taxable property within the district, and may provide for the retirement thereof by levies in excess of dollar rate in accordance with the provisions of Article VII, section 2 of the Constitution and RCW 84.52.056: PROVIDED, That such districts may issue general obligation bonds equal to two and one-half percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by the voters of the district at a special election called for the purpose in accordance with the provisions of Article VIII, section 6 of the state Constitution. Such bonds may be in any form, including coupon bonds or registered bonds as provided in section 3 of this 1983 act.

(3) Notwithstanding subsection (2) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 272, Section 18, chapter 210, Laws of 1941 as last amended by section 155, chapter ... (SHB 390), Laws of 1983 and RCW 56.16.040 are each amended to read as follows:

(1) Whenever any such sewer district shall hereafter adopt a plan for a sewer system as herein provided, or any additions and betterments thereto, or whenever any reorganized sewer district shall hereafter adopt a plan for any additions or betterments thereto, and the qualified voters of any such sewer district or reorganized sewer district shall hereafter authorize both bond retirement property tax levies and a general indebtedness for all the said plan, or any part thereof, or any additions and betterments thereto or for refunding in whole or in part bonds theretofore issued, general obligation bonds for the payment thereof may be issued ((as hereinafter provided)). The authorizations for the general obligation bonds and the bond retirement levies shall be as provided in Article VIII, section 6 and Article VII, section 2(b) of the state Constitution and RCW 84.52.056. Such authorizations may be presented to the voters in a single proposition.

The bonds shall be serial in form and maturity and numbered from one up consecutively. The bonds shall bear interest at such rate or rates as authorized by the board of sewer commissioners, payable semiannually from date of said bonds until principal thereof is paid. The various annual maturities shall commence with the second year after the date of issue of the bonds, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of said bonds

and interest: PROVIDED, That only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars. Such bonds may be of any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

The general obligation bonds shall never be issued to run for a longer period than thirty years from the date of the issue and shall as nearly as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issue of the bonds.

The bonds shall be signed by the presiding officer of the board of sewer commissioners and shall be attested by the secretary of such board under the seal of the sewer district, and any interest coupons shall be signed by the facsimile signature of the presiding officer of the board of sewer commissioners and shall be attested by the facsimile signature of the secretary of such board.

~~(There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy in excess of the constitutional and/or statutory tax limitations sufficient to meet the annual or semiannual payments of principal and interest on the said bonds maturing as herein provided upon all taxable property within such sewer district:)~~

Said bonds shall be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district, and at a price not less than par and accrued interest.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

NEW SECTION. Sec. 273. 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. 274. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except sections 271 and 272 shall take effect July 1, 1985."

MOTION

Senator Thompson moved adoption of the following amendment by Senators Thompson and Zimmerman to the Committee on Local Government amendment:

On page 4, line 24, after "Sec. 10," strike the remainder of the section and insert "The local government committees of the House of Representatives and the Senate shall cooperate in a study of the provisions of the law related to debt limits, and the issuance and sale of bonds, notes, warrants and other obligations of the state and units of local government. The committees shall report their initial findings and recommended legislation on or before January 1, 1984 and shall submit a final report and any recommended legislation on or before January 1, 1985."

POINT OF INQUIRY

Senator Rasmussen: "Senator Thompson, I am not opposed to studying--I think it is needed, because there are varying lengths of bonds in this bill. My question would be--why is it necessary, at all, to put this in a law that is going to be printed in every law book in the country and will be dead after the study is made? I would suggest that you strike that section entirely and just a simple floor resolution will take care of the study. It just seems like such a waste to put these studies into the law that is going to be reprinted all over."

Senator Thompson: "Senator Rasmussen, the existence of a year is intended to provide some immediate and connected assurance to the Senate and the Legislature, as a whole, that the Legislature will continue to examine this area. It is not an uncommon practice. It is conveniently now here before us and won't necessitate further action or effort on our part to do what we want it to do."

MOTION

On motion of Senator Bluechel, Senators Haley and Fuller were excused.

The President declared the question before the Senate to be adoption of the amendment by Senators Thompson and Zimmerman to the Committee on Local Government amendment.

The motion by Senator Thompson carried and the amendment to the committee amendment was adopted.

MOTION

Senator Rasmussen moved adoption of the following amendment to the Committee on Local Government amendment:

On page 1, line 16, strike all of line 16.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Thompson, the point that Senator Hayner brought up, I think, is a very valid one. We want to avoid problems with small technicalities, but is the intent of this amendment to deal with the small technicalities? It seems to me that this amendment, by putting it in this way, would open it up to a much wider interpretation. I am worried about legislative intent and I would like a statement for clear legislative intent on this issue."

Senator Thompson: "If that is your purpose to establish by this colloquy the extent to which this language might be applied, I would say it would be applied in a very limited way to, indeed, very minor matters involved in the process which would not do violence to either the intent or requirements of this act."

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen to the Committee on Local Government amendment.

The motion by Senator Rasmussen failed on a rising vote and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be adoption of the Committee on Local Government amendment, as amended.

The motion by Senator Thompson carried and the Committee on Local Government amendment, as amended, was adopted.

MOTIONS

On motion of Senator Thompson, the following title amendment was adopted:

On page 12 of the title, line 7, beginning with "amending" strike all material down to and including "35.92.080;" on line 9 and on line 18, strike "repealing section 14, chapter 236, Laws of 1959 and RCW 53.34.140;"

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 390, 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 Thompson, is there anything in this amendment that would destroy the homestead? You remember there was another bill that would put the lien for bond and destroy the homestead protection. Is there anything in this bill that would do that?"

Senator Thompson: "Senator Rasmussen, there is nothing relating to that issue in this measure."

POINT OF INQUIRY

Senator Vognild: "Senator Thompson, I have been pouring through this bill and I have seen references to public utility districts. I find no references to operating agencies. Is there anything in this bill that affects operating agencies--WPPSS, in particular?"

Senator Thompson: "This measure deals with the authority to issue tax exempt bonds and every unit of government that has that authority still has that authority. It does not add any new authority, it simply alters the process."

Senator Vognild: "So, sections 1 through 8 of the bill, then, would also affect bond sales by WPPSS?"

Senator Thompson: "It only affects the process, Senator Vognild--not the authority. If the authority exists previously, the authority will still exist under this bill. The method and nature of the bond instrument is the only thing that is being changed by this bill--from bearer to registered bonds."

Senator Vognild: "One final question, then. In the changing of the way the bonds are issued or at least clarifying--whatever we are doing here--is there anything in any way that affects the people's mandate that WPPSS bonds cannot be sold without a vote of the people?"

Senator Thompson: "Not in any way."

POINT OF INQUIRY

Senator Guess: "Senator Thompson, section three seems to be the main driver of the amendment and it says 'the state and local governments are authorized to establish a system of registering the ownership of their bonds or other obligations as to the principal and interest, or principal only.' But you go down to sub. (4) and it has a clause in there that I am not able to interpret. It says 'nothing in this section precludes the issuer, or a trustee appointed by the issuer pursuant to any other provisions of law, from itself performing, either alone or jointly with other issuers, fiscal agents, or trustees, any transfer, registration, authentication, payment, or other function described in this section.' You give it to them on one hand and take it away from them with the other. Is that the interpretation of sub. (4)?"

Senator Thompson: "My attention hasn't been directed, particularly, to this section, previously. I don't think that this does what you are suggesting that it does. It takes away authority granted earlier in that section, as I read it."

Senator Guess: "Senator Bottiger seems to have an answer. Would Senator Bottiger yield?"

Senator Bottiger: "I am sure there would be no one here that would dispute the statement that the subject matter we are on is an extremely complicated one. Senator Guess, sub. (4), as I read it and as it has been explained to me, authorizes a municipal corporation to appoint as trustee--say a bank or a bond counsel of some kind--which they do now. To the best of my knowledge, it is a very rare thing that the city or town, itself, keeps the registration of the certificate. It is put in the trustee for the bond. That is done now and I don't see that this changes anything."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 390, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 390, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 02; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senators Melcalf, Rasmussen - 2.

Excused: Senator Haley - 1.

SUBSTITUTE HOUSE BILL NO. 390, as amended by the Senate, having received the constitutional 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 9:38 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 10:31 a.m.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Bottiger moved that the Senate now reconsider the vote by which an amendment by Senator Hemstad to page 1, line 28, to Substitute House Bill No. 336, was adopted by the Senate on April 15, 1983.

PARLIAMENTARY INQUIRY

Senator Sellar: "A point of parliamentary inquiry. Mr. President, according to Rule 37, a motion to reconsider must be placed on the next working day, if in fact, the body reverts to the proper order of business. On the following working day, following Senator Bottiger's motion, the Senate did revert to the eighth order of business, which was the proper time for the motion. The motion was not put, so I respectfully say that the motion is not properly before us at this time."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I moved that we reconsider and then I moved that further consideration of the bill be delayed. I believe, as I understand the rule, that we are now back to the bill. We are not on final passage. This is an amendment to that bill."

RULING BY THE PRESIDENT

President Cherberg: "Senator Sellar, in reply to your inquiry, the President believes that Senator Bottiger's remarks are well taken, in that notice was given and further consideration of the bill was deferred by the Senate. The President believes that this puts the measure in the same position that it was on the day it was being considered."

"The President believes that Senator Bottiger's motion is properly before the Senate."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, a point of parliamentary inquiry. Do we move now to not adopt the amendment or to reconsider?"

RULING BY THE PRESIDENT

President Cherberg: "The question is of reconsideration."

Senator Bottiger: "An affirmative vote, then, would be to reconsider the vote by which the amendment was adopted?"

President Cherberg: "The present motion is your motion to reconsider the vote by which the amendment was adopted."

The President declared the question before the Senate to be the motion by Senator Bottiger that the Senate reconsider the vote by which an amendment to page 1, line 28, of Substitute House Bill No. 336 was adopted on April 15, 1983.

The motion for reconsideration by Senator Bottiger failed on a rising vote.

MOTION

On motion of Senator Bottiger, the rules were suspended, Substitute House Bill No. 336, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was 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. 336, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 336, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 03; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Craswell, Deccio, Guess - 3.

Absent: Senator Rasmussen - 1.

Excused: Senator Haley - 1.

SUBSTITUTE HOUSE BILL NO. 336, as amended by the Senate, having received the constitutional majority, 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. 865, by Committee on Local Government (originally sponsored by Representatives Ebersole, Dellwo, Niemi, D. Nelson, Smitherman, Jacobsen, Zellinsky, Fisher and Broback)

Requiring approval for contractual expenditures by cities or districts.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Local Government amendment was adopted:

On page 1, line 16 of the engrossed bill, being the House amendment on page 1, line 15, after "received" strike all material down to and including "districts" on line 19.

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 865, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 865, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 865, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 09; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hurley, Kiskaddon, Lee, McCastlin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Guigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 37.

Voting nay: Senators Benitz, Craswell, Deccio, Guess, Hughes, Patterson, Pullen, Sellar, Zimmerman - 9.

Absent: Senators Hemstad, Jones - 2.

Excused: Senator Haley - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 865, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2, by Representatives Todd, Barnes, D. Nelson, Armstrong, Hine, Wang, Vekich, Charnley, Rust, Jacobsen, Crane and Lux

Requiring energy-efficient standards for buildings.

The bill was read the second time.

MOTIONS

Senator Williams moved adoption of the following Committee on Energy and Utilities amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 1, chapter 8, Laws of 1980 and RCW 19.27.030 are each amended to read as follows:

There shall be in effect in all cities, towns, and counties of the state a state building code which shall consist of the following codes which are hereby adopted by reference:

(1) Uniform Building Code and Related Standards, 1976 edition, published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, 1976 edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials;

(3) The Uniform Fire Code with appendices thereto, 1976 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(4) The Uniform Plumbing Code, 1976 edition, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapter 11 of such code is not adopted: PROVIDED, That notwithstanding any wording in this code, nothing in this code shall apply to the installation of any gas piping, water heaters, or vents for water heaters;

(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided for in RCW 70.92.100 through 70.92.160; and

(6) ~~(The thermal performance and design standards for dwellings as set forth in RCW 19.27.210 through 19.27.290. This subsection shall be of no further force and effect when RCW 19.27.200 through 19.27.290 expire as provided in RCW 19.27.300)~~ The rules adopted by the state building code advisory council or its successor establishing energy-efficient thermal and lighting standards for commercial and residential buildings under RCW 19.27.075. Said rules

adopted by the council shall supersede RCW 19.27.210 through RCW 19.27.290 only if and when section 2 and section 5 of this 1983 act become law.

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

Sec. 2. Section 3, chapter 76, Laws of 1979 ex. sess. and RCW 19.27.075 are each amended to read as follows:

(1) The state building code advisory council or its successor shall have authority to promulgate rules, pursuant to chapter 34.04 RCW, for the purpose of adopting a state-wide thermal efficiency and lighting code ((to the extent necessary to comply with Title 10, Code of Federal Regulations, section 420.35. 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)).

(2) The state building code advisory council, or its successor, shall:

(a) Review and evaluate the model conservation standards for new electrically heated structures as adopted by the Pacific Northwest Electric Power and Conservation Planning Council;

(b) Develop a draft rule establishing a supplement to the state-wide thermal efficiency and lighting code. The rule shall only apply to electric resistance space heated structures and shall:

(i) Incorporate, to the extent possible, the model conservation standards or measures which will achieve energy savings comparable to the model standards;

(ii) Consider climatic conditions within the state; and

(iii) Be cost-effective for the region and economically feasible for consumers;

(c) Present the draft rule to the committees on energy and utilities of the senate and house of representatives on or before September 30, 1984, for their review and comment;

(d) Adopt the rule, pursuant to chapter 34.04 RCW, and provide for an effective date of June 1, 1985; and

(e) When revising the state-wide thermal efficiency and lighting code, consider and utilize all available energy use data collected by the Bonneville Power Administration from demonstration homes built to the model conservation standards for new electric resistance space heated homes as recommended by the Pacific Northwest Electric Power and Conservation Planning Council.

NEW SECTION, Sec. 3. The state energy office shall provide the state building code advisory council, or its successor, with such technical and other staff support, as is necessary, for review and evaluation of the model conservation standards and development and adoption of the state-wide thermal efficiency and lighting code.

NEW SECTION, Sec. 4. Once a building permit application has been submitted for a new structure, the thermal efficiency and lighting code in effect at the time of the application shall remain in effect for the duration of the construction of the structure.

NEW SECTION, Sec. 5. The legislature declares that it is the intent of RCW 19.27.030 and section 2 of this act to preclude local governments from adopting energy codes or amendments more stringent than the thermal efficiency and lighting code adopted pursuant to RCW 19.27.075. The thermal efficiency and lighting code adopted by the state building code advisory council, or its successor, shall preempt requirements adopted by local governments which exceed the state-wide code. However, local governments may adopt more stringent codes if the following conditions are satisfied: (1) Notice of intent to adopt more stringent codes is given to the state building code advisory council; (2) the planned code changes are demonstrated to be cost-effective to the consumer; and (3) any dispute over cost-effectiveness is submitted to the state building code advisory council for final resolution of the dispute before adoption, except that cities with over one hundred fifty thousand in population and the counties in which they are located are exempted from the submission. The state building code advisory council shall adopt rules regarding filing procedures and dispute resolution processes to carry out this section.

NEW SECTION, Sec. 6. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.200;

(2) Section 2, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.210;

(3) Section 3, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.220;

(4) Section 4, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.230;

(5) Section 5, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.240;

(6) Section 6, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.250;

(7) Section 7, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.260;

(8) Section 8, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.270;

(9) Section 9, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.280;

(10) Section 10, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.290;

(11) Section 14, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.300;

(12) Section 16, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.310; and

(13) Section 17, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.905.

(14) The repealers of subsection (1) through (13) of this section and each of them shall be effective only if and when section 2 and section 5 of this act become law.

NEW SECTION, Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTIONS

On motion of Senator Williams, the following amendments by Senators Williams and Hemstad to the committee amendment were considered and adopted simultaneously:

On page 2, line 36, after "19.27.075." strike the language down to and including "law." on page 3, line 2.

On page 7, line 10, beginning with "(14)" strike all the language down to and including "law." on line 14.

On page 7, line 7, strike "and"

Senator Williams moved adoption of the following amendment by Senators Williams and Hemstad to the committee amendment:

On page 6, line 1, after "(2)" strike the language down to and including "consumer" on line 3 and insert "local governments shall enter a finding that code changes are cost-effective to consumers"

POINT OF INQUIRY

Senator Hayner: "Senator Williams, the amendment that you want to make will say that local government shall enter a finding that code changes are cost-effective to the consumers. That really is wide open it seems to me. It might be cost-effective over a fifty year period or a twenty-five year period, but I think that consumers are very concerned by additional costs in construction that might be cost-effective over a long period of time, which would hardly be a benefit to them, but not over, maybe, a ten-year period or something reasonable. Don't you think that should be tied down further?"

Senator Williams: "The time period?"

Senator Hayner: "Yes."

Senator Williams: "The cost-effectiveness, basically, on most of the measures that are in the code and projected to be in the new code--most of those are cost-effective in a matter of years--very few years. In fact, most of the changes--most of the recommendations the power council has made, if put into effect now--in eastern Washington would probably become cost-effective within a year. In western Washington, the cost-effectiveness period is a little longer--about four years.

"I am uncertain as to whether we should have a time period. The cost-effectiveness is over--generally--it is related to the mortgage period of the particular facility that is being developed. So, that cost-effectiveness generally runs with the pay-back on the mortgage for those particular improvements. That is the test of cost-effectiveness--not any particular time period."

MOTION

Senator Hayner moved the following amendment to the Williams and Hemstad amendment to the Committee on Energy and Utilities amendment:

On the last line of the amendment, after "consumers" add "over a period of five years"

Debate ensued.

MOTIONS

On motion of Senator Hayner, and there being no objection, the amendment to the Williams and Hemstad amendment was withdrawn.

On motion of Senator Williams, and there being no objection, the amendment by Senators Williams and Hemstad on page 6, line 1, to the committee amendment was withdrawn.

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

On page 6, line 1, after "(2)" strike the language down to and including "consumer" on line 3 and insert "local governments shall enter a finding that code changes are cost-effective to consumers over a seven-year period."

MOTIONS

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

On page 7, line 15, of the amendment add a new section to read as follows:

NEW SECTION. Sec. 7. There is hereby appropriated to the state energy office from the general fund, for the biennium ending June 30, 1985 the sum of one hundred twenty-three thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act. In the event that the Bonneville Power Administration or another agency shall reimburse the state energy office for carrying out the purposes of this act, the moneys from such reimbursement shall revert to the general fund."

Renumber the remaining section consecutively.

Senator Bender moved the following amendments by Senators Bender, Hughes, Quigg, Vognild, Bauer, Owen, Jones and Hayner to the committee amendment be considered and adopted simultaneously:

On page 3, line 18, after "code" insert "subject to the legislative direction and approval requirements of section 2 of this act"

On page 4, line 20, strike everything after "review" down to and including line 21 and insert "and approval"

Debate ensued.

POINT OF INQUIRY

Senator Kiskaddon: "Senator Bender, to be sure that I understand what this would do if we adopt your two amendments, am I correct that the council would then set up the code and then the committees--the Energy Committees--would then be the ones to approve them--not the entire body? It says here 'present the draft rules to the Committees on Energy and Utilities for their review' and then you would change that 'and approval.' So, is it the committees that will be approving it or are we going to have to wait for a legislative session, so that the whole legislature can approve? It looks like it is just the committees to approve."

Senator Bender: "The intent of the amendment is for the final approval process by the legislature, not by any select group, not by any committee, but by the legislature, as it has been in the past."

Further debate ensued.

MOTION

At 11:32 a.m., on motion of Senator Bottiger, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Shinpoch, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3043,

SUBSTITUTE SENATE BILL NO. 3094,

SENATE BILL NO. 3140,

SUBSTITUTE SENATE BILL NO. 4201, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 17, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 304,

HOUSE BILL NO. 313,

SUBSTITUTE HOUSE BILL NO. 328,

HOUSE BILL NO. 373,

SUBSTITUTE HOUSE BILL NO. 383.

SUBSTITUTE HOUSE BILL NO. 540, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 16, 1983

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3052,

SUBSTITUTE SENATE BILL NO. 3151,

SENATE BILL NO. 3655,

SUBSTITUTE SENATE BILL NO. 3742,

ENGROSSED SENATE BILL NO. 3991, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 17, 1983

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3007,

SENATE BILL NO. 3018,

SUBSTITUTE SENATE BILL NO. 3054,

SUBSTITUTE SENATE BILL NO. 3066,

SENATE BILL NO. 3167,

ENGROSSED SENATE BILL NO. 3185,

SENATE BILL NO. 3250,

ENGROSSED SENATE BILL NO. 3252, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 17, 1983

Mr. President:

The House has passed:

REENGROSSED SUBSTITUTE SENATE BILL NO. 3161, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 17, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 498,

HOUSE BILL NO. 925, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President has signed:

HOUSE BILL NO. 304,

HOUSE BILL NO. 313,

SUBSTITUTE HOUSE BILL NO. 328,

HOUSE BILL NO. 373,

SUBSTITUTE HOUSE BILL NO. 383,

SUBSTITUTE HOUSE BILL NO. 498,

SUBSTITUTE HOUSE BILL NO. 540,

HOUSE BILL NO. 925.

MOTION

On motion of Senator Shinpoch, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 18, 1983

ESHB 179 Prime Sponsor, Committee on Judiciary: Enacting the Uniform Unclaimed Property Act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hemstad, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

April 12, 1983

HB 374 Prime Sponsor, Representative Moon: Modifying certain budget and accounting procedures for school districts and other public districts. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Deccio, Hughes, Lee, Metcalf, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 919, by Representative King

Authorizing self-insurers to provide assignments of account as security for industrial insurance payments.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 919 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 919.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 919, and the bill passed the Senate by the following vote: vote: Yeas, 42; nays, 00; absent, 06; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Bottiger, Lee, Pullen, Guigg, Rinehart, Woody - 6.

Excused: Senator Haley - 1.

ENGROSSED HOUSE BILL NO. 919, having received the constitutional majority, 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. 399, by Representatives Sayan, Belcher and McClure

Modifying provisions relating to sales of timber from state-owned land.

The bill was read the second time.

MOTION

Senator Newhouse moved adoption of the following amendment by Senators Newhouse and Vognild:

On page 2, line 6, strike all of sections 1 and 2 and insert:

"Sec. 1. Section 14, chapter 222, Laws of 1982 and RCW 79.01.126 are each repealed."

Renumber the remaining section consecutively.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Newhouse and Vognild.

The motion by Senator Newhouse failed on a rising vote, the President voting 'nay,' and the amendment was not adopted.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Barr served notice that he would move to reconsider the vote by which the amendment by Senators Newhouse and Vognild to page 2, line 6, to Engrossed House Bill No. 399 failed to pass the Senate.

MOTION

On motion of Senator McDermott, further consideration of Engrossed House Bill No. 399 was deferred and the bill was placed at the bottom of the second reading calendar.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed House Bill No. 2 and the pending amendments by Senators Bender, Hughes, Quigg, Vognild, Bauer, Owen, Jones and Hayner to the Committee on Energy and Utilities amendment, considered during the morning session.

MOTION

On motion of Senator Williams, the amendments were considered individually. Senator Williams demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the first pending amendment on page 3, line 18, to the Committee on Energy and Utilities amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Williams carried, and the amendment to the committee amendment was adopted by the following vote: Yeas, 31; nays, 18; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Clarke, Craswell, Deccio, Fuller, Granlund, Guess, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Sellar, Vognild, von Reichbauer, Zimmerman - 31.

Voting nay: Senators Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Haley, Hemstad, McManus, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody - 18.

MOTION

Senator Bender moved adoption of the second pending amendment on page 4, line 20, to the Committee on Energy and Utilities amendment.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Bender, Hughes, Quigg, Vognild, Owen, Jones and Hayner on page 4, line 20, to the committee amendment.

The motion by Senator Bender failed on a rising vote and the amendment to the committee amendment was not adopted.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Pullen moved to reconsider the vote by which the amendment on page 4, line 20, to the Committee on Energy and Utilities amendment to Engrossed House Bill No. 2, failed to pass the Senate.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pullen that the Senate reconsider the vote by which the amendment to page 4, line 20, by Senators Bender, Hughes, Quigg, Vognild, Owen, Jones and Hayner to the committee amendment to Engrossed House Bill No. 2, failed to pass the Senate.

The motion by Senate Pullen carried and the Senate resumed consideration of the amendment on page 4, line 20, to the committee amendment.

The President declared the question before the Senate to be adoption of the amendment to the amendment, on reconsideration.

The motion by Senator Pullen carried on a rising vote and the amendment on page 4, line 20, to the committee amendment was adopted, on reconsideration.

MOTION

Senator Vognild moved adoption of the following amendment by Senators Vognild, Bender, Bauer, Owen, Jones, Guess, Hayner, Hughes and Quigg to the Committee on Energy and Utilities amendment:

On page 4, line 35, after "Council." add "In addition the building code advisory council shall consider thermal transmittance studies for residential structures developed by the University of Washington pursuant to any studies completed on behalf of the Pacific Northwest Electric Power and Conservation Planning Council, the Bonneville Power Administration, or others."

Debate ensued.

Senators Bottiger, Gaspard and Conner demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be adoption of the amendment by Senators Vognild, Bender, Bauer, Owen, Jones, Guess, Hayner, Hughes and Quigg to the committee amendment.

The motion by Senator Vognild carried and the amendment to the committee amendment was adopted.

MOTION

Senator Owen moved adoption of the following amendment by Senators Owen, Jones, Guess, Bender, Hayner, Hughes and Quigg to the committee amendment:

On page 5, line 17, strike section 5 in its entirety and insert:

"NEW SECTION. Sec. 5. RCW 19.27.040 is amended as follows: On or after January 1, 1975, the governing body of each city, town or county is authorized to amend the state building code as it applies within its jurisdiction in all such respects as shall be not less than the minimum performance standards and objectives enumerated in RCW 19.27.020, including, the authority to adopt any subsequent revisions to the codes in RCW 19.27.030(3) and (5), as now or hereafter amended: PROVIDED, That no city, town or county shall amend the state building code to adopt more strict requirements than the requirements included in the codes in RCW 19.27.030(1), (2), (4) and (6), as now or hereafter amended.

Nothing in this section shall authorize any modifications of the requirements of chapter 35, Laws of 1967, or chapter 70.92 RCW."

POINT OF ORDER

Senator Williams: "Mr. President, I would like to raise the issue of scope and object on the amendment. The last proviso of this amendment on page 5, line 17, attempts to impose restrictions on local government as to state building, mechanical and plumbing codes. The title of the bill is an act relating to energy-related building standards and the other codes that are attempted to be restricted are outside the scope and object of this bill."

Debate ensued.

MOTION

At 2:30 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President Pro Tempore called the Senate to order at 2:33 p.m.

SECOND READING

ENGROSSED HOUSE BILL NO. 643, by Representatives Locke, Schmidt, Armstrong and Dellwo

Modifying the time limitation for filing insurance claims against a deceased person.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, after line 28 of the house bill and after line 29 of the engrossed house bill, insert a new paragraph as follows:

"NEW SECTION. Sec. 2. The provisions of this 1983 amendatory act apply to causes of actions arising on or after the effective date of this act."

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

On page 1, line 28, after word "probate," insert "Nothing in this section serves to extend the applicable statute of limitations regardless of the appointment or failure to have appointed a personal representative for an estate."

POINT OF ORDER

Senator Rasmussen: "A point of order, Mr. President. The last time I looked at my digest, we were on House Bill No. 2 and how did we get over to this bill? I didn't hear any motions or anything other than you suddenly got into the chair and we were moving right off to some other bill. Do you recall any motion?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "While the President is studying the scope and object—a point of order—I was asked to come to the podium and bring this bill before the body."

Senator Rasmussen: "Mr. President, that isn't the way it works."

President Pro Tempore Goltz: "There was no objection."

Senator Rasmussen: "It takes a motion from the floor. We were on House Bill No. 2 and the President said we would be at ease for a moment. You just don't move over to some other bill without a motion from the Senate floor."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, Senator Rasmussen's point of order might have been in order, if it were timely. It was not. We have considered the committee amendment and a floor amendment."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Your point of order is well taken."

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 3, of the title which is the same in the engrossed bill and the house bill, after "11.40.011" insert "; and adding a new section".

Senator Talmadge moved that the rules be suspended and that Engrossed House Bill No. 643, as amended by the Senate, be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Senator Haley objected to the bill being advanced to third reading and placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Talmadge that the rules be suspended and that Engrossed House Bill No. 643, as amended by the Senate, be advanced to third reading and placed on final passage.

ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge carried and the bill was placed on third reading and final passage by the following vote: Yeas, 27; nays, 22; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 27.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Decchio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 643, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 643, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogtild, Williams, Wojahn, Woody - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Jones, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Warnke, Zimmerman - 20.

Absent: Senator Deccio - 1.

ENGROSSED HOUSE BILL NO. 643, as amended by the Senate, having received the 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.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 3018.

The President signed:
SUBSTITUTE SENATE BILL NO. 3043,
SUBSTITUTE SENATE BILL NO. 3094,
SENATE BILL NO. 3140,
SUBSTITUTE SENATE BILL NO. 3161,
SUBSTITUTE SENATE BILL NO. 4201.

The President signed:
SUBSTITUTE SENATE BILL NO. 3007,
SUBSTITUTE SENATE BILL NO. 3054,
SENATE BILL NO. 3167,
SENATE BILL NO. 3185,
SENATE BILL NO. 3250.

The President signed:
SUBSTITUTE SENATE BILL NO. 3052,
SUBSTITUTE SENATE BILL NO. 3066,
SUBSTITUTE SENATE BILL NO. 3151,
SENATE BILL NO. 3252,
SENATE BILL NO. 3655,
SUBSTITUTE SENATE BILL NO. 3742,
SENATE BILL NO. 3991.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed House Bill No. 2 and the pending amendment on page 5, line 17, to the Committee on Energy and Utilities amendment, proposed earlier this afternoon.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Williams, the President finds that Engrossed House Bill No. 2 is a measure which deals with energy-efficient standards for buildings.

"The amendment proposed by Senator Owen and others provides that cities and counties may not amend the state building code to adopt more stringent standards than those set forth in the uniform building code, mechanical code and plumbing code and the thermal performance and design standards for dwellings.

"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 to the committee amendment was ruled out of order.

MOTION

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

On page 4, after line 35, insert:

"(f) Consider the possible impact on the health of occupants of any building so tightly insulated that the normal flow of fresh air through the building is significantly retarded."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen to the committee amendment.

The motion by Senator Pullen carried and the amendment to the committee amendment was adopted.

MOTIONS

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

On page 2, line 32, after "successor" insert "and approved by the legislature"

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

On page 4, beginning on line 16, strike lines 16 through 24 and insert:

"(c) Present the draft rule to the legislature on or before September 30, 1984, for its review and approval or rejection;

(d) Adopt the rule, pursuant to chapter 34.04 RCW, and provide for an effective date of May 1, 1985; and"

The President declared the question before the Senate to be adoption of the Committee on Energy and Utilities amendment, as amended.

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

On motion of Senator Williams, the following title amendment was adopted:

On page 8, line 30, following "310;" strike "and" and on line 32 following "905" insert "; and making an appropriation"

MOTION

On motion of Senator Bottiger, further consideration of Engrossed House Bill No. 2, as amended by the Senate, was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 493, by Committee on State Government (originally sponsored by Representatives Walk, Dickie, Lewis and Armstrong) (by Joint Select Committee on Sunset request)

Providing for the termination of various state agencies and programs.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

On page 29, beginning on line 19 of the engrossed bill, being page 29, line 7 of the printed bill, strike all material down to and including "42.17.130;" on line 21.

Renumber the remaining subsections consecutively.

On motion of Senator Warnke, the following Committee on State Government amendments were considered and adopted simultaneously:

On page 30, line 30 of the engrossed bill, being page 30, line 18 of the printed bill, after "42.17.397;" strike "and"

On page 30, line 31 of the engrossed bill, being page 30, line 19 of the printed bill, after "42.17.405" insert ";

On page 30, after line 31 of the engrossed bill, being page 30, line 19 of the printed bill, insert the following:

"(39) Section 42, chapter 1, Laws of 1973 and RCW 42.17.420; (40) Section 43, chapter 1, Laws of 1973 and RCW 42.17.430; and (41) Section 45, chapter 1, Laws of 1973 and RCW 42.17.450"

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

On page 6, line 29 of the title of the engrossed and printed bill, after "42.17.125;" strike all material down to and including "42.17.130;" on line 32

On page 7, line 35 of the title of the engrossed and printed bill, after "42.17.405;" insert "repealing section 42, chapter 1, Laws of 1973 and RCW 42.17.420; repealing section 43, chapter 1, Laws of 1973 and RCW 42.17.430; repealing section 45, chapter 1, Laws of 1973 and RCW 42.17.450"

On page 8, line 5 of the title, being the same in the printed bill, after "1980" insert ", section 99, chapter 3, Laws of 1983"

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 493, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 493, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 493, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 04; absent, 04; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Benitz, Bluechel, Hemstad, von Reichbauer - 4.

Absent: Senators Deccio, Fleming, Hayner, Owen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 493, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Goltz assumed the chair.

MOTIONS

On motion of Senator Shinpoch, the Senate advanced to the seventh order of business.

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute House Bill No. 117, placed on third reading, after reconsideration, April 16, 1983.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 117, by Committee on Labor (originally sponsored by Representatives R. King, Fisch, Charnley, Martinis, Garrett, Rust, Lux, Jacobsen, D. Nelson and Hankins)

Modifying procedures for the reduction in force of community college faculty members due to a financial emergency.

MOTIONS

Senator Gaspard moved that the rules be suspended and that Substitute House Bill No. 117 be returned to second reading for purpose of an amendment.

Senator Craswell objected to the motion to suspend the rules and return Substitute House Bill No. 117 to second reading.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Gaspard to suspend the rules and return Substitute House Bill No. 117 to second reading.

ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard carried by the following vote: Yeas, 28; nays, 19; absent, 02; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, Zimmerman - 19.

Absent: Senators Deccio, Owen - 2.

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Having received the necessary majority, and in accordance with Rule 61, the motion is adopted."

The bill was read the second time.

POINT OF ORDER

Senator Clarke: "With all due respect, this is not a suspension of the rules, under Rule 61. This is a suspension of the rules with respect to taking a bill back from third to second reading. Rule 61 has no application. This is a regular suspension of the rules."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "The bill was on third reading, we were returning it to second reading. If it did not require a suspension of the rules, then it would have passed by a simple majority in any case. Under what rule would it not have been necessary to have had a suspension of the rules?"

Senator Clarke: "Mr. President, the suspension of the rules was requested. Under Rule 35--it has to do with suspension of the rules. This has nothing to do with the ten-day situation. It has to do with returning a bill from third reading to second reading and that has always required a suspension of the rules. The ten-day situation has nothing to do with suspension."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I've looked and it may be Senator Gaspard misspoke when he said 'suspend the rules.' I can't find any rule that says you can't go back from third reading to second. There is a rule talking about three days. This bill has been read--it must be thirty days."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Then, Senator Bottiger, it has been the universal custom in the Senate, for as long as I can remember, that when you want to return from third reading back to second, to move for a suspension of the rule and the rule for suspension of the rules calls for a two-thirds vote. If you are suggesting that the procedure be changed and that it is no longer necessary, under any procedures, to have a suspension of the rules to return a bill from third reading to second, that certainly would be something novel in this Senate."

President Pro Tempore Goltz: "Would Senator Clarke restate his point of order."

Senator Clarke: "The point of order is that a motion to return a bill from third reading to second reading, for purposes of an amendment, requires a suspension of the rule and under Rule 35, the suspension of the rule requires a two-thirds vote."

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Senator Clarke, in response to your point of order, the President is advised, that in the past, the Senate has always used two-thirds to advance the bill unless there has been a suspension of the rule. We have, also by custom, required the same two-thirds suspension of the rules to return a bill from third to second reading. We do that until we reach that point in the process whereby the conditions stated under Rule 61 apply."

"Therefore, the President ruled that it was necessary to have a suspension of the rules and that that suspension could be, in this particular case, made by a majority vote. Therefore, your point of order is not well taken."

Further debate ensued.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Gaspard moved that the Senate reconsider the vote by which an amendment by Senator Kiskaddon to page 1, line 9, to Substitute House Bill No. 117, failed to pass the Senate April 16, 1983.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Gaspard that the Senate reconsider the vote by which an amendment to page 1, line 9, by Senator Kiskaddon to Substitute House Bill No. 117 failed to pass the Senate.

ROLL CALL FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration by Senator Gaspard carried by the following vote:

Yeas, 30; nays, 18; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 18.

Absent: Senator Deccio - 1.

MOTION

Senator Gaspard moved that the amendment by Senator Kiskaddon to page 1, line 9, to Substitute House Bill No. 117, be adopted, on reconsideration.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Kiskaddon to page 1, line 9, on reconsideration.

ROLL CALL

The Secretary called the roll and the amendment was adopted, on reconsideration, by the following vote: Yeas, 30; nays, 18; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hansen, Hayner, Jones, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 18.

Absent: Senator Deccio - 1.

MOTION

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

On page 2, line 22, after "within", strike "sixty" and insert "~~(sixty)~~ forty-five"

MOTION

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 117, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 117, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 117, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 20.

Absent: Senator Deccio - 1.

SUBSTITUTE HOUSE BILL NO. 117, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR JOURNAL
PROTEST

By Senator Newhouse

April 18, 1983

On April 18, the President Pro Tem, Senator Goltz, ruled that only a majority vote was necessary to return a bill from third reading to second reading. That ruling was clearly in error. Senate Rule 35 clearly states that "...2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein..." (Emphasis added).

Rule 63 - Second reading and Rule 64 - Third reading, contain no provision regarding return to second reading from third reading and no language regarding the suspension of either of these rules by a majority vote.

The chair made reference to the language of Rule 61 - Reading of Bills, in ruling that only a simple majority vote was necessary to return SHB 117 from third reading to second reading. Rule 61 clearly applies only to the reading of bills on three separate days and has no application when attempting to return a bill to second reading.

I strongly urge and suggest that when the chair and the majority party want to reach a result clearly in violation of the standing rules of the Senate, that they propose a rule change pursuant to the provisions of rule 35.

MOTION

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 19, by Committee on Energy and Utilities (originally sponsored by Representatives Pruitt, Isaacson, D. Nelson, Miller, J. King, Charnley, Nealey, Smitherman, Zellinsky, Haugen, Braddock, Brekke, Garrett, B. Williams, Long, Todd and Wang)

Authorizing loans for energy conservation.

The resolution was read the second time.

MOTIONS

Senator Williams moved adoption of the following Committee on Energy and Utilities amendment:

On page 1, strike everything after line 2 and insert the following:

"THAT. At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VIII of the Constitution of the state of Washington by adding a new section to read as follows:

Article VIII, section ... Notwithstanding sections 5 and 7 of this Article, any county, city, town, quasi municipal corporation, municipal corporation, or political subdivision of the state which is engaged in the sale or distribution of energy or the state may, as authorized by the legislature, use public funds derived from operating revenues from the sale of energy, or lend its credit financed by the issuance of debt instruments secured solely by revenues, to provide financing to individuals, associations, companies, or corporations to be used for conservation or the more efficient use of energy. Except as provided in section 7 of this Article, an appropriate charge back to the recipient shall be made for extension of public funds or credit and the same shall be secured by methods established by implementing legislation.

Except as to bonds and loans issued prior to January 1, 2005, this section shall expire on January 1, 2005.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Energy and Utilities amendment.

The motion by Senator Williams carried and the committee amendment was adopted.

MOTION

On motion of Senator Williams, the rules were suspended, Substitute House Joint 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.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Joint Resolution No. 19, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Joint Resolution No. 19, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 39; nays, 09; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Quigg, Rinehart, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Clarke, Craswell, Guess, McCaslin, Metcalf, Newhouse, Pullen, Rasmussen, Sellar - 9.

Absent: Senator Deccio - 1.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 19, as amended by the Senate, having received the constitutional two-thirds majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 125, by Representatives Moon, Walk, Kreidler and Sayan

Eliminating the exemption from civil service for certain department of corrections personnel.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the rules were suspended, Engrossed House Bill No. 125 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 125.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 125, and the bill passed the Senate by the following vote: Yeas, 33; nays, 14; absent, 02; excused, 00.

Voting yea: Senators Bauer, Benitz, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 33.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Guess, Hayner, Jones, Kiskaddon, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer - 14.

Absent: Senators Bender, Deccio - 2.

ENGROSSED HOUSE BILL NO. 125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 129, by Committee on State Government (originally sponsored by Representatives Halsan, Walk, Vekich, Kreidler, Belcher, Vander Stoep, P. King, Zellinsky, Powers, Ebersole, Appelwick, Johnson, Garrett and D. Nelson)

Modifying the provisions governing accumulated vacation leave for state employees.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

On page 2, after line 1, insert the following:

"(5) Vacation leave credit acquired and accumulated under this section shall never, regardless of circumstances, be deferred by the employing office, department or institution by filing a statement of necessity under the provisions of RCW 43.01.040.

(6) Notwithstanding any other provision of this chapter, on or after the effective date of this act, a statement of necessity for excess leave, shall as a minimum, include the following: (a) the specific number of days of excess leave; and (b) the date on which it was authorized. A copy of any such authorization shall be sent to the department of retirement systems."

On motion of Senator Bottiger, the rules were suspended. Substitute House Bill No. 125, 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 Newhouse: "Senator Warnke, the two subsections of the Senate amendment appear to be contradictory. One says 'that under no circumstance shall a statement of necessity'--or whatever it is called--'be used' and the next one says that if you do use a statement of necessity, this is what has to be in it. Can you explain to me?"

Senator Warnke: "You've got me, Irv."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 129, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 129, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 08; absent, 02; excused, 00.

Voting yea: Senators Barr, Bauer, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Benitz, Bluechel, Craswell, Guess, Metcalf, Newhouse, Sellar, von Reichbauer - 8.

Absent: Senators Bender, Deccio - 2.

SUBSTITUTE HOUSE BILL NO. 129, as amended by the Senate, having received the constitutional majority, 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. 134, by Committee on State Government (originally sponsored by Representatives Walk, Wang, Vekich, Kreidler, Belcher, Sayan, Patrick, O'Brien, P. King, Fisher, Ebersole, Johnson, Garrett, Lux and Ristuben)

Modifying the civil service laws for public employees.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

On page 3, after line 22, insert a new section to read as follows:

"Sec. 2. Section 8, chapter 10, Laws of 1982 and RCW 41.06.110 are each amended to read as follows:

(1) There is hereby created a state personnel board composed of three members appointed by the governor, subject to confirmation by the senate. The first such board shall be appointed within thirty days after December 8, 1960, for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Each member shall continue to hold office after the expiration of the member's term until a successor

has been appointed. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be paid (~~fifty~~) one hundred dollars for each day in which he has actually attended a meeting of the board officially held or has performed statutorily prescribed duties approved by the chairperson for which duties compensation shall not exceed two thousand dollars per year. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for 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.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director of personnel shall serve as secretary.

(4) The board may appoint and compensate hearing officers to hear and conduct appeals until December 31, 1982. Such compensation shall be paid on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts."

Renumber the remaining sections accordingly.

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

On page 18, following line 26, add a new section to read as follows:

* NEW SECTION. Sec. 20. To carry out the provisions of section 8 of this act, there is appropriated to the personnel appeals board from the department of personnel service fund for the period from July 1, 1983 through June 30, 1985 the sum of \$24,000 or so much thereof as may be necessary."

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

On page 14, line 27, after "~~1984~~)" strike all material down to and including "personnel." on line 31.

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

On page 1, line 3 of the title, after "41.06.020;" insert "amending section 8, chapter 10, Laws of 1982 and RCW 41.06.110;"

On page 2, line 10 of the title, after "41.06.215" and before the period insert "; and making an appropriation"

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 134, 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.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 134, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 134, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hayner, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Absent: Senator McDermott - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 134, as amended by the Senate, having received the constitutional majority, 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. 867, by Representatives O'Brien, Niemi, Wilson, Miller, Brough, Allen, D. Nelson, Galloway, Isaacson, Charnley and Crane (by Washington State Arts Commission request)

Revising the public arts program.

The bill was read the second time.

MOTIONS

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

On page 6, after line 2, insert "The executive director of the arts commission, the superintendent of public instruction and the washington state school directors association shall appoint a study group to review the operations of the one-half of one percent for works of art under this section."

On page 7, after line 12, insert

"NEW SECTION. Sec. 10. Implementation of section 7 of this 1983 act shall become effective upon approval by the arts commission, the superintendent of public instruction and the washington state school directors association."

Renumber the remaining section accordingly.

On motion of Senator Shinpoch, the following amendment by Senators Shinpoch, Goltz, Guess and Hemstad was adopted:

On page 6, line 34, after "commission" add "with the approval of the board of regents or trustees"

On motion of Senator Warnke, the rules were suspended, Engrossed House Bill No. 867, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 867, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 867, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 07; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogniild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Barr, Craswell, Haley, McCaslin, Metcalf, Pullen, Rasmussen - 7.

Absent: Senator Patterson - 1.

ENGROSSED HOUSE BILL NO. 867, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 753, by Representative Moon

Modifying provisions concerning local improvements.

The bill was read the second time.

MOTIONS

Senator Thompson moved adoption of the following Committee on Local Government amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 35.43.130, chapter 7, Laws of 1965 as amended by section 6, chapter 52, Laws of 1967 and RCW 35.43.130 are each amended to read as follows:

Upon the filing of a petition or upon the adoption of a resolution, as the case may be, initiating a proceeding for the formation of a local improvement district or utility local improvement district, the proper board, officer, or authority designated by charter or ordinance to make the preliminary estimates and assessment roll shall cause an estimate to be made of the cost and expense of the proposed improvement and certify it to the legislative authority of the

city or town together with all papers and information in its possession touching the proposed improvement, a description of the boundaries of the district, and a statement of what portion of the cost and expense of the improvement should be borne by the property within the proposed district~~((a statement in detail of the local improvement assessments outstanding and unpaid against the property in the proposed district, and a statement of the aggregate actual valuation of the real estate including twenty-five percent of the actual valuation of the improvements in the proposed district according to the valuation last placed upon it for the purposes of general taxation))~~.

If the proceedings were initiated by petition the designated board, officer or authority shall also determine the sufficiency of the petition and whether the facts set forth therein are true. If the petition is found to be sufficient and in all proceedings initiated by resolution of the legislative authority of the city or town, the estimates must be accompanied by a diagram showing thereon the lots, tracts, and parcels of land and other property which will be specially benefited by the proposed improvement and the estimated amount of the cost and expense thereof to be borne by each lot, tract, or parcel of land or other property: PROVIDED, That no such diagram shall be required where such estimates are on file in the office of the city engineer, or other designated city office, together with a detailed copy of the preliminary assessment roll and the plans and assessment maps of the proposed improvement.

For the purpose of estimating and levying local improvement assessments, the value of property of the United States, of the state, or of any county, city, town, school district, or other public corporation whose property is not assessed for general taxes shall be computed according to the standards afforded by similarly situated property which is assessed for general taxes.

Sec. 2. Section 35.43.150, chapter 7, Laws of 1965 and RCW 35.43.150 are each amended to read as follows:

Notice of the hearing upon a resolution declaring the intention of the legislative authority of a city or town to order an improvement shall be given by mail at least fifteen days before the day fixed for hearing to the owners or reputed owners of all lots, tracts, and parcels of land or other property to be specially benefited by the proposed improvement, as shown on the rolls of the county ~~((treasurer))~~ assessor, directed to the address thereon shown.

The notice shall set forth the nature of the proposed improvement, the estimated cost, and the estimated benefits of the particular lot, tract, or parcel.

Sec. 3. Section 35.43.180, chapter 7, Laws of 1965 as last amended by section 8, chapter 52, Laws of 1967 and RCW 35.43.180 are each amended to read as follows:

The jurisdiction of the legislative authority of a city or town to proceed with any local improvement initiated by resolution shall be divested by a protest filed with the city or town council within thirty days from the date of passage of the ordinance ordering the improvement, signed by the owners of the property within the proposed local improvement district or utility local improvement district subject to sixty percent or more of the total cost of the improvement including federally-owned or other nonassessable property as shown and determined by the preliminary estimates and assessment roll of the proposed improvement district or, if all or part of the local improvement district or utility local improvement district lies outside of the city or town, such jurisdiction shall be divested by a protest filed in the same manner and signed by the owners of property which is within the proposed local improvement district or utility local improvement district but outside the boundaries of the city or town, and which is subject to sixty percent or more of that part of the total cost of the improvement allocable to property within the proposed local improvement district or utility local improvement district but outside the boundaries of the city or town, including federally-owned or other nonassessable property: PROVIDED, That such restraint by protest shall not apply to ~~((any local improvement by sanitary sewers or watermains and fire hydrants where the health officer of any city or town shall file with the legislative authority thereof a report showing the necessity for such improvement accompanied by a report of the chief of the fire department in the event such improvement includes fire hydrants, and such))~~ any of the following local improvements, if the legislative body finds and recites in the ordinance or resolution authorizing the improvement that such improvement is necessary for the protection of the public health and safety and such ordinance or resolution is passed by unanimous vote of all members present: (1) Sanitary sewers or watermains where the health officer of the city or town, or department of ecology, files with the legislative authority a report showing the necessity for such improvement; and (2) fire hydrants where the chief of the fire department files a report showing the necessity for such improvement.

NEW SECTION. Sec. 4. The legislature finds that the abandonment of rail lines and rail freight service may alter the delivery to market of many commodities. In addition, the resultant motor vehicle freight traffic increases the burden on state highways and county roads. In many cases, the cost of upgrading the state highways and county roads exceeds the cost of maintaining rail freight service. Thus, the economy of the state will be best served by a policy of maintaining and encouraging a healthy rail freight system by creating a mechanism which keeps rail freight lines operating if the benefits of the service outweigh the cost.

NEW SECTION. Sec. 5. (1) The transportation commission shall prepare and periodically update a state rail plan, the objective of which is to identify, evaluate, and encourage essential rail service. The plan shall:

(a) Identify and evaluate those rail freight lines that may be abandoned;

(b) Quantify the costs and benefits of maintaining rail service on those lines that are likely to be abandoned; and

(c) Establish priorities for determining which rail lines should receive state support. The priorities should include the anticipated benefits to the state and local economy, the anticipated cost of road and highway improvements necessitated by the abandonment of the rail line, the likelihood the rail line receiving funding can meet operating costs from freight charges, surcharges on rail traffic, and other funds authorized to be raised by a county or port district, and the impact of abandonment on changes in energy utilization and air pollution.

(2) The state rail plan may be prepared in conjunction with the rail plan prepared by the department pursuant to the federal railroad revitalization and regulatory reform act.

NEW SECTION. Sec. 6. (1) The essential rail assistance account is hereby created in the state general fund. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys in the account may be distributed to county rail districts and port districts for the purpose of:

(a) Acquiring, maintaining, or improving branch rail lines; or

(b) Operating railroad equipment necessary to maintain essential rail service.

(3) County rail districts and port districts may grant franchises to private railroads for the right to operate on lines acquired, repaired, or improved under this chapter.

(4) Moneys distributed under this section shall not exceed eighty percent of the cost of the service or project undertaken. At least twenty percent of the cost shall be provided by the county, port district, or other local sources.

(5) The amount distributed under this section shall be repaid to the state by the county rail district or port district. The repayment shall occur within ten years of the distribution of the moneys and shall be deposited in the essential rail assistance account. The repayment schedule and rate of interest, if any, shall be set at the time of the distribution of the moneys.

NEW SECTION. Sec. 7. Sections 4 through 6 of this act shall constitute a new chapter in Title 47 RCW.

NEW SECTION. Sec. 8. Subject to section 9 of this act, the legislative authority of a county may establish one or more county rail districts within the county for the purpose of providing and funding improved rail freight service. The boundaries of county rail districts shall be drawn to include contiguous property in an area from which agricultural or other goods could be shipped by the rail service provided. The district shall not include property outside this area which does not, or, in the judgment of the county legislative authority, is not expected to produce goods which can be shipped by rail, or property substantially devoted to fruit crops or producing goods that are shipped in a direction away from the district. A county rail district is a quasi municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

A county rail district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, to accept and expend or use gifts, grants, and donations, and to sue and be sued.

The county legislative authority shall be the governing body of a county rail district. The county treasurer shall act as the ex officio treasurer of the county rail district. The electors of a district are all registered voters residing within the district.

NEW SECTION. Sec. 9. (1) A county legislative authority proposing to establish a county rail district, or to modify the boundaries of an existing county rail district, or to dissolve an existing county rail district, shall conduct a hearing at the time and place specified in a notice published at least once, not less than ten days prior to the hearing, in a newspaper of general circulation within the proposed county rail district. This notice shall be in addition to any other notice required by law to be published. Additional notice of the hearing may be given by mail, posting within the proposed county rail district, or in any manner the county legislative authority deems necessary to notify affected persons. All hearings shall be public and the county legislative authority shall hear objections from any person affected by the formation, modification of the boundaries, or dissolution of the county rail district.

(2) Following the hearing held under subsection (1) of this section, the county legislative authority may adopt a resolution providing for the submission of a proposal to establish a county rail district, modify the boundaries of an existing county rail district, or dissolve an existing county rail district, if the county legislative authority finds the proposal to be in the public interest. The resolution shall contain the boundaries of the district if applicable.

A proposition to create a county rail district, modify the boundaries of an existing county rail district, or dissolve an existing rail district shall be submitted to the affected voters at the

next general election held sixty or more days after the adoption of the resolution providing for the submittal by the county legislative authority. The resolution shall establish the boundaries of the district and include a finding that the creation of the district is in the public interest and that the area included within the district can reasonably be expected to benefit from its creation. No portion of a city may be included in such a district unless the entire city is included.

The district shall be created upon approval of the proposition by simple majority vote. The ballot proposition submitted to the voters shall be in substantially the following form:

FORMATION OF COUNTY RAIL DISTRICT

Shall a county rail district be established for the area described in a resolution of the legislative authority of county, adopted on the day of, 19..?

NEW SECTION. Sec. 10. A county rail district is authorized to contract with a person, partnership, or corporation to provide rail service along a light-density essential-service rail line for the purpose of carrying commodities. The district shall also have the power to acquire, maintain, improve, or extend rail facilities within the district that are necessary for the safe and efficient operation of the contracted rail service. A county rail district may receive state rail assistance under chapter 47 ___ RCW (sections 4 through 6 of this act). Two or more county rail districts may enter into interlocal cooperation agreements under chapter 39.34 RCW to carry out the purposes of this chapter.

NEW SECTION. Sec. 11. A county rail district is not authorized to impose a regular ad valorem property tax levy but may:

(1) Levy an ad valorem property tax, in excess of the one percent limitation, upon the property within the district for a one-year period to be used for operating or capital purposes whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) Provide for the retirement of voter approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies, in excess of the one percent limitation, whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

NEW SECTION. Sec. 12. (1) To carry out the purpose of this chapter, a county rail district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to three-eighths of one percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A county rail district may additionally issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, as prescribed in Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by excess property tax levies as provided in section 11(2) of this act. The county rail district may submit a single proposition to the voters which, if approved, authorizes both the issuance of the bonds and the bond retirement property tax levies.

(2) General obligation bonds with a maturity in excess of forty years shall not be issued. The governing body of the county rail district shall by resolution determine for each general obligation bond issue the amount, date or dates, terms, conditions, denominations, interest rate or rates, which may be fixed or variable, maturity or maturities, redemption rights, registration privileges, manner of execution, price, manner of sale, and covenants. The bonds may be in any form, including bearer bonds or registered bonds. Facsimile signatures may be used on the bonds and any coupons. Refunding general obligation bonds may be issued in the same manner as general obligation bonds are issued.

(3) Whenever general obligation bonds are issued to fund specific projects or enterprises that generate revenues, charges, user fees, or special assessments, the county rail district which issues the bonds may specifically pledge all or a portion of the revenues, charges, user fees, or special assessments to refund the general obligation bonds.

NEW SECTION. Sec. 13. (1) A county rail district may issue revenue bonds to fund revenue generating facilities which it is authorized to provide or operate. Whenever revenue bonds are to be issued, the governing body of the district shall create or have created a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the governing body may obligate the district to pay such amounts of the gross revenue of all or any part of the facilities constructed, acquired, improved, repaired, or replaced pursuant to this chapter as the governing body determines.

(2) The governing body of a county rail district issuing revenue bonds shall create a special fund or funds from which, along with any reserves created under RCW 39.44.140, the principal and interest on the revenue bonds shall exclusively be payable. The governing body may obligate the county rail district to set aside and pay into the special fund or funds a fixed proportion or a fixed amount of the revenues from the public improvements, projects, facilities, and all related additions funded by the revenue bonds. This amount or proportion shall be a lien and charge against these revenues, subject only to operating and maintenance expenses. The governing body shall consider the cost of operation and maintenance of the public improvement, project, facility, or additions funded by the revenue bonds and shall not place

into the special fund or funds a greater amount or proportion of the revenues than it thinks will be available after maintenance and operation expenses have been paid and after the payment of revenue previously pledged. The governing body may also provide that revenue bonds payable from the same source or sources of revenue may later be issued on parity with any revenue bonds issued and sold.

(3) Revenue bonds issued pursuant to this section shall not be an indebtedness of the county rail district issuing the bonds, and the interest and principal on the bonds shall only be payable from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The owner of a revenue bond or any interest coupon issued pursuant to this section shall not have any claim against the county rail district arising from the bond or coupon except for payment from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The substance of the limitations included in this subsection shall be plainly printed, written, or engraved on each bond issued pursuant to this section.

(4) Revenue bonds with a maturity in excess of thirty years shall not be issued. The governing body of the county rail district shall by resolution determine for each revenue bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, and covenants including the refunding of existing revenue bonds. The bonds may be in any form, including bearer bonds or registered bonds. Facsimile signatures may be used on the bonds and any coupons. Refunding revenue bonds may be issued in the same manner as revenue bonds are issued.

NEW SECTION. Sec. 14. A county rail district may exercise the power of eminent domain to obtain property for its authorized purposes in the manner counties exercise the powers of eminent domain.

NEW SECTION. Sec. 15. The rule of strict construction does not apply to this chapter, and this chapter shall be liberally construed to permit the accomplishment of its purposes.

Sec. 16. Section 19, chapter 2, Laws of 1983 and RCW 84.52.052 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district except school districts in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, county rail district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and RCW 84.52.043, or RCW 84.55.010 through 84.55.050, when authorized so to do by the electors of such county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, county rail district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium and convention district in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 64 and as thereafter amended, at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, county rail district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium and convention district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

NEW SECTION. Sec. 17. Sections 8 through 15 of this act constitute a new chapter in Title 36 RCW.

Sec. 18. Section 35.50.030, chapter 7, Laws of 1965 as last amended by section 1, chapter 91, Laws of 1982 and RCW 35.50.030 are each amended to read as follows:

If on the first day of January in any year, two installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, the city or town shall proceed with the foreclosure of the delinquent assessment or delinquent installments thereof by proceedings brought in its own name in the superior court of the county in which the city or town is situate.

The proceedings shall be commenced on or before March 1st of that year or on or before such other date in such year as may be fixed by general ordinance, but not before the city or town treasurer has notified by certified mail the persons whose names appear on the assessment roll as owners of the property charged with the assessments or installments which are

delinquent, at the address last known to the treasurer, a notice thirty days before the commencement of the proceedings. If the person whose name appears on the tax rolls of the ~~((county treasurer))~~ county assessor as owner of the property, or the address shown for the owner, differs from that appearing on the city or town assessment roll, then the treasurer shall also mail a copy of the notice to that person or that address.

The notice shall state the amount due upon each separate lot, tract, or parcel of land and the date after which the proceedings will be commenced. The city or town treasurer shall file with the clerk of the superior court at the time of commencement of the foreclosure proceeding the affidavit of the person who mailed the notices. This affidavit shall be conclusive proof of compliance with the requirements of this section.

Sec. 19. Section 35.50.230, chapter 7, Laws of 1965 as last amended by section 3, chapter 91, Laws of 1982 and RCW 35.50.230 are each amended to read as follows:

~~((in foreclosing local improvement assessment liens, all or any of the lots, tracts, or parcels of land or other property included in the assessment for one local improvement district or one utility local improvement district may be proceeded against in the same action.))~~ In foreclosing local improvement assessment liens, it is not necessary to bring a separate suit for each of the lots, tracts, or parcels of land or other property or for each separate local improvement district or utility local improvement district. All or any of the lots, tracts, or parcels of land or other property upon which local improvement assessments are delinquent under any and all local improvement assessment rolls in the city or town may be proceeded against in the same action. For all lots, tracts, or parcels which contain a residential structure with an assessed value of at least two thousand dollars, all persons owning or claiming to own ((or having or claiming to have any interest in or lien upon the lots, tracts, or parcels involved in the action and all persons unknown who may have an interest or claim of interest therein)) the property shall be made defendants thereto. For all other lots, tracts, or parcels, the persons whose names appear on the assessment roll and property tax rolls as owners of the property charged with the assessments or taxes shall be made defendants thereto.

Sec. 20. Section 35.50.250, chapter 7, Laws of 1965 as amended by section 5, chapter 91, Laws of 1982 and RCW 35.50.250 are each amended to read as follows:

~~In foreclosing local improvement assessments, ((summons and the service thereof shall be governed by the statutes governing the foreclosure of mortgages on real property))~~ if the lot, tract, or parcel contains a residential structure with an assessed value of at least two thousand dollars, the summons shall be served upon the defendants in the manner required by RCW 4.28.080. For all other lots, tracts, or parcels the summons shall be served by either personal service on the defendants or by certified and regular mail.

Sec. 21. Section 35.50.260, chapter 7, Laws of 1965 as last amended by section 7, chapter 91, Laws of 1982 and RCW 35.50.260 are each amended to read as follows:

In foreclosing local improvement assessments the action shall be tried to the court without a jury. If the parties interested in any particular lot, tract, or parcel default, the court may enter judgment of foreclosure and sale as to such parties and lots, tracts, or parcels and the action may proceed as to the remaining defendants and lots, tracts, or parcels. Judgment and order of sale may be entered as to any one or more separate lots, tracts, or parcels involved in the action and the court shall retain jurisdiction to others.

The judgment shall specify separately the amount of the installments with interest, penalty, and all reasonable costs, including the title searches, chargeable to each lot, tract, or parcel. The judgment shall have the effect of a separate judgment as to each lot, tract, or parcel described in the judgment, and any appeal shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In the judgment the court shall order the lots, tracts, or parcels therein described sold(;) by the city or town treasurer or by the county sheriff and an order of sale shall issue pursuant thereto for the enforcement of the judgment.

In all other respects, the trial, judgment ~~((and order of sale)),~~ and appeals to the supreme court or the court of appeals shall be governed by the statutes governing the foreclosure of mortgages on real property.

Prior to the sale of the property, if the property is shown on the property tax rolls under unknown owner or if the property contains a residential structure having an assessed value of two thousand dollars or more, the treasurer shall order or conduct a title search of the property to determine the record title holders and all persons claiming a mortgage, deed of trust, or mechanic's, laborer's, materialmen's, or vendor's lien on the property.

At least thirty days prior to the sale of the property, a copy of the notice of sale shall be mailed by certified and regular mail to all defendants in the foreclosure action as to that parcel, lot, or tract and, if the owner is unknown or the property contains a residential structure having an assessed value of two thousand dollars or more, a copy of the notice of sale shall be mailed by regular and certified mail to any additional record title holders and persons claiming a mortgage, deed of trust, or mechanic's, laborer's, materialmen's, or vendor's lien on the property.

In all other respects the procedure for sale shall be conducted in the same manner as property tax sales described in RCW 84.64.080.

Sec. 22. Section 35.50.270, chapter 7, Laws of 1965 as amended by section 8, chapter 91, Laws of 1982 and RCW 35.50.270 are each amended to read as follows:

In foreclosing local improvement assessments, all sales shall be subject to the right of redemption within two years from the date of sale. ~~((In all other respects, the sale, redemption and issuance of deed shall be governed by the statutes governing the foreclosure of mortgages on real property and the terms "judgment debtor" and "successor in interest" as used in such statutes shall be held to include an owner or a vendee.))~~

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

Senator Thompson moved adoption of the following amendment by Senators Thompson, Zimmerman, Barr, Bauer, McCaslin, Granlund and Woody to the committee amendment:

On page 25, line 29, after "Sec. 23." insert "There is added to chapter 35.21 RCW a new section to read as follows:

Each city and town that has a comprehensive plan, zoning ordinances, or other land use controls establishing areas within the city or town, where only detached single family dwellings are allowed for residential purposes, shall permit the inclusion of separate living quarters in all detached single family residential dwellings located in such areas to be used by persons who are related by blood, adoption or marriage to an owner and occupant of the single family dwelling. These separate living quarters shall be authorized by conditional use permits, subject to reasonable conditions that may be established by local ordinances, including conditions relating to height, view, electrical wiring, plumbing, off street parking, minimum square footage, and other health, safety and welfare requirements. The conditional use permit may run to the property, or to the owner and occupant of the single family dwelling.

NEW SECTION. Sec. 24. There is added to chapter 36.32 RCW a new section to read as follows:

Each county that has a comprehensive plan, zoning ordinances, or other land use controls establishing areas within the county, where only detached single family dwellings are allowed for residential purposes, shall permit the inclusion of separate living quarters in all detached single family residential dwellings located in such areas to be used by persons who are related by blood, adoption or marriage to an owner and occupant of the single family dwelling. These separate living quarters shall be authorized by conditional use permits, subject to reasonable conditions that may be established by local ordinances, including conditions relating to height, view, electrical wiring, plumbing, off street parking, minimum square footage, and other health, safety and welfare requirements. The conditional use permit may run to the property, or to the owner and occupant of the single family dwelling.

NEW SECTION. Sec. 25."

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I raise the question of scope and object with respect to this amendment to the committee amendment. The original bill dealt with local improvement districts. The Senate amendment to the committee amendment now deals with the issue of mother-in-law apartments. I would submit to the President that the original scope and object of the measure relating to local improvement districts has been expanded by the offering of an amendment that purports to deal with the issue of mother-in-law apartments."

MOTION

On motion of Senator Bottiger, further consideration of Engrossed House Bill No. 753 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 522, by Committee on Judiciary (originally sponsored by Representatives Locke, Padden, Crane, Prince, Halsan, Brough, O'Brien, Addison, Burns, Charney, Lewis, Appelwick, Belcher, D. Nelson, Lux, Allen, Tilly, P. King, Smitherman, Dellwo, Moon and Niemi)

Requiring an advisement on deportation consequences prior to acceptance of a guilty plea.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 522 was advanced to third reading, the second considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 522.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 522, and the bill passed the Senate by the following vote: Yeas, 40; nays, 08; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Guess, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, von Reichbauer - 8.

Absent: Senator Woody - 1.

SUBSTITUTE HOUSE BILL NO. 522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 546, by Committee on Transportation (originally sponsored by Representatives McMullen, Schmidt, Vekich, Walk and Isaacson)

Regulating wheelchair conveyances.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute House Bill No. 546 was advanced to third reading, the second considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 546.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 546, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 02; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senators Bluechel, Patterson - 2.

ENGROSSED 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.

MOTIONS

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed House Bill No. 2, deferred earlier today.

On motion of Senator Owen, the Senate reconsidered the vote by which the Committee on Energy and Utilities amendment to Engrossed House Bill No. 2 was adopted.

Senator Owen moved the following amendments by Senators Owen and Bender to the Committee on Energy and Utilities amendment be considered and adopted simultaneously:

On page 3, after line 7, insert:

"Sec. 2, Section 4, chapter 96, Laws of 1974 ex. sess. as last amended by section 12, chapter 14, Laws of 1976 ex. sess. and RCW 19.27.040 are each amended to read as follows:

On and after January 1, 1975, the governing body of each city, town or county is authorized to amend the state building code as it applies within its jurisdiction in all such respects as shall be not less than the minimum performance standards and objectives enumerated in RCW 19.27.020 including the authority to adopt any subsequent revisions in the codes in RCW 19.27.030(1), (2), (3), (4) and (5) (~~and (6))~~) as now or hereafter amended (~~(-PROVIDED, That amendments to RCW 19.27.030(6), so adopted result in structures that do not exceed the overall structural heat loss characteristics that would have resulted from conforming to RCW 19.27.030(6), as now or hereafter amended)~~).

Nothing in this section shall authorize any modification of the requirements of chapter 35, Laws of 1967 or chapter 70.92 RCW."

Renumber the remaining sections accordingly.

On page 5, line 31, after "code," strike all remaining language in section 5.

MOTION

Senator Newhouse moved that the Committee on Energy and Utilities be relieved of further consideration of Senate Bill No. 4139 and that the bill be placed on the second reading calendar for today.

POINT OF ORDER

Senator Bottiger: "A point of order, Mr. President. What order of business are we on?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "The sixth order of business."

Senator Bottiger: "Mr. President, I raise the point of order that the eighth order of business is the proper order for making motions."

Senator Newhouse: "Mr. President, we are on the second reading of bills--the sixth order--that placed the bill before us. It is the proper order. Besides, by the ruling of the chair today, we don't have any rules anymore."

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In response to Senator Bottiger's point of order, it would be proper only under the eighth order of business to present petitions, memorials, resolutions and motions, so Senator Bottiger's point of order is well taken. We will proceed with the vote on the amendments by Senators Owen and Bender to the committee amendment to Engrossed House Bill No. 2."

PARLIAMENTARY INQUIRY

Senator Pullen: "I believe that our cut-off resolution specifies that at 5:00 o'clock is the deadline for passing bills and I was wondering if that means House Bill No. 2 is now dead? According to the clock, it is now 5:01 or 5:02 p.m."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "We have, in the past in many sessions of the legislature, continued beyond 5:00 o'clock on the bills which have been brought before us and working on by the deadline. So, we will proceed with Engrossed House Bill No. 2 and then we will return to Engrossed House Bill No. 753 as the final bill."

The President Pro Tempore declared that the Senate would resume consideration of the amendments by Senators Owen and Bender to the Committee on Energy and Utilities amendment to Engrossed House Bill No. 2.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendments by Senators Owen and Bender to the committee amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Owen carried and the amendments to the committee amendment were adopted by the following vote: Yeas, 28; nays, 21; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Clarke, Conner, Craswell, Deccio, Fuller, Guess, Hansen, Hayner, Hughes, Jones, Lee, McCaslin, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Vognild, von Reichbauer - 28.

Voting nay: Senators Bluechel, Bottiger, Fleming, Gaspard, Goltz, Granlund, Haley, Hemstad, Hurley, Kiskaddon, McDermott, McManus, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody, Zimmerman - 21.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Energy and Utilities amendment, as amended.

The Committee on Energy and Utilities amendment, as amended, was adopted.

MOTION

On motion of Senator Williams, the rules were suspended, Engrossed House Bill No. 2, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 2, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 2, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 10; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Benitz, Craswell, Deccio, Hansen, McCaslin, Metcalf, Patterson, Pullen, Rasmussen, Sellar - 10.

ENGROSSED HOUSE BILL NO. 2, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed House Bill No. 753, deferred earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Engrossed House Bill No. 753 is a measure which makes several minor amendments to the statutes dealing with the formation of local improvement districts by cities and towns.

"The amendment proposed by Senator Thompson and others provides that the cities and towns and counties must permit separate living quarters and detached single family residential dwellings under certain circumstances.

"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 to the committee amendment was ruled out of order.

POINT OF INQUIRY

Senator Pullen: Senator Barr, what about a grain grower who is close enough to a shipping point in a different direction that he would never even have to truck within the rail district? Could he be drawn into the district?"

Senator Barr: "No, Senator Pullen, he would not. The bill excludes such cases, so that he would not be drawn into it."

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Local Government amendment.

The motion by Senator Thompson carried and the committee amendment was adopted.

MOTIONS

On motion of Senator Thompson, the following title amendment was adopted:

On page 1, line 1 of the title, after "improvements;" strike the remainder of the title and insert "amending section 35.43.130, chapter 7, Laws of 1965 as amended by section 6, chapter 52, Laws of 1967 and RCW 35.43.130; amending section 35.43.150, chapter 7, Laws of 1965 and RCW 35.43.150; amending section 35.43.180, chapter 7, Laws of 1965 as last amended by section 8, chapter 52, Laws of 1967 and RCW 35.43.180; amending section 19, chapter 2, Laws of 1983 and RCW 84.52.052; amending section 35.50.030, chapter 7, Laws of 1965 as last amended by section 1, chapter 91, Laws of 1982 and RCW 35.50.030; amending section 35.50.230, chapter 7, Laws of 1965 as last amended by section 3, chapter 91, Laws of 1982 and RCW 35.50.230; amending section 35.50.250, chapter 7, Laws of 1965 as amended by section 5, chapter 91, Laws of 1982 and RCW 35.50.250; amending section 35.50.260, chapter 7, Laws of 1965 as last amended by section 7, chapter 91, Laws of 1982 and RCW 35.50.260; amending section 35.50.270, chapter 7, Laws of 1965 as amended by section 8, chapter 91, Laws of 1982 and RCW 35.50.270; adding a new chapter to Title 47 RCW; and adding a new chapter to Title 36 RCW."

On motion of Senator Thompson, the rules were suspended, Engrossed House Bill No. 753, as amended by the Senate, was advanced to third reading, the second considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 753, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 753, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 05; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Craswell, McCaslin, Pullen, Rasmussen, von Reichbauer - 5.

ENGROSSED HOUSE BILL NO. 753, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Deccio: "I guess all this week I have been in the wrong place at the wrong time. I understand that while I was off the floor, you introduced my son, Jim, from San Francisco. I am sorry that I missed that, but I am very proud to have him here today as our guest and I thank you very much for introducing him."

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

MESSAGES FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3006, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 18, 1983

Mr. President:

The House has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3230, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 18, 1983

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3239, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 18, 1983

Mr. President:

The House has passed:

SENATE BILL NO. 3089, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 18, 1983

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3206, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 18, 1983

Mr. President:

The House has passed:

ENGROSSED SENATE BILL NO. 3130,

ENGROSSED SUBSTITUTE SENATE BILL NO. 3251, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 18, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3007,

SUBSTITUTE SENATE BILL NO. 3054,

SENATE BILL NO. 3167,

SENATE BILL NO. 3185,

SENATE BILL NO. 3250, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 18, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3052,

SUBSTITUTE SENATE BILL NO. 3066,

SUBSTITUTE SENATE BILL NO. 3151,

SENATE BILL NO. 3252,

SENATE BILL NO. 3655,

SUBSTITUTE SENATE BILL NO. 3742,

SENATE BILL NO. 3991, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 18, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 270,

SUBSTITUTE HOUSE BILL NO. 1035, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 18, 1983

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3018,

SUBSTITUTE SENATE BILL NO. 3043,

SUBSTITUTE SENATE BILL NO. 3094,

SENATE BILL NO. 3140,

SUBSTITUTE SENATE BILL NO. 3161,

SUBSTITUTE SENATE BILL NO. 4201, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

There being no objection, the President Pro Tempore reverted the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

April 18, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 18, 1983 Governor Spellman approved the following Senate Bill entitled:

Senate Bill No. 3221

Relating to veterans affairs advisory committee.

Sincerely,

MARILYN SHOWALTER, Counsel to the Governor

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3006.

SECOND SUBSTITUTE SENATE BILL NO. 3230.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3089,

SENATE BILL NO. 3130,

SUBSTITUTE SENATE BILL NO. 3206.

SUBSTITUTE SENATE BILL NO. 3239.

SUBSTITUTE SENATE BILL NO. 3251.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 270,

SUBSTITUTE HOUSE BILL NO. 1035.

MOTION

At 5:37 p.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Tuesday, April 19, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

ONE HUNDREDTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 19, 1983

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 Patterson. On motion of Senator Jones, Senator Patterson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Melanie Snell and Pat Daly, presented the Colors. Reverend George C. Smith, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 39, by Committee on State Government (originally sponsored by Representatives Walk, Lewis, Dickie, Brough, Miller, Sayan, Nealey, Hankins, Isaacson, Silver, Hastings, Addison, Tilly, Struthers, Mitchell, Allen, J. Williams, Barrett and Clayton)

Modifying sunset review procedures.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the following Committee on State Government amendments were considered and adopted simultaneously:

On page 7, after line 27, Strike all the material down to and including "legislature." on page 9, line 29 and insert the following:

"NEW SECTION, Sec. 11. There is added to chapter 18.44 RCW a new section to read as follows:

There is established an escrow commission of the state of Washington consisting of the limited practice board created by the supreme court of the state of Washington by its limited practice rule for closing officers. The commission shall be appointed by the supreme court of the state of Washington and shall have such duties and powers as shall be granted by the supreme court of the state of Washington. Any conflicts between orders, rules, and regulations promulgated by the limited practice board acting as the state escrow commission and any provisions of this chapter shall be resolved in favor of orders or rules of the supreme court of the state of Washington or the limited practice board acting in behalf of the supreme court of the state of Washington and as the state escrow commission.

Sec. 12, Section 1, chapter 153, Laws of 1965 as last amended by section 42, chapter 158, Laws of 1979 and RCW 18.44.010 are each amended to read as follows:

Unless the context otherwise requires terms used in this chapter shall have the following meanings:

- (1) "Department" means the department of licensing.
- (2) "Director" means the director of licensing, or his duly authorized representative.
- (3) "Escrow" means any transaction wherein any person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance, or lease of real or personal property to another person or persons, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person to be held by such third person until the happening of a specified event or the performance of a prescribed condition or conditions, when it is then to be delivered by such third person, in compliance with instructions under which he is to act, to a grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor, or any agent or employee thereof.

(4) "Escrow agent" means any sole proprietorship, firm, association, partnership, or corporation engaged in the business of performing for compensation the duties of the third person referred to in RCW 18.44.010(3) above.

(5) "Certificated escrow agent" means any sole proprietorship, firm, association, partnership, or corporation holding a certificate of registration as an escrow agent under the provisions of this chapter.

(6) "Person" unless a different meaning appears from the context, includes an individual, a firm, association, partnership or corporation, or the plural thereof, whether resident, nonresident, citizen or not.

(7) "Escrow officer" means any natural person handling escrow transactions and licensed as such by the director: PROVIDED, That such person is also certified by the supreme court to select, prepare, and complete documents in connection with a sale, exchange, or transfer of property.

(8) "Escrow commission" means the escrow commission of the state of Washington created by ~~((RCW 18.44.216))~~ section 11 of this 1983 act.

(9) "Controlling person" is any person who owns or controls ten percent or more of the beneficial ownership of any escrow agent, regardless of the form of business organization employed and regardless of whether such interest stands in such person's true name or in the name of a nominee.

Sec. 13. Section 2, chapter 153, Laws of 1965 as last amended by section 2, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.020 are each amended to read as follows:

It shall be unlawful for any person to engage in business as an escrow agent within this state unless such person possesses a valid certificate of registration issued by the director pursuant to this chapter: PROVIDED, That except for a person who, in addition to acting as an escrow agent, selects, prepares, and completes documents in connection with a sale, exchange, or transfer of real or personal property between third parties, the registration and licensing requirements of this chapter shall not apply to:

(1) Any person doing business under the law of this state or the United States relating to banks, trust companies, mutual savings banks, savings and loan associations, credit unions, insurance companies, title insurance companies, the duly authorized agents of title insurance companies the business of which agents is exclusively devoted to the title insurance business, or any federally approved agency or lending institution under the National Housing Act.

(2) Any person licensed to practice law in this state while engaged in the performance of his professional duties.

(3) Any company, broker, or agent subject to the jurisdiction of the director while performing acts in the course of or incidental to sales or purchases of real or personal property handled or negotiated by such company, broker, or agent: PROVIDED, HOWEVER, That no compensation is received for escrow services.

(4) Any transaction in which money or other property is paid to, deposited with, or transferred to a joint control agent for disbursal or use in payment of the cost of labor, material, services, permits, fees, or other items of expense incurred in the construction of improvements upon real property.

(5) Any receiver, trustee in bankruptcy, executor, administrator, guardian, or other person acting under the supervision or order of any superior court of this state or of any federal court.

Sec. 14. Section 29, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.215 are each amended to read as follows:

The ~~((four))~~ escrow commission members shall each receive fifty dollars per day for each day engaged in official business of the commission, plus travel expenses as provided for state officials and employees in RCW 43.03.050 and 43.03.060, when called into session by the ~~((director))~~ commission or when otherwise engaged in the business of the commission.

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 10, after line 29 strike all the material down to and including "18.44.215;" on line 31.

Renumber the remaining subsections consecutively.

On page 2, after line 21, strike all material down to and including "43.131.070." on line 29 and insert the following:

"Any state agency scheduled for termination by the processes provided in this chapter may be reestablished by the legislature for a specified period of time ~~((specified by law, but not to exceed six years. At the end of such period of time))~~ or indefinitely. The legislature ~~((shall))~~ may again review ~~((such))~~ the state agency in a manner consistent with the provisions of this chapter ~~((and RCW 43.06.016))~~ and reestablish, modify, or consolidate such agency or allow it to be terminated.

On page 7, beginning on line 20, strike all of new section 9 and insert the following:

" NEW SECTION, Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 9, chapter 260, Laws of 1981 and RCW 43.131.140; and

(2) Section 86, chapter 99, Laws of 1979 and RCW 43.131.145."

On page 7, line 22, after "RCW" strike "43.131.140."

MOTION

Senator Wojahn moved adoption of the following amendment:

On page 3, line 21, after "bill." insert "Bills reestablishing or modifying any state agency shall not include any matter not considered in the final report of the legislative budget committee."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Wojahn.

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

MOTIONS

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

On page 1, line 3 of the title, after "18.44.010;" strike all the material down to and including "18.44.360;" on line 6 and insert "amending section 2, chapter 153, Laws of 1965 as last amended by section 2, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.020; amending section 29, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.215;"

On page 1, line 15 of the title, after "43.131.150;" insert "adding a new section to chapter 18.44 RCW;"

On page 1, line 22 of the title, after "18.44.210;" strike all the material down to and including "18.44.215;" on line 24

On page 1, line 16 of the title, after "RCW" strike "43.131.140;"

On page 1, line 26 of the title, after "18.04.090;" insert "repealing section 9, chapter 260, Laws of 1981 and RCW 43.131.140;"

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 39, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was 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. 39, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 39, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Patterson - 1.

SUBSTITUTE HOUSE BILL NO. 39, as amended by the Senate, having received the constitutional majority, 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. 72, by Representatives Grimm and Tilly (by Department of Revenue request)

Modifying miscellaneous tax provisions.

The bill was read the second time.

MOTION

Senator Gaspard moved adoption of the following Committee on Ways and Means amendment:

On page 12, after line 19, insert the following:

"Sec. 8. Section 3, chapter 94, Laws of 1970 ex. sess. as last amended by section 1, chapter 211, Laws of 1982 and RCW 82.14.020 are each amended to read as follows:

For purposes of this chapter:

(1) A retail sale consisting solely of the sale of tangible personal property shall be deemed to have occurred at the retail outlet at or from which delivery is made to the consumer but, for purposes of this subsection, a central distribution center at which no orders for merchandise are taken shall not be deemed a retail outlet;

(2) A retail sale consisting essentially of the performance of personal business or professional services shall be deemed to have occurred at the place at which such services were primarily performed;

(3) A retail sale consisting of the rental of tangible personal property shall be deemed to have occurred (a) in the case of a rental involving periodic rental payments, at the primary place of use by the lessee during the period covered by each payment, or (b) in all other cases, at the place of first use by the lessee;

(4) A retail sale within the scope of the second paragraph of RCW 82.04.050, and a retail sale of taxable personal property to be installed by the seller shall be deemed to have occurred at the place where the labor and services involved were primarily performed;

(5) A retail sale consisting of the providing to a consumer of competitive telephone service, as defined in RCW 82.16.010, other than a sale of tangible personal property under subsection (1) of this section or a rental of tangible personal property under subsection (3) of this section, shall be deemed to have occurred at the situs of the primary telephone or other instrument through which the competitive telephone service is rendered;

(6) "City" means a city or town;

(7) The meaning ascribed to words and phrases in chapters 82.04, 82.08 and 82.12 RCW, as now or hereafter amended, insofar as applicable, shall have full force and effect with respect to taxes imposed under authority of this chapter;

(8) "Taxable event" shall mean any retail sale, or any use of an article of tangible personal property, upon which a state tax is imposed pursuant to chapter 82.08 or 82.12 RCW, as they now exist or may hereafter be amended: PROVIDED, HOWEVER, That the term shall not include a retail sale taxable pursuant to RCW 82.08.150, as now or hereafter amended;

(9) "Treasurer or other legal depository" shall mean the treasurer or legal depository of a county or city."

Renumber the sections consecutively

POINT OF INQUIRY

Senator Shinpoch: "Senator Gaspard, in the example that you used, does the Bon Marche make retail sales out of the warehouse in Tukwila?"

Senator Gaspard: "No, as I understand it, it doesn't. If they do, they would not qualify for that exemption and the sale made out of Tukwila--from this example--the local sales tax--would then go to the Tukwila area."

Senator Shinpoch: "In your example, they do make sales out of the warehouse in--"

Senator Gaspard: "Maybe I picked the wrong department store."

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment.

The motion by Senator Gaspard carried and the committee amendment was adopted.

MOTIONS

On motion of Senator Warnke, the following amendment by Senators Warnke and Deccio was adopted:

On page 12, after line 19, insert the following:

"NEW SECTION, Sec. 8. Section 20, chapter 22, Laws of 1982 1st ex. sess. and RCW 35.21.285 are each repealed."

Renumber the remaining section accordingly.

Senator Moore moved adoption of the following amendment by Senators Moore, Pullen, Metcalf, Vognild, Zimmerman, Craswell, Hayner, Clarke, Owen, Peterson, Guess, Barr, Hurley, Fuller, McManus, Thompson and Haley:

On page 12, after line 19, add the following new sections and renumber any succeeding sections accordingly.

"NEW SECTION, Sec. 8. There is added to chapter 82.08 RCW a new section to read as follows:

The tax levied by RCW 82.08.020 does not apply to the sale of precious metal bullion or monetized bullion. For purposes of this section, "precious metal bullion" means any elementary precious metal which has been put through a process of smelting or refining, including, but not limited to gold, silver, platinum, rhodium, and chromium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but does not include coins or money sold to be manufactured into jewelry or works of art.

"NEW SECTION, Sec. 9. There is added to chapter 82.12 RCW a new section to read as follows:

The tax levied by RCW 82.12.020 does not apply to the sale of precious metal bullion or monetized bullion. For purposes of this section, "precious metal bullion" means any elementary precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and chromium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but does not include coins or money sold to be manufactured into jewelry or works of art."

POINT OF ORDER

Senator Shinpoch: "A point of order, Mr. President. I would raise the question of scope and object on the amendment. House Bill No. 72, before us, is a fairly simple bill that cleans up some language of actually making a legislative determination of when taxes should be imposed and shouldn't be imposed, as it applies both to the collection of sales tax and relative to the application of the reduced B & O tax. Then, if the taxes aren't paid--how they go about issuing warrants and those kinds of things. It seems to me like it is a fairly narrow bill and it seems to me that removing sales tax on precious metals is outside the scope and object of the bill."

Debate ensued.

MOTION

At 10:33 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:53 a.m.

MOTION

At 11:52 a.m., on motion of Senator Shinpoch, 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 Shinpoch, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

GUBERNATORIAL APPOINTMENTS

April 18, 1983

GA 30 MANUEL E. COSTA, to the position of member of the Sentencing Guidelines Commission, appointed by the Governor on May 12, 1982, for the term ending August 2, 1983, succeeding Edna Goodrich. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hemstad, Newhouse, Thompson.

Passed to Committee on Rules.

April 18, 1983

GA 31 CHIEF ARTHUR F. CLIFFORD, to the position of member of the Sentencing Guidelines Commission, appointed by the Governor on August 17, 1982, for the term ending August 2, 1985. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hemstad, Newhouse, Thompson.

Passed to Committee on Rules.

April 18, 1983

GA 32 GEORGE A. FINKLE, to the position of member of the Sentencing Guidelines Commission, appointed by the Governor on May 12, 1982, for the

term ending August 2, 1985, succeeding Phillip Aaron. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hemstad, Newhouse, Thompson.

Passed to Committee on Rules.

April 18, 1983

GA 33 PAUL D. HANSEN, to the position of member of the Sentencing Guidelines Commission, appointed by the Governor on August 17, 1982, for the term ending August 2, 1985. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hemstad, Newhouse, Thompson.

Passed to Committee on Rules.

April 18, 1983

GA 34 WARREN NETHERLAND, to the position of member of the Sentencing Guidelines Commission, appointed by the Governor on August 17, 1982, for the term ending August 2, 1985. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Clarke, Hemstad, Newhouse, Thompson, Woody.

Passed to Committee on Rules.

April 18, 1983

GA 68 DARLENE C. MCHENRY, to the position of member of the Human Rights Commission, appointed by the Governor on November 3, 1982, for the term ending June 17, 1987, succeeding Edith Kogenhop. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hemstad, Newhouse, Thompson.

Passed to Committee on Rules.

April 18, 1983

GA 78 OTTO AMEN, to the position of member of the Public Disclosure Commission, appointed by the Governor on January 11, 1983, for the term ending December 31, 1987, succeeding Milford Vanik. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hemstad, Newhouse, Thompson.

Passed to Committee on Rules.

April 18, 1983

GA 86 I. A. TONY WEZA, to the position of member of the Public Disclosure Commission, appointed by the Governor on February 11, 1982, for the term ending December 31, 1986, succeeding Valoria Ann Loveland. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hemstad, Newhouse, Thompson.

Passed to Committee on Rules.

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

April 19, 1983

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:

Philip R. Wittman reappointed April 16, 1983, for a term ending April 15, 1988, as a member of the Board of Prison Terms and Paroles.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

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

MESSAGES FROM THE HOUSE

April 18, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3006,

SECOND SUBSTITUTE SENATE BILL NO. 3230, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 18, 1983

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3089,

SENATE BILL NO. 3130,

SUBSTITUTE SENATE BILL NO. 3206,

SUBSTITUTE SENATE BILL NO. 3239,

SUBSTITUTE SENATE BILL NO. 3251, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

On motion of Senator Shinpoch, the Senate resumed consideration of House Bill No. 72, under consideration at the morning session.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Shinpoch, the President finds that House Bill No. 72, as amended by the Senate, is a measure which deals with the subject of revenue and taxation by modifying the laws dealing with sales, use and B & O taxes and, also, by repealing the special excise tax on hotel rooms.

"The amendment proposed by Senator Moore and others also deals with the subject of revenue and taxation by creating an exemption from the sales and use tax for sales of precious metal bullion.

"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 on page 12, after line 19, was ruled in order.

The President declared the question before the Senate to be adoption of the amendment by Senators Moore and others to page 12, after line 19, to House Bill No. 72.

Debate ensued.

MOTION

Senator Shinpoch moved that further consideration of House Bill No. 72 be deferred and that the bill be placed at the bottom of the second reading calendar. Debate ensued.

POINT OF ORDER

Senator Bottiger: "Mr. President, if Senator Shinpoch didn't raise the point of order, I will. Pursuant to the rules, three members can take a bill off the consent calendar and put it at the bottom of the yellow calendar. I, for one, and I presume Senator Shinpoch is second and Senator McDermott would be the third."

REPLY BY THE PRESIDENT

President Cherberg: "Who are the three Senators who request that House Bill No. 72 be placed at the bottom of the calendar?"

Senator Bottiger: "Senators Bottiger, Shinpoch and Fleming."

RULING BY THE PRESIDENT

President Cherberg: "In compliance with Senate rules, House Bill 72 is placed at the bottom of the yellow second reading calendar."

MOTION

Senator Clarke moved that the Senate immediately consider House Bill 72. Debate ensued.

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

The President declared the question before the Senate to be the roll call on Senator Clarke's motion to immediately consider House Bill No. 72.

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke failed by the following vote: Yeas, 22; nays, 26; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Excused: Senator Patterson - 1.

MOTION

At 1:54 p.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 3:14 p.m.

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

MESSAGE FROM THE HOUSE

April 18, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 125,

SUBSTITUTE HOUSE BILL NO. 522,

SUBSTITUTE HOUSE BILL NO. 546,

HOUSE BILL NO. 919, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 125,

SUBSTITUTE HOUSE BILL NO. 522,

SUBSTITUTE HOUSE BILL NO. 546,

HOUSE BILL NO. 919.

MOTION

At 3:16 p.m., on motion of Senator Bottiger, the Senate adjourned until 9:00 a.m., Wednesday, April 20, 1983.

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

ONE HUNDRED-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 20, 1983

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 Gaspard, Haley and Thompson.

The Sergeant at Arms Color Guard, consisting of Pages Tony Garrett and Holly Henson, presented the Colors. Reverend George C. Smith, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

April 19, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 19, 1983, Governor Spellman approved the following Senate Bills entitled:

Substitute Senate Bill No. 3110

Relating to Washington credit union share guaranty association.

Substitute Senate Bill No. 3164

Relating to insurance holding companies.

Senate Bill No. 3211

Relating to the taxation of aircraft fuel.

Substitute Senate Bill No. 3380

Relating to state residential schools.

Senate Bill No. 3383

Relating to professional corporations.

Substitute Senate Bill No. 3511

Relating to hydroelectric facilities.

Substitute Senate Bill No. 3516

Relating to the legislative branch of government.

Substitute Senate Bill No. 3645

Relating to mental health insurance.

Senate Bill No. 3993

Relating to the joint administrative rules review committee.

Substitute Senate Bill No. 4022

Relating to insurance.

Senate Bill No. 4205

Relating to the productivity board.

Sincerely,

MARILYN SHOWALTER, Counsel to the Governor

MESSAGES FROM THE HOUSE

April 19, 1983

Mr. President:

The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 646 and has passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

April 19, 1983

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 793 and has passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

April 19, 1983

Mr. President:

The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 683 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 19, 1983

Mr. President:

The House has concurred in the Senate amendments to HOUSE BILL NO. 300 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 19, 1983

Mr. President:

The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 64 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 19, 1983

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 164 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

On motion of Senator Shinpoch, the Senate resumed consideration of House Bill No. 72 and the pending amendment by Senator Moore and others to page 12, after line 19, deferred April 19, 1983.

The President declared the question before the Senate to be adoption of the amendment by Senator Moore and others to page 12, line 19 to House Bill No. 72.

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

The President declared the question before the Senate to be adoption of the amendment by Senator Moore and others to page 12, line 19 to House Bill No. 72.

ROLL CALL

The Secretary called the roll and the motion by Senator Moore carried and the amendment was adopted by the following vote: Yeas, 38; nays, 08; absent, 03; excused, 00.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Decchio, Fuller, Goltz, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Talmadge, Vognild, von Reichbauer, Warnke, Woody, Zimmerman - 38.

Voting nay: Senators Bauer, Bottiger, Fleming, Granlund, Rinehart, Shinpoch, Williams, Wojahn - 8.

Absent: Senators Gaspard, Haley, Thompson - 3.

MOTION

Senator Fuller moved adoption of the following amendment:

On page 4, line 29, strike section 3.

Debate ensued.

POINT OF INQUIRY

Senator Kiskaddon: "Senator Hansen, as I look at this, the only change is wholesale, not retail. I guess I am not enough of a farmer or meat packer to really

understand what that means. I would like to have some real clarification on how that does what you want it to do."

Senator Hansen: "Well, at wholesale, where the livestock is slaughtered, would be at the reduced rate, but it wouldn't be at the reduced rate at the retail."

Senator Kiskaddon: "How does that change what is happening now?"

Senator Hansen: "All it would do is lower the ordinary .44 to .33."

Debate ensued.

MOTION

At 9:21 a.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 10:26 a.m.

There being no objection, the President announced that the Senate would resume consideration of House Bill No. 72 and the pending amendment by Senator Fuller to page 4, line 29.

The President declared the question before the Senate to be adoption of the amendment by Senator Fuller to page 4, line 29, to House Bill No. 72.

MOTION

On motion of Senator Hansen, further consideration of House Bill No. 72, as amended by the Senate, was deferred.

MOTION

On motion of Senator Shipoch, the Senate resumed consideration of Engrossed House Bill No. 399, deferred April 18, 1983.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Clarke moved to reconsider the vote by which an amendment by Senators Newhouse and Vognild to page 2, line 6, to Engrossed House Bill No. 399, failed to pass the Senate April 18, 1983.

The President declared the question before the Senate to be the motion by Senator Clarke that the Senate reconsider the vote by which an amendment to page 2, line 6, by Senators Newhouse and Vognild to Engrossed House Bill No. 399 failed to pass the Senate.

The motion by Senator Clarke carried and the Senate resumed consideration of the amendment, on reconsideration.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Newhouse and Vognild to Engrossed House Bill No. 399, on reconsideration.

The motion carried and the amendment was adopted.

MOTIONS

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

On page 1, line 1 of the title, after "indices:" strike "amending" and insert "repealing"

On page 1, line 2 of the title, after "126:" strike everything through "(uncodified);" on line 3.

On motion of Senator Owen, the rules were suspended, Engrossed House Bill No. 399, 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 Newhouse, how has the department been handling the sales in the last year? I recall several large sales that have gone through without the benefit of this bill."

Senator Newhouse: "I think it has to do with the effective date of that previous act, but I would have Senator Owen answer your question."

Senator Owen: "The answer to that is that the indexing was to take place in April. It is now April."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 399, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 399, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; absent, 02; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Woody, Zimmerman - 37.

Voting nay: Senators Fleming, Hurley, McManus, Moore, Rasmussen, Rinehart, Shinpoch, Talmadge, Williams, Wojahn - 10.

Absent: Senators Guess, McDermott - 2.

ENGROSSED HOUSE BILL NO. 399, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

April 20, 1983

STATEMENT FOR THE JOURNAL

Due to pressing business in the Senate, I inadvertently voted no on EHB No. 399, as I was lead to believe that we were voting on an amendment which I objected to. Had I known that the bill was on final passage, I would have cast a yes vote. I support this bill.

Respectfully,
Mike McManus, 21st District Senator

MOTION

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

MOTION

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

SENATE RESOLUTION 1983-41

By Senators Hemstad and Fuller

WHEREAS, The Olympia, the newest Los Angeles-class submarine will be launched on April 30, 1983, at Newport News, Virginia; and

WHEREAS, Los Angeles-class submarines are characterized by their advanced technology used for the protection of the United States; and

WHEREAS, This new submarine is the second Navy vessel to bear the name Olympia, the first Olympia having served as a flagship for Admiral George Dewey during the Spanish-American War, the flagship for the North Atlantic squadron prior to World War I, the flagship of the United States Patrol force during World War I, and in 1918 became the flagship of the United States Naval forces in the eastern Mediterranean; and

WHEREAS, Several officers of the new submarine Olympia are visiting the city of Olympia;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That Prospective Commanding Officer, Captain William Hughes, Jr., Prospective Executive Officer, Lieutenant Commander Frank Reifsnnyder, Jr., and the Chief of the Boat, Master Chief Jay Andress be welcomed to Olympia and honored for their service to their country as officers on the submarine Olympia.

SPECIAL GUESTS

The President introduced and welcomed Captain William Hughes, Jr., Lieutenant Commander Frank Reifsnnyder, Jr. and Master Chief Jay Andress, the special guests of Senator Dick Hemstad and Senator William Fuller, from the naval ship, OLYMPIA.

With permission of the Senate, business was suspended to permit Captain Hughes to address the Senate.

MOTION

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 653, by Representatives Braddock and McMullen
Revising provisions relating to livestock markets.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed House Bill No. 653 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF ORDER

Senator Pullen: "A point of order, Mr. President. I was wondering if this bill was beyond the cutoff resolution. It appears to me that it is and, therefore, I would rise to the point of order that this bill is now dead by virtue of our cutoff resolution."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, in suggesting to the President for purposes of his ruling, this relates to fees, bonds, a whole series of financial matters. It is budget-related and also revenue-related."

RULING BY THE PRESIDENT

President Cherberg: "The President agrees with the remarks of Senator Bottiger that the bill is properly before the Senate."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 653.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 653, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 02; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Absent: Senators Guess, Vognild - 2.

ENGROSSED HOUSE BILL NO. 653, having received the 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 Shinpoch, the Senate resumed consideration of House Bill No. 72, as amended by the Senate, and the pending amendment by Senator Fuller, deferred earlier today.

On motion of Senator Fuller, and there being no objection, the amendment was withdrawn.

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

On page 1, on line 14 of the title, after "82.32.230;" insert "amending section 3, chapter 94, Laws of 1970 ex. sess. as last amended by section 1, chapter 211, Laws of 1982 and RCW 82.14.020;"

On page 1, line 14, after "RCW;" insert "repealing section 20, chapter 22, Laws of 1982 1st ex. sess. and RCW 35.21.285;"

On page 1, line 14, after "82.32.230;" insert "adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW;"

On motion of Senator Warnke, the rules were suspended, House Bill No. 72, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 72, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 72, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 08; absent, 02; excused, 00.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Talmadge, von Reichbrauer, Warnke, Woody, Zimmerman - 39.

Voting nay: Senators Bauer, Bottiger, Fleming, Rinehart, Shinpoch, Thompson, Williams, Wojahn - 8.

Absent: Senators Guess, Vognild - 2.

HOUSE BILL NO. 72, as amended by the Senate, having received the constitutional majority, 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. 433, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Charnley, Pruitt, Brekke, Haugen, Ebersole, Wang, Lux, Locke, D. Nelson, Lewis, Belcher, McClure, Todd, Hine, Dellwo, Fisher, Burns, Powers, Jacobsen and Stratton)

Providing for children and family services.

The bill was read the second time.

MOTION

Senator Granlund moved adoption of the following Committee on Institutions amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature reaffirms its declarations under RCW 13.34.020 that the family unit is the fundamental resource of American life which should be nurtured and that the family unit should remain intact in the absence of compelling evidence to the contrary. The legislature declares that the goal of serving emotionally disturbed and mentally ill children, potentially dependent children, and families-in-conflict in their own homes to avoid out-of-home placement of the child, when that form of care is premature, unnecessary, or inappropriate, is a high priority of this state.

NEW SECTION. Sec. 2. The department of social and health services shall address the needs of emotionally disturbed and mentally ill children, potentially dependent children, and families-in-conflict by:

- (1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;
- (2) Ensuring that appropriate social and health services are provided to the family unit both prior to the removal of a child from the home and after family reunification;
- (3) Developing and implementing comprehensive, preventive, and early intervention social and health services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic or severe;
- (4) Developing coordinated social and health services which:
 - (a) Identify problems experienced by children and their families early and provide services which are adequate in availability, appropriate to the situation, and effective;
 - (b) Seek to bring about meaningful change before family situations become irreversibly destructive and before disturbed psychological behavioral patterns and health problems become severe or permanent;
 - (c) Serve children and families in their own homes thus preventing unnecessary out-of-home placement or institutionalization;
 - (d) Focus resources on social and health problems as they begin to manifest themselves rather than waiting for chronic and severe patterns of illness, criminality, and dependency to develop which require long-term treatment, maintenance, or custody;
 - (e) Reduce duplication of and gaps in service delivery;
 - (f) Improve planning, budgeting, and communication among all units of the department serving children and families; and
 - (g) Develop outcome standards for measuring the effectiveness of social and health services for children and families.

NEW SECTION, Sec. 3. The department shall address the needs of juvenile offenders whose standard range sentences do not include commitment by developing nonresidential community-based programs designed to reduce the incidence of manifest injustice commitments when consistent with public safety.

NEW SECTION, Sec. 4. The department shall involve a juvenile offender's family as a unit in the treatment process. The department need not involve the family as a unit in cases when family ties have by necessity been irrevocably broken. When the natural parents have been or will be replaced by a foster family or guardian, the new family will be involved in the treatment process.

NEW SECTION, Sec. 5. The department shall develop a plan in cooperation with an advisory committee of community representatives appointed by the secretary for the implementation of sections 2 through 4 of this act for submission to the appropriate committees of the house of representatives and the senate by November 15, 1983. The plan shall include:

(1) Policies and procedures for the coordinated and cooperative functioning of all units of the department serving children and families which eliminate duplications, inconsistencies, and conflicting rules;

(2) Policies and procedures for the coordinated and cooperative functioning of the department with agencies of local government, schools, courts, and the private sector;

(3) An evaluation of the desirability and feasibility of locating out-of-home placements, treatment programs, and institutions in close geographical proximity to the area or residence of the child and the family;

(4) Priorities for all departmental units serving children and families;

(5) Training initiatives directed toward all departmental units and contractors serving children and families;

(6) Policies and procedures which address the appropriate role of the department of social and health services in fostering services which address the special needs of parents and their young children. The policies and procedures shall pay attention to the unique needs of culturally diverse groups;

(7) Policies and procedures designed to ensure coordination between all departmental units serving children and families and the public schools;

(8) Policies for the evaluation, treatment, and referral of children and families by all departmental units serving children and families;

(9) Procedures for all departmental units serving children and families to use in identifying and meeting the needs of children and families at the local level;

(10) Changes which may be necessary in statutes to permit the full implementation of sections 2 through 4 of this act;

(11) An evaluation of whether the existing organizational structure of the department will permit the full implementation of sections 2 through 4 of this act or whether an alternative organizational structure is more appropriate;

(12) Outcome standards which can be used to measure the effectiveness of social and health service programs; and

(13) Procedures for the establishment of local volunteer oversight groups within each department service area. The oversight group shall be comprised of parents, professionals in the field of children and family services not employed by the department, local government employees in law enforcement or children and family services, and members of other nonprofit organizations participating in children and family services activities.

NEW SECTION, Sec. 6. This act may be known and cited as the "children and family services act."

NEW SECTION, Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 8. Sections 2 through 4 of this act shall take effect January 1, 1984.

NEW SECTION, Sec. 9. Sections 1 through 4 of this act shall constitute a new chapter in Title 74 RCW.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Kiskaddon, I notice 'potentially dependent' in the amendment which I am looking at now, which is in the bill--'potentially dependent children in families in conflict in their own home.' Are you proposing that they ask Mary Jane or Joe, in school, did your mother and father have a fight last night and what were they fighting about? How would the Department go about solving that conflict in the home?"

Senator Kiskaddon: "The Department cannot actually solve the problem in the home. For the most part, you don't have to ask the child if there was a conflict in

the home. The whole movement of a child in school will begin to show that something is really going wrong in terms of the child in their behavior and response toward life. What we see is more of working, and in essence saying, 'I sense your child is very discouraged and is having troubles here. Is there any way that we could help?' It is that kind of an offer of support that might make it possible for many families that were fighting to do something about it."

Senator Rasmussen: "A further question--if the family refuses that help from the Department, then they will file charges of child abuse or something?"

Senator Kiskaddon: "I don't see that happening, unless someone had actually reported an incident of child abuse."

The President declared the question before the Senate to be adoption of the Committee on Institutions amendment.

The motion by Senator Granlund carried and the committee amendment was adopted.

MOTIONS

On motion of Senator Granlund, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "adding a new chapter to Title 74 RCW: creating new sections; and providing an effective date."

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute House Bill No. 433, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 433, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill 433, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 06; absent, 02; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Craswell, McCaslin, Metcalf, Pullen, Rasmussen, Sellar - 6.

Absent: Senators Guess, Vognild - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 433, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1089, by Committee on Commerce and Economic Development (originally sponsored by Representatives Niemi and Johnson)

Creating a China Exhibition Council.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 1089 was advanced to third reading, the second reading considered the third, and the bill was 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. 1089.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1089, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 03; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse,

Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Absent: Senators Deccio, Guess, Quigg - 3.

SUBSTITUTE HOUSE BILL NO. 1089, having received the constitutional majority, 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. 804, by Representatives Smitherman, Zellinsky, Tilly, Sanders, Holland, Schoon, Isaacson, Johnson, Long and Allen

Requiring agencies to prepare annual program goals and objectives.

The bill was read the second time.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Engrossed House Bill No. 804 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Shinpoch, further consideration of Engrossed House Bill No. 804 was deferred.

SECOND READING

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 2, by Committee on Local Government (originally sponsored by Representatives Moon, Van Dyken, Dellwo, Lux and Tanner)

Calling for an interim study of the need for legislation regarding city-county consolidation.

The resolution was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Concurrent Resolution No. 2 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Concurrent Resolution No. 2.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Concurrent Resolution No. 2, and the resolution passed the Senate by the following vote: Yeas, 41; nays, 07; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Craswell, Haley, McCaslin, Metcalf, Patterson, Pullen, Quigg - 7.

Absent: Senator Guess - 1.

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 2, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 4099, by Senators Rinehart and Shinpoch (by Joint Committee on Sunset Review request)

Providing for the review of certain tax preferences.

MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 4099 was substituted for Senate Bill No. 4099 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the following amendments by Senators Rinehart and Hayner were considered and adopted simultaneously:

On page 1, line 7, after "thereafter, the" strike "governor" and insert "department of revenue"

On page 1, beginning on line 15, after "program," strike all material through "modification" on line 19.

On page 2, beginning on line 12, beginning with "The" strike all material through "legislation." on line 16.

On page 2, after line 18, insert: "Beginning in January, 1984, and every four years thereafter the governor is requested to review the report from the department of revenue and may submit recommendations to the legislature with respect to the repeal or modification of any tax exemption. The ways and means committees of each house and the appropriate standing committee of each house shall hold public hearings and take appropriate action on the recommendations submitted by the governor."

On motion of Senator Rinehart, the rules were suspended. Engrossed Substitute Senate Bill No. 4099 was advanced to third reading, the second reading considered the third, and the bill was 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. 4099.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill 4099, and the bill passed the Senate by the following vote: Yeas, 37; nays, 11; absent, 01; excused, 00.

Voting yea: Senators Barr, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody - 37.

Voting nay: Senators Bauer, Benitz, Craswell, Deccio, Hansen, McCaslin, Newhouse, Pullen, Quigg, Sellar, Zimmerman - 11.

Absent: Senator Guess - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4099, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fleming, the Senate resumed consideration of Engrossed House Bill No. 804 which was advanced to third reading and deferred earlier in the day.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 804.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 804, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 02; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Patterson - 1.

Absent: Senators Guess, McDermott - 2.

ENGROSSED HOUSE BILL NO. 804, having received the constitutional majority, 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. 233, by Committee on Natural Resources (originally sponsored by Representatives Haugen, Miller, Halsan and Braddock) (by Department of Game request)

Establishing a commercial anadromous game fish buyer's license and extending the excise tax on food fish and shellfish to commercially harvested anadromous game fish.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the following Committee on Natural Resources amendment was adopted:

On page 6, after line 3, insert a new section to read as follows:

"NEW SECTION. Sec. 8. The legislature finds that there are commercial fish buyers benefiting financially from the propagation of game fish in the state. The legislature recognizes that license fees obtained from sports fishermen support the majority of the production of these game fish. The legislature finds that commercial operations which benefit from the commercial harvest of these fish should pay a tax to assist in the funding of these facilities. However, the intent of the legislature is not to support the commercial harvest of steelhead and other game fish."

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 13 of the title, after "RCW 82.27.070" and before the period insert ", and adding a new section"

On motion of Senator Sellar, Senator Guess was excused.

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 233, 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 Zimmerman: "Senator Owen, I notice there isn't a fiscal note attached and one, apparently, wasn't requested. Could you give us an indication--maybe a rough indication--of what kind of revenue you see coming from this bill?"

Senator Owen: "No, I couldn't."

POINT OF INQUIRY

Senator Rasmussen: "Senator Owen, is it the intent of this bill--it speaks of game fish, which could well be any fish. What my question would be, does this bill relate to a fish farmer that would either be selling or buying? I am thinking of--we do have fish farms at the present time raising bass, and they could be from the Columbia or something like that where they receive them. I want the intent made clear that it is not to license the fish farmer when he sells."

Senator Owen: "No, that is correct. This is for the person who buys it and sells it for retail. The fish buyer who is going to turn around and sell it at retail would have to have the buyer's license and, also, pay the excise tax on it."

Senator Rasmussen: "It would not relate in any way to the fish farmer?"

Senator Owen: "It would not deal with bass, anyway--just anadromous game fish. It does not deal with the fish farmer that you are talking about."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 233, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 233, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Fleming, Shinpoch - 2.

Absent: Senator McDermott - 1.

Excused: Senator Guess - 1.

SUBSTITUTE HOUSE BILL NO. 233, as amended by the Senate, having received the constitutional majority, 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. 452, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Lewis and Mitchell)

Creating provisions relating to blind persons.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on State Government amendments were considered and adopted simultaneously:

On page 4, line 31 after "Annually" strike "inform" and insert "make recommendations to"

On page 4, line 32 after "legislature" strike "of" and insert "on"

On page 4, line 35 after "Advise" insert "and make recommendations to"

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

On page 10, after line 26, insert the following:

NEW SECTION. Sec. 27. (1) All classified civil service employees employed on the effective date of this section by the commission for the blind engaged in duties pertaining to functions transferred to the department of social and health services by section 26 of this act shall be assigned and transferred to the department of social and health services and shall retain their permanent or probationary status together with all rights, privileges, and immunities attaching thereto.

(2) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission for the blind and pertaining to the powers, functions, and duties transferred by section 26 of this act shall be delivered to the custody of the department of social and health services. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission for the blind in carrying out the powers, functions, and duties transferred by section 26 of this act shall be made available to the department of social and health services. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred by section 26 of this act shall be assigned to the department of social and health services.

Any appropriations made to the commission for the blind for carrying out the powers, functions, and duties transferred by section 26 of this act shall, on the effective date of this act, be transferred and credited to the department of social and health services.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the commission for the blind pertaining to the powers, functions, and duties transferred by section 26 of this act shall be continued and acted upon by the department of social and health services. All existing contracts and obligations shall remain in full force and shall be performed by the department of social and health services.

(4) The transfer of the powers, duties, functions, and personnel of the commission for the blind shall not affect the validity of any act performed by such employee prior to the effective date of this act.

(5) If apportionments of budgeted funds are required because of the transfers directed by subsections (2) through (4) of this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law."

Re-number the remaining sections consecutively and correct any internal references accordingly.

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

On page 12, after line 29, strike everything down to and including "immediately." and insert the following:

NEW SECTION. Sec. 32. 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. Section 27 of this act which transfers functions from the commission for the blind to the

department of social and health services and section 26 of this act shall take effect immediately. All other sections of this act shall take effect June 30, 1983."

On motion of Senator Warnke, the following title amendment was adopted:
On page 2, line 14 of the title, after "74.17.040;" insert "providing effective dates;"

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 452, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was 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. 452, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 452, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Granlund, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Deccio, McDermott - 2.

Excused: Senator Guess - 1.

SUBSTITUTE HOUSE BILL NO. 452, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, all bills passed this morning were ordered immediately transmitted to the House.

MOTION

At 12:03 p.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

SECOND READING

ENGROSSED HOUSE BILL NO. 905, by Representatives Dellwo and Stratton

Revising the determination of eligibility for certain group training homes.

The bill was read the second time.

MOTION

On motion of Senator McManus, the rules were suspended, Engrossed House Bill No. 905 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 905.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 905, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 05; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Granlund, Guess, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Bluechel, Deccio, Goltz, Haley, Hansen - 5.

ENGROSSED HOUSE BILL NO. 905, having received the constitutional majority, 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. 661, by Committee on Natural Resources (originally sponsored by Representatives Halsan and Schmidt)

Modifying provisions on forest protection.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 661 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Shinpoch, further consideration of Substitute House Bill No. 661 was deferred.

On motion of Senator Shinpoch, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 125 by Senators Bottiger and Fleming

Legislative cutoff dates for the regular session.

MOTIONS

On motion of Senator Bottiger, the rules were suspended, Senate Concurrent Resolution No. 125 was advanced to second reading and read the second time.

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

On page 1, line 7, strike "12:00 p.m." and insert "11:59 p.m."

Senator Pullen moved adoption of the following amendment:

On page 1, line 10, before "revenue," insert "state general fund"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

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

MOTION

On motion of Senator Bottiger, the rules were suspended, Engrossed Concurrent Resolution No. 125 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

POINT OF ORDER

Senator Pullen: "With the adoption of the Bottiger amendment on line 7, which states that we shall have until one minute before midnight tomorrow, in order to pass bills, it appears to me that that language is in conflict with Rule 15. That rule states that the Senate shall not adjourn later than 10 p.m. of each working day. It appears to me that there is a serious conflict and I would suggest that the Senate rules, since we have not amended the Senate rules, would supersede."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and Senator Pullen, I am going to do my best to be out of here by 10 o'clock. That rule can be amended or set aside or suspended by a majority vote. I haven't done it one time this session. I don't intend to do it the first time."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Concurrent Resolution No. 125.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Concurrent Resolution No. 125, and the resolution passed the Senate by the following vote: Yeas, 25; nays, 23; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Gramlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Guigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 23.

Absent: Senator Deccio - 1.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 125, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Bottiger, Engrossed Senate Concurrent Resolution No. 125 was ordered immediately transmitted to the House.

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

MESSAGES FROM THE HOUSE

April 20, 1983

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 232 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 20, 1983

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 23 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 20, 1983

Mr. President:

The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 203 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

MOTION

At 1:57 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 3:51 p.m.

MESSAGE FROM THE HOUSE

April 20, 1983

Mr. President:

The House has adopted:

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 125, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 125.

MOTION

At 3:52 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 4:30 p.m.

MOTION

At 4:30 p.m., on motion of Senator Shinpoch, the Senate recessed until 7:30 p.m.

EVENING SESSION

The President called the Senate to order at 7:30 p.m.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 64,
 HOUSE BILL NO. 164,
 HOUSE BILL NO. 300,
 HOUSE BILL NO. 683.

MOTIONS

On motion of Senator Jones, Senator von Reichbauer was excused.

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute House Bill No. 661, which was placed on third reading at the afternoon session.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 661.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 661, and the bill passed the Senate by the following vote: Yeas, 39; nays, 00; absent, 09; excused, 01.

Voting yea: Senators Barr, Bauer, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 39.

Absent: Senators Bender, Benitz, Deccio, Granlund, Haley, Pullen, Quigg, Sellar, Warnke - 9.

Excused: Senator von Reichbauer - 1.

SUBSTITUTE HOUSE BILL NO. 661, having received the constitutional majority, 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. 667, by Committee on Financial Institutions and Insurance (originally sponsored by Representative Lux) (by Insurance Commissioner request)

Modifying provisions on health service contractors and health maintenance organizations.

The bill was read the second time.

MOTIONS

On motion of Senator Bottiger, the following Committee on Financial Institutions amendments were considered and adopted simultaneously:

On page 11, line 7 of the engrossed bill, being line 15 of the House amendment to page 10, line 29, strike the underscored material.

On page 11, line 21 of the engrossed bill, being page 2, line 3 of the House amendment to page 10, line 29, after "provision" and before the period insert "PROVIDED, HOWEVER, That any group disability insurance policy which is issued as part of an employee insurance benefit program authorized by RCW 41.05.025(3) may exclude all or part of any deductible amounts from the definition of total allowable expenses for purposes of coordination of benefits within the plan and between such plan and other applicable group coverages: PROVIDED FURTHER, That any group disability insurance policy providing coverage for persons in this state may exclude all or part of any deductible amounts required by a group disability insurance policy from the definition of total allowable expenses for purposes of coordination of benefits between such policy and a group disability insurance policy issued as part of an employee insurance benefit program authorized by RCW 41.05.025(3)"

Beginning on page 11, line 25 of the engrossed bill, being page 2, line 8 of the House amendment to page 10, line 29, strike all of subsection (4).

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute House Bill No. 667, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 667, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 667, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 01; absent, 06; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senator Conner - 1.

Absent: Senators Benitz, Granlund, Haley, Hughes, Owen, Warnke - 6.

Excused: Senator von Reichbauer - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 667, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3955, by Senator Thompson

Relating to local government.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3955 was substituted for Senate Bill No. 3955 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3955 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Hayner, I didn't get what you said the first time. I wonder if you might repeat it."

Senator Hayner: "I just wanted to attract attention to the sentence that Senator Bauer read, which I am not sure that all of you caught and that is 'that under federal law, no more than twenty-five percent of the recreational facility can be financed by these bonds.' So, it isn't something that is going to be totally funded by the bonds. Seventy-five percent of it must come from private money and only twenty-five percent from these revenue bonds. I just wanted to make that clear to you."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3955.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3955, and the bill passed the Senate by the following vote: Yeas, 31; nays, 14; absent, 03; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fuller, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McManus, Newhouse, Owen, Patterson, Peterson, Quigg, Sellar, Thompson, Vognild, Warnke, Wojahn, Zimmerman - 31.

Voting nay: Senators Craswell, Gaspard, Hurley, McCaslin, McDermott, Metcalf, Moore, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Williams, Woody - 14.

Absent: Senators Benitz, Fleming, Haley - 3.

Excused: Senator von Reichbauer - 1.

SUBSTITUTE SENATE BILL NO. 3955, having received the 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 Bauer, Substitute Senate Bill No. 3955 was ordered immediately transmitted to the House.

On motion of Senator Shinpoch, all bills passed today were ordered immediately transmitted to the House.

MOTION

At 8:07 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 8:53 p.m.

MOTION

On motion of Senator Bottiger, the Senate reverted to the first order of business.

REPORT OF STANDING COMMITTEE

April 20, 1983

ESHB 49 Prime Sponsor, Committee on Ways and Means: Adopting the operating budget. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

MINORITY recommendation: Do not pass. Signed by Senators Lee, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute House Bill No. 49 was advanced to second reading and read the second time.

Senator McDermott moved adoption of the following Committee on Ways and Means amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1983, and ending June 30, 1985, except as otherwise provided, out of the several funds of the state hereinafter named.

INDEX

Accountancy Board, sec. 36
 Administrative Hearings Office, sec. 48
 Administrator for the Courts, sec. 11
 Agriculture Department, sec. 90
 Archaeology and Historic Preservation Office, sec. 84
 Arts Commission, sec. 129
 Asian-American Affairs Commission, sec. 18
 Attorney General, sec. 22
 Blind Commission, sec. 75
 Boxing Commission, sec. 37
 Cemetery Board, sec. 38
 Central Washington University, sec. 122
 Claims, Belated, sec. 141
 Claims, Sundry, sec. 142
 Columbia River Gorge Commission, sec. 79
 Commerce and Economic Development Department, sec. 86
 Community College Education Board, sec. 118
 Conservation Commission, sec. 91
 Corrections Department, sec. 51
 Corrections Standards Board, sec. 76
 Court of Appeals, sec. 10
 Criminal Justice Training Commission, sec. 70
 Data Processing Authority, sec. 27
 Deferred Compensation Committee, sec. 28

Eastern Washington State Historical Society, sec. 131
 Eastern Washington University, sec. 121
 Ecology Department, sec. 80
 Economic and Revenue Forecasting Council, sec. 50
 Emergency Services Department, sec. 44
 Employment Security Department, sec. 74
 Energy Facility Site Evaluation Council, sec. 82
 Energy Office, sec. 78
 Environmental Hearings Office, sec. 81
 Financial Management Office, sec. 23
 Fisheries Department, sec. 87
 Game Department, sec. 88
 General Administration Department, sec. 31
 Governor, sec. 14
 Governor, Special Appropriations, secs. 135-137
 Higher Education, secs. 117-128
 Higher Education Personnel Board, sec. 127
 Horse Racing Commission, sec. 39
 Hospital Commission, sec. 73
 House of Representatives, sec. 2
 Human Rights Commission, sec. 68
 Indian Affairs, Governor's Office, sec. 19
 Industrial Insurance Appeals Board, sec. 69
 Insurance Commissioner, sec. 32
 Interagency Committee for Outdoor Recreation, sec. 85
 Investment Board, sec. 24
 Judicial Council, sec. 12
 Judicial Qualifications Commission, sec. 13
 Labor and Industries Department, sec. 71
 Law Library, sec. 9
 Legislative Budget Committee, sec. 4
 Legislative Evaluation and Accountability Program Committee, sec. 5
 Lieutenant Governor, sec. 15
 Liquor Control Board, sec. 40
 Licensing Department, sec. 96
 Mexican-American Affairs Commission, sec. 17
 Military Department, sec. 45
 Minority and Women's Business Enterprises Office, sec. 49
 Municipal Research Council, sec. 35
 Natural Resources Department, sec. 89
 Parks and Recreation Commission, sec. 83
 Personnel Appeals Board, sec. 26
 Personnel Department, sec. 25
 Pharmacy Board, sec. 41
 Planning and Community Affairs Agency, sec. 67
 Postsecondary Education Council, sec. 125
 Presidential Electors, sec. 47
 Prison Terms and Paroles Board, sec. 72
 Public Broadcasting Commission, sec. 134
 Public Disclosure Commission, sec. 33
 Public Employment Relations Commission, sec. 46
 Retirement Systems Department, secs. 34, 140
 Retirement Contributions, sec. 138
 Revenue Department, sec. 29
 Secretary of State, sec. 16
 Senate, sec. 3
 Sentencing Guidelines Commission, sec. 77
 Social and Health Services Department, secs. 52-65
 Administration and Supporting Services, sec. 62
 Community Services Administration, sec. 63
 Community Social Services, sec. 58
 Developmental Disabilities Program, sec. 55
 Income Maintenance Grants Program, sec. 57
 Juvenile Rehabilitation Program, sec. 53
 Medical Assistance Grants Program, sec. 59
 Mental Health Program, sec. 54
 Nursing Homes Program, sec. 56
 Public Health Program, sec. 60

Reappropriations, sec. 65
Revenue Collections Program, sec. 64
Vocational Rehabilitation Program, sec. 61
State Actuary, sec. 6
State Auditor, sec. 21
State Capitol Historical Association, sec. 132
State Convention and Trade Center, sec. 92
State Historical Society, sec. 130
State Library, sec. 128
State Patrol, sec. 94
State Treasurer, sec. 20
Bond Retirement and Interest, sec. 145
Federal Revenues for Distribution, sec. 144
State Revenues for Distribution, sec. 143
Transfers, sec. 139
Statute Law Committee, sec. 7
Superintendent of Public Instruction, secs. 97-115
Basic Education Formula, sec. 98
Block Grants, sec. 111
Educational Clinics, sec. 116
Educational Service Districts, sec. 110
Encumbrance of Federal Grants, sec. 115
Enumerated Purposes, sec. 113
Food Service Programs, sec. 107
Handicapped Costs, sec. 108
Institutional Education Programs, sec. 112
Pupil Transportation, sec. 105
Retirement Contributions, sec. 135
Salary and Compensation, secs. 99-104, 114
Traffic Safety Program, sec. 109
Vocational-Technical Institutes, sec. 106
Supreme Court, sec. 8
Tax Appeals Board, sec. 30
Temporary Committee on Educational Policy, Structure, and Management, sec. 133
The Evergreen State College, sec. 123
Traffic Safety Commission, sec. 95
University of Washington, sec. 119
Utilities and Transportation Commission, sec. 42
Veterans Affairs Department, sec. 66
Vocational Education Commission, sec. 126
Volunteer Firemen Board, sec. 43
Washington Centennial Commission, sec. 93
Washington State University, sec. 120
Western Washington University, sec. 124

NEW SECTION. Sec. 2. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ 22,400,000

The appropriation in this section is subject to the following conditions and limitations: \$400,000 or the portion thereof that is determined necessary by the house of representatives shall be allocated for, but not limited to, providing furnishings and equipment for new hearing room and office renovations.

NEW SECTION. Sec. 3. FOR THE SENATE

General Fund Appropriation \$ 20,086,000

The appropriation in this section is subject to the following conditions and limitations: \$185,000 or the portion thereof that is determined necessary by the senate shall be allocated for, but not limited to, providing furnishings and equipment for new hearing room and office renovations.

NEW SECTION. Sec. 4. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ 1,361,000

NEW SECTION. Sec. 5. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ 1,477,000

NEW SECTION. Sec. 6. FOR THE OFFICE OF THE STATE ACTUARY

General Fund Appropriation \$ 310,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Any services related to the retirement systems established under RCW 28B.10.400 shall be billed to the requesting agency or higher education institution.

(2) Proposals shall be presented to the committees on ways and means of the senate and house of representatives not later than January 10, 1985, for (a) appropriate actuarial level

funding methods which may be used for the retirement systems established under chapters 2.10 and 2.12 RCW and the supplemental payments under the retirement systems established under RCW 28B.10.400 et seq., and (b) any modifications or basic reforms in the aforementioned judicial retirement systems.

NEW SECTION, Sec. 7. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ 5,120,000

NEW SECTION, Sec. 8. FOR THE SUPREME COURT

General Fund Appropriation \$ 7,126,000

General Fund—Judiciary Education Account Appropriation \$ 1,378,000

Total Appropriation \$ 8,504,000

The appropriations in this section are subject to the following conditions and limitations: \$1,853,000 of the general fund appropriation and \$1,378,000 of the judiciary education account appropriation shall be used solely for indigent appeals.

NEW SECTION, Sec. 9. FOR THE LAW LIBRARY

General Fund Appropriation \$ 2,036,000

The appropriation in this section is subject to the following conditions and limitations: All nonstate agency users of the Westlaw system shall be charged a service fee sufficient to cover the costs of their usage.

NEW SECTION, Sec. 10. FOR THE COURT OF APPEALS

General Fund Appropriation \$ 9,030,000

NEW SECTION, Sec. 11. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ 21,555,000

General Fund—Judiciary Education Account Appropriation \$ 1,310,000

Total Appropriation \$ 22,865,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$240,000 of the judiciary education account appropriation shall be used solely for education and training and related travel costs for the supreme court, the court of appeals, the law library, and the administrator for the courts.

(2) A maximum of \$8,524,000 of the general fund appropriation may be spent for the superior court judges. Of this amount, \$330,000 is provided solely for criminal cost bills; \$300,000 is provided solely for mandatory arbitration costs; and \$135,000 is provided solely for judges pro tempore for the superior courts. The administrator for the courts shall authorize and approve all such expenditures.

(3) \$195,000 of the judiciary education account appropriation is provided solely for judicial and support staff education programs.

(4) \$225,000 of the judiciary education account appropriation is provided solely for fall judicial conferences.

NEW SECTION, Sec. 12. FOR THE JUDICIAL COUNCIL

General Fund Appropriation \$ 184,000

NEW SECTION, Sec. 13. FOR THE JUDICIAL QUALIFICATIONS COMMISSION

General Fund Appropriation \$ 426,000

NEW SECTION, Sec. 14. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation \$ 3,388,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$209,000 shall be used solely for extradition expenses to carry out the provisions of RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

(2) \$146,000 shall be used solely for mansion maintenance.

(3) \$3,033,000 shall be used solely for executive operations.

NEW SECTION, Sec. 15. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation \$ 239,000

NEW SECTION, Sec. 16. FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 4,942,000

General Fund—Archives and Records Management Account

Appropriation \$ 1,310,000

Total Appropriation \$ 6,252,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$920,000 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$1,558,000 is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

NEW SECTION, Sec. 17. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 124,000

NEW SECTION, Sec. 18. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 124,000

NEW SECTION, Sec. 19. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation \$ 124,000

NEW SECTION, Sec. 20. FOR THE STATE TREASURER

Motor Vehicle Fund Appropriation	\$	41,000
State Treasurer's Service Fund Appropriation	\$	6,397,000
Total Appropriation	\$	6,438,000

NEW SECTION, Sec. 21. FOR THE STATE AUDITOR

General Fund Appropriation—State	\$	512,000
General Fund Appropriation—Federal	\$	398,000
Motor Vehicle Fund Appropriation	\$	290,000
Municipal Revolving Fund Appropriation	\$	13,293,000
Auditing Services Revolving Fund Appropriation	\$	7,083,000
Total Appropriation	\$	21,576,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If legislation is not enacted before July 1, 1983, permitting payment from the municipal revolving fund of the expenses of maintaining and operating the state auditor's office in connection with local government audits, the general fund appropriation in this section shall be increased by \$196,000 and the municipal revolving fund appropriation shall be reduced by \$196,000.

(2) The director of financial management shall approve sufficient payments to the state auditor in all cases of necessity under RCW 43.09.418, including but not limited to cases of suspected malfeasance, misfeasance, or fraud, notwithstanding the level of auditing activity supported by the appropriation in this section.

NEW SECTION, Sec. 22. FOR THE ATTORNEY GENERAL

General Fund Appropriation	\$	4,424,000
Legal Services Revolving Fund Appropriation	\$	25,514,000
Total Appropriation	\$	29,938,000

The appropriations in this section are subject to the following conditions and limitations:

(1) No moneys appropriated in this section may be expended for the support of the crime watch program.

(2) No moneys appropriated in this section may be expended for the support of the law enforcement assistance program.

(3) A maximum of \$313,000 is provided solely for the criminal litigation unit.

NEW SECTION, Sec. 23. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation—State	\$	14,080,000
General Fund Appropriation—Federal	\$	50,000
Medical Aid Fund Appropriation—State	\$	100,000
Data Processing Revolving Fund Appropriation	\$	2,603,000
Total Appropriation	\$	16,833,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If House Bill No. 784 is not enacted before July 1, 1983, then the general fund—state appropriation shall be increased by \$277,000.

(2) Not more than \$2,500,000, of which \$1,132,500 is from the state general fund and \$1,367,500 from the data processing revolving fund, is provided for expenses related to the agency financial reporting system (AFRS). The office of financial management shall allocate moneys to various state agencies on the basis of identified need. Whenever allocations are made to agencies financed in whole or in part by other than general fund moneys, the director of financial management shall direct the repayment of such allocated amount to the data processing revolving fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

(3) Not more than \$3,750,000, of which \$2,515,000 is from the general fund—state appropriation and \$1,235,000 is from the data processing revolving fund appropriation, is provided for expenses related to implementation of a semimonthly, lagged payroll. The office of financial management shall allocate moneys to various agencies on the basis of identified need. Whenever allocations are made to agencies financed in whole or in part by other than general fund moneys, the director of financial management shall direct the repayment of such allocated amount to the data processing revolving fund from any balance in the fund or funds which finance the agency. No appropriations shall be necessary to effect such repayment.

(4) The director of financial management shall make every effort to limit equipment purchases by agencies so that total equipment purchases by state agencies at the end of the 1983-85 biennium is two million dollars less than the amount appropriated for equipment in the 1983-85 biennium.

NEW SECTION, Sec. 24. FOR THE STATE INVESTMENT BOARD

General Fund—State Investment Board Expense Account Appropriation	\$	1,263,000
---	----	-----------

NEW SECTION, Sec. 25. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation	\$	8,558,000
State Employees' Insurance Fund Appropriation	\$	1,542,000
Total Appropriation	\$	10,100,000

NEW SECTION, Sec. 26. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation	\$	779,000
<u>NEW SECTION, Sec. 27. FOR THE DATA PROCESSING AUTHORITY</u>		
Data Processing Revolving Fund Appropriation	\$	877,000
The appropriation in this section is subject to the following conditions and limitations: The data processing authority shall develop and implement with the office of financial management an equitable billing structure to insure that all state agencies, as defined in RCW 43.88-.020, pay a proportionate share of the data processing authority's operational costs.		
<u>NEW SECTION, Sec. 28. FOR THE DEFERRED COMPENSATION COMMITTEE</u>		
Deferred Compensation Revolving Fund Appropriation	\$	62,000
<u>NEW SECTION, Sec. 29. FOR THE DEPARTMENT OF REVENUE</u>		
General Fund Appropriation	\$	43,407,000
General Fund—State Timber Tax Reserve Account Appropriation	\$	2,851,000
Motor Vehicle Fund Appropriation	\$	115,000
Total Appropriation	\$	46,373,000
The appropriations in this section are subject to the following conditions and limitations: If House Bill No. 784 is not enacted before July 1, 1983, then the general fund—state appropriation shall be increased by \$77,000.		
<u>NEW SECTION, Sec. 30. FOR THE BOARD OF TAX APPEALS</u>		
General Fund Appropriation	\$	1,012,000
<u>NEW SECTION, Sec. 31. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
General Fund Appropriation—State	\$	6,043,000
General Fund Appropriation—Private/Local	\$	58,000
General Fund—Motor Transport Account Appropriation	\$	6,858,000
General Administration Facilities and Services Revolving Fund Appropriation	\$	17,105,000
Total Appropriation	\$	30,064,000
The appropriations in this section are subject to the following conditions and limitations:		
(1) The community college districts shall transfer to the motor transport account \$51,390 from the general local fund and \$157,389 from the local motor pool fund. These transfers shall be made in accordance with schedules provided by the office of financial management.		
(2) The appropriation from the motor transport account may be used for the replacement of existing vehicles but shall not be used for the purchase of new vehicles.		
<u>NEW SECTION, Sec. 32. FOR THE INSURANCE COMMISSIONER</u>		
General Fund Appropriation	\$	7,902,000
<u>NEW SECTION, Sec. 33. FOR THE PUBLIC DISCLOSURE COMMISSION</u>		
General Fund Appropriation	\$	976,000
<u>NEW SECTION, Sec. 34. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS</u>		
Department of Retirement Systems Expense Fund Appropriation	\$	10,458,000
The appropriation in this section is subject to the following conditions and limitations: The department of retirement systems is authorized to transfer from the applicable retirement system fund to the department of retirement systems expense fund amounts which represent each system's proportionate share of administrative expenses.		
<u>NEW SECTION, Sec. 35. FOR THE MUNICIPAL RESEARCH COUNCIL</u>		
General Fund Appropriation	\$	1,327,000
<u>NEW SECTION, Sec. 36. FOR THE BOARD OF ACCOUNTANCY</u>		
General Fund Appropriation	\$	611,000
<u>NEW SECTION, Sec. 37. FOR THE BOXING COMMISSION</u>		
General Fund Appropriation	\$	73,000
<u>NEW SECTION, Sec. 38. FOR THE CEMETERY BOARD</u>		
General Fund—Cemetery Account Appropriation	\$	74,000
<u>NEW SECTION, Sec. 39. FOR THE HORSE RACING COMMISSION</u>		
Horse Racing Commission Fund Appropriation	\$	2,793,000
<u>NEW SECTION, Sec. 40. FOR THE LIQUOR CONTROL BOARD</u>		
Liquor Revolving Fund Appropriation	\$	83,289,000
The appropriation in this section is subject to the following conditions and limitations:		
(1) \$448,000 shall be used solely for payment of agency lottery ticket sales commissions.		
(2) The liquor control board is authorized to relocate stores during the fiscal biennium ending June 30, 1985, if necessary to conduct business in the most efficient and economical manner possible.		
(3) The liquor control board is prohibited from opening any new retail sales outlets or converting agencies to retail sales outlets during the fiscal biennium ending June 30, 1985.		
(4) The liquor control board shall distribute and offer for sale lottery tickets for the state lottery during the fiscal biennium ending June 30, 1985.		
(5) No amount of this appropriation may be spent for the purchase of a laser printer.		
<u>NEW SECTION, Sec. 41. FOR THE PHARMACY BOARD</u>		
General Fund Appropriation	\$	1,072,000
<u>NEW SECTION, Sec. 42. FOR THE UTILITIES AND TRANSPORTATION COMMISSION</u>		
Public Service Revolving Fund Appropriation—State	\$	16,947,000

Public Service Revolving Fund Appropriation—Federal	\$ 452,000
Grade Crossing Protective Fund Appropriation	\$ 516,000
Total Appropriation	\$ 1,719,500

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than \$320,000 from the grade crossing protective fund shall be expended for obligations incurred in previous biennia.

(2) Not more than \$110,000 shall be expended for an additional assistant attorney general for increased workload in utility rate requests.

(3) If Senate Concurrent Resolution No. 120 is enacted by July 1, 1983, then not more than \$150,000 from the public service revolving fund appropriation shall be expended for the joint select committee on telecommunications regulation for the purposes of reviewing the consequences of changes in the telecommunications industry, including the AT&T divestiture.

NEW SECTION, Sec. 43. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund Appropriation	\$ 163,000
---	------------

NEW SECTION, Sec. 44. FOR THE DEPARTMENT OF EMERGENCY SERVICES

General Fund Appropriation—State	\$ 766,000
General Fund Appropriation—Federal	\$ 3,862,000
Total Appropriation	\$ 4,628,000

NEW SECTION, Sec. 45. FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State	\$ 6,931,000
General Fund Appropriation—Federal	\$ 1,723,000
Total Appropriation	\$ 8,654,000

NEW SECTION, Sec. 46. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$ 1,422,000
----------------------------------	--------------

NEW SECTION, Sec. 47. FOR THE PRESIDENTIAL ELECTORS

General Fund Appropriation	\$ 500
----------------------------------	--------

NEW SECTION, Sec. 48. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund Appropriation	\$ 7,019,000
--	--------------

NEW SECTION, Sec. 49. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund Appropriation	\$ 768,000
----------------------------------	------------

The appropriation in this section is subject to the following conditions and limitations: If Second Substitute Senate Bill No. 3230 is not enacted before July 1, 1983, the appropriation in this section shall lapse.

NEW SECTION, Sec. 50. FOR THE ECONOMIC AND REVENUE FORECASTING COUNCIL

General Fund Appropriation	\$ 804,000
----------------------------------	------------

The appropriation in this section is subject to the following conditions and limitations: If House Bill No. 784 is not enacted by July 1, 1983, then the appropriation in this section shall lapse.

NEW SECTION, Sec. 51. FOR THE DEPARTMENT OF CORRECTIONS

(1) Appropriations made by this act to the department of corrections shall be initially allotted as required by this act. The initial allotments of all appropriations made by this act to the department of corrections shall not be modified before October 1, 1983. Except as otherwise provided in this act, these initial allotments may be modified on and after October 1, 1983, only with the approval of the office of financial management after consultation with the ways and means committees of the senate and house of representatives: PROVIDED, That the allotment modifications shall not include transfers of moneys between subsections of this section, nor shall the allotment modifications permit moneys which are provided solely for a specified purpose to be used for other than that purpose.

(2) **COMMUNITY SERVICES**

General Fund Appropriation	\$ 53,502,000
----------------------------------	---------------

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$1,699,000 is provided solely for the continuation and expansion of the alternatives to street crime programs and \$236,000 is provided solely for community diversion programs.

(b) \$200,000 of the general fund appropriation is provided solely for a program to notify victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(3) **INSTITUTIONAL SERVICES**

General Fund Appropriation—State	\$ 213,760,000
General Fund Appropriation—Federal	\$ 700,000
Total Appropriation	\$ 214,460,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$712,000 of the general fund—state appropriation is provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW 72.01.050 for persons who: (i) Are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department, are in need of such treatment; and (iii) have less than one year remaining in their sentence. Such programs may include facilities for both residential and outpatient treatment.

(b) The superintendents of each correctional institution, as defined in RCW 72.65.010, shall establish community-based volunteer alcohol and drug rehabilitation programs in their respective correctional institution. The superintendents shall encourage groups conducting such programs outside the institutions to participate in such programs inside the institution. An employee at each correctional institution shall be designated to coordinate the programs mandated in this subsection.

(4) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation—State	\$	13,278,000
General Fund—Institutional Impact Account Appropriation	\$	865,000
Total Appropriation	\$	14,143,000

The appropriations in this subsection are subject to the following conditions and limitations: \$1,480,000 is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(5) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	5,463,000
----------------------------------	----	-----------

NEW SECTION, Sec. 52. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made by this act to the department of social and health services shall be initially allotted as required by this act. The initial allotments of all appropriations made by this act to the department of social and health services shall not be modified before October 1, 1983. Except as otherwise provided in this act, these initial allotments may be modified on and after October 1, 1983, only with the approval of the office of financial management after consultation with the ways and means committees of the senate and house of representatives: PROVIDED, That the allotment modifications shall not include transfers of moneys between sections of this act, nor shall the allotment modifications permit moneys which are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services which will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were provided on July 1, 1983. The department of social and health services may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of the amounts anticipated in this act.

NEW SECTION, Sec. 53. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES— JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	25,948,000
General Fund Appropriation—Federal	\$	54,000
Total Appropriation	\$	26,002,000

The appropriations in this subsection are subject to the following conditions and limitations: (a) \$12,329,000 of the general fund—state appropriation is provided solely for consolidated juvenile services. The department shall use these moneys to reduce commitments to the department and promote alternatives to institutional bed usage. The department shall submit a report to the legislature by December 1, 1984, on the success of these services in preventing institutionalization and reducing recidivism.

(b) Vendor rate adjustments for fee-for-service providers shall be 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(c) \$504,000 from the general fund—state appropriation shall be placed in a reserve account, to be expended only as a result of documented population increases in the juvenile offenders committed to the department of social and health services. No expenditures may be made from the reserve account until specifically authorized by law.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	40,008,000
General Fund Appropriation—Federal	\$	788,000
Total Appropriation	\$	40,796,000

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	2,207,000
--	----	-----------

(4) The appropriations in subsections (1), (2), and (3) of this section are made solely for those purposes only and no transfer shall be made in or among said subsections.

NEW SECTION, Sec. 54. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES— MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	86,830,000
General Fund Appropriation—Federal	\$	14,096,000
General Fund Appropriation—Local	\$	264,000
Total Appropriation	\$	101,190,000

The appropriations in this subsection are subject to the following conditions and limitations: (a) \$4,339,000 from the general fund—state appropriation shall be placed in a reserve account. The department is directed to develop at least 55 new community residential involuntary treatment act (ITA) beds and submit a report to the legislature by January 1, 1984.

describing its progress in complying with this requirement. No expenditure shall be made from the reserve account established in this subsection until specifically authorized by law.

(b) Reimbursement of general assistance—unemployable (GAU) funds for community mental health services shall remain on a fee-for-service basis and shall remain separate from grant-in-aid funds.

(c) \$465,000 is provided solely for a community psychiatric training program at the University of Washington to provide the following:

(i) Placement of psychiatry residents and other postgraduate trainees in both state mental institutions and community mental health programs;

(ii) Technical assistance to the department of social and health services; and

(iii) Continuing educational opportunities for mental health professionals state-wide.

(d) Vendor rate adjustments for fee-for-service providers shall be 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	107,845,000
General Fund Appropriation—Federal	\$	3,493,000
Total Appropriation	\$	111,338,000

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	2,855,000
General Fund Appropriation—Federal	\$	583,000
General Fund Appropriation—Local	\$	14,000
Total Appropriation	\$	3,452,000

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	38,000
--	----	--------

(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes only and no transfer shall be made in or among said subsections.

**NEW SECTION, Sec. 55. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	51,390,000
General Fund Appropriation—Federal	\$	41,765,000
Total Appropriation	\$	93,155,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$100,000 of the general fund—state appropriation is provided solely for a contract marketing project to ensure greater access for small agencies providing long-term employment to individuals with severe developmental disabilities. The department shall determine the criteria for small agencies that will benefit from this marketing project and enlist the support of business, industry, and government in developing work opportunities. The department shall monitor the contract and submit a report to the legislature by December 1, 1984. The report shall include changes in the workers' wages and commercial revenue of the agencies involved during the period of the project.

(b) Vendor rate adjustments for fee-for-service providers shall be 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(c) \$175,000 of the general fund—state appropriation is provided solely for the dental education in care of the disabled graduate training program with the University of Washington.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	100,012,000
General Fund Appropriation—Federal	\$	62,045,000
Total Appropriation	\$	162,057,000

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,742,000
General Fund Appropriation—Federal	\$	864,000
Total Appropriation	\$	4,606,000

(4) SPECIAL PROJECTS

General Fund Appropriation—State	\$	911,000
General Fund Appropriation—Federal	\$	1,152,000
Total Appropriation	\$	2,063,000

(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes only and no transfer shall be made in or among said subsections.

**NEW SECTION, Sec. 56. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
NURSING HOMES PROGRAM**

General Fund Appropriation—State	\$	166,984,000
General Fund Appropriation—Federal	\$	164,847,000
Total Appropriation	\$	331,831,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,000,000, of which \$4,000,000 is from the general fund—state appropriation, is provided solely for implementation of cost reimbursement rate reform pursuant to Substitute Senate

Bill No. 3780 and chapter 74.46 RCW. If Substitute Senate Bill No. 3780 fails to become law by July 1, 1983, such portion of the appropriation shall lapse and a separate amount of \$6,000,000, of which \$3,000,000 is from the general fund—state appropriation, shall be provided solely for independent certified audits of nursing homes under RCW 74.46.120.

(2) Vendor rate adjustments for inflation under chapter 74.46 RCW shall be 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

**NEW SECTION. Sec. 57. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
INCOME MAINTENANCE GRANTS PROGRAM**

General Fund Appropriation—State	\$	359,127,000
General Fund Appropriation—Federal	\$	314,381,000
Total Appropriation	\$	673,508,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of social and health services shall develop and submit to the federal department of health and human services a work incentive demonstration project proposal to allow administration of the work incentive program to be solely borne by the department of social and health services. Before implementation of the proposal, but not later than December 1, 1983, the department shall report to the ways and means and social and health services committees of the senate and house of representatives. The report shall advise the legislature regarding effects of the proposal on (a) the administration of the work incentive program, (b) the receipt of federal funds for the program, and (c) expected client outcomes under the proposal.

(2) Public assistance grants shall not be prorated or otherwise reduced solely because of the presence in the household of an individual not legally responsible for the support of the assistance unit, and the department shall not assume any contribution from such individual for the support of the assistance unit.

(3) \$25,536,800, of which \$12,768,400 is from the general fund—state appropriation, is provided solely for aid to families with dependent children for two-parent families beginning on July 1, 1983, and continuing through June 30, 1984. Additional funds appropriated in this section may be expended for the program during such period. The department shall amend its state plan under title IVA of the federal social security act in order to secure federal matching funds for the program during such period.

(4) \$2,982,400 from the general fund—state appropriation is provided solely for general assistance to pregnant women.

(5) Grant payment standards will be increased 2.5% on July 1, 1983, and 3.0% on July 1, 1984, for aid to families with dependent children, general assistance, consolidated emergency assistance, and refugee assistance.

(6) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy, and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$65,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8	or more
Exemption:	\$21	27	32	39	44	50	59	64	

**NEW SECTION. Sec. 58. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SOCIAL SERVICES PROGRAM**

General Fund Appropriation—State	\$	128,959,000
General Fund Appropriation—Federal	\$	65,628,000
General Fund Appropriation—Local	\$	91,000
Total Appropriation	\$	194,678,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall establish a vendor rate over and above the regular child day-care rate for therapeutic day care provided to abused or neglected children under the age of five years. A maximum of \$360,000 of moneys appropriated and allotted for child care payment may be expended for therapeutic day care.

(2) Vendor rate adjustments shall be 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(3) \$86,427,000, of which \$44,717,000 is from the general fund—state appropriation, is provided for aging and adult services.

(a) \$14,112,000 of the general fund—state appropriation is provided for implementation of the senior citizens services act. At least 7.0% of this amount shall be used for programs which utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the state chore service program and shall not be transferred or used for any other purpose.

(b) \$41,095,000, of which \$18,835,000 is from the general fund—state appropriation, is provided for chore services. The department shall report to the legislature by December 1, 1983, regarding the client impact of revisions to the chore services program resulting from the 1983 amendments to RCW 74.08.541.

(c) \$452,000 of the general fund—state appropriation is provided solely for increased rates and respite care payments for adult family homes to promote participation in the program.

(4) \$100,000 from the general fund—state appropriation is provided solely for grants to pay operating expenses of community-based private nonprofit social agencies that provide services to indigent families and senior citizens whose needs are not adequately met by government programs.

(5) \$1,160,000 of the general fund—state appropriation is provided for the victims of domestic violence program.

NEW SECTION. Sec. 59. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE GRANTS PROGRAM

General Fund Appropriation—State	\$ 364,087,000
General Fund Appropriation—Federal	\$ 232,249,000
Total Appropriation	\$ 596,336,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$13,355,800, of which \$6,677,900 is from the general fund—state appropriation, is provided solely for medical assistance and limited casualty program coverage for persons in two-parent families who are categorically related to the aid to families with dependent children program, between July 1, 1983, and June 30, 1984. Additional funds appropriated under this section may be expended for the coverage during such period. The department shall amend its state plan under title XIX of the federal social security act in order to secure federal matching funds for the coverage during such period.

(2) Vendor rate adjustments for fee-for-service providers shall be 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(3) The department shall pay for inpatient hospital services under the federal medicaid program through the use of rates that are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

(4) \$7,000,000 from the general fund—state appropriation shall be placed in a reserve account. The department is directed to report to the legislature not later than January 1, 1984, on its methods for establishing inpatient hospital payment rates, the changes it anticipates in such rates during the fiscal year ending June 30, 1985, the reasons therefor, and any anticipated additional expenditures for inpatient hospital treatment during such fiscal year. No expenditure shall be made from the reserve account established in this subsection until specifically authorized by law.

(5) The department is directed to seek increased participation of 3,000 additional recipients over those currently enrolled in health maintenance organizations and individual practice associations. By December 31, 1984, the department shall report to the legislature on progress in these efforts.

(6) The department shall establish by rule a system to ensure that the appropriations in this section are not expended to cover persons who are already covered by private or other public programs.

(7) The department shall provide payment for chiropractic services under RCW 74.09.035 and 74.09.520.

NEW SECTION. Sec. 60. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

General Fund Appropriation—State	\$ 38,988,000
General Fund Appropriation—Federal	\$ 53,161,000
General Fund Appropriation—Local	\$ 5,016,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Appropriation	\$ 20,000,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27); chapter 258, Laws of 1979 ex. sess. (chapter 43.99D RCW); and chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Reappropriation	\$ 21,826,000
Total Appropriation	\$ 138,991,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If federal moneys are received for state health planning purposes for the fiscal year ending June 30, 1985, an equal amount of the general fund—state appropriation shall lapse.

(2) \$1,261,000 is provided solely for poison control centers.

(3) Vendor rate adjustments shall be 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

NEW SECTION. Sec. 61. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund Appropriation—State	\$ 14,051,000
----------------------------------	---------------

General Fund Appropriation—Federal	\$ 25,602,000
Total Appropriation	\$ 39,653,000

The appropriations in this section are subject to the following conditions and limitations:
Vendor rate adjustments shall be 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

NEW SECTION, Sec. 62. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—

ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund Appropriation—State	\$ 56,176,000
General Fund Appropriation—Federal	\$ 41,180,000
General Fund—Institutional Impact Account Appropriation	\$ 75,000
Total Appropriation	\$ 97,431,000

NEW SECTION, Sec. 63. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—

COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation—State	\$ 140,630,000
General Fund Appropriation—Federal	\$ 145,424,000
General Fund Appropriation—Local	\$ 100,000
Total Appropriation	\$ 286,154,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the general fund—state appropriation is provided for the victims of sexual assault program.

(2) \$608,000 of the general fund—state appropriation is provided solely for additional child protective service workers. These moneys shall be used to provide an additional 12.5 full time equivalent positions for a total of at least 237.2 for the fiscal year ending June 30, 1984, and an additional 16.2 full time equivalent positions for a total of at least 240.9 for the fiscal year ending June 30, 1985. Not later than December 1, 1983, the department shall submit a report to the social and health services and ways and means committees of the senate and house of representatives describing its compliance with the requirements of this subsection, indicating the average caseload of child protective service workers by region and state-wide, and indicating what level of funds would be required to achieve an average caseload of 30 cases per worker.

NEW SECTION, Sec. 64. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—

REVENUE COLLECTIONS PROGRAM

General Fund Appropriation—State	\$ 11,876,000
General Fund Appropriation—Federal	\$ 23,094,000
Total Appropriation	\$ 34,970,000

NEW SECTION, Sec. 65. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—

REAPPROPRIATIONS

General Fund Appropriation—State	\$ 31,857,000
General Fund Appropriation—Federal	\$ 16,875,000
General Fund Appropriation—Local	\$ 66,000
Total Appropriation	\$ 48,798,000

The appropriations in this section are subject to the following conditions and limitations:

These general fund reappropriations shall be for services and supplies not in excess of the unexpended balances of the 1981-1983 appropriations for such purposes.

NEW SECTION, Sec. 66. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$ 15,840,000
General Fund Appropriation—Federal	\$ 2,237,000
General Fund Appropriation—Local	\$ 3,336,000
Total Appropriation	\$ 21,413,000

The appropriations in this section are subject to the following conditions and limitations:

\$200,000 of the general fund—state appropriation is provided solely for assistance to veterans of the Viet Nam conflict, including counseling on delayed stress syndrome, employment training and placement, discharge review, advocacy and representation, education, and other services appropriate to assist such veterans in overcoming employment barriers and readjusting to civilian life.

NEW SECTION, Sec. 67. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation—State	\$ 7,681,000
General Fund Appropriation—Federal	\$ 107,217,000
Motor Vehicle Fund Appropriation—State	\$ 328,000
Total Appropriation	\$ 115,226,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than \$1,020,000 of the general fund—state appropriation is provided for distribution to incorporated cities and towns for fire protection of state facilities.

(2) \$65,000 from the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ... (SSB 3035), Laws of 1983.

(3) \$584,000 from the general fund—state appropriation, or so much thereof as may be necessary, shall be used for Mount St. Helens volcano zone enforcement patrol.

(4) \$2,616,000, of which \$1,988,000 shall be from the general fund—state appropriation, shall be expended in fiscal year 1985 to provide for the operation of those functions formerly

performed under the department of commerce and economic development and transferred by chapter ____ (ESHB 796), Laws of 1983.

(5) \$250,000 from the general fund—state appropriation shall be provided solely for distribution to border areas within seven air miles of the Canadian border.

NEW SECTION, Sec. 68. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	2,968,000
General Fund Appropriation—Federal	\$	941,000
Total Appropriation	\$	3,909,000

NEW SECTION, Sec. 69. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

General Fund—Crime Victims Compensation Account Appropriation	\$	266,000
Accident Fund Appropriation	\$	2,685,000
Medical Aid Fund Appropriation	\$	3,059,000
Total Appropriation	\$	6,010,000

NEW SECTION, Sec. 70. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—Criminal Justice Training Account Appropriation	\$	6,054,000
--	----	-----------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$161,000 is provided solely for the crime watch program.

(2) \$170,000 is provided solely for support of the programs of the Washington association of sheriffs and police chiefs in assisting the commission to carry out RCW 43.101.180.

NEW SECTION, Sec. 71. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation—State	\$	5,803,000
General Fund—Crime Victims Compensation Account Appropriation	\$	7,346,000
Accident Fund Appropriation—State	\$	50,981,000
Accident Fund Appropriation—Federal	\$	52,000
Electrical License Fund Appropriation	\$	5,358,000
Medical Aid Fund Appropriation	\$	48,731,000
Plumbing Certificate Fund Appropriation	\$	262,000
Pressure Systems Safety Fund Appropriation	\$	763,000
Total Appropriation	\$	119,296,000

The appropriations in this section are subject to the following conditions and limitations: General fund expenditures for the building and construction program together with associated indirect cost and salary increase costs shall not exceed general fund revenue from the building and construction program.

NEW SECTION, Sec. 72. FOR THE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation	\$	2,975,000
----------------------------	----	-----------

NEW SECTION, Sec. 73. FOR THE HOSPITAL COMMISSION

General Fund Appropriation—State	\$	357,000
General Fund—Hospital Commission Account Appropriation	\$	1,086,000
Total Appropriation	\$	1,443,000

The appropriations in this section are subject to the following conditions and limitations: Not later than December 1, 1983, the commission shall report to the legislature on current and anticipated hospital cost inflation. The report shall include an analysis of the components of hospital operating costs and changes in those costs, together with reasons for each major change. Special attention shall be given to cost components which increase at a rate greater than inflation in the general economy of the state.

NEW SECTION, Sec. 74. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$	1,741,000
General Fund Appropriation—Federal	\$	133,049,000
General Fund Appropriation—Local	\$	17,159,000
Administrative Contingency Fund		
Appropriation—Federal	\$	6,638,000
Unemployment Compensation Administration Fund Appropriation	\$	92,543,000
Total Appropriation	\$	251,130,000

The appropriations in this section are subject to the following conditions and limitations: The employment security department, through the youth employment exchange or other programs, shall provide for the recruitment of corps members and the receipt of federal funds for the conservation corps established under Engrossed Second Substitute Senate Bill No. 3624.

NEW SECTION, Sec. 75. FOR THE COMMISSION FOR THE BLIND

General Fund Appropriation—State	\$	1,634,000
General Fund Appropriation—Federal	\$	3,415,000
Total Appropriation	\$	5,049,000

The appropriations in this section are subject to the following conditions and limitations: The commission for the blind shall report in writing by December 1, 1984, to the committees on ways and means of the senate and the house of representatives on the economy and effectiveness of the orientation and training center. The report shall include, but not be limited to, analysis of the characteristics of the clients and the target population, curriculum content and

practices, client tracking after leaving the center, number of persons served, costs per client, and program costs.

NEW SECTION, Sec. 76. FOR THE CORRECTIONS STANDARDS BOARD	
General Fund Appropriation—State	\$ 587,000
General Fund—Local Jail Improvement and Construction Account Appropriation	\$ 113,124,000
Total Appropriation	\$ 113,711,000

NEW SECTION, Sec. 77. FOR THE SENTENCING GUIDELINES COMMISSION	
General Fund Appropriation	\$ 524,000

NEW SECTION, Sec. 78. FOR THE STATE ENERGY OFFICE	
General Fund Appropriation—State	\$ 1,104,000
General Fund Appropriation—Federal	\$ 13,032,000
General Fund Appropriation—Private/Local	\$ 60,000
Total Appropriation	\$ 14,196,000

NEW SECTION, Sec. 79. FOR THE COLUMBIA RIVER GORGE COMMISSION	
General Fund Appropriation—State	\$ 60,000
General Fund Appropriation—Private/Local	\$ 54,000
Total Appropriation	\$ 114,000

NEW SECTION, Sec. 80. FOR THE DEPARTMENT OF ECOLOGY	
--	--

General Fund Appropriation—State	\$ 20,937,000
General Fund Appropriation—Federal	\$ 9,834,000

General Fund—Special Grass Seed Burning Research Account Appropriation	\$ 68,000
---	-----------

General Fund—Reclamation Revolving Account Appropriation	\$ 999,000
General Fund—Litter Control Account Appropriation	\$ 3,604,000

Stream Gaging Basic Data Fund Appropriation	\$ 200,000
---	------------

General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$ 14,511,000
---	---------------

General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Reappropriation (Referen- dum 26)	\$ 60,922,000
--	---------------

General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27)	\$ 1,051,000
---	--------------

General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Reappropriation (Referen- dum 27)	\$ 8,788,000
--	--------------

General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$ 1,926,000
--	--------------

General Fund—Emergency Water Project Revolving Account: Reappropriation	\$ 9,343,000
--	--------------

General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$ 16,711,000
---	---------------

General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Reappropriation (Referen- dum 38)	\$ 15,805,000
--	---------------

General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursu- ant to chapter 159, Laws of 1980 (Referendum 39)	\$ 67,589,000
--	---------------

General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Reappropriation (Ref- erendum 39)	\$ 265,858,000
---	----------------

Total Reappropriation	\$ 360,716,000
Total New Appropriation	\$ 137,430,000

Total Appropriation	\$ 498,146,000
---------------------------	----------------

The appropriations in this section are subject to the following conditions and limitations:

(1) On or before October 1, 1983, the department of ecology shall file with the committees on ways and means of the senate and house of representatives and the office of financial management a master compilation by project type of those projects proposed for funding during the 1983-85 biennium from the appropriations for waste disposal facilities and water supply facilities. A separate compilation shall be supplied for each referendum bond issue. The department shall submit updates for the master compilation to the committees on ways and means and the office of financial management at six-month intervals during the 1983-85 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made

during the course of administering the projects. If the department proposes to change or modify any project list on the master compilation, it shall give the committees on ways and means and the office of financial management thirty days' written notice of the change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall immediately inform the committees and the office of financial management of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities.

(2) The appropriation from the state and local improvements revolving account—water supply facilities (Referendum 27) may be expended to pay up to 50% of the eligible cost of any project, as a grant or loan or combination thereof. Also, the department may lend up to 100% of the eligible costs of preconstruction activities and the department may provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(3) The appropriation from the state and local improvements revolving account—waste disposal facilities (Referendum 26) may be expended by the department to pay for up to 50% of the eligible cost of any project, as a grant or up to 100% as a loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(4) The appropriation from the state and local improvements revolving account—waste disposal facilities 1980 (Referendum 39) may be expended by the department to pay up to 75% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(5) No grant or loan or combination thereof shall be made for preconstruction activities for projects which cannot be constructed without an increase in the remaining voter authorized bond capacity.

(6) \$985,000 of the general fund—state appropriation is provided for grants to activated air pollution control authorities.

(7) \$68,000 from the general fund—special grass seed burning research account appropriation shall be expended for funding of a grass burning research project by the University of Washington.

(8) \$1,500,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ____ (2SSB 3624), Laws of 1983.

(9) \$85,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ____ (SSB 3156), Laws of 1983.

NEW SECTION, Sec. 81. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	712,000
----------------------------	----	---------

NEW SECTION, Sec. 82. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

General Fund Appropriation—Private/Local	\$	3,473,000
--	----	-----------

NEW SECTION, Sec. 83. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	27,952,000
----------------------------------	----	------------

General Fund Appropriation—Private/Local	\$	566,000
--	----	---------

General Fund—Trust Land Purchase Account Appropriation	\$	7,694,000
--	----	-----------

General Fund—Winter Recreation Parking Account Appropriation	\$	156,000
--	----	---------

General Fund—Snowmobile Account Appropriation	\$	681,000
---	----	---------

General Fund—Outdoor Recreation Account Appropriation	\$	152,000
---	----	---------

Motor Vehicle Fund Appropriation	\$	800,000
----------------------------------	----	---------

Total Appropriation	\$	38,001,000
---------------------	----	------------

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall operate the state park system on a modified schedule that will allow for management closures that will facilitate maximum park maintenance efforts.

(2) \$600,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ____ (2SSB 3624), Laws of 1983.

NEW SECTION, Sec. 84. FOR THE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund Appropriation—State	\$	307,000
----------------------------------	----	---------

General Fund Appropriation—Federal	\$	900,000
------------------------------------	----	---------

Total Appropriation	\$	1,207,000
---------------------	----	-----------

NEW SECTION, Sec. 85. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund—Outdoor Recreation Account Appropriation—		
--	--	--

State	\$	12,025,000
-------	----	------------

General Fund—Outdoor Recreation Account Appropriation—		
--	--	--

Federal	\$	3,997,000
---------	----	-----------

Total Appropriation	\$	16,022,000
---------------------	----	------------

The appropriations in this section are subject to the following conditions and limitations: A maximum of \$86,000 from the outdoor recreation account—state appropriation shall be used by the committee to contract with the department of natural resources, or others, for the preparation of a comprehensive guide to public parks and recreational sites within Washington as

required by RCW 43.99.142. Such guide shall coordinate site data of all state and federal agencies providing public recreational facilities in the state: PROVIDED, That the guide shall be sold for an amount sufficient to cover the costs involved, and to reimburse the outdoor recreation account.

NEW SECTION. Sec. 86. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	3,086,000
Motor Vehicle Fund Appropriation	\$	488,000
Total Appropriation	\$	3,574,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are for expenditure by the department of commerce and economic development in fiscal year 1984. Contingent on the provisions of chapter ____ (ESHB 796), Laws of 1983 and chapter 43.88 RCW, any unexpended funds at the end of this period shall be transferred to the department of community and economic development.

NEW SECTION. Sec. 87. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	38,214,000
General Fund Appropriation—Federal	\$	6,580,000
General Fund Appropriation—Private/Local	\$	2,083,000
Total Appropriation	\$	46,877,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$285,000 from the general fund appropriation, of which \$191,000 shall be from federal funds, or so much thereof as may be necessary, shall be expended for enhancement of the marine fish program.

(2) \$109,000 from the general fund—state appropriation shall be expended for the enhancement of the shellfish program.

(3) \$495,000 from the general fund—state appropriation shall be expended for additional salmon production.

(4) \$600,000 from the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ____ (2SSB 3624), Laws of 1983.

NEW SECTION. Sec. 88. FOR THE DEPARTMENT OF GAME

General Fund—State	\$	600,000
General Fund—ORV (Off-Road Vehicle) Account Appropriation	\$	159,000
Game Fund Appropriation—State	\$	34,833,000
Game Fund Appropriation—Federal	\$	12,224,000
Game Fund Appropriation—Private/Local	\$	1,318,000
Game Fund—Special Wildlife Account Appropriation	\$	250,000
Total Appropriation	\$	49,384,000

The appropriations in this section are subject to the following conditions and limitations:

The \$600,000 general fund—state appropriation shall be used solely to carry out the purposes of chapter ____ (2SSB 3624), Laws of 1983.

NEW SECTION. Sec. 89. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	26,330,000
General Fund Appropriation—Federal	\$	451,000
General Fund—ORV (Off-Road Vehicle) Account Appropriation	\$	2,096,000
General Fund—Forest Development Account Appropriation	\$	10,321,000
General Fund—Landowner Contingency Forest Fire Suppression Account Appropriation	\$	1,539,000
General Fund—Survey and Maps Account Appropriation	\$	671,000
General Fund—Resource Management Cost Account Appropriation	\$	65,391,000
Total Appropriation	\$	106,799,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,677,000 from the general fund—state appropriation shall be expended for the general administration program. Of this amount, \$1,100,000 shall be used solely to carry out the purposes of chapter ____ (2SSB 3624), Laws of 1983; and, \$145,000 shall be used solely for the department of natural resources to vacate the first floor of the public lands building.

(2) Not more than \$11,239,000 from the general fund—state appropriation shall be expended for the forest fire control program.

(3) Not more than \$6,787,000 from the general fund—state appropriation shall be expended for the assistance and regulation program.

(4) Not more than \$3,627,000 from the general fund—state appropriation shall be expended for the services program. Of this amount, not more than \$843,000 shall be used to fund ten additional honor camp teams.

NEW SECTION. Sec. 90. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	10,818,000
General Fund Appropriation—Federal	\$	615,000
General Fund—Feed and Fertilizer Account Appropriation	\$	17,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation	\$	358,000

Commercial Feed Fund Appropriation—State	\$	358,000
Commercial Feed Fund Appropriation—Federal	\$	13,000
Seed Fund Appropriation	\$	1,011,000
Nursery Inspection Fund Appropriation	\$	339,000
Total Appropriation	\$	13,529,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$156,000 from the general fund—state appropriation shall be used to enhance the pesticide field investigations.
- (2) \$60,000 from the general fund—state appropriation shall be used to enhance consumer services within the agricultural development program.
- (3) \$300,000 from the general fund—state appropriation shall be used to establish a marketing program for the Washington wine industry.
- (4) \$600,000 from the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ____ (2SSB 3624), Laws of 1983.

NEW SECTION, Sec. 91. FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	300,000
----------------------------	----	---------

NEW SECTION, Sec. 92. FOR THE STATE CONVENTION AND TRADE CENTER

General Fund Appropriation—Convention and Trade Center Account	\$	1,655,000
--	----	-----------

NEW SECTION, Sec. 93. FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation	\$	226,000
----------------------------	----	---------

NEW SECTION, Sec. 94. FOR THE STATE PATROL

General Fund Appropriation	\$	9,488,000
----------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations: No moneys may be expended for activities of either the narcotics section, as authorized by RCW 43.43.610 and 43.43.620, or the organized crime intelligence unit, as authorized by RCW 43.43.854.

NEW SECTION, Sec. 95. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation—State	\$	272,000
Highway Safety Fund Appropriation—Federal	\$	5,734,000
Total Appropriation	\$	6,006,000

NEW SECTION, Sec. 96. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	12,077,000
General Fund—Architects' License Account Appropriation	\$	373,000
General Fund—Optometry Account Appropriation	\$	119,000
General Fund—Professional Engineers' Account Appropriation	\$	602,000
General Fund—Real Estate Commission Account Appropriation	\$	4,628,000
General Fund—Board of Psychological Examiners Account Appropriation	\$	66,000
Game Fund Appropriation	\$	187,000
Highway Safety Fund Appropriation	\$	36,888,000
Highway Safety Fund—Motorcycle Safety Education Account Appropriation	\$	242,000
Motor Vehicle Fund Appropriation	\$	34,767,000
Total Appropriation	\$	89,949,000

NEW SECTION, Sec. 97. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)

General Fund Appropriation—State	\$	13,381,000
General Fund Appropriation—Federal	\$	6,540,000
General Fund—Traffic Safety Education Account Appropriation	\$	460,000
Total Appropriation	\$	20,381,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Not more than \$460,000 may be expended for the state office administration of the traffic safety education program, including inservice training related to instruction in the risks of driving while under the influence of alcohol and other drugs.
- (2) Not more than \$244,882 of the general fund—state appropriation shall be expended for a program to provide additional inservice training for math, science, and computer technology instructors.

NEW SECTION, Sec. 98. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION FORMULA FOR FISCAL YEARS 1984 AND 1985

General Fund Appropriation	\$	2,904,317,000
----------------------------	----	---------------

The appropriation in this section is subject to the following conditions and limitations:

- (1) For purposes of this act and RCW 28A.58.095, the superintendent of public instruction shall ensure that no district provides salary and compensation increases from any fund source whatsoever in excess of those amounts and/or percentages specified in this act: PROVIDED, That for the 1983-84 and 1984-85 school years, if a school district is in violation of RCW 28A.58.095, the superintendent shall withhold the lesser of five percent or an amount equal to the level

of violation when applied to the district's respective basic education allocation, until such time as the school district comes into compliance.

(2) Formula allocation of certificated staff units shall be determined as follows:

(a) One certificated staff unit for each average annual twenty full time equivalent kindergarten, elementary, and secondary students, excluding secondary vocational full time equivalent students enrolled in a vocational program approved by the superintendent of public instruction.

(b) One certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction: PROVIDED, That in skill centers, the ratio shall be one certificated staff unit for each average annual sixteen and sixty-seven one-hundredths full time equivalent students enrolled in an approved vocational education program.

(c) For districts enrolling not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollment above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a K-8 program or 1-8 program, an additional one-half of a certificated staff unit;

(vi) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a K-6 or 1-6 program, an additional one-half of a certificated staff unit.

(d) For districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students, certificated staff units shall be determined as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(3) (a) For nonemployee related costs with each certificated staff unit determined under subsection (2) (a), (c), and (d) of this section, there shall be provided a maximum of \$5,287 per staff unit in the 1983-84 school year and a maximum of \$5,562 per staff unit in the 1984-85 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (2)(b) of this section, there shall be provided a maximum of \$10,074 per staff unit in the 1983-84 school year and a maximum of \$10,598 per staff unit in the 1984-85 school year.

(4) Formula allocation of classified staff units shall be determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (2) (a), (c), and (d) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(5) The superintendent shall distribute a maximum of \$6,908,000 outside the basic education formula as follows:

(a) A maximum of \$620,000 may be distributed to school districts for fire protection at a rate of \$1.056 in fiscal year 1984 and \$1.119 in fiscal year 1985 for each student attending a school located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) A maximum of \$1,650,000 may be expended for operation of vocational programs at each of the skill centers during the summer months, beginning in 1983.

(c) A maximum of \$272,000 may be distributed for school district emergencies.

(d) A maximum of \$4,366,000 may be expended for districts which experience an enrollment decline of at least four percent or more than three hundred full time equivalent students, whichever is less, from the enrollment of the prior year. For a qualifying district, the superintendent of public instruction shall increase the enrollment as otherwise computed by twenty-five percent of the full time equivalent enrollment loss from the previous school year.

(6) For the 1982-83 school year, if a school district is in violation of RCW 28A.58.095 the superintendent shall withhold the lesser of five percent or an amount equal to the level of violation, applied to the district's basic education allocation.

NEW SECTION. Sec. 99. SALARY AND COMPENSATION DEFINITIONS

For purposes of sections 100 through 112 of this act, the following definitions apply:

(1) "State-supported staff" means state-funded staff in the following programs: Basic education (program 00), general instructional support (program 94), general support (program 97), secondary vocational education (program 30), skill centers (program 45), handicapped (program 21), vocational-technical institutes/adult education (programs 47 and 48), state institutions (program 46), educational service districts, and transportation (program 99).

(2) "Incremental fringe benefits" means 7.0% for certificated staff and 14.0% for classified staff, which percentage shall be applied to salary increases and is for employer contributions to old age survivor's insurance, workers' compensation, unemployment compensation, and, with respect to classified staff, retirement benefits under the public employees' retirement system (chapter 41.40 RCW).

(3) "LEAP Document 5" means the computer tabulation of 1982-83 derived base salaries for basic education certificated staff and 1982-83 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on April 5, 1983, at 15:57 hours.

NEW SECTION. Sec. 100. DETERMINATION OF STAFF MIX FACTOR AND CERTIFICATED BASE SALARY

For purposes of determining the 1983-84, and 1984-85 school year staff mix factor and certificated base salary by district, the following definitions apply:

(1) Basic education certificated staff includes all full time equivalent certificated staff in the following programs:

- (a) Basic education (program 00);
- (b) Secondary vocational education (program 30);
- (c) Skill centers (program 45);
- (d) General instructional support (program 94);
- (e) General support (program 97).

(2) The 1982-83 certificated base salary to be used for basic education allocation purposes shall be that specified in LEAP Document 5.

(3) The staff mix factor table developed by the legislative evaluation and accountability program committee (LEAP) (reference LEAP Document 1) shall be employed to calculate each district's base salary for basic education certificated staff.

(4) The average staff mix factor for 1983-84, and 1984-85 for each district shall be calculated using the staff referenced in subsection (1) of this section for the respective school year and the table referenced in subsection (3) of this section.

NEW SECTION. Sec. 101. DETERMINATION OF CLASSIFIED SALARIES

The 1982-83 basic education average classified salary to be used for basic education allocation purposes shall be as specified for each district in LEAP Document 5 and shall be for the total number of such full time equivalent staff in the following programs:

- (1) Basic education (program 00);
- (2) Secondary vocational education (program 30);
- (3) Skill centers (program 45);
- (4) General instructional support (program 94);
- (5) General support (program 97).

NEW SECTION. Sec. 102. BASIC EDUCATION ALLOCATION—CALCULATION OF CERTIFICATED STAFF COMPENSATION

(1) The certificated compensation allocation for school year 1983-84 shall be the sum of the following subsections:

(a) Maintenance of compensation shall be calculated using each district's 1982-83 base salary established in LEAP Document 5 times the number of certificated staff units generated in section 98 (2) (a) through (d) of this act in each district times each district's particular 1982-83 average staff mix factor improved by 7.43%;

(b) Health benefits shall be calculated at the rate of \$137 per month per certificated full time equivalent staff units generated in section 98 (2) (a) through (d) of this act.

(2) The certificated compensation allocation for school year 1984-85 shall be the sum of the following subsections:

(a) Maintenance of compensation calculated by using each district's 1982-83 base salary established in LEAP Document 5 times the number of staff units generated in section 98 (2) (a) through (d) of this act times each district's particular 1983-84 average staff mix factor improved by 7.66%;

(b) Health benefits shall be calculated at the rate of \$137 per month per certificated full time equivalent staff units generated in section 98 (2) (a) through (d) of this act.

NEW SECTION. Sec. 103. BASIC EDUCATION ALLOCATION—CALCULATION OF CLASSIFIED STAFF COMPENSATION

(1) The 1983-84 basic education classified compensation allocation for each district shall be the sum of the following subsections:

(a) Maintenance of classified compensation shall be calculated using the staff units generated in section 98 (4) (a) through (c) of this act, times each district's 1982-83 average classified salary, established in LEAP Document 5, improved by 16.55%;

(b) Health benefits shall be calculated at the rate of \$137 per month per classified full time equivalent staff units generated in section 98 (4) (a) through (c) of this act.

(2) The 1984-85 basic education classified compensation allocation for each district shall be the sum of the following:

(a) Maintenance of classified compensation shall be calculated using the staff units generated in section 98 (4) (a) through (c) of this act times each district's 1982-83 average classified salary, established in LEAP Document 5, improved by 16.78%;

(b) Health benefits shall be calculated at the rate of \$137 per month per classified full time equivalent staff units generated in section 98 (4) (a) through (c) of this act.

NEW SECTION, Sec. 104. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SALARY AND COMPENSATION INCREASES

General Fund Appropriation \$ 63,677,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds provided by this section shall be distributed by the superintendent of public instruction as specified in this section on an allocation basis only and may be expended by school districts for any state funded activity.

(3) A maximum of \$36,688,000 shall be distributed for insurance benefit increases for full time equivalent state-supported staff as defined in section 99(1) of this act at a rate of \$22 per month per full time equivalent staff unit in the 1983-84 school year and an additional \$20 per month in the 1984-85 school year.

(4) (a) A maximum of \$7,115,000 is provided, effective January 1, 1985, for incremental fringe benefits in section 99(2) of this act for a salary increase of \$480.00 a year per full time equivalent state-supported basic education classified staff as defined in section 99(1) of this act and 2.0% of the 1982-83 LEAP Document 5 state-wide average classified salary. With respect to the remaining state-supported classified staff of a district as defined in section 99(1) of this act, the superintendent shall distribute \$480.00 a year per full time equivalent staff and a 2.0% salary increase using the pertinent program state-wide average salary for such staff.

(b) During the 1983-84 school year, the superintendent of public instruction, as part of the regular classified data reporting process, shall collect data regarding the length of service of each basic education classified employee in their particular job classification. The superintendent of public instruction shall submit a report to the legislature prior to March 1, 1984, regarding the proposed allocation methodology as required by subsection (4)(c) of this section. Such a report shall consider present practices by the state personnel board in granting increments.

(c) The superintendent of public instruction shall, during the 1984-85 school year, allocate \$400,000 of the funds allocated by subsection (4)(a) of this section to each district in accordance with its particular 1983-84 complement of staff.

(d) Pursuant to RCW 84.52.0531(3), any school district having an average classified salary as shown on LEAP Document 5 of less than \$16,513 for the 1982-83 school year may grant salary increases to classified staff in the 1983-84 school year to achieve a maximum average classified salary of \$16,513. For purposes of allocating basic education funds in the 1984-85 school year, the superintendent shall modify LEAP Document 5 to reflect any increases given in accordance with this provision.

(5) A maximum of \$19,874,000 is provided effective January 1, 1985, for incremental fringe benefits as defined in section 99(2) of this act, for a salary increase of \$480.00 a year per full time equivalent state-supported basic education staff as defined in section 99(1) of this act and 2.0% of the 1982-83 LEAP Document 5's average state-wide derived base salary times the district's 1983-84 staff mix factor (as defined in section 100(3) of this act). With respect to the remaining state-supported certificated staff of a district as defined in section 99(1) of this act, the superintendent shall distribute \$480.00 a year per full time equivalent certificated staff and a 2.0% salary increase times the pertinent state-wide average derived base salary improved by the 1983-84 staff mix of each district for such staff.

(6) For purposes of RCW 28A.58.095, the following conditions and limitations apply:

(a) The sum of salary and insurance benefit increases granted by each school district for nonstate-supported staff shall not exceed those specified for state-supported staff of a district.

(b) Districts may grant increases in insurance benefits to achieve a rate of \$159.00 per individual employee in the 1983-84 school year and \$179.00 in the 1984-85 school year. For districts having rates greater than \$159.00 per individual employee in 1982-83, any increase granted in 1983-84 shall constitute salary increase. For districts having rates greater than \$179.00 per individual employee in the 1983-84 school year, any increase granted in 1984-85 shall constitute salary increase.

(c) Increments granted by school districts to certificated staff shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments pursuant to LEAP Document 1.

(7) During the 1983-84 school year, school districts may expend moneys from local sources to effect compensation and benefit increases not exceeding for the biennium the compensation and benefit increases provided in this section for the 1984-85 school year.

(8) The salary increases authorized in subsections (4) and (5) of this section shall not apply to any employee whose annual salary is \$40,000 or greater. Moneys saved pursuant to this subsection shall be placed in reserve.

NEW SECTION. Sec. 105. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 157,294,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) A maximum of \$73,364,000 may be expended in the 1983-84 fiscal year.
- (2) A maximum of \$712,000 may be expended for regional transportation coordinators.
- (3) A maximum of \$53,000 may be expended for driver training.

NEW SECTION. Sec. 106. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ 53,586,000

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) The 1983-84 school year appropriation is based on an enrollment of 10,638 full time equivalent students at a state support level per student of \$2,461, not including salary and insurance benefit increases.

(b) The 1984-85 school year appropriation is based on an enrollment of 11,255 full time equivalent students at a state support level per student of \$2,491, not including salary and insurance benefit increases.

(2) Not more than \$619,000 of this appropriation may be expended for adult education.

NEW SECTION. Sec. 107. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State \$ 6,000,000

General Fund Appropriation—Federal \$ 60,611,000

Total Appropriation \$ 66,611,000

NEW SECTION. Sec. 108. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED COSTS

General Fund Appropriation—State \$ 271,088,000

General Fund Appropriation—Federal \$ 27,641,000

Total Appropriation \$ 298,729,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$125,586,000 of the general fund—state appropriation may be expended in fiscal year 1983-84.

(2) The superintendent of public instruction shall allocate funds in accordance with LEAP Document 6 for school years 1983-84 and 1984-85.

(3) The superintendent shall establish a new system for district reporting of preschool handicapped enrollment which results in uniform reporting consistent with attendance laws and rules.

NEW SECTION. Sec. 109. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE TRAFFIC SAFETY PROGRAM

General Fund—Traffic Safety Education Account Appropriation \$ 17,141,000

The appropriation in this section is subject to the following condition or limitation: Not more than \$446,000 may be expended for traffic safety education coordinators.

NEW SECTION. Sec. 110. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation—State \$ 4,807,000

State Funding Sources \$ 3,664,000

Total Appropriation \$ 8,471,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Educational service districts shall be apportioned funds based upon the following schedule:

	General Fund—State	State Funding Sources
E.S.D. No. 101	\$609,000	\$610,000
E.S.D. No. 105	\$584,000	\$292,000
E.S.D. No. 112	\$491,000	\$492,000
E.S.D. No. 113	\$524,000	\$525,000
E.S.D. No. 114	\$451,000	\$226,000
E.S.D. No. 121	\$429,000	\$430,000
E.S.D. No. 123	\$569,000	\$285,000

E.S.D. No. 171	\$696,000	\$349,000
E.S.D. No. 189	\$454,000	\$455,000
Total	\$4,807,000	\$3,664,000

(2) School districts in the respective educational service districts shall provide the amounts specified from state funding sources accruing under section 98 of this act on a per capita enrollment basis prior to June 30th of each school year.

(3) Educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

NEW SECTION. Sec. 111. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR BLOCK GRANTS

General Fund Appropriation—State \$ 45,957,000

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$27,328,000 may be expended in fiscal year 1983-84.

(2) A maximum of \$4,148,000 may be allocated by the superintendent for the support of specific learning disabled programs for the 1983-84 school year as reassessment of the currently eligible students occurs as a result of changes in state regulations.

(3) Of the appropriation provided by this section, a minimum of \$28,632,000 shall be distributed as follows:

(a) 30% on the basis of full time equivalent enrollment;

(b) 18% on the basis of aid to families with dependent children income enrollment in the prior school year;

(c) 12% on the basis of minority enrollment in the prior school year;

(d) 12% on the basis of gifted enrollment in the prior school year;

(e) 12% on the basis of racial isolation enrollment in the prior school year;

(f) 6% on the basis of limited English speaking enrollment in the prior school year; and

(g) 10% on the basis of Indochinese refugees as defined by federal regulation.

Except as otherwise provided, the categories of enrollment shall be defined in accordance with the allocation methodology developed by the governor's advisory committee for chapter II of the education consolidation and improvement act in effect for the 1982-83 school year.

(4) A maximum of \$12,900,000 may be distributed for the remaining months of the 1982-83 school year.

(5) The funds allocated by subsection (3) of this section may be expended by school districts for provision of special instructional programs, including but not limited to: Remediation assistance programs; cultural enrichment programs; transitional bilingual programs; preschool education programs; alternative education programs; community involvement programs (including PUSH-EXCEL); environmental education programs; education for superior students programs; Indian education programs; Pacific Science Center programs.

(6) The superintendent of public instruction shall contract \$257,000 for services to support an approved gifted program to be conducted at Fort Worden state park.

(7) Salary and benefits increases are included in the funds allocated by this section.

NEW SECTION. Sec. 112. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State \$ 20,857,000

General Fund Appropriation—Federal \$ 5,450,000

Total Appropriation \$ 26,307,000

The appropriations in this section are subject to the following condition or limitation: Not more than \$3,355,783 shall be expended for support of basic education programs for juveniles confined in county detention centers.

NEW SECTION. Sec. 113. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal \$ 93,956,000

(1) Education Consolidation and

Improvement Act of 1981 \$ 90,483,000

(2) Education of Indian

Children \$ 367,000

(3) Adult Basic Education

\$ 3,106,000

NEW SECTION. Sec. 114. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION IN 1982-83 SCHOOL YEAR SALARY INCREASES

General Fund Appropriation \$ 500,000

The appropriation in this section is subject to the following conditions and limitations: \$500,000 shall be distributed to eligible school districts on the same basis as \$451,000 was distributed under section 74(10), chapter 50, Laws of 1982 1st ex. sess. (uncodified).

NEW SECTION. Sec. 115. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENCUMBRANCE OF FEDERAL GRANTS

General Fund Appropriation—Federal \$ 27,380,000

NEW SECTION. Sec. 116. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation \$ 1,200,000

NEW SECTION, Sec. 117. HIGHER EDUCATION

The appropriations in sections 118 through 124 of this act are subject to the following conditions and limitations:

(1) The community colleges shall not expand ungraded offerings above the level estimated for 1981-82.

(2) No funds may be used for the inauguration or operation of any new degree program until the program has been reviewed and favorably recommended by the council for postsecondary education.

(3) Eastern Washington University shall not expand its enrollment or offerings in Spokane prior to the completion of the Spokane off-campus study by the office of financial management.

(4) The research universities shall expand their self-sustaining continuing education activities for professional engineers.

(5) The boards of regents of the University of Washington and Washington State University may waive all tuition, operating, and service and activities fees for foreign exchange students from Washington's sister state, the Sichuan province of the People's Republic of China. Tuition and fees shall not be waived for more than a total of four students during each year of the biennium. The waiver shall not be subject to the limitations established in RCW 28B.15.740.

NEW SECTION, Sec. 118. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation—State	\$ 431,865,000
General Fund Appropriation—Federal	\$ 9,000
Total Appropriation	\$ 431,874,000

The appropriations in this section are subject to the following conditions and limitations: Not more than \$3,310,587 may be spent for the small school adjustment to Skagit Valley (fiscal year 1984 only), Whatcom, Olympia Technical, Big Bend, Peninsula, Grays Harbor, Wenatchee Valley, Centralia, Lower Columbia, and Walla Walla Community Colleges. The distribution of such funds in fiscal year 1984 shall be based on a percent of formula entitlement for faculty staffing which shall be increased at the rate of one percentage point above the 69.0% base level for each 100 full time equivalent students below the 2,500 full time equivalent student enrollment level, except that no community college shall be funded in excess of 84.0% of formula. The distribution of such funds in fiscal year 1985 shall be based on a percent of formula entitlement for faculty staffing which shall be increased at the rate of one percentage point above the 71.0% base level for each 100 full time equivalent students below the 2,500 full time equivalent student enrollment level, except that no community college shall be funded in excess of 86.0% of formula.

NEW SECTION, Sec. 119. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$ 405,649,000
Accident Fund Appropriation	\$ 1,564,000
Medical Aid Fund Appropriation	\$ 1,564,000
Total Appropriation	\$ 408,777,000

The appropriations in this section are subject to the following conditions and limitations: \$1,773,000 shall be used solely for family medicine education and residency programs provided for by chapter 70.112 RCW.

NEW SECTION, Sec. 120. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$ 231,575,000
----------------------------------	----------------

NEW SECTION, Sec. 121. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$ 68,704,000
----------------------------------	---------------

The appropriation in this section is subject to the following conditions and limitations:

(1) No operating funds may be used for the lease or maintenance of the new Spokane Center Building.

(2) In order to best utilize facilities housing public university programs within the city of Spokane, the director of financial management shall provide a recommendation on the continuation and future needs of public higher education in the city of Spokane, specifically addressing opportunities for cooperative programs. The staff of the council for postsecondary education shall provide assistance as required by the office of financial management to conduct a program review of Spokane area higher education program needs. The office of financial management shall conduct a financial analysis of the Eastern Washington University Center for Higher Education located in Spokane as part of this recommendation. The office of financial management shall submit the recommendation to the legislature by November 1, 1983.

NEW SECTION, Sec. 122. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation	\$ 57,491,000
----------------------------------	---------------

NEW SECTION, Sec. 123. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation	\$ 29,541,000
----------------------------------	---------------

The appropriation in this section is subject to the following conditions and limitations:

(1) The board of trustees of The Evergreen State College is directed to limit the use of campus space to that amount sufficient to serve enrollments of up to two thousand five hundred students during each year of the biennium.

(2) The board of trustees shall cooperate with the director of the department of general administration, who is directed to use such space in excess of that provided in subsection (1) of this section to reduce the amount of leased space in Thurston County for offices, warehouses, and similar purposes as are required by elected state officials, institutions, departments, commissions, or other state agencies: PROVIDED, That this subsection shall not restrict the ability of The Evergreen State College from regaining that space if the college achieves an enrollment in excess of two thousand five hundred students.

NEW SECTION, Sec. 124. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$ 69,063,000
----------------------------------	---------------

NEW SECTION, Sec. 125. FOR THE COUNCIL FOR POSTSECONDARY EDUCATION

General Fund Appropriation—State	\$ 27,568,000
General Fund Appropriation—Federal	\$ 3,526,000
State Educational Grant Appropriation	\$ 40,000
Total Appropriation	\$ 31,134,000

The appropriations in this section are subject to the following conditions and limitations: To the greatest extent possible, the council shall emphasize work study and other self-help programs in its financial assistance programs.

NEW SECTION, Sec. 126. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

General Fund Appropriation—State	\$ 1,987,000
General Fund Appropriation—Federal	\$ 21,386,000
Total Appropriation	\$ 23,373,000

The appropriations in this section are subject to the following conditions and limitations:

(1) No state funds may be used by the advisory council for vocational education.

(2) The commission for vocational education shall not require of the state board for community college education or the superintendent of public instruction any report or information which is not expressly required by state or federal law or rules. With any request for information, the commission for vocational education shall note on the request the specific citation of the state or federal requirement which requires the report. The commission shall keep its compliance auditing to the minimum required by federal law or rule.

(3) Before the convening of the 1984 regular session of the legislature, the director of the commission for vocational education shall submit a report to the secretary of the senate and the chief clerk of the house of representatives regarding planned improvement in administration, program planning, and program delivery. The secretary of the senate and the chief clerk of the house of representatives shall furnish the report to the appropriate standing committees of the legislature, which shall review and comment on the report's recommendations.

NEW SECTION, Sec. 127. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund Appropriation	\$ 1,276,000
---	--------------

NEW SECTION, Sec. 128. FOR THE STATE LIBRARY

General Fund Appropriation—State	\$ 7,447,000
General Fund Appropriation—Federal	\$ 2,297,000
General Fund Appropriation—Private/Local	\$ 99,000
Washington Library Network Computer System Revolving Fund Appropriation—Private/Local	\$ 7,672,000
Total Appropriation	\$ 17,515,000

The appropriations in this section are subject to the following conditions and limitations: A minimum of \$75,000 of the general fund—state appropriation shall be expended for matching the costs of providing for the automation of the selection/circulation and inventory system for the Washington library for the blind and physically handicapped.

NEW SECTION, Sec. 129. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation—State	\$ 2,742,000
General Fund Appropriation—Federal	\$ 800,000
Total Appropriation	\$ 3,542,000

NEW SECTION, Sec. 130. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$ 561,000
----------------------------------	------------

NEW SECTION, Sec. 131. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$ 471,000
----------------------------------	------------

NEW SECTION, Sec. 132. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$ 450,000
General Fund—State Capitol Historical Association Museum Account Appropriation	\$ 90,000
Total Appropriation	\$ 540,000

NEW SECTION, Sec. 133. FOR THE TEMPORARY COMMITTEE ON EDUCATION POLICY, STRUCTURE AND MANAGEMENT

General Fund Appropriation—State	\$ 600,000
General Fund Appropriation—Private/Local	\$ 34,000
Total Appropriation	\$ 634,000

NEW SECTION, Sec. 134. FOR THE PUBLIC BROADCASTING COMMISSION

General Fund Appropriation	\$ 200,000
----------------------------------	------------

NEW SECTION. Sec. 135. FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation—State	\$ 2,055,000
--	--------------

The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

NEW SECTION. Sec. 136. FOR THE GOVERNOR—SALARY AND INSURANCE CONTRIBUTION INCREASES

(1) There is appropriated for the four-year institutions of higher education from the General Fund

	\$ 14,796,000
--	---------------

(2) There is appropriated for the community college system from the General Fund

	\$ 7,713,000
--	--------------

(3) There is appropriated for the department of corrections from the General Fund

	\$ 4,550,000
--	--------------

(4) There is appropriated for the department of social and health services from the:

General Fund—State	\$ 9,771,000
--------------------------	--------------

General Fund—Federal	\$ 5,957,000
----------------------------	--------------

(5) There is appropriated for other state agencies from the:

General Fund—State	\$ 5,891,000
--------------------------	--------------

General Fund—Federal	\$ 1,209,000
----------------------------	--------------

(6) There is appropriated for all state agencies from the Special Fund Salary and Insurance

Contribution Increase

Revolving Fund	\$ 16,047,000
----------------------	---------------

(7) The appropriations in this section are provided solely for salary increases and insurance benefit contribution increases for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees (excluding student employees not under the jurisdiction of the state or higher education personnel boards).

(8) The appropriations in this section shall be expended to implement:

(a) Salary increases effective January 1, 1985, of 2.0% plus \$40 per month per full time equivalent employee;

(b) Merit/market increases effective January 1, 1985, averaging 1.6% for faculty of the four-year institutions of higher education: PROVIDED, That inclusive of merit pool funds, no research university, regional university, or state college may grant from any fund source whatsoever any salary increases greater than that provided in this section. The increases are to be granted solely on the basis of formal merit evaluation procedures which may take into account critical market disparities in teaching disciplines. The council for postsecondary education shall report to the governor and the legislature on the implementation of the increases no later than March 15, 1985;

(c) Increases in the state's maximum contribution for employee insurance benefits effective July 1, 1983, from \$137.00 per month to \$159.00 per month per eligible employee, and effective July 1, 1984, from \$159.00 per month to \$179.00 per month per eligible employee. The monthly premium paid for insurance benefits shall not be more than the equivalent of \$159.00 per eligible employee effective July 1, 1983, and \$179.00 per eligible employee effective July 1, 1984. Any return of funds resulting from favorable claims experience during the 1983-85 biennium shall be held in reserve within the state employees' insurance fund.

(9) The community colleges may grant merit/market increases for faculty averaging 1.6% effective January 1, 1985: PROVIDED, That inclusive of merit pool funds, no community college district may grant from any fund source whatsoever any salary increase greater than that provided in this section. The council for postsecondary education shall report to the governor and the legislature on the implementation of any increases granted pursuant to this subsection no later than March 15, 1985.

(10) The compensation increases authorized in subsections (8) (a) and (b), and (9) of this section shall not apply to any state employee whose annual salary is \$40,000 or greater. Money saved pursuant to this subsection shall be placed in reserve.

(11) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 137. FOR THE GOVERNOR—SALARY INCREASES

General Fund Appropriation	\$ 685,000
----------------------------------	------------

Special Fund Salary Increase Revolving Fund Appropriation	\$ 825,000
---	------------

Department of Personnel Service Fund Appropriation	\$ 14,000
--	-----------

Higher Education Personnel Board Service Fund Appropriation	\$ 6,000
---	----------

Total Appropriation	\$ 1,530,000
---------------------------	--------------

The appropriations in this section are subject to the following conditions and limitations:

(1) The state personnel board (SPB) and the higher education personnel board (HEPB) shall develop a plan for effecting a salary increase of \$100 a year for all classes and employees

indexed to salary survey benchmark classes or occupational groups averaging eight or more salary ranges below the comparable worth salary practice line as measured in the 1982 Comparable Worth Study. Such plan shall be implemented on July 1, 1984.

(2) To facilitate payment of state employee salary increases from special funds, the state treasurer is directed to transfer sufficient amounts from each special fund to the special fund salary increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

(3) The state personnel board and the higher education personnel board shall conduct additional point evaluations as necessary.

NEW SECTION, Sec. 138. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—RETIREMENT CONTRIBUTIONS

General Fund Appropriation \$ 506,450,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Not more than \$800,000 may be expended from the general fund appropriation for contributions to the judicial retirement system.

(2) Not more than \$550,000 may be expended from the general fund appropriation for contributions to the judges' retirement system.

(3) Not more than \$192,600,000 may be expended from the general fund appropriation for contribution to the law enforcement officers' and fire fighters' retirement system.

(4) Not more than \$312,500,000 may be expended from the general fund appropriation for contribution to the teachers' retirement system.

NEW SECTION, Sec. 139. FOR THE STATE TREASURER—TRANSFERS

General Fund—Criminal Justice Training Account Appropriation:

For transfer: (1) To the Institutional Impact Account, an amount up to \$946,000; and (2) to the Crime Victims Compensation Account, an amount up to \$1,924,000, according to schedules provided by the office of financial management \$ 2,870,000

Motor Vehicle Fund Appropriation: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the Washington state patrol during the period July 1, 1983, through June 30, 1985 \$ 6,427,322

General Fund Appropriation: For transfer to the Tort Claims Revolving Fund to pay tort claim settlements for the department of corrections in the Berry case and for the commission for the blind in the Engles case \$ 529,000

Perpetual Maintenance Account Appropriation: For transfer to the Site Closure Account as authorized by the director of financial management for low-level nuclear waste site closure purposes \$ 1,000,000

State Treasurer's Service Fund Appropriation: For transfer to the general fund on or before July 20, 1985, an amount up to \$11,450,000 in excess of the cash requirements in the State Treasurer's Service Fund for fiscal year 1986, for credit to the fiscal year in which earned \$ 11,450,000

NEW SECTION, Sec. 140. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund \$ 12,000

Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund \$ 51,000

Teachers' Retirement Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund \$ 2,998,000

NEW SECTION, Sec. 141. FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund \$ 905,000

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1985, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

General Fund—Criminal Justice Training Account \$ 49,590

General Fund—Off-Road Vehicle Account \$ 141

General Fund—Snowmobile Account \$ 2,027

General fund—Institutional Impact Account \$ 13,400

General Fund—Hospital Commission Account \$ 134

General Fund—State Timber Tax Reserve Account \$ 168

General Fund—Professional Engineers' Account \$ 6,063

General Fund—Real Estate Commission Account \$ 1,028

General Fund—Capital Building Construction Account \$ 1,046

General Fund—Motor Transport Account	\$	74,404
General Fund—Resource Management Cost Account	\$	1,728
General Fund—Litter Control Account	\$	18
General Fund—Traffic Safety Education Account	\$	379
General Fund—L.I.R. Waste Disposal Account	\$	11,079
General Fund—State Building Construction Account	\$	2,860
General Fund—Outdoor Recreation Account	\$	7,876
General Fund L.I.R. Water Supply Facilities Account	\$	1,715
General Fund—L.I.R. Account—Public Recreation Facilities	\$	3,173
Electrical License Fund	\$	4,489
State Game Fund	\$	15,414
Highway Safety Fund	\$	20,897
Motor Vehicle Fund	\$	55,381
Public Service Revolving Fund	\$	5,488
State Treasurer's Service Fund	\$	25,108
Legal Services Revolving Fund	\$	822
General Administration Facilities and Services Revolving Fund	\$	615
Liquor Revolving Fund	\$	15,589
Accident Fund	\$	11,904
Medical Aid Fund	\$	16,629
Plumbing Certificate Fund	\$	147
Washington Library Network Computer System Revolving Fund	\$	23
Pressure System Safety Fund	\$	13
Total Appropriation	\$	349,348

NEW SECTION, Sec. 142. FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

(1) Michael Dittman, et al.; Payment of judgment in Dittman v. Western Washington University, United States District Court, Western District of Washington, Cause No. C-79-1189V	\$	46,000
(2) Spokane Arcades, Inc., et al.; Payment of judgment in Spokane Arcades v. Ray, United States District Court, Eastern District of Washington, Cause No. C-77-353	\$	15,440
(3) Seattle School District No. 1, et al.; Payment of judgment in Seattle School District No. 1 v. State of Washington, United States Court of Appeals, 9th Circuit, Cause Nos. 79-4643, 79-4655, 79-4676, 79-4740, 79-4801, and 79-4802	\$	49,929
(4) Ray Beller, Compensation for damage to crops by game: PROVIDED, That payment shall be made from the Game Fund	\$	1,000
(5) Dean C. Farrrens, Compensation for damage to crops by game: PROVIDED, That payment shall be made from the Game Fund	\$	13,971.49
(6) William H. Thompson, In settlement of all claims for expenses in State v. Thompson, pursuant to RCW 9.01.200	\$	5,395.20
(7) Mrs. Tyler C. (Betty) Moffett, Payment in full of deceased husband's retirement contributions	\$	21,154.99
(8) King county, In settlement of all claims for witness fees pursuant to RCW 10.46.230	\$	37,995.07
(9) Department of Social and Health Services, Payment for claims outstanding submitted to the department after the 120-day statutory limit: PROVIDED, That such claims shall be paid at 50.0% of their approved value	\$	566,849.00
(10) United Nursing Homes, Inc. et al.; Payment to be disbursed in accordance with settlement judgment in United Nursing Homes, Inc. v. Thompson, Superior Court for Thurston County, Cause No. 80-2-01170-4	\$	1,663,355.00
(11) Jerry P. Huntley, In settlement of all claims for expenses in State v. Huntley, pursuant to RCW 9.01.200	\$	31,100.00

NEW SECTION, Sec. 143. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	4,672,212
General Fund Appropriation for refund of deferred property tax	\$	313,000
General Fund Appropriation for public utility district excise tax distribution	\$	22,038,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,681,000

General Fund Appropriation for motor vehicle excise tax distribution	\$	37,458,038
General Fund Appropriation for local mass transit assistance	\$	124,195,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	1,509,071
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution	\$	653,749
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	20,624,310
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	204,721,141
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	51,000,000
State Timber Tax Account 'A' Appropriation for distribution to "Timber" counties	\$	15,920,000
State Timber Tax Reserve Account Appropriation for distribution to "Timber" counties	\$	14,750,000
General Fund—Municipal Sales and Use Tax Equalization Account Appropriation	\$	20,169,962
General Fund—County Sales and Use Tax Equalization Account Appropriation	\$	6,779,819
Total Appropriation	\$	526,485,710

NEW SECTION, Sec. 144. FOR THE STATE TREASURER—FEDERAL REVENUES FOR

DISTRIBUTION

Forest Reserve Fund Appropriation for forest reserve fund distribution	\$	16,000,000
General Fund Appropriation for federal flood control funds distribution	\$	21,000
General Fund Appropriation for federal grazing fees distribution	\$	59,000
General Fund—Geothermal Account Appropriation	\$	253,000
Total Appropriation	\$	16,333,000

NEW SECTION, Sec. 145. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST

Loan Interest Fund Appropriation	\$	40,500,000
Fisheries Bond Redemption Fund 1977 Appropriation	\$	3,565,497
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	4,240,466
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	8,778,253
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	1,641,000
Highway Bond Retirement Fund Appropriation	\$	124,040,434
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	238,000
Higher Education Bond Redemption Fund 1977 Appropriation	\$	6,489,282
Ferry Bond Retirement Fund 1977 Appropriation	\$	27,329,487
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,582,560
General Administration Building Bond Redemption Fund Appropriation	\$	602,425
Juvenile Correctional Institutional Building Bond Redemption Fund 1963 Appropriation	\$	642,900
Public School Building Bond Redemption Fund 1965 Appropriation	\$	2,468,360
State Building and Higher Education Construction Bond Redemption Fund 1965 Appropriation	\$	3,196,170
Spokane River Toll Bridge Account Appropriation	\$	883,763
Public School Building Bond Redemption Fund 1963 Appropriation	\$	8,817,239
Higher Education Bond Retirement Fund 1979 Appropriation	\$	23,378,935
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	144,440,039
Fisheries Bond Redemption Fund 1976 Appropriation	\$	764,596
State Building Bond Redemption Fund 1967 Appropriation	\$	656,310
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	16,102,085
Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,863,935
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,239,010
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	3,949,873
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	10,108,978
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,454,980
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	57,317,854
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,995,000

Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,720,331
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,998,465
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,497,928
State Building Authority Bond Redemption Fund Appropriation	\$	9,660,830
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	270,870
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$	1,156,976
Washington State University Bond Redemption Fund 1977 Appropriation	\$	561,675
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,165,125
State Building Bond Redemption Fund 1973 Appropriation	\$	3,845,698
State Building Bond Retirement Fund 1975 Appropriation	\$	1,363,500
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,279,878
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	9,486,418
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	379,058
Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,499,105
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,208,500
Total Appropriation	\$	581,381,788

NEW SECTION, Sec. 146. No appropriations in this act may be used for payment of contributions to the public employees' retirement system in excess of amounts necessary to offset the cost of benefits earned during the 1983-85 biennium. The director of the department of retirement systems shall establish contribution rates pursuant to chapter 41.40 RCW consistent with this section: PROVIDED, That the director may establish contribution rates for political subdivisions which include an allowance for the cost of any post-retirement adjustment granted in the 1983 regular session of the legislature under chapter 41.40 RCW.

NEW SECTION, Sec. 147. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess., the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1983.

NEW SECTION, Sec. 148. Whenever allocations are made from the governor's emergency appropriation to an agency which is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION, Sec. 149. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION, Sec. 150. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION, Sec. 151. 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. 152. 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."

REMARKS BY THE PRESIDENT

President Cherberg: "Due to the importance of Engrossed Substitute House Bill No. 49, and in order to expedite the business of the Senate, the President respectfully requests of the Senators that you remain seated at your desks. Further, staff, designees of the state elected officers, and honored guests will please remain seated in the wings behind the pillars."

MOTION

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

On page 13, line 27, after "1983" strike the remaining words and insert the following:

"\$277,000 will be appropriated to the Office of Financial Management; \$77,000 will be appropriated to the Department of Revenue; and \$450,000 shall lapse."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott to the committee amendment.

The motion by Senator McDermott carried and the amendment to the committee amendment was adopted.

MOTION

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

On page 32, line 7, after "facilities," insert the following:

"In the event that the department does not comply fully and in a timely manner with the several compilations, updates, and modification reports required by this subsection, the director of the office of financial management is authorized to place in reserve the second year funds allotted to the department until such time as the documents are produced and distributed as directed herein."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott to the committee amendment.

The motion by Senator McDermott carried and the amendment to the committee amendment was adopted.

MOTIONS

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

On page 35, line 25, strike "\$34,833,000" and insert "\$34,950,000"

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

On page 35, line 34, after "1983" insert ": PROVIDED, That all three game farms shall be maintained so long as no general fund money is involved."

MOTIONS

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

On page 37, line 30, strike "9,488,000" and insert "11,588,000"

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

On page 37, line 32, after "limitations:" strike all the material through RCW 43.43.854 on page 38, line 2 and insert the following:

"(1) \$1,500,000 is provided solely for the narcotics section, as authorized by RCW 43.43.610 and 43.43.620 and shall be limited to providing information to law enforcement agencies in the state on narcotic and drug law violations and providing investigative assistance on matters of state-wide concern.

(2) \$600,000 is provided solely for the organized crime intelligence unit, as authorized by RCW 43.43.854 and shall be limited to intelligence gathering activities which assist law enforcement agencies and prosecutors in cases of state-wide significance."

MOTION

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

On page 38, line 26, strike "13,381,000" and insert "13,466,000"

On page 38, line 30, strike "20,381,000" and insert "20,466,000"

On page 39, after line 7, insert the following:

"(3) \$85,000 of the general fund-state appropriation is provided solely for a Supervisor of Industrial Arts and Career Education, and related secretarial support."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Sellar to the committee amendment.

The motion by Senator Sellar failed and the amendment to the committee amendment was not adopted.

MOTION

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

- On page 46, line 32, strike "individual" and insert "full time equivalent"
- On page 46, line 34, strike "individual" and insert "full time equivalent"
- On page 46, line 36, strike "individual" and insert "full time equivalent"

Debate ensued.

POINT OF INQUIRY

Senator Hayner: "Did you put in eighteen million dollars extra to take care of this situation, Senator McDermott?"

Senator McDermott: "We put in the money to fund this program."

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

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Lee to the committee amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendments to the committee amendment were not adopted by the following vote: Yeas, 22; nays, 26; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Absent: Senator Pullen - 1.

MOTION

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

On page 51, after line 19, insert the following:

* NEW SECTION, Sec. 116. COMPACT FOR EDUCATION

General Fund \$ 68,000*

Re-number following sections consecutively.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Kiskaddon to the committee amendment.

The motion by Senator Kiskaddon failed and the amendment to the committee amendment was not adopted.

MOTIONS

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

On page 64, after line 27, insert the following:

*(12) Office of Financial Management, For payment of claims against the state of \$500 or less, pursuant to
RCW 4.92.040 \$ 5,000*

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

On page 35, line 25, strike "34,771,000" and insert "35,121,000"

On page 35, line 30, strike "49,322,000" and insert "49,672,000"

MOTION

Senator Barr moved the following amendments to the committee amendment be considered and adopted simultaneously:

On page 36, line 33, strike "10,818,000" and insert "11,638,000"

On page 37, line 8, strike "13,529,000" and insert "14,349,000"

On page 37, after line 21, insert the following:

"(5) \$820,000 from the general fund-state appropriation, which the director of agriculture shall allocate in consultation with the State Weed Control Board to counties having activated weed boards and weed districts, shall be used only for materials for control of noxious weeds."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Barr to the committee amendment.

The motion by Senator Barr failed and the amendments to the committee amendment were not adopted.

MOTION

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

On page 47, after 25, add a new subsection:

"(4) The superintendent of public instruction shall ensure that no district denies any student access to any public school within the district because of a distinction or preference based on race, color, caste or sex. The superintendent of public instruction shall withhold the transportation funding allocation from any district which does not comply with this mandate."

Debated ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Metcalf to the committee amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 21; nays, 27; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Jones, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 27.

Absent: Senator Pullen - 1.

MOTION

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

On page 14, line 5, after "PROVIDED," strike all material down to and including "purpose," on line 9, and insert the following:

"That such allotment modifications may include transfers of money between subsections of this section to the extent that the director of financial management, after a ten day prior notification to the committees on ways and means of the senate and the house of representatives, shall attest to the critical nature of the modification: PROVIDED FURTHER, That no more than 5% of any appropriation provided in a subsection may be transferred to any other subsection, and that the total of such transfers shall not result in a greater than 5% increase to the appropriation of any subsection receiving the transfers."

Debate ensued.

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

MOTION

On motion of Senator Jones, Senator Pullen was excused.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Lee to the committee amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 22; nays, 26; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Brauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.
Excused: Senator Pullen - 1.

MOTION

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

On page 31, line 6, strike "16,711,000" and insert "17,161,000"

On page 31, line 20, strike "137,430,000" and insert "137,880,000"

On page 31, line 21, strike "498,147,000" and insert "498,597,000"

On page 33, after line 8, insert the following:

"(10) Not more than four hundred fifty thousand dollars of the General Fund--State and Local Improvements Revolving Account--Water Supply Facilities appropriation (Referendum 38) may be used as a grant to finance the improvement, including repair, of existing water storage facilities to resolve flood dangers in the Stemilt Creek drainage, Chelan County."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Sellar to the committee amendment.

The motion by Senator Sellar failed and the amendments to the committee amendment were not adopted.

MOTION

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

On page 34, after line 24, strike all of section 86 and insert the following:

"NEW SECTION, Sec. 86. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund	\$	10,526,000
Motor Vehicle Fund Appropriation	\$	866,000
Total Appropriation	\$	11,392,000

The appropriations in this section are subject to the following limitations: \$6,000,000 of the general fund-state appropriation is provided solely for tourism promotion."

Debate ensued.

Senator Quigg 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 committee amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 20; nays, 28; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 20.

Voting nay: Senators Brauer, Bender, Bottiger, Conner, Craswell, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McCaslin, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 28.

Excused: Senator Pullen - 1.

POINT OF INQUIRY

Senator Jones: "Senator Rasmussen, could you tell me what time it is?"

Senator Rasmussen: "It looks to me like it is a quarter after twelve. I never trust these clocks up here, though."

Senator Jones: "Does it seem like the dead of night to you, Senator Rasmussen?"

Senator Rasmussen: "Yes."

Senator Jones: "Do you think we could invoke Rule 15, which mentions that Godfearing people ought to be in bed shortly after 10 p.m., at least on working days?"

Senator Rasmussen: "I am told that if you adopt the next forty amendments in the next five minutes that you can go home at 10 o'clock."

Senator Jones: "That doesn't seem possible to me, Senator Rasmussen."

MOTION

Senator Bottiger moved that Rule 15 be suspended and that the Senate proceed in an orderly discussion of the affairs of the state.

REMARKS BY THE PRESIDENT

President Cherberg: "The President does not believe that Senator Jones was subjecting--just asking a few questions."

MOTION

Senator Lee moved the following amendments to the committee amendment be considered and adopted simultaneously:

On page 45, line 17, strike all of subsection (4)(a) and insert the following:

"(4) \$26,989,000 is provided effective January 1, 1985, for incremental fringe benefits as defined in section 99(2) of this act, and for salary increases as specified in subsections (a) through (d) below for each full time equivalent state-supported staff as defined in section 99(1) of this act.

(a) With respect to basic education certificated staff of a district, a 3.84% increase shall be applied to the LEAP Document 5 1982-83 derived base salary times the 1983-84 staff mix factor as defined in section 100(3) of this act:

(b) With respect to the remaining certificated staff of a district, a 3.86% increase shall be applied to the pertinent derived base salary improved by the 1983-84 staff mix for such staff;

(c) With respect to the basic education classified staff of a district, a 4.9% increase shall be applied to the LEAP Document 5 1982-83 average classified salary for each district as defined in section 99(3) of this act:

(d) With respect to the remaining classified staff of a district, a 4.9% increase shall be applied using the pertinent program average salary for such staff."

On page 45, beginning on line 27, strike all of subsection (5) and renumber the remaining subsections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Lee, do I understand that this is a fifty million dollar add item?"

Senator Lee: "Senator Bottiger, this is not an add-on. This is using the same amount of money, but instead of putting it into various sections, we put it all into the top section and then make the distribution formula under it. It is not an increase in the budget amount."

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

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Lee to the committee amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendments to the committee amendment were not adopted by the following vote: Yeas, 21; nays, 26; absent, 01; excused, 01.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Absent: Senator Benitz - 1.

Excused: Senator Pullen - 1.

MOTION

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

On page 47, beginning on line 8, strike all of subsection (7).

Renumber the remaining subsection accordingly.

Debate ensued.

POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the point of order of impugning the motives of members. I let it go once as probably the heat of battle, but I will raise the point of order if that kind of language is used again. Shortly, we will be considering a bank bill and you might keep that in mind."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Guess, please confine your remarks to the issue." Further debate ensued.

POINT OF INQUIRY

Senator Hayner: "Senator McDermott, I assume that what you are saying is that no school district will be permitted to request, from the state, additional reimbursement for raising salaries earlier than January 1, 1984."

Senator McDermott: "I think, Senator Hayner, the wording of this language in the bill is quite clear. That's precisely what it does. We are putting money in for an average 3.8% salary increase. If a district wishes, from its own sources, to put that salary increase out before January 1, they can so bargain with their teachers. They will, then, not be able to recoup that money from the state. It will not raise their salary base. In the next biennium, we will be where we intended to be."

Further debate ensued.

Senators Bottiger, Bauer and Woody demanded the previous question and the demand was sustained.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Lee to the committee amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 23; nays, 24; absent, 01; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Owen, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 24.

Absent: Senator Hurley - 1.

Excused: Senator Pullen - 1.

MOTION

Senator Barr moved the following amendments to the committee amendment be considered and adopted simultaneously:

On page 47, line 18, strike "157,294,000" and insert "158,994,000"

On page 47, line 21, strike "73,364,000" and insert "74,189,000"

On page 47, after line 25, add a new subsection as follows:

"(4)(a) With respect to school districts having a special levy assessed value of less than \$105,000 per full time equivalent student and a total enrollment of less than 2100 full time equivalent students, the superintendent shall distribute funds at 80% of formula for the 1983-84 school year and 100% for the 1984-85 school year.

(b) For purposes of this section assessed value for the 1983-84 school year shall be based on the 1982 calendar year and for the 1984-85 school year based on the 1983 calendar year. Enrollment shall be based on the prior school year's enrollment."

Debate ensued.

Senator Quigg 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 Barr to the committee amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Barr failed and the amendments to the committee amendment were not adopted by the following vote: Yeas, 21; nays, 26; absent, 01; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Absent: Senator Deccio - 1.

Excused: Senator Pullen - 1.

MOTION

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

On page 52, line 30, after "limitations:" insert "(1)"

On page 53, after line 10, insert the following:

"(2) No district may grant from any fund source any additional salary increase greater than that provided in this act for faculty and exempt employees except that in addition to the increase provided herein, those districts whose actual average faculty salary for 1982-83 is less than that earned from the system's 1982-83 hypothetical salary schedule may increase the average salary of the faculty and exempt employees in 1983-84 up to the average earned by the district from the hypothetical schedule or 5 percent, whichever is less, as determined by rules and regulations promulgated by the State Board for Community College Education."

On page 58, line 34, strike all material after "this" and insert:

"section for faculty and exempt employees except that in addition to the increase provided herein, those districts whose actual average faculty salary for 1983-84 is less than that earned from the system's 1983-84 hypothetical salary schedule may increase the average salary of the faculty and exempt employees in 1984-85 up to the average earned by the district from the hypothetical schedule or 5 percent, whichever is less, as determined by rules and regulations promulgated by the State Board for Community College Education."

Debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the motion by Senator Hayner failed and the amendments to the committee amendment were not adopted by the following vote: Yeas, 23; nays, 25; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Warnke, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody - 25.

Excused: Senator Pullen - 1.

MOTION

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

On page 58, beginning on line 7, strike all of subsection (8)(a) and insert the following:

"(8)(a) Salary increases effective January 1, 1985, average 3.8% per full time equivalent employee. The Legislature intends that, to the fullest extent possible within the funds provided, the salary increase shall implement the salary range increases adopted by the Higher Education Personnel and State Personnel Boards resulting from the findings of the 1982 salary survey."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Lee to the committee amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 22; nays, 25; absent, 01; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Absent: Senator Thompson - 1.

Excused: Senator Pullen - 1.

MOTION

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

On page 58, beginning on line 7, strike all of subsection (a) and insert "(a) Salary increases effective March 30, 1985, of 5% per full time equivalent employee."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Lee to the committee amendment.

The motion by Senator Lee failed and the amendment to the committee amendment was not adopted.

MOTION

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

On page 68, after line 28, insert a new section as follows:

"The balance of State General Funds which were appropriated contingent upon the enactment of specific legislation by July 1, 1983, but which legislation is not enacted, is appropriated to the Department of Retirement Systems to be spent for the purpose of funding the unfunded liability existing in the state retirement systems under the Department of Retirement Systems jurisdiction, to be divided among the retirement systems in proportion to their unfunded liability to the total unfunded liability."

Renumber following sections consecutively.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Lee to the committee amendment.

The motion by Senator Lee failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Hemstad moved the following amendments by Senators Hemstad and Fuller be considered and adopted simultaneously:

On page 45, line 3, strike "\$63,677,000" and insert "\$116,798,000"

On page 45, after line 5, strike all of subsections 1-8 and insert:

"(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds provided by subsections (3), (4) and (5) of this section shall be distributed by the superintendent of public instruction as specified in this section on an allocation basis only.

(3) A maximum of \$37,746,000 shall be distributed for insurance benefit increases for state-supported staff as defined in section 503(1) of this act at a rate of \$22 per month per full time equivalent staff unit in the 1983-84 school year and an additional \$22 per month in the 1984-85 school year.

(4) A maximum of \$17,382,000 shall be distributed for a 7% salary increase for state-supported basic education classified staff, as defined in section 503(1) of this act, effective September 1, 1984, as applied to the LEAP Document 5 1982-83 classified salary for each district. With respect to the remaining state-supported staff of a district as defined in section 503(1) of this act, the superintendent shall distribute a 7% salary increase effective September 1, 1984, using the pertinent program average salary for such staff.

(5) \$61,670,000 is provided solely for incremental fringe benefits as defined in section 503(2) of this act and a salary increase of \$1,821 per state-supported certificated full time equivalent staff unit for the 1984-85 school year effective September 1, 1984.

(6) For purposes of RCW 28A.58.095, the following conditions and limitations apply:

(a) The sum of salary and insurance benefit increases granted by each school district for nonstate-supported staff shall not exceed those specified for state-supported staff of a district.

(b) Districts may grant increases in insurance benefits to achieve a rate of \$159 per individual employee in the 1983-84 school year and \$181 in the 1984-85 school year. For districts having rates greater than \$159 per individual employee in 1982-83, any increase granted in

1983-84 shall constitute salary increase. For districts having rates greater than \$181 per individual employee in the 1983-84 school year, any increase granted in 1984-85 shall constitute salary increase.

(c) Increments granted by school districts to certificated staff shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments pursuant to LEAP Document 1.

On page 57, after line 9, strike all of section 136 and insert the following:

* NEW SECTION. Sec. 136. FOR THE GOVERNOR—SALARY AND INSURANCE CONTRIBUTION INCREASES

(1) There is appropriated for the four-year institutions of higher education from the General Fund \$ 28,869,000

(2) There is appropriated for the community college system from the:

General Fund—State \$ 15,489,000
General Fund—Federal \$ 3,000

(3) There is appropriated for the department of corrections from the General Fund \$8,944,000

(4) There is appropriated for the department of social and health services from the:

General Fund—State \$ 19,380,000
General Fund—Federal \$ 11,753,000

(5) There is appropriated for other state agencies from the:

General Fund—State \$ 12,853,000
General Fund—Federal \$ 2,590,000

(6) There is appropriated for all state agencies from the Special Fund Salary and Insurance Contribution Increase
Revolving Fund \$ 33,068,000

(7) The appropriations in this section are provided solely for salary increases effective July 1, 1984, and insurance benefit contribution increases for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees (excluding student employees not under the jurisdiction of the state or higher education personnel boards). Salary increases and insurance benefit increases granted under this section for each employee shall be funded from the same sources and in the same proportions as the sources funding the employee's salary.

(8) Salary increases averaging 6.7% for higher education classified employees and averaging 8.4% for state personnel board classified and exempt employees shall implement one-half the salary range increases adopted by the higher education and state personnel boards resulting from the 1982 salary survey (catch-up results). If the implementation of one-half the salary range increase results in a fractional range, the next higher range shall be used in computing the increase.

Salary increases shall average 6.7% for medical residents and graduate assistants of the four-year institutions of higher education.

Salary increases averaging 6.7% for faculty and administrative exempt employees of the community college system and the four-year institutions of higher education include increments and merit/market increases.

Such merit/market increases averaging 3.1% are to be granted solely on the basis of merit evaluation procedures which may take into account critical market disparities in teaching disciplines. Furthermore, in the community college system, the merit evaluation procedures for each campus must meet standards adopted by the state board of community college education which take into account professional performance in teaching and community service, as well as market disparities. Each community college shall submit its methodology to the state board for approval prior to implementation. The council for postsecondary education shall report to the governor and the legislature on the implementation of all merit/market increases no later than November 15, 1984.

Excluding the regional university and college faculty resource equalization moneys under sections 527 through 529 of this act, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education may not receive from any fund source any salary increases greater than that provided in this section.

(9) The state's maximum contribution for employee insurance benefits shall be increased from \$137 per month per eligible employee to \$159 per month per eligible employee effective July 1, 1983, and to \$181 per month per eligible employee effective July 1, 1984. Any moneys resulting from a dividend or refund attributable to the experience of an insurance or health care plan calculated at the end of the contract year shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this 1983 act.

(10) To facilitate payment of state employee salary increases and insurance benefit increases from special funds, the state treasurer is directed to transfer sufficient amounts from each special fund to the special fund salary and insurance contribution increase revolving

fund hereby created in accordance with schedules provided by the office of financial management.

(11) Salary increase funds used for merit awards by the institutions shall be for instructional faculty and staff only and no more than forty percent of the faculty and staff calculated on a head count basis may be granted such increases."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Hemstad and Fuller to the committee amendment.

The motion by Senator Hemstad failed and the amendments to the committee amendments were not adopted.

MOTION FOR RECONSIDERATION

Senator McDermott moved that the Senate reconsider the vote by which the amendment to page 13, line 27, to the committee amendment was adopted.

Senator McDermott explained that this amendment to the committee amendment was already included in the committee amendment.

The President declared the question before the Senate to be the motion that the Senate reconsider the vote by which the amendment to page 13, line 27, to the committee amendment was adopted.

The motion by Senator McDermott for reconsideration carried.

Senator McDermott moved that the amendment to page 13, line 27, to the committee amendment not be adopted.

The President declared the question before the Senate to be not to adopt the amendment by Senator McDermott to page 3, line 27, on reconsideration, to the committee amendment.

The motion by Senator McDermott carried and the amendment to the committee amendment, on reconsideration, was not adopted.

MOTION

Senator Hemstad moved the following amendments by Senators Hemstad and Fuller to the committee amendment be considered and adopted simultaneously:

On page 44, line 22, strike "63,677,000" and insert "66,787,522"

On page 44, after line 24, strike all of subsections 1-8 and insert:

"(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds shall be allocated by the superintendent of public instruction as specified in this section and may be expended by school districts for any state funded activity.

(3) Not more than \$36,318,268 may be expended for insurance benefit increases for state-supported staff as defined in section 98(1) of this act at a rate of \$22 per month per full time equivalent staff unit in 1983-84 and an additional \$20 per month in 1984-85

(4) Not more than \$30,469,254 may be expended for a salary increase of 5.0% for state-supported staff, as defined in section 98(1) of this act, effective January 1, 1985. The funds shall be allocated to each local school district to continue the salary equalization plan initiated during the 1981-83 biennium. The superintendent of public instruction shall report to the governor and the legislature, no later than January 1, 1984, sufficient data to determine each district's entitled salary allocation. The report shall identify each district's 1982-83 actual average derived base salary and classified average salary as defined in sections 99 and 100 of this act for all state-supported staff as defined in section 98(1) of this act. Also required is the identification of the amount by which such actual salaries exceed the legislatively authorized June 30, 1983, compliance level for each employee group by district. The superintendent shall, to the extent possible, make corrections to the compliance level resulting from corrections to the 1980-81 salary data base.

(5) For purposes of chapter 16, Laws of 1981, the following conditions and limitations apply:

(a) Districts may provide salary and insurance benefit increases for nonstate-supported activities at rates not exceeding those specified by this section.

(b) Insurance benefit increases granted employees shall constitute a salary increase whenever a district's contribution to employee insurance benefits will exceed, by virtue of increases provided in 1983-84 or 1984-85, \$159 per full time equivalent staff unit in 1983-84 and \$179 per full time equivalent staff unit in 1984-85.

(c) Increments granted by school districts to certificated staff shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments which are provided pursuant to LEAP Document 1.

(6) A district shall not be in violation of this section or chapter 16, Laws of 1981, as a result of corrections to the reported staff mix data in the 1981-82 and 1982-83 school years as long as the average salary for the 1983-84 and 1984-85 school year, respectively, does not exceed the average salary that would have been generated through consistent application of the incorrect base salary and staff mix in the 1983-84 and 1984-85 school years, respectively.

On page 52, after line 9, strike all of section 136 and insert the following:

* **NEW SECTION, Sec. 134. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS**

General Fund Appropriation—State	\$	51,859,978
General Fund Appropriation—Federal	\$	6,872,174
Special Fund Salary and Insurance Contribution Increase Revolving Fund Appropriation	\$	17,507,075
Total Appropriation	\$	76,239,227

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Not more than \$26,453,401 of general fund moneys (including \$2,873,936 in federal funds) may be expended to implement salary increases, effective January 1, 1985, averaging 5.0% for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel boards): PROVIDED, That increases granted in this subsection for higher education faculty and administrative exempt employees are inclusive of increments.

(b) Not more than \$2,992,029 of general fund moneys may be expended to effect merit/market increases averaging 1.6% January 1, 1985, for faculty and administrative exempt employees of the four-year institutions of higher education and the community colleges: PROVIDED, That inclusive of merit pool funds, no regional university, state college, or community college district may grant from any fund source whatsoever any salary increases greater than that provided in this section. The increases are to be granted solely on the basis of formalized merit evaluation procedures which may take into account critical market disparities in teaching disciplines. Furthermore, in the community college system, the formalized merit evaluation procedures for each campus must meet standards adopted by the state board for community college education which take into account professional performance in teaching and community service, as well as market disparities. Each community college shall submit its methodology to the state board for approval prior to implementation. The council for postsecondary education shall report to the governor and the legislature on the implementation of the increases no later than March 15, 1985.

(c) Not more than \$29,286,722 of general fund moneys (including \$3,998,238 in federal funds) may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$20,086,346 of this amount (including \$2,752,254 in federal funds) may be expended to effect, beginning July 1, 1983, an increase in the state's maximum contribution for employee insurance benefits from \$137.00 per month to \$159.00 per month per eligible employee. A maximum of \$9,200,376 of this amount (including \$1,245,984 in federal funds) may be expended to effect, beginning July 1, 1984, an increase in the state's maximum contribution for employee insurance benefits from \$159.00 per month to \$179.00 per month per eligible employee.

(d) Not more than \$8,057,525 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect salary increases effective January 1, 1985, averaging 5.0% for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees (excluding student employees not under the jurisdiction of the state or higher education personnel boards).

(e) Not more than \$33,737 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect merit/market increases averaging 1.6% January 1, 1985, for faculty and administrative exempt employees of the four-year institutions of higher education and the community colleges.

(f) Not more than \$9,415,813 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$6,469,957 of this amount may be expended to effect, beginning July 1, 1983, an increase in the state's maximum contribution for employee insurance benefits from \$137.00 per month to \$159.00 per month per eligible employee. A maximum of \$2,945,856 of this amount may be expended to effect, beginning July 1, 1984, an increase in the state's maximum contribution for employees insurance benefits from \$159.00 per month to \$179.00 per month per eligible employee.

(g) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management."

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator McDermott, I believe we were talking of ninety-four million dollars difference--just the difference between one body's increase and the other--that is about right. Is that true?"

Senator McDermott: "It is my understanding from a casual analysis of this first set of amendments that it was ninety-four million dollars."

Senator Barr: "My question really is then, would you consider this the highest priority and the biggest item of increase in the budget?"

Senator McDermott: "It is awfully late at night to know where you are going with that question, so I am not sure how I ought to answer it. It is the biggest amendment which has been offered here tonight."

Senator Barr: "I assume that the salary increases would be the biggest item of the whole increase then--in the budget? A while ago when I was offering an amendment, I was talking about priorities and I just wanted to know where the priorities lie?"

Senator McDermott: "Senator Barr, in putting this budget together, we tried to take care of human needs first. We wanted people to eat and have a place to live and a hospital to go to when they are sick. That was the highest priority."

Senator Hemstad 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 Hemstad and Fuller to the committee amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Hemstad failed and the amendments to the committee amendment were not adopted by the following vote: Yeas, 16; nays, 31; absent, 01; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Fuller, Guess, Haley, Hemstad, Jones, Kiskaddon, Lee, Metcalf, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 16.

Voting nay: Senators Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hayner, Hughes, Hurley, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 31.

Absent: Senator Rasmussen - 1.

Excused: Senator Pullen - 1.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

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

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 49, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Bottiger, Peterson and Conner demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 49, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 49, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 21; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 21.

Absent: Senator von Reichbauer - 1.

Excused: Senator Pullen - 1.

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

MOTION

On motion of Senator Shinpoch, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 20, 1983

Mr. President:

The House has passed SENATE BILL NO. 3182 with the following amendments:

Strike everything after the enacting clause, and insert the following:

*NEW SECTION. Sec. 1. There is added to chapter 30.04 RCW a new section to read as follows:

A bank or trust company may purchase for its own account shares of stock of a bank or a holding company that owns or controls a bank if the stock of the bank or company is owned exclusively, except to the extent directly qualifying shares are required by law, by depository institutions and the bank or company and all subsidiaries thereof are engaged exclusively in providing services for other depository institutions and their officers, directors, and employees. In no event may the total amount of such stock held by a bank or trust company in any bank or bank holding company exceed at any time ten percent of its capital stock and paid-in and unimpaired surplus, and in no event may the purchase of such stock result in a bank or trust company acquiring more than twenty-five percent of any class of voting securities of such bank or company. Such a bank or bank holding company shall be called a "banker's bank."

NEW SECTION. Sec. 2. There is added to chapter 30.04 RCW a new section to read as follows:

Sales of federal reserve funds with a maturity of one business day or under a continuing contract are not "loans or obligations" or "liabilities" for the purposes of the loan limits established by RCW 30.04.110. However, sales of federal reserve funds with a maturity of more than one business day are subject to those limits.

For the purposes of this section, "sale of federal reserve funds" means any transaction among depository institutions involving the disposal of immediately available funds resulting from credits to deposit balances at federal reserve banks or from credits to new or existing deposit balances due from a correspondent depository institution.

Sec. 3. Section 30.04.060, chapter 33, Laws of 1955 as amended by section 6, chapter 196, Laws of 1982 and RCW 30.04.060 are each amended to read as follows:

The supervisor, the deputy supervisor, or a bank examiner, without previous notice, shall visit each bank and each trust company at least once in each year, and oftener if necessary, for the purpose of making a full investigation into the condition of such corporation, and for that purpose they are hereby empowered to administer oaths and to examine under oath any director, officer, employee, or agent of such corporation. ((Said)) The supervisor may make such other full or partial examinations as deemed necessary and may examine any bank holding company that owns any portion of a bank or trust company chartered by the state of Washington and obtain reports of condition for any bank holding company that owns any portion of a bank or trust company chartered by the state of Washington. The supervisor may visit and examine into the affairs of any nonpublicly held corporation in which the bank, trust company, or bank holding company has an investment or any publicly held corporation the capital stock of which is controlled by the bank, trust company, or bank holding company; may appraise and revalue such corporations' investments and securities; and shall have full access to all the books, records, papers, securities, correspondence, bank accounts, and other papers of such corporations for such purposes. The supervisor may, in his or her discretion, accept in lieu of the examinations required in this section the examinations required under the terms of the federal reserve act for banks which are, or may become, members of a federal reserve bank or the deposits of which are insured by the Federal Deposit Insurance Corporation. Any wilful false swearing in any examination ((shall be)) is perjury.

Sec. 4. Section 30.04.110, chapter 33, Laws of 1955 as amended by section 1, chapter 136, Laws of 1969 and RCW 30.04.110 are each amended to read as follows:

The total liability to any bank or trust company of any person for money borrowed, including in the liabilities of a firm or association the liabilities of the several members thereof, shall not at any time exceed ~~((fifteen))~~ twenty percent of the capital and surplus of such bank or trust company; but the discount of bills of exchange drawn in good faith against actually existing values and the discount of commercial or business paper of solvent parties, actually owned by the person negotiating the same, shall not be considered as money borrowed by him: PROVIDED, That loans secured by collateral security having an ascertained market value of at least fifteen percent more than the amount of the loans secured, shall not be limited by this section.

Loans or obligations shall not be subject under this section to any limitation based upon such capital and surplus to the extent that they are secured or covered by guaranties, or by commitments or agreements to take over or to purchase the same, made by any federal reserve bank or by the United States or any department, bureau, board, commission or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States.

For the purposes of this section, "capital" includes capital notes or debentures issued under chapter 30.36 RCW.

Sec. 5. Section 2, chapter 194, Laws of 1963 and RCW 30.04.128 are each amended to read as follows:

Any state bank or trust company, stock savings bank, or mutual savings bank may invest in the capital stock of banking service corporations ~~((organized for the purpose of performing or providing mechanical, clerical, or record keeping services for two or more banks))~~. The total amount which any such bank may invest in the shares of such corporations may not exceed in the case of a bank or trust company or stock savings bank, ten percent of its paid in or unimpaired capital and unimpaired surplus, or in the case of a mutual savings bank, ten percent of its guaranty fund. Such a bank service corporation may not engage in any activity other than ~~((the performance of services for banks))~~ those permitted by the bank service corporation act, 12 U.S.C. Sec. 1861, et seq., as amended by P.L. 97-320, and in effect on the effective date of this 1983 act. The performance of any service, and any records maintained by any such corporation for a bank, shall be subject to regulation and examination by the supervisor and appropriate federal agencies to the same extent as if such services or records were being performed or maintained by the bank on its own premises.

Sec. 6. Section 30.04.140, chapter 33, Laws of 1955 as amended by section 2, chapter 133, Laws of 1967 and RCW 30.04.140 are each amended to read as follows:

No bank or trust company shall pledge or hypothecate any of its securities or assets to any depositor, ~~((or creditor;))~~ except that it may qualify as depository for United States deposits, postal savings funds or other public funds, or funds held in trust and deposited by any public officer by virtue of his office, or funds held by the United States or the state of Washington, or any officer thereof in trust, or for funds of corporations owned or controlled by the United States, and may give such security for such deposits as are required by law or by the officer making the same; and it may give security to its trust department for deposits with itself which represent trust funds invested in savings accounts or which represent fiduciary funds awaiting investment or distribution~~((PROVIDED, That any bank or trust company may borrow, for temporary purposes, not to exceed in the aggregate amount the paid-in capital and surplus thereof, and may pledge as security therefor assets of such corporation, not exceeding one and one-half times the amount borrowed))~~.

Sec. 7. Section 30.04.160, chapter 33, Laws of 1955 and RCW 30.04.160 are each amended to read as follows:

~~((When it shall appear to the supervisor that any bank or trust company is habitually borrowing for the purpose of reloaning, he may require such corporation to pay off such borrowed money. Nothing herein shall prevent any bank or trust company from rediscounting in good faith and indorsing any of its negotiable notes, but all such moneys borrowed and all such rediscounts shall at all times show on its books and in its reports. No certificates of deposit shall be issued for the purpose of borrowing money;))~~ No officer of any bank or trust company shall issue the note of such corporation for money borrowed or rediscount any of its notes except when authorized by resolution of its board of directors or by an authorized committee thereof. Violation of any provision of RCW 30.04.140 or 30.04.150 or of this section shall constitute a felony.

Sec. 8. Section 7, chapter 136, Laws of 1969 and RCW 30.04.215 are each amended to read as follows:

In addition to all powers ~~((previously))~~ enumerated by this title, and those necessarily implied therefrom, a bank may engage in other business ~~((activity: PROVIDED, That))~~ activities that have been determined by the board of governors of the federal reserve system or by the United States Congress to be closely related to the business of banking, as of the effective date of this 1983 act. At least thirty days before investment in corporations or other entities under this chapter, notification by letter shall be made to the supervisor in accordance with such terms and conditions as the supervisor might establish by rule. A bank~~((which))~~ that desires to perform an activity ~~((which))~~ that is not expressly authorized by ~~((the powers enumerated in))~~ this

section(;) shall first apply to the supervisor for authorization to conduct such activity. Within thirty days of the receipt of this application, the supervisor shall determine whether the activity is ~~((and appropriate adjunct))~~ closely related to the business of banking, whether the public convenience and advantage will be promoted, whether the activity is apt to create an unsafe or unsound practice by the bank and whether the applicant is capable of performing such an activity. If the supervisor finds the activity to be ~~((an appropriate adjunct))~~ closely related to the business of banking and the bank is otherwise qualified, he shall forthwith inform the applicant that the activity is authorized. If the supervisor determines that such activity is not ~~((an appropriate adjunct))~~ closely related to the business of banking or the bank is not otherwise qualified, he shall forthwith inform the applicant. The applicant shall have the right to appeal from an unfavorable determination in accordance with the procedures of the Administrative Procedure Act, chapter 34.04 RCW ~~((as now or hereafter amended))~~. In determining whether a particular activity is ~~((an appropriate adjunct))~~ closely related to the business of banking, the supervisor shall be guided by ~~((whether national banks under federal laws and administrative regulations and rulings have the authority to perform such activity))~~ the rulings of the board of governors of the federal reserve system in making determinations in connection with the powers exercisable by bank holding companies, and the activities performed by other commercial banks or their holding companies. Any activity which may be performed by a bank, except the taking of deposits, may be performed by a corporation, all of the outstanding stock of which is owned by the bank. A bank shall not invest a sum greater than twenty-five percent of its capital and surplus in the capital stock of corporations organized to perform activities authorized by this section.

Sec. 9. Section 30.04.230, chapter 33, Laws of 1955 as last amended by section 7, chapter 196, Laws of 1982 and RCW 30.04.230 are each amended to read as follows:

(1) A corporation or association organized under the laws of this state or licensed to transact business in the state, other than a bank or trust company, may acquire any or all shares of stock of any bank, trust company, or national banking association. Nothing in this section shall be construed to prohibit the merger, consolidation, or reorganization of a bank or trust company in accordance with this title ~~((or to permit a))~~.

(2) ~~Unless the terms of this section are complied with, an out-of-state bank holding company ((the operations of which are principally conducted outside this state to)) shall not~~ shall not acquire more than five percent of the shares of the voting stock or all or substantially all of the assets of a bank, trust company, or national banking association the principal operations of which are conducted within this state.

(3) As used in this section a "bank holding company" means a company that is a bank holding company as defined by the Bank Holding Company Act of 1956, as amended (12 U.S.C. Sec. 1941 et seq.). An "out-of-state bank holding company" is a bank holding company that principally conducts its operations outside this state, as measured by total deposits held or controlled by its bank subsidiaries on the date on which it became a holding company. A "domestic bank holding company" is a bank holding company that principally conducts its operations within this state, as measured by total deposits held or controlled by its bank subsidiaries on the date on which it became a bank holding company.

(4) Any such acquisition referred to under subsection (2) of this section by an out-of-state bank holding company requires the express written approval of the supervisor of banking. Approval shall not be granted unless and until the following conditions are met:

(a) An out-of-state bank holding company desiring to make an acquisition referred to under subsection (2) of this section and the bank, trust company, national banking association, or domestic bank holding company parent thereof, if any, proposed to be acquired shall file an application in writing with the supervisor of banking and pay an investigation fee of five thousand dollars to the supervisor of banking. The application shall contain such information as the supervisor of banking may prescribe by rule as necessary or appropriate for the purpose of making a determination under this section. The application and supporting information and all examination reports and information obtained by the supervisor and the supervisor's staff in conducting its investigation shall be confidential and privileged and not subject to public disclosure under chapter 42.17 RCW. The application and information may be disclosed to federal bank regulatory agencies and to officials empowered to investigate criminal charges, subject to legal process, valid search warrant, or subpoena. In any civil action in which such application or information is sought to be discovered or used as evidence, any party may, upon notice to the supervisor and other parties, petition for an in camera review. The court may permit discovery and introduction of only those portions that are relevant and otherwise unobtainable by the requesting party. The application and information shall be discoverable in any judicial action challenging the approval of an acquisition by the supervisor as arbitrary and capricious or unlawful.

(b) The supervisor of banking shall find that:

(i) The bank, trust company, or national banking association that is proposed to be acquired or the domestic bank holding company controlling such bank, trust company, or national banking association is in such a liquidity or financial condition as to be in danger of closing, failing, or insolvency. In making any such determination the supervisor shall be

guided by the criteria developed by the federal regulatory agencies with respect to emergency acquisitions under the provisions of 12 U.S.C. Sec. 1828(c);

(ii) There is no state bank, trust company, or national banking association doing business in the state of Washington or domestic bank holding company with sufficient resources willing to acquire the entire bank, trust company, or national banking association on at least as favorable terms as the out-of-state bank holding company is willing to acquire it;

(iii) The applicant out-of-state bank holding company has provided all information and documents requested by the supervisor in relation to the application; and

(iv) The applicant out-of-state bank holding company has demonstrated an acceptable record of meeting the credit needs of its entire community, including low and moderate income neighborhoods, consistent with the safe and sound operation of such institution.

(c) The supervisor shall consider:

(i) The financial institution structure of this state; and

(ii) The convenience and needs of the public of this state.

(5) Nothing in this section may be construed to prohibit, limit, restrict, or subject to further regulation the ownership by a bank of the stock of a bank service corporation or a banker's bank.

NEW SECTION, Sec. 10. Section 30.04.150, chapter 33, Laws of 1955 and RCW 30.04.150 are each repealed.

NEW SECTION, Sec. 11. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 241, Laws of 1981 and RCW 43.19.095; and

(2) Section 2, chapter 241, Laws of 1981 and RCW 43.19.112.

NEW SECTION, Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 13. Sections 1 through 10 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

In line 1 of the title, after "institutions;" strike the remainder of the title and insert "amending section 30.04.060, chapter 33, Laws of 1955 as amended by section 6, chapter 196, Laws of 1982 and RCW 30.04.060; amending section 30.04.110, chapter 33, Laws of 1955 as amended by section 1, chapter 136, Laws of 1969 and RCW 30.04.110; amending section 2, chapter 194, Laws of 1963 and RCW 30.04.128; amending section 30.04.140, chapter 33, Laws of 1955 as amended by section 2, chapter 133, Laws of 1967 and RCW 30.04.140; amending section 30.04.160, chapter 33, Laws of 1955 and RCW 30.04.160; amending section 7, chapter 136, Laws of 1969 and RCW 30.04.215; amending section 30.04.230, chapter 33, Laws of 1955 as last amended by section 7, chapter 196, Laws of 1982 and RCW 30.04.230; adding new sections to chapter 30.04 RCW; repealing section 30.04.150, chapter 33, Laws of 1955 and RCW 30.04.150; repealing section 1, chapter 241, Laws of 1981 and RCW 43.19.095; repealing section 2, chapter 241, Laws of 1981 and RCW 43.19.112; and declaring an emergency."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Bottiger moved that the Senate concur with the House amendments to Senate Bill No. 3182.

POINT OF ORDER

Senator Sellar: "A point of order, Mr. President. I would respectfully request that the amendment to Senate Bill No. 3182 broadens the scope and object of the bill. The bill as it left the Senate merely repealed two sections of the code that dealt with revolving funds for the Supervisor of Banking. The amendment that came back broadens to the point of really setting up an entirely new system for interstate acquisition of banks and I, respectfully, report to you that the day-to-day operation of the banking and supervisor has nothing to do with interstate banking."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Sellar, the President finds that Senate Bill No. 3182 is a measure which repeals the statutes creating the banking, savings and loan associations and credit unions examination funds.

"The amendment proposed by the House of Representatives, while incorporating the language of the original bill in the House amendment, deals primarily with the subject of interstate acquisition of banks.

"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.

"Pursuant to Senate Rule 66, Senate Bill No. 3182 is referred to the Senate Committee on Financial Institutions."

MOTION

On motion of Senator Shinpoch, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 19, 1983

SJR 113 Prime Sponsor, Senator McDermott: Authorizing the formation of public corporations for economic development. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

April 19, 1983

2SHB 226 Prime Sponsor, Committee on Ways and Means: Providing for the establishment of export assistance centers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

April 13, 1983

SHB 235 Prime Sponsor, Committee on Transportation: Modifying gas tax provisions ('83-'85 Biennium). Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, Granlund, Guess, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Shinpoch, the rules were suspended and Substitute House Bill No. 235 was advanced to second reading and placed on the bottom of the second reading calendar.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Judiciary was relieved of further consideration of Gubernatorial Appointment No. 110.

On motion of Senator Shinpoch, Gubernatorial Appointment No. 110 was referred to the Committee on Institutions.

MOTION

At 12:03 a.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Thursday, April 21, 1983.

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

ONE HUNDRED-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 21, 1983

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 Benitz, Fuller, Gaspard, Hemstad, Hughes, Pullen, Quigg, Rasmussen, Williams and Woody. On motion of Senator Bluechel, Senators Hemstad, Pullen and Quigg were excused.

The Sergeant at Arms Color Guard, consisting of Pages Lisa Leitch and Greg Vaughn, presented the Colors. Reverend George C. Smith, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 20, 1983

Mr. President:

The Speaker has signed:
 SUBSTITUTE HOUSE BILL NO. 64,
 HOUSE BILL NO. 164,
 HOUSE BILL NO. 300,
 HOUSE BILL NO. 683, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 20, 1983

Mr. President:

The Speaker has signed:
 SENATE CONCURRENT RESOLUTION NO. 125, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 20, 1983

Mr. President:

The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1011 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 20, 1983

Mr. President:

The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 848 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 20, 1983

Mr. President:

The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 790 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 20, 1983

Mr. President:

The House has concurred in the Senate amendment to HOUSE BILL NO. 260 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 20, 1983

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 446 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 20, 1983

Mr. President:

The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 476 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 555, by Representatives Locke, Padden, Smitherman, Belcher, Allen, Fisher, Brough, Lux, Miller, Brekke, Niemi, Egger, Burns, Dellwo, Monohon, Powers, Wang, Charnley and Jacobsen

Revising provisions relating to discrimination.

The bill was read the second time.

MOTION

Senator Talmadge moved the following Committee on Judiciary amendments be considered and adopted simultaneously:

On page 2, line 19, after "chapter," insert "including action that could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed one thousand dollars."

On page 2, line 21, after "(6)" strike all the material down to and including "(8)" on line 28

On page 2, at the beginning of line 32 strike "(9)" and insert "(7)"

On page 2, at the beginning of line 36, strike "(10)" and insert "(8)"

MOTION

On motion of Senator Bottiger, further consideration of House Bill No. 555 was deferred.

SECOND READING

HOUSE BILL NO. 569, by Representatives Fisher, Fisch, Tanner, Miller, Jacobsen, Smitherman, Zellinsky and Powers

Prescribing duties of county auditors or elections official handling public disclosure reports.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 569 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 569.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 569, and the bill passed the Senate by the following vote: Yeas, 39; nays, 00; absent, 07; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogniild, von Reichbauer, Warnke, Wojahn, Zimmerman - 39.

Absent: Senators Benitz, Fleming, Fuller, Hughes, Rasmussen, Williams, Woody - 7.

Excused: Senators Hemstad, Pullen, Quigg - 3.

HOUSE BILL NO. 569, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

Senator Moore moved that the Committee on Financial Institutions be relieved of further consideration of Senate Bill No. 3182, as amended by the House, and that the bill be placed before the Senate.

Senator Sellar demanded a roll call and the demand was sustained. Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Senate Bill No. 3182, as amended by the House, and the motions by Senators Moore and Sellar were deferred.

MOTION

At 9:20 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 10:26 a.m.

MOTION

On motion of Senator Bottiger, the Senate resumed consideration of Senate Bill No. 3182, as amended by the House, and the pending motion by Senator Sellar for a roll call on the motion by Senator Moore that the Committee on Financial Institutions be relieved of further consideration of the bill and that the bill be placed before the Senate.

Debate ensued.

POINT OF INQUIRY

Senator Sellar: "Senator Bottiger, this matter has been brought over to us by the House of Representatives, we all know. There are some members on the floor, including myself, that would like an opportunity, at some point in time, to at least offer some amendments to that bill. We were not given that opportunity in committee, I understand, because of the time press. If we follow through with this particular motion and it goes to conference, etc., I assume that there will be no opportunity for amendments to this bill by a member of the Senate. Is that correct?"

Senator Bottiger: "Senator Sellar, I hadn't thought that all the way through, but I guess I would have to say that there would not be—in the general floor action. The only place that there would be would be in a free-conference report where there could be amendments offered. That is the only place that I can think of."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, if we vote not to concur with the House amendments and send the bill back to the House, and they vote that they do not wish to recede and send the bill back to us, would it then be in order for someone to raise the question of scope and object, if a motion is then made to concur with the House amendments?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Pullen, if such a situation, as you describe, develops, the President will make the determination at that time."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, which motion is before the body at the present time?"

REPLY BY THE PRESIDENT

President Cherberg: "The motion before the Senate, Senator Rasmussen, is the motion by Senator Moore that the Senate Committee on Financial Institutions be relieved of further consideration of Senate Bill No. 3182, as amended by the House."

MOTION

Senator Rasmussen moved that further consideration of Senate Bill No. 3182, as amended by the House, be deferred until the afternoon session.

Senators Bottiger, Hansen and Moore demanded the previous question and the demand was sustained.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Rasmussen to defer consideration of Senate Bill No. 3182, as amended by the House, until the afternoon session.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed by the following vote: Yeas, 16; nays, 31; absent, 02; excused, 00.

Voting yea: Senators Barr, Bender, Craswell, Fleming, Gaspard, Hurley, McDermott, Metcalf, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Warnke, Williams, Zimmerman - 16.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fuller, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Shinpoch, Thompson, Vognild, Wojahn, Woody - 31.

Absent: Senators Bauer, von Reichbauer - 2.

The President declared the question before the Senate to be the roll call on the motion by Senator Moore that the Committee on Financial Institutions be relieved of further consideration of Senate Bill No. 3182, as amended by the House, and that the bill be placed before the Senate.

ROLL CALL

The Secretary called the roll and the motion by Senator Moore carried and the Committee on Financial Institutions was relieved of further consideration of Senate Bill No. 3182, as amended by the House, by the following vote: Yeas, 38; nays, 10; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Wojahn, Woody - 38.

Voting nay: Senators Craswell, Fleming, McDermott, Metcalf, Pullen, Rasmussen, Rinehart, Sellar, Williams, Zimmerman - 10.

Absent: Senator von Reichbauer - 1.

The Senate resumed consideration of Senate Bill No. 3182, as amended by the House.

MOTION

Senator Bottiger moved that the Senate not concur in the the House amendments to Senate Bill No. 3182 and asked the House to recede therefrom.

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Bottiger, Senate Rule 66 is quite specific on that particular point--in the event a scope and object ruling results in a measure being referred to committee, a motion to ask the House to recede, to insist or to adhere shall be in order on the same day upon which the scope and object ruling resulted in the measure being referred to committee." The President suggests that you move to request the House to recede from the House amendments to Senate Bill No. 3182."

Senator Bottiger: "Mr. President, I must have misstated it. I move that pursuant to Rule 66, the Senate ask the House to recede from the House amendments to Senate Bill No. 3182."

Further debate ensued.

POINT OF INQUIRY

Senator Clarke: "Mr. President, I am assuming that the purpose of this motion and a vote on it, does not necessarily indicate the position of those voting on the merits of the House amendments, but that the motion that has been made by Senator Bottiger, is simply to afford an opportunity of consideration of the substance of that amendment by conference between the Houses—since it has been ruled beyond the scope and object and not properly before us for consideration at this time. Am I correct, Senator Bottiger?"

Senator Bottiger: "That is correct, Senator Clarke. That is the precedent that we found in 1975. It comes out exactly the opposite of the way you would think."

POINT OF ORDER

Senator Fleming: "A point of order, Mr. President. Recognizing that there is probably a two-thirds vote for this issue, does this motion demand a suspension of rules and two-thirds vote?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator, the motion would require a suspension of the rules and a suspension of the rules, in this particular instance, would require a two-thirds vote of the members present."

MOTION

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

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger that the Senate request of the House that it recede from the House amendments to Senate Bill No. 3182.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried and the Senate requested the House to recede from the amendments to Senate Bill No. 3182 by the following vote: Yeas, 38; nays, 08; absent, 03; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Shinpoch, Thompson, Vognild, Warnke, Wojahn, Woody, Zimmerman - 38.

Voting nay: Senators Fleming, McDermott, Metcalf, Rasmussen, Rinehart, Sellar, Talmadge, Williams - 8.

Absent: Senators Fuller, Gaspard, von Reichbauer - 3.

MOTION

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 548, by Committee on Local Government (originally sponsored by Representatives Ballard and Miller)

Modifying provisions relating to water supply operations.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 548 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Wojahn, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 548.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 548, and the bill passed the Senate by the following vote: Yeas, 44; nays, 04; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 44.

Voting nay: Senators Hughes, McDermott, Pullen, Wojahn - 4.

Excused: Senator Vognild - 1.

SUBSTITUTE HOUSE BILL NO. 548, having received the constitutional majority, 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 BILL NO. 579, by Committee on Social and Health Services (originally sponsored by Representatives Tanner, Patrick, Egger, Allen, Powers, Barrett, Smitherman, J. King, Monohon, Braddock, Broback, Brekke, Van Dyken, Miller, Brough, Haugen, Long and Holland)

Studying the feasibility of establishing prison work programs to operate automated data input and retrieval systems for departments of state government.

The bill was read the second time.

MOTIONS

On motion of Senator Granlund, the following Committee on Institutions amendments were considered and adopted simultaneously:

On page 1, line 16 of the engrossed bill, being page 1, line 16 of the printed bill, after "shall" strike all of the language down to and including "establishing" on line 17 and insert "implement"

On page 1, line 19 of the engrossed bill, being page 1, line 19 of the printed bill, after "government," strike all of the material down to and including the period on line 21.

On page 1, line 22 of the engrossed bill, after "NEW SECTION, Sec. 4." strike all of the language down to and including "January 1, 1984" on line 27 and insert the following: "Class II institutional industries may subcontract its data input and microfilm capacities to firms from the private sector. Inmates employed under these subcontracts will be paid in accordance with the Class I free venture industries procedures and wage scale"

On motion of Senator McManus, the following amendment by Senators McManus and Owen was adopted:

On page 1, after line 27 of the engrossed bill, being page 1, line 21 of the printed bill, insert the following:

"New Section. Sec. _____. There is added to Chapter 43.19 RCW a new section to read as follows:

General Administration and the Data Processing Authority shall report biennially to the legislature about the degree to which the data entry and microfilm services of institutional industries were used to perform the state's data entry and microfilm work. The report shall include information on the comparative costs of such service."

On motion of Senator Granlund, the following title amendment was adopted:

On page 1, line 1 of the title after "programs;" insert "adding a new section to Chapter 43.19 RCW;"

On motion of Senator Zimmerman, Senator Bluechel was excused.

On motion of Senator Granlund, the rules were suspended, Engrossed Substitute House Bill No. 579, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 579, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 579, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Guess - 1.

Absent: Senator McDermott - 1.

Excused: Senators Bluechel, Vognild - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 579, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, all measures passed by the Senate this morning were ordered immediately transmitted to the House.

MOTION

At 11:07 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:59 a.m.

MOTION

At 11:59 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

At 1:30 p.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 2:32 p.m.

SECOND READING

ENGROSSED HOUSE BILL NO. 419, by Representatives Niemi, Johnson and Belcher (by Cemetery Board request)

Amending procedures for the filing of reports regarding prearrangement contracts by cemeteries.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed House Bill No. 419 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 419.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 419, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 07; excused, 00.

Voting yea: Senators Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Barr, Bauer, Granlund, Hansen, Hurley, Quigg, Woody - 7.

ENGROSSED HOUSE BILL NO. 419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 428, by Representatives Armstrong, West, Dellwo, Wang and Niemi

Modifying certain court procedures.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 2, after line 20, insert the following:

"Sec. 3. Section 1, chapter 60, Laws of 1929 as last amended by section 3, chapter 105, Laws of 1980 and RCW 4.56.190 are each amended to read as follows:

The real estate of any judgment debtor, and such as he may acquire, not exempt by law, shall be held and bound to satisfy any judgment of the district court of the United States rendered in this state, any judgment of the supreme court, court of appeals, or superior court of this state, and any judgment of any justice of the peace rendered in this state, and every such judgment shall be a lien thereupon to commence as hereinafter provided and to run for a period of not to exceed ten years from the day on which such judgment was rendered. As used in this chapter, real estate shall not include the vendor's interest under a real estate contract for judgments rendered after the effective date of this 1983 act. Personal property of the judgment debtor shall be held only from the time it is actually levied upon.

Sec. 4. Section 1, chapter 133, Laws of 1893 as last amended by section 5, chapter 105, Laws of 1980 and RCW 6.32.010 are each amended to read as follows:

At any time within ten years after entry of a judgment for the sum of twenty-five dollars or over upon application by the judgment creditor, such court or judge may, by an order, require the judgment debtor to appear at a specified time and place before the judge granting the order, or a referee appointed by him, to answer concerning the same; and the judge to whom application is made under this chapter may, if it is made to appear to him by the affidavit of the judgment creditor, his agent or attorney that there is danger of the debtor absconding, order the sheriff to arrest the debtor and bring him before the judge granting the order. Upon being brought before the judge he may be ordered to enter into a bond, with sufficient sureties, that he will attend from time to time before the judge or referee, as shall be directed, during the pendency of the proceedings and until the final termination thereof. If the judgment debtor or other persons against whom the special proceedings are instituted has been served with these proceedings and fails to answer or appear, the plaintiff shall be entitled to costs of service, notary fees, and reasonable attorney fees."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen and Talmadge:

On page 1, after line 26, insert the following:

"Sec. 2. Section 24, chapter 64, Laws of 1895 as last amended by section 10, chapter 329, Laws of 1981 and RCW 6.12.050 are each amended to read as follows:

Homesteads may consist of lands and tenements with the improvements thereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of ~~((twenty))~~ thirty thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the owner, and shall not be devoted exclusively to any other purpose."

Renumber the remaining sections consecutively.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Rasmussen and Talmadge.

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

MOTION

Senator Talmadge moved adoption of the following amendment:

On page 3, after line 5 of the engrossed bill, being page 3, after line 5 of the printed bill, insert the following:

"Sec. 4. Section 367, page 201, Laws of 1854 as last amended by section 505, Code of 1881 and RCW 4.84.010 are each amended to read as follows:

The measure and mode of compensation of attorneys and counselors, shall be left to the agreement, expressed or implied, of the parties, but there shall be allowed to the prevailing party upon the judgment certain sums by way of indemnity for ~~((his))~~ the prevailing party's expenses in the action, which allowances are termed costs, including, in addition to costs otherwise authorized by law, the following expenses:

(1) Filing fees;

(2) Fees for the service of process;

(3) Fees for service by publication;

(4) Notary fees;

(5) Reasonable expenses, exclusive of attorneys' fees, incurred in obtaining reports and records, which are admitted into evidence at trial in superior or district court, including but not

limited to medical records, tax records, personnel records, insurance reports, employment and wage records, police reports, school records, bank records, and legal files:

(6) Statutory attorney and witness fees; and

(7) To the extent that the court finds that it was necessary to achieve the successful result, the reasonable expense of the transcription of depositions used at trial: PROVIDED, That the expenses of depositions shall be allowed on a pro rata basis for those portions of the depositions introduced into evidence or used for purposes of impeachment."

Renumber the remaining section.

POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, your explanation sounded quite good, but I just wanted to clarify exactly who gets the attorneys' fees for the prevailing party--against what kind of suits are involved?"

Senator Talmadge: "Senator, specifically, this is in civil litigation and where an individual prevails in a lawsuit, whether a plaintiff or a defendant, they get their statutory costs. They would not get reasonable attorneys' fees. That is something that is different under our system of justice, but they would get something called a statutory attorneys' fee, which is presently \$100. That would be awarded either to the plaintiff or the defendant who prevailed in the lawsuit."

Senator Pullen: "And that is in any civil case?"

Senator Talmadge: "In any civil case--correct."

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

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

MOTION

On motion of Senator Wojahn, the following amendment by Senators Wojahn and Talmadge was adopted:

On page 3, after line 7, insert the following:

"Sec. 5, Section 253, page 178, Laws of 1854 as last amended by section 1, chapter 65, Laws of 1979 ex. sess. and RCW 6.16.020 are each amended to read as follows:

The following personal property shall be exempt from execution and attachment, except as hereinafter specially provided:

(1) All wearing apparel of every person and family, but not to exceed (~~five hundred~~) one thousand dollars in value in furs, jewelry, and personal ornaments for any person.

(2) All private libraries not to exceed (~~five hundred~~) one thousand dollars in value, and all family pictures and keepsakes.

(3) To each person or family (:);

(a) ~~The~~ person's or family's household goods, appliances, furniture and home and yard equipment, not to exceed (~~one~~) two thousand dollars in value;

(b) Provisions and fuel for the comfortable maintenance of such person or family for three months; and

(c) ~~Other~~ property not to exceed (~~four~~) five hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(4) To any person or family, one motor vehicle which is used for personal transportation, not to exceed (~~seven hundred and fifty~~) one thousand five hundred dollars in value.

(5) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed (~~one~~) four thousand five hundred dollars in value.

(6) To a physician, surgeon, attorney, clergyman, or other professional person, the person's library, office furniture, office equipment and supplies, not to exceed (~~one~~) four thousand five hundred dollars in value.

(7) To any other person, the tools and instruments and materials used to carry on his or her trade for the support of himself or herself or family, not to exceed (~~one~~) four thousand five hundred dollars in value.

The property referred to in the foregoing subsection (3) shall be selected by any adult member of the family on behalf of the family or the person, if present, and in case no adult member of the family or person is present to make the selection, then the sheriff or the director of public safety shall make a selection equal in value to the applicable exemptions above described and he shall return the same as exempt by inventory. Any selection made as above provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions. Except as above provided, the exempt property shall be selected by the person claiming the exemption. No person shall be entitled to more than one exemption under the provisions of the foregoing subsections (5), (6) and (7).

For purposes of this section "value" shall mean the reasonable market value of the article or item at the time of its selection, and shall be of the debtor's interest therein, exclusive of all liens and encumbrances thereon.

Wages, salary, or other compensation regularly paid for personal services rendered by the person claiming the exemption may not be claimed as exempt under the foregoing provisions, but the same may be claimed as exempt in any bankruptcy or insolvency proceeding to the same extent as allowed under the statutes relating to garnishments.

No property shall be exempt under this section from an execution issued upon a judgment for all or any part of the purchase price thereof, or for any tax levied upon such property."

MOTION

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

On page 1, line 1 of the title, after "courts;" insert "amending section 1, chapter 60, Laws of 1929 as last amended by section 3, chapter 105, Laws of 1980 and RCW 4.56.190;"

On page 1, line 2 of the title, after "6.04.050;" insert "amending section 1, chapter 133, Laws of 1893 as last amended by section 5, chapter 105, Laws of 1980 and RCW 6.32.010;"

On page 1, line 1 of the title of the engrossed bill, being page 1, line 1 of the title of the printed bill, after "courts;" insert "amending section 367, page 201, Laws of 1854 as last amended by section 505, Code of 1881 and RCW 4.84.010;"

On page 1, line 5 of the title, after "26.09.120;" insert "amending section 253, page 178, Laws of 1854 as last amended by section 1, chapter 65, Laws of 1979 ex. sess. and RCW 6.16.020;"

On page 1, line 2 of the title, after "6.04.050;" insert "amending section 24, chapter 64, Laws of 1895 as last amended by section 10, chapter 329, Laws of 1981 and RCW 6.12.050;"

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 428, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 428, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 428, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 01; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Voting nay: Senator Pullen - 1.

ENGROSSED HOUSE BILL NO. 428, as amended by the Senate, having received the constitutional majority, 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. 479, by Representative Appelwick

Modifying provisions on safe deposit companies.

The bill was read the second time.

MOTION

Senator Pullen moved adoption of the following amendment:

On page 1, line 20, after "notice," insert "and after receiving the return receipt from the post office indicating that the addressee has received the notice."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

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

MOTION

Senator Pullen moved adoption of the following amendment:

On page 4, line 23, after "it." strike all the underscored language down through "holder." on line 28.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

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

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 479, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 479, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 479, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 01; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Voting nay: Senator Rasmussen - 1.

HOUSE BILL NO. 479, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 17, by Representatives Powers, Miller, Hine, Allen, Niemi, Brough, Ellis, Silver, Belcher, Fisher, Sommers, Hankins, Brekke, Galloway, Rust, Stratton, Monohon, Haugen, Heck, Patrick, Wang, Schoon, Appelwick, Vander Stoep, Pruitt, Betzoff, Smitherman, Ristuben, Zellinsky, Sayan, Burns, McClure, Jacobsen, Egger, D. Nelson, Grimm, Garrett, O'Brien, Fisch, Tanner, McMullen, Crane, Vekich, Armstrong, Sutherland, Charnley, J. King, R. King, Dellwo, P. King, Lux, Braddock, Moon, Halsan, Todd, Kreidler, Locke, Prince, Martinis, Kaiser, Barrett, Isaacson and Lewis

Urging the passage of the Equal Rights Amendment to the U. S. Constitution.

The memorial was read the second time.

MOTION

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

On page 1, line 25, after "of" strike "the" and insert "an"

On page 1, line 26, after "Constitution" insert "stating as follows: "Equality of rights and responsibility under the law shall not be abridged or denied to any person on account of the sex of that person."

Debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendments were not adopted by the following vote: Yeas, 16; nays, 32; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Craswell, Fuller, Guess, Haley, Hayner, Hurley, McCaslin, Metcalf, Newhouse, Owen, Pullen, Quigg, Rasmussen, Zimmerman - 16.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Jones, Kiskaddon, Lee, McManus, Moore, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 32.

Absent: Senator McDermott - 1.

MOTION

On motion of Senator Talmadge, the rules were suspended. House Joint Memorial No. 17 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Joint Memorial No. 17.

ROLL CALL

The Secretary called the roll on final passage of House Joint Memorial No. 17, and the memorial passed the Senate by the following vote: Yeas, 41; nays, 08; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Barr, Craswell, Guess, Hurley, McCaslin, Metcalf, Pullen, Rasmussen - 8.

HOUSE JOINT MEMORIAL NO. 17, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE JOINT MEMORIAL NO. 15, by Representatives Garrett, Sayan, J. King, Charnley, Jacobsen, Miller and D. Nelson

Urging the establishment of a permanent civilian conservation corps.

The memorial was read the second time.

MOTION

On motion of Senator Hughes, the rules were suspended. House Joint Memorial No. 15 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Joint Memorial No. 15.

ROLL CALL

The Secretary called the roll on final passage of House Joint Memorial No. 15, and the memorial passed the Senate by the following vote: Yeas, 44; nays, 04; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Craswell, Fuller, McCaslin, Newhouse - 4.

Absent: Senator Quigg - 1.

HOUSE JOINT MEMORIAL NO. 15, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 520, by Representatives Hine, Barnes, and Garrett

Authorizing special districts to modify rates and charges for low-income utility users.

The bill was read the second time.

MOTION

On motion of Senator Williams, the following Committee on Energy and Utilities amendments were considered and adopted simultaneously:

On page 1, line 19 of the engrossed bill, being line 11 of the House amendment to page 1, line 13 of the printed bill, after "notification," insert "Any reduction in charges and rates granted

to low-income persons in one part of a service area shall be uniformly extended to low-income persons in all other parts of the service area."

On page 2, line 6 of the engrossed bill, being line 11 of the House amendment to page 1, line 22 of the printed bill, after "notification," insert "Any reduction in charges and rates granted to low-income persons in one part of a service area shall be uniformly extended to low-income persons in all other parts of the service area."

On page 2, line 11 of the engrossed bill, being "NEW SECTION" of the House amendment to page 1, following line 26, beginning with "NEW" strike all of the language down to and including "area."

MOTION

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

On page 1, line 10, after "adjust," strike "delay, or eliminate" and insert "or delay"

On page 1, line 25, after "adjust," strike "delay, or eliminate" and insert "or delay"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Pullen.

The motion by Senator Pullen carried and the amendments were adopted.

MOTION

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

On page 1, line 11, after "or" and before "classes" strike "distinguishable"

On page 1, line 23, after "or" and before "classes" strike "distinguishable"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Pullen.

The motion by Senator Pullen carried and the amendments were adopted.

MOTIONS

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

Strike "low-income" and insert "poor" every place that the word "low-income" appears.

On motion of Senator Williams, the rules were suspended, Engrossed House Bill No. 520, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 520, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 520, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 02; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Craswell, Newhouse - 2.

Absent: Senators Hemstad, Talmadge - 2.

ENGROSSED HOUSE BILL NO. 520, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 620, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Belcher and Kreidler) (by State Employees Insurance Board request)

Permitting the state employees' insurance fund to self-fund its insurance programs.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 620 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Clarke: "Senator Moore, I note on page 3, line 14 of the bill, it says 'any self-insurance program created pursuant to this section shall be subject to the examination requirements of Chapter 48.803 RCW as if the self-insurance program were a domestic insurer.' Is it the intent, in passing this bill, to require such a fund to have the same qualifications as required of other insurance under the certificates of authority, which would be 48.05 or 48.040 (2), which states 'have capital funds as required by this code based upon the type and domicile of the insurer and the kinds of insurance proposed be transacted.'

"Now, my concern, in asking this question and requestion clarification is the qualifications or requirements for capital and surplus similar to that of private insurers--in the event there should be an unfortunate experience, which would deplete the funds. I fear that inevitably there would be a demand on the general fund of the state to make this good, or if not, the injured employee, in effect, would be left holding the bag. That is the reason I am asking--whether it is the intent of this bill to require this fund to have the same safeguards as to capital and surplus as would be required of a private insurer?"

Senator Moore: "Senator Clarke, not being an expert on insurance, I can only assume that what is stated in the bill pertaining to filing reports and being treated--you referred to page 3--"

Senator Clarke: "On page 3, in effect, starting with line 14 and then continuing down through line 29--our requirements as to what the department should do with respect to reports and examinations.' Now, to me, it is not clear from that language whether or not that is intended to include the requirements and safeguards as to capital and surplus, which would be required of private insurers to enter that field."

Senator Moore: "In response, I can only suggest that where it mentions 'the commissioner shall determine the adequacy of the reserves established for the self-insurance program'--I would assume that they were established at the beginning of the program. That is my only response."

MOTION

Senator Guess moved that further consideration of Engrossed Substitute House Bill No. 620 be deferred indefinitely.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Guess to defer consideration of Engrossed Substitute House Bill No. 620.

ROLL CALL

The Secretary called the roll and the motion by Senator Guess to postpone the bill failed by the following vote: Yeas, 21; nays, 28; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 28.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 620.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 620, and the bill passed the Senate by the following vote: Yeas, 26; nays, 23; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Hansen, Hemstad, Hughes, Hurley, McDermott, Moore, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Granlund, Guess, Haley, Hayner, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Fuller moved that the Senate reconsider the vote by which Engrossed Substitute House Bill No. 620 passed the Senate.

MOTION

Senator Bottiger moved that the Senate immediately reconsider the vote by which Engrossed Substitute House Bill No. 620 passed the Senate.

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

PARLIAMENTARY INQUIRY

Senator Goltz: "If the motion fails, then is the other motion for reconsideration out of order?"

REPLY BY THE PRESIDENT

President Cherberg: "The President will ask Senator Bottiger to clarify his motion. The President believes that it means to immediately reconsider."

Senator Bottiger: "I believe once the notice is given, then any body can move that you do it right now and that is what my motion is to 'now consider.'"

PARLIAMENTARY INQUIRY

Senator Clarke: "A vote 'no,' then, would, in effect, be a vote not to reconsider, so the reconsideration issue would then be completely decided by this vote?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator. A vote 'aye' will mean that you have voted to reconsider the vote, a vote 'no' will mean that you have voted not to reconsider."

Senator Clarke: "I still think there is some misunderstanding upon our side as to the effect. In the event the motion by Senator Bottiger should carry affirmatively and be adopted, is that simply a determination that the vote to or not to reconsider would be taken immediately or is that a vote on the reconsideration?"

President Cherberg: "The President considers this a vote to determine whether the bill is alive or you will reconsider it."

Senator Clarke: "Further consideration--so, if the--"

President Cherberg: "This is a vote on reconsideration--not necessarily on the vote immediately."

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger to immediately reconsider the vote by which Engrossed Substitute House Bill No. 620 passed the Senate.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger for immediate reconsideration failed by the following vote: Yeas, 23; nays, 25; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Absent: Senator Lee - 1.

MOTIONS

On motion of Senator Shinpoch, the Senate resumed consideration of House Bill No. 555 and the pending Committee on Judiciary amendments to page 2, line 19; to page 2, line 21; to page 2 at the beginning of line 32; and to page 2, at the beginning of line 36, deferred earlier today.

Senator Fleming moved adoption of the following amendment to the Committee on Judiciary amendment to page 2, line 19:

Amend the Senate Committee amendment to page 2, line 19. On line 4 of the amendment, strike "one" and insert "five"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment to the committee amendment to page 2, line 19.

The motion by Senator Fleming failed and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendments.

The motion by Senator Talmadge carried and the committee amendments were adopted.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 3, beginning on line 2, strike all of the material down to and including the period on line 3

Senator Pullen moved adoption of the following amendment:

On page 2, line 20 after "compliance" insert ": PROVIDED, That notwithstanding any other provision of law, a respondent shall be entitled to a trial by jury in any action under this chapter in which monetary damages may be awarded"

POINT OF INQUIRY

Senator Guess: "Senator Talmadge, do I understand what you say is that in accordance with the administrative procedures, the case is handled by the administrative law judge? He fines the person a thousand dollars--the person can then go to the superior court and file an action there seeking regress?"

Senator Talmadge: "No, Senator Guess. When a person has that fine imposed against him by an administrative law judge, the Administrative Procedures Act provides that they can appeal to superior court, but they appeal on the record. It is not de novo and it is not before a jury, as I understand. Rather, it is on the record and there are standards for whether or not the factual findings of the administrative law judge are correct and whether the conclusions of law drawn by that administrative law judge are correct.

"I would point out that it is parallel to what we do in a wide variety of cases. Take an example--the Board of Industrial Insurance Appeals and workers' compensation cases--our court has ruled there that the very same kind of mechanism does not violate that worker who was injured the right to a trial jury. If a person files in court and there is a parallel right to file a civil action in court if they want to--they choose not to go through the administrative mechanism--there the right to a trial by jury applies."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

The motion by Senator Pullen failed on a rising vote and the amendment was not adopted.

MOTION

Senator Talmadge moved adoption of the following amendment by Senators Talmadge and Hemstad:

On page 3, after line 3, insert the following:

"Sec. 3, Section 5, chapter 100, Laws of 1961 and RCW 49.44.090 are each amended to read as follows:

It shall be an unfair practice:

(1) For an employer or licensing agency, because an individual is between the ages of forty and ~~((sixty-five))~~ seventy, to refuse to hire or employ or license or to bar or to terminate from employment such individual, or to discriminate against such individual in promotion, compensation or in terms, conditions or privileges of employment: PROVIDED, That employers or licensing agencies may establish reasonable minimum and/or maximum age limits with respect to candidates for positions of employment, which positions are of such a nature as to require extraordinary physical effort, endurance, condition or training, subject to the approval of the director of labor and industries through the division of industrial relations.

(2) For any employer, licensing agency or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination respecting individuals between the ages of forty and ~~((sixty-five))~~ seventy: PROVIDED, That nothing herein shall forbid a requirement of disclosure of birth date upon any form of application for employment or by the production of a birth certificate or other sufficient evidence of the applicant's true age.

Nothing contained in this section or in RCW 49.60.180 as to age shall be construed to prevent the termination of the employment of any person who is physically unable to perform his duties or to affect the retirement policy or system of any employer where such policy or system is not merely a subterfuge to evade the purposes of this section; nor shall anything in this section or in RCW 49.60.180 be deemed to preclude the varying of insurance coverages according to an employee's age; nor shall this section be construed as applying to any state, county, or city law enforcement agencies, or as superseding any law fixing or authorizing the establishment of reasonable minimum or maximum age limits with respect to candidates for certain positions in public employment which are of such a nature as to require extraordinary physical effort, or which for other reasons warrant consideration of age factors."

POINT OF ORDER

Senator Haley: "A point of order, Mr. President. I ask for a ruling on scope and object on this amendment. The bill is about the duties and punishments under an administrative law judge. It would change the name of the commission and the present amendment is an entirely separate subject which would change the ages of people who would have a discrimination case."

Debate ensued.

MOTIONS

On motion of Senator Shinpoch, further consideration of House Bill No. 555 was deferred.

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

MESSAGES FROM THE HOUSE

April 20, 1983

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 4135, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 20, 1983

Mr. President:

The House has passed:

SENATE BILL NO. 3426,

SUBSTITUTE SENATE BILL NO. 3494,

ENGROSSED SENATE BILL NO. 3501,

ENGROSSED SENATE BILL NO. 3537,

ENGROSSED SENATE BILL NO. 3840, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3426,

SUBSTITUTE SENATE BILL NO. 3494,

ENGROSSED SENATE BILL NO. 3501,

ENGROSSED SENATE BILL NO. 3537,

ENGROSSED SENATE BILL NO. 3840,

SUBSTITUTE SENATE BILL NO. 4135.

MOTION

At 5:16 p.m., on motion of Senator Shinpoch, the Senate was recessed until 7:15 p.m.

EVENING SESSION

The President called the Senate to order at 7:15 p.m.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of House Bill No. 555, deferred at the afternoon session.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Haley, the President finds that House Bill No. 555 is a measure which deals with the subject of unfair practices within the jurisdiction of the Human Rights Commission by expanding the actions that an administrative law judge may take at an unfair practice hearing.

"The amendment proposed by Senators Talmadge and Hemstad, also, deals with the subject of unfair practices within the jurisdiction of the Human Rights Commission by including the class of persons who are protected from age discrimination.

"The President, therefore, finds that the proposed amendment does not expand the scope and object of the bill and the point of order is not well taken."

The amendment proposed by Senators Talmadge and Hemstad was ruled in order.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Talmadge and Hemstad.

ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge carried and the amendment was adopted by the following vote: Yeas, 29; nays, 12; absent, 08; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McManus, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 29.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Guess, Haley, Metcalf, Moore, Patterson, Pullen, Quigg, Vognild - 12.

Absent: Senators Bluechel, Deccio, Hayner, Hurley, Jones, Newhouse, Sellar, Woody - 8.

MOTIONS

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

On page 1, line 3 of the title, after "49.60.250;" insert "amending section 5, chapter 100, Laws of 1961 and RCW 49.44.090;"

On line 3 of the title, after "49.60.250" insert a period and strike the remainder of the title

On motion of Senator Talmadge, the rules were suspended, House Bill No. 555, 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.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 555, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 555, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 19; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Peterson,

Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 29.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Guess, Haley, Hansen, Jones, McCaslin, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Sellar - 19.

Absent: Senator Hayner - 1.

HOUSE BILL NO. 555, as amended by the Senate, having received the constitutional majority, 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. 576, by Committee on State Government (originally sponsored by Representatives Kaiser, Gallagher, Mitchell, Lewis, Lux, Johnson, Hine, Vekich, Crane, Struthers, Schmidt, Tilly, Miller, Ebersole and Isaacson)

Revising the laws regulating the veterans' relief fund.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 576 was advanced to third reading, the second reading considered the third, and the bill was 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. 576.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 576, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Hayner - 1.

SUBSTITUTE 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

SUBSTITUTE HOUSE BILL NO. 177, by Committee on Social and Health Services (originally sponsored by Representatives Wang, Lewis, Kreidler, Ballard, Stratton, Broback, D. Nelson, Vander Stoep, Armstrong, Niemi, Pruitt, Mitchell, Dellwo, Braddock, Schoon, Chandler, P. King, Powers, Burns, Ristuben, Johnson, Garrett, Halsan, Tilly, Charnley, Locke, Sutherland, Tanner, Galloway, Holland, Lux, R. King, J. Williams, Long, Miller, Hine and Vekich)

Establishing a maximum initial temperature setting for water heaters.

The bill was read the second time.

MOTION

On motion of Senator Williams, the following Committee on Energy and Utilities amendment was adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature recognizes that unnecessarily hot tap or bath water creates an extreme risk of severe burns, especially among the elderly, children, and retarded persons. Annually, numerous persons suffer severe scald burns, some resulting in death, from tap or bath water which is inordinately hot. Excessive tap and bath water temperatures in residential usage is unnecessary for sanitary purposes. Regulation of the setting of water temperatures upon installation can virtually eliminate incidences of dangerous scalding. Further, the legislature finds that projected future shortages of energy in our state could be reduced or prevented by the efficient utilization of existing energy resources. Reducing the temperature

settings on thermostats to one hundred twenty degrees Fahrenheit (or forty-nine degrees Celsius) would save energy that is now unnecessarily consumed, reduce homeowners' average utility costs, and promote home safety without any loss of comfort or health.

NEW SECTION. Sec. 2. There is added to chapter 19.27 RCW a new section to read as follows:

- (1) "Hot water heater" means the primary source of hot water for a residence.
- (2) The thermostat of a new water heater offered for sale or lease in this state for use in a residential unit, shall be preset by the manufacturer no higher than one hundred twenty degrees Fahrenheit (or forty-nine degrees Celsius) or the minimum setting on any water heater which cannot be set as low as that temperature. Water heating systems may utilize higher reservoir temperature if mixing valves are set or systems are designed to restrict the temperature of water to one hundred twenty degrees Fahrenheit.
- (3) Upon occupancy of a new tenant in a residential unit leased or rented in this state, if hot water is supplied from an accessible, individual water heater, the water heater shall be set by the owner or agent at a temperature not higher than one hundred twenty degrees Fahrenheit (forty-nine degrees Celsius) or the minimum setting on any water heater which cannot be set as low as that temperature. Water heating systems may utilize higher reservoir temperature if mixing valves are set or systems are designed to restrict the temperature of water to one hundred twenty degrees Fahrenheit.
- (4) Nothing in this section shall prohibit an owner of an owner-occupied residential unit or resident of a leased or rented residential unit from readjusting the temperature setting after occupancy. Any readjustment of the temperature setting by the resident relieves the owner or agent of an individual residential unit and the manufacturer of water heaters from liability for damages attributed to the readjustment by the resident.
- (5) The utility providing energy for any water heater under this section shall at least annually, include in its billing a statement:
 - (a) Recommending that water heaters be set no higher than one hundred twenty degrees Fahrenheit or the minimum setting on a water heater which cannot be set as low as that temperature to prevent severe burns and reduce excessive energy consumption; and
 - (b) That the thermostat of an individual water heater furnished in a residential unit leased or rented in this state to new tenants shall be set no higher than one hundred twenty degrees Fahrenheit or the minimum setting on a water heater which cannot be set as low as that temperature pursuant to chapter 19.27 RCW.
- (6) The manufacturer of a water heater under this section which is offered for sale or installed after the effective date of this act shall have a tag attached to the thermostat access plate or immediately adjacent to exposed thermostats. The tag shall state that the thermostat settings above the preset temperature may cause severe burns and consume excessive energy.
- (7) Nothing in this section requires or permits any inspections other than those otherwise required or permitted by law."

MOTION

On motion of Senator Williams, the rules were suspended, Substitute House Bill No. 177, 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 Pullen: "Senator Williams, is there anything in the bill which prevents an owner or a person who lives in an apartment from turning down the level of the hot water heater once he or she begins to live in the house or apartment?"

Senator Williams: "As I recall, the language we have in this measure, now, is very similar to the Senate Bill that passed earlier, and as I recall, the answer is 'no.' The resident or owner may change the setting once it has been set."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 177, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 177, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 04; absent, 03; excused, 00.

Voting yeas: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Barr, Craswell, McCaslin, Newhouse - 4.

Absent: Senators Fleming, McDermott, Warnke - 3.

SUBSTITUTE HOUSE BILL NO. 177, as amended by the Senate, having received the constitutional majority, 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. 511, by Representatives Garrett, Isaacson, Patrick, Fisher and Hine

Adding certain aquatic programs to the local improvement powers of cities and towns.

The bill was read the second time.

MOTIONS

On motion of Senator Zimmerman, the following Committee on Local Government amendment was adopted:

On page 2, line 33 of the engrossed bill, being page 2, line 35 of the printed bill, after "property" and before the period insert "including any waterfront property owned by the department of natural resources or any other state agency"

Senator Rinehart moved adoption of the following amendment by Senators Rinehart, Owen, Moore and Craswell:

On page 3, after line 2 of the printed bill, being page 2, after line 36 of the engrossed bill, insert the following new sections:

* **NEW SECTION.** Sec. 2. From April 3, 1982, until September 30, 1984, the annual rent for an existing lease, renewed lease, or release of public tidelands, shorelands, beds of navigable waters, and harbor areas shall be the rent paid on such lease on January 1, 1981, which may be increased up to six percent per year, not compounded, from April 3, 1982 until September 30, 1984. From April 3, 1982 until September 30, 1984, the annual rent for a new lease entered into after January 1, 1981, shall be the rent paid January 1, 1981, for comparable public tidelands, shorelands, beds of navigable waters, and harbor areas leased for similar purposes. From April 3, 1982, until September 30, 1984, such rent on new leases may be increased up to six percent per year, not compounded, from the January 1, 1981 rent paid. The annual rent paid on January 1, 1981, means the actual rent paid on that date including any stair-stepped or other incremental rent payments of the full rental value. Any lessee of public tidelands, shorelands, beds of navigable waters, and harbor areas paying more than the rent permitted under this section shall receive a credit, in the appropriate amount, on future rent owing for such lease or any other leases entered into by the lessee on public tidelands, shorelands, beds of navigable waters, and harbor areas: PROVIDED, That if any such leases terminate prior to the lessee being granted full credit for the overpaid rent, the lessee shall be reimbursed for the remaining overpayment in money. This section does not apply to geoduck harvesting, clam harvesting, or oyster bed leases which are established by a competitive bid process. No rent or fee may be charged if tidelands, shorelands, beds of navigable waters, and harbor areas are used or leased for a dock and are used only for personal recreational use by the upland owner. The department of natural resources shall adopt and implement rules to implement this section, including methods and procedures for establishing rent, within ninety days of the effective date of this act. This section shall have both retrospective and prospective effect. This section shall expire and have no further legal effect after September 30, 1984.

NEW SECTION. Sec. 3. Section 2, chapter 97, Laws of 1979 ex. sess. section 2, chapter 117, Laws of 1982, section 176, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.525 are each repealed.

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."

POINT OF ORDER

Senator Pullen: "A point of order, Mr. President. It would appear to me that this amendment expands the scope and object of this bill."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Pullen, the President finds that Engrossed House Bill No. 511 is a measure which authorizes cities and towns to create local improvement districts and impose special assessments to fund programs of aquatic plant control, lake or river restoration, and water quality enhancement.

"The amendment proposed by Senator Rinehart and others limits the rent that the Department of Natural Resources may charge for the lease of public tidelands, shorelands, beds of navigable waters, waterways and harbor areas. The amendment, also, prohibits the Department from charging any rent or fee for such public property if it is used only for personal recreational use by the upland owner.

"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 proposed by Senators Rinehart, Owen, Moore and Craswell was ruled out of order.

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed House Bill No. 511, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 511, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 511, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent, 03; excused, 00.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogt, von Reichbauer, Williams, Wojahn, Woody - 35.

Voting nay: Senators Bottiger, Clarke, Craswell, Guess, McCaslin, Metcalf, Moore, Pullen, Quigg, Rasmussen, Zimmerman - 11.

Absent: Senators Bender, Jones, Warnke - 3.

ENGROSSED HOUSE BILL NO. 511, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3226, by Senators McDermott, Jones and Thompson (by Department of Retirement Systems request)

Modifying provisions on retirement from public services.

MOTIONS

On motion of Senator Shinpoch, Substitute Senate Bill No. 3226 was substituted for Senate Bill No. 3226 and the substitute bill was placed on second reading and read the second time.

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

On page 12, after line 34, insert:

* NEW SECTION, Sec. 13. There is added to chapter 41.40 RCW a new section to read as follows:

(1) A person who established service credit under chapter 41.44 RCW and who became a member of the retirement system governed by this chapter prior to the effective date of this act is:

(a) Entitled to transfer any service currently credited under chapter 41.44 RCW to service credit under this chapter as though it had been earned under this chapter; and

(b) Entitled to reestablish any service originally earned under chapter 41.44 RCW but which was destroyed by withdrawal under chapter 41.44 RCW upon payment of the amount withdrawn plus interest from the date of withdrawal until the date of restoration at a rate to be set by the director. The restoration shall be completed within one year of the effective date of this act or within one year of reemployment if not employed by an employer on the effective date of this act. Credit for reestablished service shall be given as though earned in the system governed by this chapter.

(2) The department is authorized to recompute the benefit of any retiree in accordance with this section if the recomputation results in a larger benefit and shall pay the additional amount retroactively to the date of retirement.

(3) Persons affected by this section shall have the benefit provided by this section or the benefit provided by chapters 41.44 and 41.40 RCW as they existed prior to the effective date of this act, whichever is larger."

On page 26, after line 9, insert:

NEW SECTION, Sec. 25. There is hereby appropriated from the general fund to the public employees' retirement fund \$210,000 for the costs resulting from Sec. 13 of this act.

NEW SECTION, Sec. 26. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Shinpoch, I talked to a constituent not long ago. It was after the time of dropping bills in the hopper. He said that he had been into the system, been out of it, then came back and went to work a year ago. He was told that he could buy back in. He wrote to the Department and I believe the closing deadline was about August 1--I think--was when his time would have run out. He wrote to the Department in June and asked them how much he had to put up. He wrote them three other times and never did get an answer from them until after the first of August and they said 'so sorry--the deadline has passed.' Now, would this enable that man to, now, pick that up?"

Senator Shinpoch: "Senator Guess, my judgment is that this amendment would not. As I was reading 32.26, there is an open spot in that. After this amendment, I plan to ask to have the bill set down, because the chairman has another amendment coming and we will get the answer to that question in the meantime."

Further debate ensued.

POINT OF INQUIRY

Senator Goltz: "It is my impression, Senator Shinpoch, that the circumstance which Senator Clarke described is not the complete story--that in this particular case, these employees were actuarially calculated into the system and other conditions. Maybe, you could elaborate to sort of chill the impression that this was the state backing up one person's erroneous interpretation."

Senator Shinpoch: "Thank you, Senator Goltz. It certainly was more than one person. It was the retirement board. The first thing is that they were considered to be portions of the system. We have, you know, formal reports going out to employees that tell you how much you get when you retire and they have always been calculated in the actuarially funding of the system. They have been a part of the system and we have an actuary's statement to that effect. The actuary had always considered them there, because the retirement system had always said they were there.

"This is a case of a state agency, with the Retirement Board making the judgment of putting people in the system, telling the people that they were covered, telling them how much their retirement would be and then taking that formal document from the state, and then those people retiring would have the rug pulled out from under them. I can understand your concern about a precedent and probably there are a few people on the floor that worry more about a precedent in the pension system than I do. I think this is only fair that we do this. I can imagine the depth of my anger and fury of the impotence of not being able to do anything about something that I had relied on all those years, because the Retirement Board did something erroneous. I think that it is right that we do this."

The President declared the question before the Senate to be adoption of the amendments by Senator Shinpoch.

The motion by Senator Shinpoch carried and the amendments were adopted.

MOTION

On motion of Senator Shinpoch, further consideration of Substitute Senate Bill No. 3226 was deferred.

SECOND READING

HOUSE BILL NO. 765, by Representatives R. King and Clayton

Adjusting amount of workers' compensation payable to certain injured workers.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 765 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Haley: "Senator Vognild, we were talking about the cost of living. Are we conforming to the consumer price index or the newer implicit price deflator in this bill?"

Senator Vognild: "Senator Haley, this bill avoids that problem. It does not address either one. This bill uses an average monthly wage for the state of Washington as of July 1 of each year."

POINT OF INQUIRY

Senator Benitz: "Senator Newhouse, could you tell me which funds will be paying the bill here?"

Senator Newhouse: "Senator Benitz, that makes a rather interesting question, because there are really three funds involved in industrial insurance. The first is the accident fund and that is totally paid by the employer. The second is the medical aid fund and that is shared and it has been relatively small compared to the accident fund over the years. The third fund was started some years ago to increase benefits to those previously injured. You understand that the accident fund and the medical fund are prospective and this increase, with its over a quarter of a billion dollars, is almost entirely to the supplemental pension fund--the third fund.

"Now, at the time this was started, it was relatively small. As I recall, it was felt that nobody would object to a couple of cents per hour, but this is going to be far more than that with a bill like this. There will be a substantial deduction, not just from the employer, but also from the employee--prospective employer and employee--to be paid toward those who have been injured in the past.

"I see some real constitutional problems, if this is challenged sometime in the future. This quarter of million dollars--billion--pardon me--we talk about millions and billions and we get out of step sometimes. A quarter of a billion dollars will be assessed--half against the employees of the future, which doesn't seem quite fair under our industrial insurance system. I think that I would really ask that the Senate take a good look at this. I know that it went through the House. That really doesn't mean much. We had better look at it on our own, because this is a bicameral system. We had better know that what we do is right. I can tell you that this bill, maybe more than any other, shakes up the business community of the state--what are we doing in this area."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 765.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 765, and the bill passed the Senate by the following vote: Yeas, 26; nays, 23; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

POINT OF ORDER

Senator Newhouse: "A point of order, Mr. President. There is a rule of the Senate that says that no member can stand at the bar of the Senate when the roll call is being taken and that was violated in this call and the point is that the Secretary of the Senate seems to have difficulty counting when the majority is suddenly behind."

REMARKS BY THE PRESIDENT

HOUSE BILL NO. 765, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Do you rule on my point of order, sir?"

REPLY BY THE PRESIDENT

President Cherberg: "The point of order is that the gentleman was here to check as to whether he was recorded properly."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, with a great deal of reluctance, I would call to task Senator Newhouse for his conduct on the floor. There are provisions in both the Senate rules and in Resolutions for the President to discipline a member who becomes disorderly on the floor."

POINT OF ORDER

Senator von Reichbauer: "A point of order. For further reference, Mr. President, could you explain to us if there is a rule against one standing at the bar of the Senate?"

REPLY BY THE PRESIDENT

President Cherberg: "Would you repeat your remarks, please?"

Senator von Reichbauer: "Is there a rule, Mr. President, that specifically speaks to one being at the bar of the Senate during the course of a roll call vote?"

President Cherberg: "Yes, there is a rule that prohibits any Senator from being near the bar of the Senate during a roll call."

SECOND READING

ENGROSSED HOUSE BILL NO. 107, by Representatives R. King, Betrozoff, Clayton, Heck, O'Brien, Patrick, Galloway, Hine, Sanders and Mitchell

Allowing specified hospitals and school districts to form self-insurance groups.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 1, line 22, after "state" and before the comma insert "or subject to RCW 70.39.150(3)"

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 107, 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 Sellar: "I am sorry, Senator Vognild, but that amendment went by me pretty quick. Could you explain to me why a patient in a public or private non-profit hospital should have this saving, but if the same patient is in a profit hospital that he should not have this saving. I don't understand why the nonprofit should have a saving and the profit should not."

Senator Vognild: "Senator, the testimony that indicated that the saving would be passed on to the patient was the push that put this bill through committee. The nonprofit or the private nonprofit would put that on. There is no assurance that the private or profit hospital would have to push that on to their patients."

Senator Sellar: "Is there any basis that says that profit hospitals charge a higher fee than nonprofit?"

Senator Vognild: "Senator, as a matter of fact, in committee I asked the hospitals to supply me with information and data showing that there was a savings to

this and that there was a savings passed on. One hospital responded and their response was basically in terms of words and not in data."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 107, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 107, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 04; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Thompson, Vogtild, von Reichbauer, Williams, Woody, Zimmerman - 44.

Voting nay: Senators Bender, Moore, Talmadge, Wojahn - 4.

Absent: Senator Warnke - 1.

ENGROSSED HOUSE BILL NO. 107, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I move that Engrossed Substitute House Bill No. 240 be made a special order of business at 11:58. As we are inundated with amendments to this bill, it is obvious that it would delay the consideration of other important legislation and so by making it as a special order of business, perhaps the proposers of the amendments can condense their number substantially."

POINT OF ORDER

Senator Pullen: "A point of order, Mr. President. Senator Bottiger's motion is out of order, because the time he indicated is beyond the limits specified in the rules. The limit specified in the rules is 10 o'clock and he specified 11:58. That is beyond the limit in the rules and, therefore, his motion is out of order."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, the 10 o'clock rule says that if there is an objection at that time and a majority wishes to continue, a majority can continue. We will be here at 11:58, Senator, I can assure you."

Senator Pullen: He has not made such a motion. If Senator Bottiger will, now, make a motion that we go beyond the 10 o'clock limit, that motion would be in order, but it is not in order to specify that we will take up a bill beyond the time limit, Mr. President, that is exceeded as provided in the rules. His motion would be in order if he would, now, move that we go beyond the limit--and suspend the rules--and go beyond the limit of 10 o'clock, but his motion, as of now, is not in order. I would hope that you would rule it out of order, so that he could make the proper motion."

Debate ensued.

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I would think that on Senator Pullen's point of order that Senator Bottiger could set the time for 11:58 and if we are not here, which I am sure we won't be--being the 10 o'clock rule--it will come up in the regular order of business the next time we have a session."

REPLY BY THE PRESIDENT

President Cherberg: "The President admires your intelligence and agrees with you, Senator Rasmussen, and so rules. Engrossed House Bill No. 240 will be a special order of business at 11:58."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 888, by Committee on Judiciary (originally sponsored by Representatives Ebersole, Jacobsen, Wang and Dellwo)

Revising provisions relating to criminal sentencing.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the rules were suspended, Substitute House Bill No. 888 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 888.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 888, and the bill passed the Senate by the following vote: Yeas, 34; nays, 14; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Gaspard, Granlund, Guess, Hansen, Hayner, Hughes, Hurley, Jones, Lee, McCaslin, McDermott, Moore, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 34.

Voting nay: Senators Bluechel, Fleming, Fuller, Goltz, Haley, Hemstad, Kiskaddon, McManus, Metcalf, Newhouse, Peterson, Quigg, von Reichbauer, Zimmerman - 14.

Absent: Senator Woody - 1.

SUBSTITUTE 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.

SECOND READING

HOUSE JOINT MEMORIAL NO. 31, by Representatives Fuhrman, Sanders and Tanner

Petitioning Congress and President Reagan to make efforts to have MIAs returned.

The memorial was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, House Joint Memorial No. 31 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Joint Memorial No. 31.

ROLL CALL

The Secretary called the roll on final passage of House Joint Memorial No. 31, and the memorial passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

HOUSE JOINT MEMORIAL NO. 31, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 150, by Representatives Pruitt, Barnes, Fisch, Miller, Fisher, Long, Zellinsky, Tanner, Sommers, Jacobsen, Charnley, Garrett, B. Williams, Kaiser, Ristuben, Wang, Lewis, McMullen, Mitchell, Belcher, Patrick, Johnson, Isaacson, Silver, Rust, McDonald, Todd, Moon, Halsan, Hine, Allen, Dellwo, Lux and Holland

Requiring special reports of campaign contributions over five hundred dollars.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 150 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Newhouse: "I think it is no secret, Senator Talmadge, that I think this is rather a silly bill. In looking at the language on sub (3), on page 1, it says that 'this notice shall be delivered to the Public Disclosure Commission within twenty-four hours of the time that the contribution is received and it can be delivered by mail.' Now, having had experience with the mails in this state in which mail from my side of the mountains to the Public Disclosure can take two, three, four, five days, how can you possibly comply with that and how can you require it in a reasonable manner?"

Senator Talmadge: "Senator, you have made clear your feeling that you don't like this bill. If you follow down to subsection (4), however, you will note that the special report may be transmitted orally by telephone to the Commission to satisfy delivery requirements. I suggest that in the case of people in eastern Washington, to be safe, they might like to make that oral transmission to the Public Disclosure Commission and at the same time put the thing in the mail, so that Uncle Sam's postal people can try and get it there as soon as they possibly can. I think you can probably have more assurance that Ma Bell will transmit your message to the PDC."

Senator Newhouse: "Would you, then, say that this law would require that a candidate's committee, in some part of this state where it might require more than twenty-four hours for mail delivery, would be required to make a report by phone or could the Public Disclosure Commission require a telephone report?"

Senator Talmadge: "I think to be safe you would probably want to make that telephone report."

Senator Newhouse: "Safe from what?"

Senator Talmadge: "Safe from any concern that you have violated any of the Public Disclosure Act, Senator."

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, I might want to vote against this bill, but I never got a \$500 contribution in my life for political purposes."

Senator Talmadge: "Then you wouldn't have to worry about it applying to you."

Senator Rasmussen: "Except from my wife. My question, Senator Talmadge, is this, and I am reminded of it because in the Satiacum case where Judge Tanner was representing Satiacum to handle--you have to make a federal report of all checks of \$10,000 or money transfers--so they made deposits of \$9,999 and didn't have to report it. Now, if I were to get a check for \$499, I wouldn't have to report it?"

Senator Talmadge: "Senator, I suspect that we can conjure all sorts of intricacies that would allow us to violate the law or to evade the implications of the law. Basically, I suspect, that people would be a little bit suspicious after the elections were over when the post election report comes in to see a whole range of \$499 contributions pop up on somebody's post election PDC filing."

Senator Rasmussen: "Two \$250 checks--no body would pay any attention to that?"

Senator Talmadge: "I think people might be paying attention to a couple of \$250 checks."

Debate ensued.

Senators Bottiger, Talmadge and Woody demanded the previous question.

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

The President declared the question before the Senate to be the roll call on shall the main question be now put.

ROLL CALL

The Secretary called the roll and the demand for the previous question carried by the following vote: Yeas, 25; nays, 24; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 24.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 150.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 150, and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Lee, McCaslin, Metcalf, Pullen, Quigg, Rasmussen, Williams, Zimmerman - 20.

Absent: Senator Newhouse - 1.

ENGROSSED HOUSE BILL NO. 150, having received the constitutional majority, 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. 906, by Committee on Social and Health Services (originally sponsored by Representative Kreidler)

Modifying provisions regarding developmentally disabled juveniles living in out-of-home placements.

The bill was read the second time.

MOTION

Senator Craswell moved that the following Committee on Social and Health Services amendments not be adopted:

On page 1, line 17, after "their" strike "parents have determined that the children's"

On page 2, line 15, after "to" strike the remainder of the sentence and insert "care for the child."

The President declared the question before the Senate to be the motion by Senator Craswell to not adopt the two Committee on Social and Health Services amendments.

The motion by Senator Craswell carried and the two committee amendments were not adopted.

MOTION

Senator McManus moved the following Committee on Social and Health Services amendments be considered and adopted simultaneously:

On page 2, line 14, after "RCW" strike "71.20.015" and and insert "71.20.016"

On page 6, line 3, after "to" strike the remainder of the sentence and insert "care for the child."

The President declared the question before the Senate to be adoption of the Committee on Social and Health Services amendments to page 2, line 14 and to page 6, line 3.

The motion by Senator McManus carried and the committee amendments were adopted.

MOTION

On motion of Senator Craswell, the following amendment by Senators Craswell and McManus was adopted:

On page 2, line 15, after "custodian" strike all material through "home." on line 17 and insert "together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist."

MOTION FOR RECONSIDERATION

Senator McManus moved that the Senate reconsider the vote by which the Committee on Social and Health Services amendment to page 6, line 3, was adopted.

The motion by Senator McManus carried and the Senate resumed consideration of the the Committee on Social and Health Services amendment to page 6, line 3.

The President declared the question before the Senate to be adoption of the Committee on Social and Health Services amendment to page 6, line 3, on reconsideration.

The committee amendment was not adopted, on reconsideration.

MOTION

On motion of Senator McManus, the rules were suspended, Engrossed Substitute House Bill No. 906, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 906, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 906, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 906, as amended by the Senate, having received the constitutional majority, 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. 882, by Committee on Financial Institutions and Insurance (originally sponsored by Representative Tanner)

Changing provisions relating to interest rates in the absence of an express agreement.

The bill was read the second time.

MOTION

On motion of Senator Bottiger, the rules were suspended, Substitute House Bill No. 882 was advanced to third reading, the second reading considered the third, and the bill was 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. 882.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 882, and the bill passed the Senate by the following vote: Yeas, 46; nays, 03; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Thompson, Vognild, von Reichbauer, Warnke, Woody, Zimmerman - 46.

Voting nay: Senators Talmadge, Williams, Wojahn - 3.

SUBSTITUTE HOUSE BILL NO. 882, having received the constitutional majority, 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. 484, by Committee on Social and Health Services (originally sponsored by Representatives Monohon, Lewis, Kreidler, Stratton, Brekke, Schmidt, Jacobsen, Wang, Todd and Dellwo)

Establishing a long-term care ombudsman program.

The bill was read the second time.

MOTIONS

On motion of Senator Zimmerman, Senator Bluechel was excused.

On motion of Senator McManus, Engrossed Substitute House Bill No. 484 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 484.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 484, and the bill passed the Senate by the following vote: Yeas, 42; nays, 04; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognd, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Barr, Benitz, Clarke, Sellar - 4.

Absent: Senators Bender, Jones - 2.

Excused: Senator Bluechel - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 484, having received the constitutional majority, 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. 278, by Committee on Natural Resources (originally sponsored by Representatives Stratton, Martinis, B. Williams and Haugen)

Reorganizing the fisheries code.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the following Committee on Natural Resources amendments were considered and adopted simultaneously:

On page 27, after line 8, insert the following:

"(4) In the sale of surplus salmon from state hatcheries, the division of purchasing shall require that a portion of the surplus salmon be processed and returned to the state by the purchaser. The processed salmon shall be fit for human consumption and in a form suitable for distribution to individuals. The division of purchasing shall establish the required percentage at a level that does not discourage competitive bidding for the surplus salmon. The measure of the percentage is the combined value of all of the surplus salmon sold. The department of social and health services shall distribute the processed salmon to economically depressed individuals and state institutions pursuant to rules adopted by the department of social and health services."

On page 46, after line 35, insert the following:

"NEW SECTION, Sec. 61. There is added to chapter 75.12 RCW a new section to read as follows:

(1) It is unlawful to fish for or take salmon commercially with a net within the waters of the tributaries and sloughs described in subsection (2) of this section which flow into or are connected with the Columbia river.

(2) The director shall adopt rules defining geographical boundaries of the following Columbia river tributaries and sloughs:

- (a) Washougal river;
- (b) Camas slough;
- (c) Lewis river;
- (d) Kalama river;
- (e) Cowlitz river;
- (f) Elokomin river;
- (g) Elokomin sloughs;
- (h) Skamokawa sloughs;
- (i) Grays river;
- (j) Deep river;
- (k) Grays bay.

(3) The director may authorize commercial net fishing for salmon in the tributaries and sloughs from September 1st to November 30th, if the time, areas, and level of effort are regulated in order to maximize the recreational fishing opportunity while minimizing excess returns of fish to hatcheries. The director shall not authorize commercial net fishing if a significant catch of steelhead would occur."

Renumber the sections consecutively and correct internal references accordingly.

On page 55, beginning on line 15, strike all material down to and including "section." on page 56, line 36 and insert the following:

"Sec. 75. Section 75.20.100, chapter 12, Laws of 1955 as last amended by section 1, chapter 29, Laws of 1975 1st ex. sess. and RCW 75.20.100 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the salt or fresh waters of the state or materials from the stream beds, such person or government agency shall (~~submit to the department of fisheries and the department of game full plans and specifications of the proposed construction or work, complete plans and specifications for the proper protection of fish life in connection therewith, the approximate date when such construction or work is to commence, and shall~~), before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the ((director of fisheries and the director of game)) department having jurisdiction of the site as to the adequacy of the means ((outlined)) proposed for the protection of fish life ((in connection therewith and as to the propriety of the proposed construction or work and time thereof in relation to fish life, before commencing construction or work thereon. The director of fisheries and the director of game shall designate and authorize certain employees of their respective departments to act in place of themselves by signing written approvals for such designations and authorizations)). This approval shall not be unreasonably withheld. The appropriate department shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the appropriate department shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the hydraulic permit within two years of the date of issuance. If approval is denied, the appropriate department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.04 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or government agency commences construction on any ((such)) hydraulic works or projects subject to this section without ((first providing plans and specifications subject to the approval of the director of fisheries and the director of game for the proper protection of fish life in connection therewith and without)) first having obtained written approval of the ((director of fisheries and the director of game)) appropriate department as to the adequacy of ((such plans and specifications submitted)) the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, ((he)) the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency ((be)) is convicted of violating any of the provisions of this section and

continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such. For the purposes of this section, "bed" shall mean that portion of a river or stream and the shorelands within ~~((the))~~ ordinary high water lines.

For each application, the departments shall mutually agree on which one department shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If a department receives an application concerning a site not in its jurisdiction, it shall transmit the application to the appropriate department within three days and notify the applicant.

~~((PROVIDED: That))~~ In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department of fisheries or department of game, through their authorized representatives, shall issue immediately upon request oral permits to a riparian owner or lessee for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream without the necessity of ~~((submitting prepared plans and specifications or))~~ obtaining a written permit prior to commencing work. Conditions of an oral permit shall be reduced to writing within thirty days and complied with as provided for in this section."

On page 72, line 6, before "a bona fide" strike "or" and insert "and"

On page 78, beginning on line 13, strike all material down to and including "nonresidents." on line 20 and insert the following:

~~((Any))~~ A commercial ~~((salmon))~~ fishing vessel not qualified for a ~~((commercial salmon fishing))~~ license or ~~((vessel delivery))~~ permit under RCW 75.28.455 ~~((and wishing to land salmon caught outside the territorial waters of the state of Washington shall be able to))~~ shall not land salmon in the state of Washington unless, as determined by the director or the director's designee on a case-by-case basis, a bona fide emergency exists. In such an emergency situation, the vessel owner shall obtain a single delivery vessel delivery permit. The fee for such permit shall be one hundred dollars."

On page 83, line 32, strike "five" and insert "~~((five))~~ fifty"

On page 83, line 32, after "dollars" insert "for residents and one hundred dollars for nonresidents."

On page 66, after line 28, insert the following:

"NEW SECTION. Sec. 94. There is added to chapter 75.25 RCW a new section to read as follows:

(1) A Hood Canal shrimp license is required to take or possess shrimp taken for personal use from that portion of Hood Canal lying south of the Hood Canal floating bridge.

(2) The annual fees for Hood Canal shrimp licenses are:

- (a) For a resident license, five dollars;
- (b) For a nonresident license, fifteen dollars.

(3) Hood Canal shrimp licenses shall be issued only under authority of the director. The director may authorize license dealers to issue the licenses and collect the license fees. In addition to the license fee, license dealers may charge a dealer's fee of fifty cents. The dealer's fee may be retained by the license dealer.

(4) The director shall adopt rules for the issuance of Hood Canal shrimp licenses and for the collection, payment, and handling of license fees and dealer's fees.

(5) Notwithstanding RCW 75.04.010, for the purposes of this section, "resident" means a person who for at least ninety days immediately preceding application for a license has maintained a permanent place of abode within this state and has established by formal evidence an intent to continue residence within this state. All other persons are nonresidents.

(6) Hood Canal shrimp licenses are not transferable.

(7) Upon request of a fisheries patrol officer or ex officio fisheries patrol officer, a person taking or possessing shrimp for personal use in that portion of Hood Canal south of the Hood Canal floating bridge shall exhibit the required license and write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person does not have a license or is not the person named on the license.

(8) A person who violates a provision of this section or who knowingly falsifies information required for the issuance of a Hood Canal shrimp license is guilty of a misdemeanor and is subject to the penalties provided in chapter 9A.20 RCW."

Renumber the sections consecutively and correct internal references accordingly.

On page 80, after line 24, insert the following:

"NEW SECTION. Sec. 121. There is added to chapter 75.28 RCW a new section to read as follows:

(1) In addition to a shellfish pot license, a Hood Canal shrimp endorsement is required to take shrimp commercially in that portion of Hood Canal lying south of the Hood Canal floating bridge. The annual endorsement fee is one hundred sixty-five dollars for a resident and three hundred forty dollars for a nonresident.

(2) Not more than fifty shrimp pots may be used while commercially fishing for shrimp in that portion of Hood Canal lying south of the Hood Canal floating bridge."

Renumber the sections consecutively and correct internal references accordingly.

On page 93, line 18, after "take" insert "dungeness"

On page 93, line 18, after "crab" insert "(Cancer magister)"

On page 93, line 20, after "endorsement," insert "A license endorsement is not required to take other species of crab, including red rock crab (Cancer productus)."

On page 93, line 28, after "of" insert "dungeness"

MOTION

Senator Rasmussen moved adoption of the following amendment:

On page 12, line 21, after "director" insert a period and strike the balance of lines 21 and 22.

Debate ensued.

POINT OF INQUIRY

Senator Quigg: "Senator Owen, Senator Rasmussen's amendment that deals with the language 'other statutes' on line 12 of page 29, what other statutes would that be dealing with in the terms of the bill?"

Senator Owen: "The game statutes, only."

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen.

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

MOTION

Senator Rasmussen moved adoption of the following amendment:

On page 12, line 33, strike lines 33 and 34.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen.

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

MOTION

Senator Rasmussen moved adoption of the following amendment:

On page 14, line 21, after "impair" strike "their supply" and insert "the resource"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen.

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

MOTION

Senator Rasmussen moved adoption of the following amendment:

On page 14, strike all of section 6.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen.

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

MOTION

Senator Rasmussen moved adoption of the following amendment:

On page 29, beginning on line 12, strike "and other statutes as prescribed by the legislature"

Debate ensued.

POINT OF ORDER

Senator Fleming: "A point of order. Would I be out of order to move to reconsider the vote by which the Rasmussen amendment to page 14, striking all of section 6, passed the Senate?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator."

Senator Fleming: "I would be out of order?"

President Cherberg: "Not a bit."

MOTION FOR RECONSIDERATION

Senator Fleming moved that the Senate reconsider the vote by which the last Rasmussen amendment to page 14, striking all of section 6, was adopted.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Fleming that the Senate reconsider the vote by which the Rasmussen amendment to page 14, striking all of section 6, was adopted.

ROLL CALL

The Secretary called the roll and the motion by Senator Fleming for reconsideration carried by the following vote: Yeas, 30; nays, 16; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 30.

Voting nay: Senators Benitz, Clarke, Conner, Craswell, Deccio, Guess, Haley, Hayner, Hemstad, Jones, McCaslin, Metcalf, Pullen, Quigg, Rasmussen, Zimmerman - 16.

Absent: Senators Sellar, Shinpoch - 2.

Excused: Senator Bluechel - 1.

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen to page 14, striking all of section 6, on reconsideration.

The amendment was not adopted on reconsideration.

MOTION FOR RECONSIDERATION

Senator Guess moved that the Senate reconsider the vote by which the Committee on Natural Resources amendment to page 55, line 15, was adopted.

Senator Fleming moved that further consideration of Engrossed Substitute House Bill No. 278 be deferred until 11:30 p.m.

The President declared the question before the Senate to be the motion by Senator Fleming that further consideration of Engrossed Substitute House Bill No. 278 be deferred until 11:30 p.m.

The motion carried and further consideration of Engrossed Substitute House Bill No. 278 was deferred until 11:30 p.m.

MOTION

Senator McCaslin moved that the Senate adjourn until 9:30 a.m., Friday, April 22, 1983.

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

The President declared the question before the Senate to be the roll call on the motion by Senator McCaslin that the Senate adjourn until 9:30 a.m., Friday, April 22, 1983.

ROLL CALL

The Secretary called the roll and the motion by Senator McCaslin failed by the following vote:

Yeas, 23; nays, 25; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Absent: Senator Patterson - 1.

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, according to Rule 15, it says 'the Senate shall adjourn not later than 10:00 p.m. of each working day.' It is now past 10 o'clock and pursuant to Rule 15, we must adjourn unless, perhaps, the rule is suspended with the appropriate required number of votes or unless we have been working on a bill, that at 10 o'clock tradition says we shall continue with that bill past 10 o'clock. Since it is now past 10 o'clock and we are not working on any such bill, I would suggest that we are automatically adjourned until 10 o'clock tomorrow."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, obviously, the motion to adjourn which just failed would conversely be a motion to continue to work past 10 o'clock."

Senator Pullen: "No, because he moved to adjourn until 9:30. According to Rule 15, we shall adjourn at 10 o'clock, so unless there is a positive motion to keep us going past 10 o'clock, I would suggest that Rule 15 requires us to adjourn now."

MOTION

Senator Shinpoch moved that Rule 15 be suspended.

Senator von Reichbauer demanded a roll call and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, it would appear to me that it takes a two-thirds vote to suspend this rule, because Rule 15 is divided into two portions--the first portion, which is an entity unto itself. It is even separated as a separate paragraph. Also, the second paragraph, which is the second portion of Rule 15--I will draw the President's attention to the fact that it says that 'this rule may be suspended by a majority.' The antecedent of that is 'when convening the same day, the Senate shall recess ninety minutes for dinner each working evening.' I would suggest that that being the antecedent to this rule that this rule would apply to that and the other portion of the rule, which is clearly a separate paragraph and a sub-section, would take a two-thirds vote."

REPLY BY THE PRESIDENT

President Cherberg: "Senator, in reply to your inquiry, it will take a simple majority to suspend Rule 15."

The President declared the question before the Senate to be the roll call on the motion to suspend Rule 15.

ROLL CALL

The Secretary called the roll and the motion by Senator Shinpoch carried and Rule 15 was suspended by the following vote: Yeas, 25; nays, 24; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 24.

MOTIONS

On motion of Senator Fleming, the Senate resumed consideration of Engrossed Substitute House Bill No. 278 and the pending two motions, the first by Senator Guess to reconsider the vote by which the Committee on Natural Resources amendment to page 55, line 15, was adopted by the Senate, and the second by Senator Rasmussen for adoption of the amendment to page 29, beginning on line 12.

On motion of Senator Guess, and there being no objection, the motion to reconsider was withdrawn.

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen to page 29, beginning on line 12.

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

MOTION

Senator Metcalf moved adoption of the following amendment:

On page 20, line 24, after "possessed" add ", provided that the department shall not prohibit the use of barbed hooks in the taking of or fishing for salmon"

Debate ensued.

POINT OF INQUIRY

Senator von Reichbauer: "Senator Rasmussen, in light of the comments by Senators Sellar and Peterson, would it be your interpretation then--regarding the Boldt decision--that a vote for this amendment would be against the Boldt decision and a vote against the amendment would be in support of the Boldt decision?"

Senator Rasmussen: "No. As I recall Judge Boldt didn't mention anything about barbless hooks. That was dreamed up in the Fisheries Department. I don't know whether Boldt knew one end of the hook from the other, but I read the case and I didn't see any mention of that in there. Maybe, you read a different case, Senator Peterson. I don't know."

The President declared the question before the Senate to be adoption of the amendment by Senator Metcalf.

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

MOTION

Senator Rasmussen moved adoption of the following amendment:

On page 40, after line 35, insert the following:

"NEW SECTION. Sec. 56. There is added to chapter 75.12 RCW a new section to read as follows:

It shall be lawful to take, fish for, land, or possess Dungeness crabs for commercial purposes in coastal, Pacific Ocean, Grays Harbor, Willapa Harbor, and Columbia River waters throughout the year."

Renumber the sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Shinpoch: "A point of order, Mr. President. I would challenge the scope and object of Senator Rasmussen's amendment on page 40, line 35. It really does two things. Number one, it prohibits the Department from enforcing the conservation of a resource which is contrary to those things which we have charged the Department with. It seems to me that it expands the scope and object of the bill."

Debate ensued.

On motion of Senator Shinpoch, further consideration of Engrossed Substitute House Bill No. 278 was deferred.

President Pro Tempore Goltz assumed the chair.

SECOND READING

HOUSE BILL NO. 89, by Representatives D. Nelson, Niemi, Lux, Isaacson, Rust, Haugen, Hankins, Johnson, Tanner and Brekke

Relieving counties and cities from an obligation to include nuclear attack evacuation plans in their emergency services plans.

The bill was read the second time.

MOTION

On motion of Senator Warnke, House Bill No. 89 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Quigg: "Senator Rinehart, a few weeks ago--maybe a month ago, there was a television simulation of, I guess you call it a terrorist event, in Charleston, South Carolina. Somebody had a tug boat with a nuclear bomb in it. As I recall, one of the scariest things that I thought of all of that was the confusion of people trying to get out of town. There were shootings and all kinds of grief as

people tried to evacuate. Now, with this bill passing, would Seattle be required to plan for such an event or would that not be the case?"

Senator Rinehart: "Two responses--first of all I don't have a television, so I didn't see the program. Second of all, my assumption is that no plan would reduce confusion in response to the event of a nuclear attack."

Further debate ensued.

Senators Bottiger, Fleming and Shinpoch demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 89.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 89, and the bill passed the Senate by the following vote: Yeas, 31; nays, 17; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 31.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Deccio, Fuller, Guess, Hayner, Jones, McCaslin, Metcalf, Patterson, Pullen, Quigg, Rasmussen, von Reichbauer, Zimmerman - 17.

Absent: Senator Lee - 1.

HOUSE BILL NO. 89, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed Substitute House Bill No. 278, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Shinpoch, the President finds that Engrossed Substitute House Bill No. 278 is an omnibus measure which reorganizes and makes many substantive revisions to the Fisheries Code.

"The amendment proposed by Senator Rasmussen authorizes persons to take Dungeness crabs for commercial purposes throughout the year.

"The President, therefore, finds that the proposed amendment does not expand the scope and object of the bill and that the point of order is not well taken."

The amendment by Senator Rasmussen was ruled in order.

Debate ensued.

Senators Bottiger, Peterson and Fleming demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen to page 40, line 35.

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

MOTIONS

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

On page 52, line 21, strike "~~(shall in no way)~~ do not" and insert "shall in no way"

Senator Rasmussen moved adoption of the following amendment:

On page 117, after line 23, insert the following:

"NEW SECTION. Sec. 182. It is the intent of this chapter to authorize the private ownership of salmon hatcheries by qualified nonprofit corporations for the purpose of contributing, by artificial means, to the rehabilitation of the state's depleted and depressed salmon fishery. The program shall be operated without adversely affecting natural stocks of fish in the state and under a policy of management which allows reasonable segregation of returning hatchery-reared salmon from naturally occurring stocks.

NEW SECTION. Sec. 183. Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of fisheries.

(2) "Director" means the director of the department of fisheries.

(3) "Hatcheries" means salmon propagation facilities including, but not limited to, all equipment, utilities, structures, real property, and interests in and improvements on real property, as well as stream bed clearing and rehabilitation and hatchbox programs.

NEW SECTION. Sec. 184. The director shall designate regions of the state for the purpose of salmon production and develop and amend as necessary a comprehensive salmon plan for each region, including provisions for both public and private nonprofit hatchery systems. Subject to plan approval by the director, the comprehensive salmon plans shall be developed by regional planning teams consisting of department personnel and representatives of the appropriate region. These planning teams shall be formed under section 185 of this act.

NEW SECTION. Sec. 185. The director shall assist in and encourage the formation of regional planning teams for the purpose of enhancing salmon production. There shall be a planning team for each of the distinct geographic fisheries in the state: The Columbia river fishery; the Puget Sound fishery; and the coastal waters fishery. Each planning team shall include representation from the department of fisheries, the department of game, treaty Indians, commercial fishermen, sport fishermen, and members of the public concerned with the salmon resource. Each regional planning team shall produce for the review and approval of the director a regional fishery salmon enhancement plan that is acceptable to all interests in the region. The regional salmon enhancement plan shall include the total number of salmon of each species to be produced in the region, the method or methods of enhancement to be employed, the size and location of any hatcheries, and the appropriate distribution of the harvest.

NEW SECTION. Sec. 186. The director or the director's designee may issue a permit, subject to the restrictions imposed by this chapter and the rules adopted under this chapter, to a nonprofit corporation after the permit application has been reviewed by the regional planning team, for the construction and operation of a salmon hatchery.

(1) The application for a permit under this section shall be on a form prescribed by the department and shall be accompanied by an application fee of twenty-five dollars.

(2) A hatchery permit under this chapter is nontransferable. If a permit holder sells or leases a hatchery for which a permit has been issued, the new operator shall apply for a new permit under this section.

(3) A qualified nonprofit corporation has a preference right to a permit under this section if its proposed hatchery is provided for in the comprehensive plan for that region developed under section 185 of this act and the fresh water source exceeds a minimum flow of one cubic foot per second. Any other local nonprofit hatchery corporation approved by the regional planning team has an identical preference right.

(4) No permit under this chapter may be issued for construction or operation of a hatchery on an anadromous fish stream unless the stream has been classified as suitable for enhancement purposes by the director. The director shall undertake to make such classifications in conjunction with the development of the comprehensive plan under section 185 of this act.

(5) Volunteer enhancement programs which are in existence prior to the effective date of this act, if the sponsors of the programs choose to reorganize into nonprofit corporations, shall have preference in the permit process.

(6) During the development of a comprehensive plan for a region, no permit may be issued for a hatchery unless the director determines that such an action would result in substantial public benefits and would not jeopardize natural stocks.

NEW SECTION. Sec. 187. (1) At least thirty days before the issuance of a permit under section 186 of this act, a public hearing shall be held in a central location in the vicinity of the proposed hatchery.

(2) Notice of the hearing shall be published in a newspaper of general circulation once a week for three consecutive weeks, with completion of the notice at least ten days prior to the hearing.

(3) The hearing shall be conducted by the department and shall include a presentation by the permit applicant of a plan for the proposed hatchery, describing its capacity and any other relevant facts which may be of interest to the department or the public. Interested members of the public shall be afforded an opportunity to be heard.

(4) The department shall record and consider objections and recommendations offered by the public at the hearing conducted under this section. The department shall respond in writing, within ten days after the conclusion of the hearing, to any specific objections offered by a member of the public at the hearing.

NEW SECTION. Sec. 188. The department shall require, in a permit issued to a hatchery operator under this chapter, that:

(1) Salmon eggs procured by the hatchery must be from the department or a source approved by the department;

(2) No salmon eggs or resulting fry may be placed in waters of the state other than those specifically designated in the permit;

(3) No salmon eggs or resulting fry, sold or transferred to a permit holder by the state or by another party approved by the department, may be resold or otherwise transferred to another person;

(4) No salmon may be released by the hatchery before approval by the department, and, for purposes of pathological examination and approval, the department shall be notified of the proposed release of salmon at least fifteen days before the date of the proposed release by the hatchery;

(5) Diseased salmon shall be destroyed in a specific manner and place designated by the department;

(6) Adult salmon shall be harvested by hatchery operators only at specific locations designated by the department;

(7) Surplus eggs from salmon returning to the hatchery shall be made available for sale or transfer first to the department and then, after inspection and approval by the department, to operators of other hatcheries authorized by permit to operate under this chapter;

(8) If surplus salmon eggs are sold by a permit holder under this chapter to another permit holder, a copy of the sales transaction shall be provided to the department;

(9) The cost of inspections or examinations conducted by the department under this section before the release of salmon, or when eggs are procured from sources other than the department, or to determine the existence of disease, shall be borne by the hatchery owner for which the inspection or examination is conducted; and

(10) A hatchery shall be located in an area where a reasonable segregation from natural stocks occurs, but, if feasible, in an area where returning hatchery fish will pass through traditional salmon fisheries.

NEW SECTION. Sec. 189. (1) If a permit holder fails to comply with the conditions and terms of the permit issued under this chapter within a reasonable period after notification of the non-compliance by the department, the permit may be suspended or revoked, at the discretion of the director, after the regional planning team for the area in which the hatchery is located is notified and granted an opportunity to comment upon the proposed suspension or revocation.

(2) If the director finds that the operation of the hatchery is not in the best interests of the public, the director may alter the conditions of the permit to mitigate the adverse effects of the operation, or, if the adverse effects are irreversible and cannot be mitigated sufficiently, initiate a termination of the operation under the permit over a reasonable period of time under the circumstances, not to exceed four years. During the period of time that the operation is being terminated, the permit holder may harvest salmon under the terms of the permit but may not release additional fish.

NEW SECTION. Sec. 190. (1) Fish released into the natural waters of the state by a hatchery operated under this chapter are available to the people for common use and are subject to regulation under applicable law in the same way as fish occurring in their natural state until the fish return to the specific location designated by the department for harvest by the hatchery operator.

(2) The department may adopt rules necessary to implement this chapter.

NEW SECTION. Sec. 191. (1) Before and after permit issuance under this chapter, the department shall make every effort, within the limits of time and resources, to advise and assist applicants or permit holders, as appropriate, in the planning, construction, or operation of salmon hatcheries.

(2) Nothing in this section exempts an applicant or permit holder from compliance with this chapter or from compliance with the rules adopted under this chapter.

NEW SECTION. Sec. 192. (1) The department shall approve the source and number of salmon eggs taken under this chapter.

(2) If feasible, salmon eggs utilized by a hatchery operator under this chapter shall first be taken from stocks native to the area in which the hatchery is located, and then, upon approval of the department, from other areas, as needed.

(3) The department shall submit to the hatchery owner, in writing, a statement detailing the genetic background, species integrity, migration timing and routing, probable catch contribution, catch competition, stock competition, total pounds available by genetic strain state-wide, landing history per proposed release site, and amount of in-transfer and out-transfer per proposed site, for brood stock.

(4) The department shall not charge for eggs provided by the department to a nonprofit facility under this chapter.

NEW SECTION. Sec. 193. A hatchery operator under this chapter who sells salmon returning from the natural waters of the state, or sells salmon eggs to another hatchery operating under this chapter, after utilizing the funds required for reasonable operating costs, including debt retirement, expanding the hatchery's facilities, salmon rehabilitation projects, fisheries research, or for costs of operating the regional planning teams for the area in which the hatchery is located, shall expend the remaining funds on other fisheries activities of the regional planning team. Fish returning to hatcheries and sold for human consumption shall be of comparable quality to fish harvested by commercial fisheries in the area and shall be sold at prices commensurate with the current market.

NEW SECTION. Sec. 194. As a condition of and in consideration for a permit to operate a hatchery under this chapter, an inspection of the hatchery facility by department inspectors

shall be permitted by the permit holder at any time the hatchery is operating. The inspection shall be conducted in a reasonable manner.

NEW SECTION. Sec. 195. No later than December 15 of each year, a salmon hatchery operator holding a permit under this chapter shall submit an annual report, on a form provided by the department, to the department and to the regional planning team for the area in which the hatchery is located, which includes information pertaining to species; brood stock source; number, age, weight, and length of spawners; number of eggs taken and fry fingerling produced; and the number, age, weight, and length of adult returns attributable to hatchery releases.

NEW SECTION. Sec. 196. Sections 182 through 195 of this act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. Sec. 197. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Quigg: "Senator Rasmussen, how will the nonprofit corporation be compensated for its efforts in the hatchery operation?"

Senator Rasmussen: "As they work it in Alaska—they are assigned. The Fisheries Committee took a trip up there to examine this concept and were very impressed with it. They take the fish on a terminal basis, as they do now."

Senator Quigg: "So, they would catch the fish with traditional gear or do they catch them at the hatchery?"

Senator Rasmussen: "The fish are available out in the open for trolling, of course. In Alaska, most of it is done with drift nets or purse seine."

Senator Quigg: "Would there be a landing tax on the fish that returned to the hatchery—these private nonprofit hatcheries?"

Senator Rasmussen: "You would collect the same tax as you would on any other fish that is brought in—yes—and you would have to file the same information."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Rasmussen.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 26; absent, 02; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Patterson, Pullen, Rasmussen, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Guess, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Quigg, Rinehart, Shinpoeh, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody - 26.

Absent: Senators Newhouse, Vognild - 2.

MOTIONS

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

adopted:

On page 7, line 22 of the title, strike "a new section" and insert "new sections"

On page 7, line 23 of the title, strike "a new section to chapter 75.25 RCW;" and insert "new sections to chapter 75.25 RCW; adding a new section to chapter 75.28 RCW;"

On motion of Senator Owen, Engrossed Substitute House Bill No. 278, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 278, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 278, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Newhouse - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 278, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 674, by Representatives Sutherland, Tanner, J. King, B. Williams, Ristuben and Heck

Prohibiting sturgeon fishing with a set line in the Columbia River or its tributaries.

The bill was read the second time.

MOTION

Senator Owen moved adoption of the following amendment by Senators Owen, Bauer and Zimmerman:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. In an effort to enhance recreational opportunity and improve management of the resource, the director shall pursue the elimination of set line fishing for sturgeon through the Columbia river compact, RCW 75.40.010.

NEW SECTION, Sec. 2. There is added to chapter 75.28 RCW a new section to read as follows:

In addition to a set line license, a Columbia river sturgeon endorsement is required to take sturgeon commercially with set lines in the waters of the Columbia river or its tributaries. The annual endorsement fee is two hundred dollars for residents and four hundred dollars for nonresidents.

NEW SECTION, Sec. 3. This act shall take effect on January 1, 1984."

POINT OF INQUIRY

Senator Rasmussen: "Senator Owen, what is the present license? I know in the bill that it says 'the annual endorsement fee is \$200 for residents and \$400 for non-residents.' Can you tell us what the present license is?"

Senator Owen: "Somewhat less than what is in the amendment."

Senator Rasmussen: "Well, Mr. President--"

Senator Owen: "I am sorry, Senator Rasmussen, I didn't have the information immediately before me. It is \$35, presently."

POINT OF INQUIRY

Senator Quigg: "Senator Rasmussen, what is the season on Columbia River sturgeon? I thought it was year round. Is it a limited season--time wise?"

Senator Rasmussen: "Well, it is limited by the time when the fish are available and are the proper size. You can't, as I understand it--and I would yield to Senator Owen who is much more familiar with this bill than I--but you can't take them over eight feet and you can't take them less than three feet, as I understand."

Senator Quigg: "That's a pretty old sturgeon, isn't it--when it gets up to eight feet--or in the three to eight foot range? They must be growing all the time to get to be that big."

Senator Rasmussen: "That size sturgeon is protected and if you catch one that size and keep it, you are going to be severely fined, because that is the fish that propagates the little sturgeons."

Further debate ensued.

Senators Bottiger, Peterson and Fleming demanded the previous question.

Senator von Reichbauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on shall the main question be now put.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 25; nays, 24; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 24.

The President declared the question before the Senate to be adoption of the amendment by Senators Owen, Bauer and Zimmerman.

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

MOTION

On motion of Senator Owen, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "fish," strike the remainder of the title and insert "adding a new section to chapter 75.28 RCW; creating a new section; and providing an effective date."

MOTION

On motion of Senator Owen, Engrossed House Bill No. 674, 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

Senator Metcalf moved that the Senate adjourn until 10:00 a.m., Friday, April 22, 1983.

The President declared the question before the Senate to be the motion by Senator Metcalf that the Senate adjourn until 10:00 a.m., Friday, April 22, 1983.

The motion by Senator Metcalf failed on a rising vote, the President voting 'nay.'

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 674, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 674, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 08; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Voting nay: Senators Craswell, Guess, McCaslin, Metcalf, Patterson, Pullen, Rasmussen, von Reichbauer - 8.

Absent: Senator Hayner - 1.

ENGROSSED HOUSE BILL NO. 674, as amended by the Senate, having received the constitutional 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 McCaslin moved that the Senate adjourn until 10:00 a.m., Friday, April 22, 1983.

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

The President declared the question before the Senate to be the roll call on the motion by Senator McCaslin to adjourn until 10:00 a.m., Friday, April 22, 1983.

ROLL CALL

The Secretary called the roll and the motion by Senator McCaslin failed by the following vote: Yeas, 23; nays, 25; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Pullen, Quigg, Sellar, Thompson, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Boltiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Vogndild, Warnke, Williams, Wojahn, Woody - 25.

Absent: Senator Patterson - 1.

SPECIAL ORDER OF BUSINESS

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 240, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Heck, Vander Stoep, J. King, Lewis, Brekke, Patrick, Fisch, Fisher, Zellinsky, Pruitt, Barnes, Miller, Long, Jacobsen, Tanner, Johnson, Ristuben and Garrett) (by Secretary of State request)

Revising procedures for mail voting.

The bill was read the second time.

MOTIONS

Senator Talmadge moved the following Committee on Judiciary amendment be adopted:

On page 1, beginning on line 23 of the engrossed and printed bill, after "~~((only))~~," strike all of the underscored material down through "29.04.055," on line 28 and insert:

"At any special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or RCW 29.13.020 may also request that the election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.

In no instance shall any special election be conducted by mail ballot in any precinct with more than one hundred registered voters if candidates for partisan office are to be voted upon."

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

On the first line of the underlined material on the amendment to page 1, beginning on line 23, after "any" insert "nonpartisan"

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

On the sixth line of the underlined material strike "countu" and insert "county"

MOTION

Senator Lee moved the following amendment to the committee amendment:

On page 1, line 23, insert the word "elected" before the words "county auditor" wherever it applies in the committee amendment and add a new paragraph after paragraph one of the amendment, as follows: If a county does not have an elected auditor, the county legislative body shall have the responsibility to either honor the request or determine that the election is not to be conducted by mail ballot."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Lee to the committee amendment.

The motion by Senator Lee failed on a rising vote and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment, as amended.

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

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 5, line 21 of the engrossed and printed bill, after "mail" strike "in conjunction" and insert "in connection"

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 5, following line 26 of the engrossed bill, being page 5, following the House amendment on page 5, line 24, insert a new section to read as follows:

"NEW SECTION. Sec. 9. The secretary of state shall adopt rules and regulations not inconsistent with the provisions of this chapter to:

(1) Ensure that standards and procedures are established to prevent fraud and to facilitate the accurate processing and canvassing of mail ballots;

(2) Ensure that standards and procedures are established to guarantee the secrecy of the ballot;

(3) Ensure that uniformity exists among the counties of the state in the conduct of mail ballot elections."

Renumber the remaining section consecutively.

MOTIONS

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

On page 2, line 1, after "than" strike "~~((fifteen))~~ five" and insert "fifteen"

Senator Pullen moved the following amendments to be considered and adopted simultaneously:

Restore all the stricken language on page 2, section 2, lines 2 through 11.

On line 5 after "~~with))~~" strike "a mail ballot and"

Debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendments were not adopted by the following vote: Yeas, 18; nays, 31; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Clarke, Craswell, Deccio, Guess, Hayner, Jones, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Sellar, von Reichbauer - 18.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Owen, Peterson, Quigg, Rinehart, Shipoch, Talmadge, Thompson, Vogtild, Warnke, Williams, Wojahn, Woody, Zimmerman - 31.

MOTION

On motion of Senator Talmadge, all of the following amendments on the desk were adopted:

By Senator Haley

On page 2, line 5, after "and" strike "a postage prepaid" and insert "an"

By Senator Bauer, Bluechel, Zimmerman and Patterson

On page 2, line 19, after "shall" insert "contain only the ballot, the return envelope and information authorized in RCW 28A.56.610 and shall"

By Senator Pullen

On page 2, line 20, after "Sender" and before the period insert " - Return Postage Guaranteed"

By Senator Pullen

On page 2, line 24, after "auditor" strike "may" and insert "shall"

By Senator Pullen

On page 3, line 2, after "election," insert "Each spoiled ballot must be returned to the county auditor before a new one is issued."

By Senator Craswell

On page 3, line 12, after "than" insert "one day after"

By Senator Pullen

On page 3, line 30, after "secrecy" insert "in the presence of at least three election officials"

By Senator Pullen

On page 3, line 35, after "ballots," insert "Such political party observers shall be permitted to conduct a hand count of the ballots whenever electronic vote tallying devices are used."

By Senator Pullen

On page 3, line 35, after "ballots," insert "Political party observers shall be allowed to count by hand ballots from up to ten precincts selected by the observers."

By Senator Pullen

On page 4, line 12, after "voter," insert "The county auditor must notify both the county prosecuting attorney and the state attorney general of every instance in which a voter has voted more than once."

By Senator Lee

On page 4, line 12, after the period, insert: "To insure that the foregoing requirements are met, no mail ballots may be opened for counting until such a time following the date of the election as it is reasonable to expect that all ballots have been returned and all signatures have been checked for validity."

By Senator Pullen

On page 4, line 23, after "election)" strike all of the underlined language down through "29.36.120," on line 24

By Senator Pullen

On page 5, line 10, strike all of section 8.
Renumber the remaining sections(s) accordingly.

By Senators Sellar, McCaslin, Quigg and Metcalf

On page 5, after section 7, add a new section as follows:
"NEW SECTION. Sec. 8. There is added to chapter 29.36 RCW a new section to read as follows:

A person who willfully violates any provision of this chapter is guilty of a class C felony."

By Senator Pullen

On page 1, line 6 of the title, after ":" strike the balance of the language down through the next ":"

MOTION

On motion of Senator Talmadge, Engrossed Substitute House Bill No. 240, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Shinpoch, Bottiger and Fleming demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 240, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 240, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; nays, 18; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vogndild, Warnke, Williams, Wojahn, Zimmerman - 31.

Voting nay: Senators Benitz, Clarke, Craswell, Deccio, Guess, Hayner, Hurley, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Sellar, von Reichbauer, Woody - 18.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 240, as amended by the Senate, having received the constitutional 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 12:47 a.m., on motion of Senator Shinpoch, the Senate adjourned until 11:00 a.m., Friday, April 22, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

ONE HUNDRED--THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 22, 1983

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Clarke, Fleming, Patterson, Peterson, Pullen, Rasmussen, Sellar, von Reichbauer and Wojahn. On motion of Senator Vognrild, Senator Rasmussen was excused. On motion of Senator Bluechel, Senators Pullen and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Colleen Hoban and Shelley Little, presented the Colors. Reverend George C. Smith, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed:

SENATE BILL NO. 3448,

ENGROSSED SENATE BILL NO. 3532,

ENGROSSED SENATE BILL NO. 3644,

SENATE BILL NO. 4156, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 21, 1983

Mr. President:

The House has passed:

SENATE BILL NO. 3123,

SUBSTITUTE SENATE BILL NO. 3522,

SENATE BILL NO. 3531,

SENATE BILL NO. 3535,

SUBSTITUTE SENATE BILL NO. 3664,

ENGROSSED SUBSTITUTE SENATE BILL NO. 3757,

SENATE BILL NO. 3763,

SUBSTITUTE SENATE BILL NO. 3812, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 21, 1983

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3166,

SUBSTITUTE SENATE BILL NO. 3646, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 21, 1983

Mr. President:

The House has passed:

SENATE JOINT MEMORIAL NO. 118,

ENGROSSED SENATE JOINT RESOLUTION NO. 105, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 21, 1983

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 4107,

SENATE JOINT MEMORIAL NO. 110, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 21, 1983

Mr. President:

The House has passed:

SENATE BILL NO. 3585, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 20, 1983

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3483, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3, by Representatives Charnley, Isaacson, Hine, Hankins, Hastings and Sanders

Continuing the Joint Ad Hoc Committee on Science and Technology.

The resolution was read the second time.

MOTIONS

On motion of Senator Goltz, the following Committee on Energy and Utilities amendment was adopted:

On page 1, line 1 after "WHEREAS," strike the remaining material and insert "House Concurrent Resolution No. 33 of the 1980 Regular Session of the Washington State Legislature recreated the Joint Ad Hoc Committee on Science and Technology whose report was submitted to the 1980 Legislative Session; and

WHEREAS, House Concurrent Resolution No. 33 was the authority for the Joint Committee to begin to develop plans as envisioned under the 1979 report; and

WHEREAS, House Concurrent Resolution No. 2 of the 1981 Regular Session of the Washington State Legislature recreated the Joint Ad Hoc Committee on Science and Technology to continue to develop plans for implementing the recommendations of the report filed by the 1979 Joint Ad Hoc Committee on Science and Technology and to implement the recommendations; and

WHEREAS, The 1981 Joint Ad Hoc Committee on Science and Technology developed plans for implementing a science and technology information system for the Washington State Legislature and has begun to implement the system on a pilot demonstration basis;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, the Senate concurring, That the Joint Ad Hoc Committee on Science and Technology is extended throughout the term of the 48th Legislature and is renamed the Joint Legislative Committee on Science and Technology with four members appointed by the Speaker of the House and four members by the President of the Senate. In each case, two members shall represent each caucus; and

BE IT FURTHER RESOLVED, That the Joint Committee shall continue to implement the recommendations of the report filed by the 1979 Joint Ad Hoc Committee on Science and Technology and initiated by the 1980 Committee, shall conclude demonstration of the science and technology information system on a pilot basis by April 30, 1983, and shall complete an evaluation of the demonstration within ninety days thereafter; and

BE IT FURTHER RESOLVED, That the Joint Committee on Science and Technology shall evaluate those issues and problems it deems important plus those referred to it. Normally the issues and problems would contain scientific and technical information and require input from more than one standing committee. The joint committee shall report to the initial session of the forty-ninth legislature; and

BE IT FURTHER RESOLVED, That the House of Representatives and the Senate provide necessary resources, as approved by the House Executive Rules Committee and the Senate Facilities and Operations Committee, to support the activities of the Joint Committee; and

BE IT FURTHER RESOLVED, That the Joint Committee may apply for, receive, and expend federal or other grant funds for the purpose of carrying out its tasks. The Joint Committee shall be directly accountable to the granting party for administration of grant funds and compliance with the terms and conditions of any grants received; and

BE IT FURTHER RESOLVED, That the Joint Committee may appoint a technical advisory committee made up of representatives of the public and private scientific communities to assist the Washington State Legislature in the design and implementation of a science and technology information system."

On motion of Senator Goltz, the rules were suspended, Engrossed House Concurrent Resolution No. 3, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Concurrent Resolution No. 3, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Concurrent Resolution No. 3, as amended by the Senate, and the resolution passed the Senate by the following vote:

Yeas, 39; nays, 00; absent, 07; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Craswell, Deccio, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Absent: Senators Clarke, Conner, Fleming, Fuller, Haley, Sellar, Thompson - 7.

Excused: Senators Pullen, Rasmussen, von Reichbauer - 3.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 179, by Committee on Judiciary (originally sponsored by Representatives Appelwick and Armstrong)

Enacting the Uniform Unclaimed Property Act.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 4, beginning on line 34 strike all of subsection 2 and renumber the remaining subsections accordingly.

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted.

On page 5, line 6 after "tickets" insert "and unrepresented winning parimutuel tickets"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 179, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, Senator McDermott was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 179, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 179, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 04; absent, 03; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 40.

Voting nay: Senators Craswell, Hayner, Pullen, Zimmerman - 4.

Absent: Senators Clarke, Conner, Sellar - 3.
Excused: Senators McDermott, Rasmussen - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 179, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 126 by Senators Shinpoch, Talmadge, Vognild, McDermott, Moore, Owen, Warnke, Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McManus, Peterson, Rinehart, Thompson, Williams, Wojahn and Woody

Relating to reasonable home mortgage financing through state investments.

Hold.

SCR 127 by Senators Vognild, Bottiger, Hayner, Fleming and Jones (by Lieutenant Governor request)

Establishing a joint select legislative committee on international trade, tourism and investment.

Hold.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 126 was advanced to second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 126 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Hayner: "Senator Shinpoch, I guess one the of the phrases in this resolution that bothers me is on line 18, which says that 'they shall attempt to provide this increased mortgage capital at reasonable rates.' Are you suggesting that it should be lower than the going rate of interest?"

Senator Shinpoch: "I am suggesting that the State Investment Board has constitutional and statutory authority to--I don't think we use the word maximize earnings, but it means the same thing in the State Investment Board. Consistent with that judiciary duty of the State Investment Board, then, the best interest rates that they could provide would if they could package them in such a way--if they sent to the mortgage bankers and said, 'we have this much money at 12% and if you will package these and do all the work on them, we will buy those.' When the going mortgage rates were 13%, well then, the answer would be 'yes.' If they found some way to get the one percent of the responsibility of the costs of that off on someone else, but it has to be consistent with their judiciary responsibility."

POINT OF INQUIRY

Senator Guess: "Senator Shinpoch, sitting as a trustee on numerous plans that I have been on over the years, we were always cautioned and, especially, under ERISA--and I got off the last one because of ERISA, when it passed. The prudent-man rule always had to prevail. That was in the back of our minds at all times. Now, by this resolution, are you saying that reasonable rates--would that be at less than what the prudent-man rule would tell you that it had to go at?"

Senator Shinpoch: "Absolutely not, but under the prudent-man rule, it might very well be that locking up a long-term 12% might be better than taking a short-term and the prudent-man rule might be more prudent than taking a short-term 13%, as you are well aware. Let me go one step further, because we seem to be worrying about something that the state executive director of the State Investment Board is not worrying about. It is my understanding, with my discussion with him, that this concurrent resolution--this type of thing--is acceptable. You people,

including my help, passed this essential resolution last time. We have a report on what they have done. The only thing that this does is change the focus of it from real estate to single family residence."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 126.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 126, and the resolution passed the Senate by the following vote: Yeas, 39; nays, 05; absent, 04; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlild, von Reichbauer, Warnke, Williams, Zimmerman - 39.

Voting nay: Senators Craswell, Haley, Hemstad, Hurley, Pullen - 5.

Absent: Senators Barr, Clarke, Wojahn, Woody - 4.

Excused: Senator Rasmussen - 1.

SENATE CONCURRENT RESOLUTION NO. 126, having received the constitutional majority, was declared passed.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 127 was advanced to second reading and read the second time.

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

On page 2, line 18, after "Development" insert ", and one additional member from the Senate and one from the House to be appointed by the President of the Senate and the Speaker of the House"

On motion of Senator Hayner, Senator Clarke was excused.

On motion of Senator Shinpoch, the rules were suspended, Engrossed Senate Concurrent Resolution No. 127 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Concurrent Resolution No. 127.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Concurrent Resolution No. 127, and the resolution passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 04; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Conner, Hurley, McDermott, Metcalf - 4.

Excused: Senator Clarke - 1.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 127, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4, by Representatives Moon, Fuhrman, Egger, Todd, Miller, D. Nelson, Sutherland, Isaacson and B. Williams

Petitioning that the federal government delegate all permitting authority for small scale hydroelectric facilities to the states.

The memorial was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, House Joint Memorial No. 4 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Joint Memorial No. 4.

ROLL CALL

The Secretary called the roll on final passage of House Joint Memorial No. 4, and the memorial passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 06; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Absent: Senators Barr, Deccio, Hansen, Hemstad, Hughes, Hurley - 6.

Excused: Senator Clarke - 1.

HOUSE JOINT MEMORIAL NO. 4, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Shinpoch, all measures passed this morning were ordered immediately transmitted to the House.

MOTION

At 11:56 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

At 1:36 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 4:12 p.m.

SECOND READING

ENGROSSED HOUSE BILL NO. 269, by Representatives Grimm, Heck, Fiske, Addison, Cantu, Smitherman, J. King and Hine

Modifying provisions on the collection of taxes on exempt property which loses its exemption.

The bill was read the second time.

MOTION

On motion of Senator Shinpoch, the rules were suspended, Engrossed House Bill No. 269 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill 269.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 269, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 05; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Deccio, Hughes, Lee, McDermott, Quigg - 5.

ENGGROSSED HOUSE BILL NO. 269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF INQUIRY

Senator Zimmerman: "Senator McDermott, just for clarification, there is an orphanage in Senator Patterson's district which needs to lease out some of its property to a farmer to provide some needed cash for its operations. They have been classified as an orphanage under RCW 84.36.040 for more than 10 years. They are leasing out more than 51% of the exempt property. If I read the bill correctly, under subsection (1) of section 1, since they have been granted an exemption for more than 10 years, are they not exempt from the penalty provisions of section 1, subsection (1) of Engrossed House Bill No. 269?"

Senator McDermott: "This bill provides that subsection (1) applies if 51% or more of the property has lost its exempt status or if the ownership of the property is transferred. Thus, if less than 51% of the area of the property has lost its exempt status, subsection (1) does not apply. But, if subsection (1) applies, and if the property has been granted an exemption for more than ten years, then taxes and interest shall not be assessed under this bill. As such, an orphanage in the situation that you mentioned would not have the tax and interest imposed against them under this bill."

SECOND READING

SENATE BILL NO. 3290, by Senators Moore, Barr, Goltz and Williams

Modifying provisions relating to the lease of aquatic lands.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 3290 was substituted for Senate Bill No. 3290 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the following amendment by Senators Owen, Moore and Rinehart was adopted:

On page 1, after line 8, strike everything after the enacting clause and insert:

NEW SECTION, Sec. 1. From April 3, 1982, until September 30, 1984, the annual rent for an existing lease, renewed lease, or release of public tidelands, shorelands, beds of navigable waters, and harbor areas shall be the rent paid on such lease on January 1, 1981, which may be increased up to six percent per year, not compounded, from April 3, 1982, until September 30, 1984. From April 3, 1982 until September 30, 1984, the annual rent for a new lease entered into after January 1, 1981, shall be the rent paid January 1, 1981, for comparable public tidelands, shorelands, beds of navigable waters, and harbor areas leased for similar purposes. From April 3, 1982, until September 30, 1984, such rent on new leases may be increased up to six percent per year, not compounded, from the January 1, 1981 rent paid. The annual rent paid on January 1, 1981, means the actual rent paid on that date including any stair-stepped or other incremental rent payments of the full rental value. Any lessee of public tidelands, shorelands, beds of navigable waters, and harbor areas paying more than the rent permitted under this section shall receive a credit, in the appropriate amount, on future rent owing for such lease or any other leases entered into by the lessee on public tidelands, shorelands, beds of navigable waters, and harbor areas: PROVIDED, That if any such leases terminate prior to the lessee being granted full credit for the overpaid rent, the lessee shall be reimbursed for the remaining overpayment in money. This section does not apply to geoduck harvesting, clam harvesting, or oyster bed leases which are established by a competitive bid process. The department of natural resources shall adopt and implement rules to implement this section, including methods and procedures for establishing rent, within ninety days of the effective date of this act. This section shall have both retrospective and prospective effect. This section shall expire and have no further legal effect after September 30, 1984.

NEW SECTION, Sec. 2. No rent or fee may be charged if tidelands, shorelands, beds of navigable waters, and harbor areas are used or leased for a dock and are used only for personal recreational use by the upland owner.

NEW SECTION, Sec. 3. Section 2, chapter 97, Laws of 1979 ex. sess., section 2, chapter 117, Laws of 1982, section 176, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.525 are each repealed.

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 motion of Senator Owen, the following title amendment was adopted:

On page 1, line 1, after "land;" strike everything through "section;" on line 3 and insert "creating new sections;"

On motion of Senator Owen, the rules were suspended. Engrossed Substitute Senate Bill No. 3290 was advanced to third reading, the second reading considered the third, and the bill was 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. 3290.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3290, and the bill passed the Senate by the following vote: Yeas, 47; nays, 01; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Voting nay: Senator McDermott - 1.

Absent: Senator Lee - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3290, having received the constitutional majority, 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. 1093, by Committee on Local Government (originally sponsored by Representative Moon)

Funding flood control improvements.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Local Government amendment was adopted:

On page 4, line 11 of the engrossed bill, being line 9 of the House amendment to page 4, line 4 of the printed bill, after "it shall" strike "take into consideration" and insert "provide a credit for"

Senator Metcalf moved adoption of the following amendment:

On page 4, after line 4, add "No person shall collect, channel, direct and/or divert diffuse surface waters from, upon and within his own land in an artificial manner such as by bulwark, ditch, underground tile, pipe, culvert or otherwise, onto the land of another without making just compensation to persons injured thereby. For purpose of this subsection, "person" may be construed to include the State of Washington or any of its political subdivisions, in addition to such other definitions as are hereinafter set forth."

Debate ensued.

POINT OF INQUIRY

Senator Benitz: "Senator Metcalf, could this amendment, in any way whatsoever, effect irrigation water rights at all?"

Senator Metcalf: "I am not an attorney, but it would be my opinion that it would not. I can't see how it would in reading it. It certainly isn't the intent."

The President declared the question before the Senate to be adoption of the amendment by Senator Metcalf.

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

MOTIONS

On motion of Senator Jones, the following amendment by Senators Jones and Thompson was adopted:

On page 4, line 13, after "a" strike "person or" and insert "public"

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 1093, 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 Jones: "Senator Thompson, section 8 of Engrossed Substitute House Bill No. 1093 adds a new section to Chapter 90.03 RCW. That section talks about the flow of water over real property causing excessive damages resulting in a tort, nuisance or taking, when the point or nonpoint flow of surface water is increased, or where the natural drainage is altered or interrupted. Does this, in any way, create some sort of a property right, or interest, or cause of action which would not have existed prior to the passage of this bill?"

Senator Thompson: "Section 8 of Engrossed Substitute House Bill No. 1093 is merely a declaration by the legislature that it is in the public interest to impose special assessments, rates and charges on real property to fund public improvements to alleviate the water damages to real property that you mentioned. The part of the section you are concerned with only is a legislative finding, and does not, in any way, create a new property right, or property interest, or cause of action."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1093, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1093, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 02; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Böttiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Taimadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senators Pullen, Rasmussen - 2.

Absent: Senator Lee - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1093, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

April 17, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3022 with the following amendments:

On page 2, beginning on line 5, after "committed a" strike "criminal act," and insert "~~((criminal act))~~ crime"

On page 2, line 11, after "the" strike "criminal act" and insert "~~((criminal act))~~ crime"

On page 3, after line 10 insert the following:

"Before a county program is submitted to the department for approval, it shall be submitted to each city with a population of more than one hundred fifty thousand in the county for review and comment. The department will determine if the county's proposed comprehensive plan uniformly meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county west of the Cascade mountains."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Talmadge, the Senate concurred in the House amendments to page 2, beginning on line 5, and to page 2, line 11, to Engrossed Substitute Senate Bill No. 3022.

Senator Talmadge moved that the Senate do not concur in the House amendment to page 3, after line 10, to Engrossed Substitute Senate Bill No. 3022 and asked the House for a conference thereon.

POINT OF INQUIRY

Senator Clarke: "Senator Bottiger, it has just been suggested that we request a conference. Now, customarily these conferences have been pursuant to joint rules. We have, on several occasions, suggested the adoption of joint rules, which very specifically deal with the methods of handling measures between the House and Senate and appointments of conference and free conference committees. Now, I am assuming that in the absence of rules, we have to go by Reed's Rules which are extremely vague, have nothing to do or no specifications as to the number of conferees, what constitutes a free conference committee and things of that nature. I am simply, again, requesting that we do adopt joint rules if we are getting into a situation where we need conferences, because otherwise, I think, we are in a complete situation of uncertainty."

Senator Bottiger: "Senator Clarke, Reed's, I don't think, is really not that vague or that uncertain. It is true that we have not adopted joint rules. We have some peculiar and unusual problems that have caused that. In this particular situation, these conferees are dealing with nonpartisan matters and I am sure they can operate fairly adequately under Reed's Rules."

The President declared the question before the Senate to be the motion by Senator Talmadge to not concur in the House amendment to page 3, line 10, to Engrossed Substitute Senate Bill No. 3022 and to ask the House for a conference thereon.

The motion by Senator Talmadge carried and the Senate did not concur in the amendment and asked the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee to Engrossed Substitute Senate Bill No. 3022, and the House amendment thereto: Senators Talmadge, Hemstad and Hughes.

MOTION

On motion of Senator Bottiger, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3034 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Every manufacturer of motor vehicles sold in this state and for which the manufacturer has made an express warranty shall maintain in this state sufficient service and repair facilities reasonably close to all areas in which its motor vehicles are sold to carry out the terms of the warranties or designate and authorize in this state as service and repair facilities independent repair or service facilities reasonably close to all areas in which its motor vehicles are sold to carry out the terms of the warranties. As a means of complying with this section, a manufacturer may enter into warranty service contracts with independent service and repair facilities.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Motor vehicle" means an automobile, truck, motorcycle, moped, or motor home, if the motor vehicle is used primarily for personal, noncommercial use.

(2) "Nonconformity" means a failure to conform with an express warranty in a manner which substantially impairs the use, value, or safety of the item.

(3) "Buyer" means the purchaser of a motor vehicle, any person to whom the motor vehicle is transferred during an express warranty applicable to the motor vehicle and any other person entitled to enforcement of the obligations of an express warranty by its terms.

(4) (a) "Express warranty" means:

(i) A written statement arising out of a sale to the consumer of a motor vehicle pursuant to which the manufacturer, dealer, or retailer undertakes to preserve or maintain the utility or performance of the motor vehicle as provided in the warranty or provide compensation if there is a failure in utility or performance; or

(ii) In the event of any sample or model, that the whole of the goods conforms to such sample or model.

(b) It is not necessary to the creation of an express warranty that formal words such as "warrant" or "guarantee" be used, but if such words are used then an express warranty is created. An affirmation merely of the value of the vehicle or a statement purporting to be merely an opinion or commendation of the vehicle does not create a warranty.

(c) Statements or representations such as expressions of general policy concerning customer satisfaction which are not subject to any limitation do not create an express warranty.

NEW SECTION. Sec. 3. If a motor vehicle does not conform to all applicable express warranties and the nonconformity is not the result of misuse or abuse of the motor vehicle by the buyer, and the buyer reports in writing the nonconformity to the manufacturer, and its agent or authorized dealer during the term of the express warranties, the manufacturer, its agent, or its authorized dealer shall, within a reasonable period of time, begin to make such repairs as are necessary to conform the vehicle to such express warranties, notwithstanding the fact that such repairs are made after the expiration of such term or such one-year period. Unless the buyer agrees in writing to the contrary, the motor vehicle must be serviced or repaired so as to conform to the applicable express warranties within thirty days of the written notice of nonconformity. Delays caused by conditions beyond the control of the manufacturer, its agent, or its authorized representative shall serve to extend the thirty-day requirement. When such delay arises, the conforming services or repairs shall be rendered as soon as possible after termination of the conditions which gave rise to the delay.

NEW SECTION. Sec. 4. If the manufacturer or its representative or its authorized dealer is unable to service or repair the motor vehicle to conform to the applicable express warranties after a reasonable number of attempts, the manufacturer shall reimburse the buyer in an amount equal to the purchase price paid by the buyer, less that amount directly attributable to use by the buyer.

NEW SECTION. Sec. 5. It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranties if during the term of such express warranties or during the period of one year following the date of original delivery of the motor vehicle to a buyer: (1) The same nonconformity has been subject to repair four or more times by the manufacturer or its agents; or (2) the vehicle is out of service by reason of repair for a cumulative total of more than thirty days since the delivery of the vehicle to the buyer. The thirty-day period includes each calendar day or portion thereof during which the service shop is open for business, but does not include periods during which repairs cannot be made due to conditions beyond the control of the service facility and does not include periods during which the buyer has been provided with a comparable replacement vehicle by the dealer or manufacturer.

NEW SECTION. Sec. 6. If a manufacturer has established an informal dispute resolution settlement procedure which substantially complies with the applicable provision of Title 16, Code of Federal Regulations, Part 703, as from time to time amended, the provisions of section 4 of this act concerning reimbursements do not apply unless the buyer has resorted to such procedure.

NEW SECTION. Sec. 7. The remedies provided under this chapter are cumulative and are in addition to any other remedies provided by law.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 19 RCW.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3034 was deferred.

MESSAGE FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3079 with the following amendments:

On page 1, line 19, following "thereof" insert ": PROVIDED, That the premiums for such insurance shall be paid by the individual directors who elect to receive it"

On page 2, line 7, following "thereof" insert ": PROVIDED, That the premiums for such insurance shall be paid by the individual directors who elect to receive it"

On page 2, line 16, strike all of Sec. 3.

On page 4, line 6, strike all of Sec. 5.

Re-number remaining sections accordingly.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Thompson, the Senate concurred in the House amendments to page 1, line 19, and to page 2, line 7, of Substitute Senate Bill No. 3079.

On motion of Senator Thompson, the Senate did not concur in the House amendments to page 2, line 16, and to page 4, line 6, to Substitute Senate Bill No. 3079 and asked the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee to Substitute Senate Bill No. 3079, and the House amendments thereto: Senators Thompson, Zimmerman and Bauer.

MOTION

On motion of Senator Bottiger, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 17, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3253 with the following amendments:

On page 2, line 31, after "order." strike all the material down to and including "child." on page 3, line 4.

On page 3, line 10, after "thereon." insert "The shelter care decision of placement shall be modified only upon a showing of change in circumstances."

On page 5, line 1, after "shall" insert "not"

On page 5, line 3, after "section" strike "still" and insert "~~((still))~~ no longer"

On page 5, line 3 after "exists." strike all the material down to and including "When" on page 5, line 5 and insert "~~((When))~~ The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If"

On page 6, line 23 strike all of subsection (3).

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate did not concur in the House amendments to Substitute Senate Bill No. 3253 and asked the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee to Substitute Senate Bill No. 3253, and the House amendments thereto: Senators Talmadge, Hemstad and Hughes.

MOTION

On motion of Senator Bottiger, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 17, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3297 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. There is added to chapter 43.23 RCW a new section to read as follows:

The executive and administrative head of the department of agriculture shall be the director. The director shall be appointed by the governor with the consent of the senate and shall have complete charge of and supervisory power over the department. The director shall be paid a salary fixed by the governor in accordance with RCW 43.03.040.

Sec. 2. Section 14, chapter 240, Laws of 1967 and RCW 43.23.005 are each amended to read as follows:

The director of agriculture may appoint ~~((an assistant director to act as))~~ a deputy director who shall assist the director in the administration of the affairs of the department and who shall have charge and general supervision of the department in the absence or disability of the director, ~~and who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director is appointed and qualified, or the governor appoints an acting director.~~

Sec. 3. Section 43.23.010, chapter 8, Laws of 1965 as amended by section 1, chapter 240, Laws of 1967 and RCW 43.23.010 are each amended to read as follows:

The department of agriculture shall be organized into ~~((six divisions, to be known as, (1) the division of agricultural development, (2) the division of plant industry, (3) the division of animal industry, (4) the division of dairy and food, (5) the division of grain and agricultural chemicals, and (6) the division of regulatory services))~~ administrative divisions that the director deems necessary to promote efficient public management, to improve programs, and to take full advantage of both fiscal and administrative economies. The director shall appoint and deputize not more than six assistant directors as necessary to administer the several divisions within the department. The director shall appoint and deputize a state veterinarian who shall be an experienced veterinarian properly licensed to practice veterinary medicine in this state. The officers appointed under this section shall be paid salaries in an amount fixed by the governor.

The director of agriculture shall have charge and general supervision of the department and may assign ~~((the supervision))~~ supervisory and ~~((administration))~~ administrative duties ~~((not specified herein))~~ other than those specified in RCW 43.23.070 to the division which in his judgment can most efficiently carry on those functions.

Sec. 4. Section 15, chapter 240, Laws of 1967 and RCW 43.23.015 are each amended to read as follows:

~~Except for the functions specified in RCW 43.23.070, the director may, at his discretion, reassign any of the functions delegated to the various divisions of the department under the provisions of this chapter or any other law to any other division of the department. ((The director of agriculture may, if it will best serve the said public interest as herein described, establish when necessary additional divisions by adopting the necessary regulations in the manner provided for under chapter 34.04 RCW as enacted or hereafter amended. Such additional divisions shall have the same authority and powers as those divisions specifically named and established under the provisions of this chapter. The director may assign one or more of the various functions assigned to those divisions specifically named under the provisions of this chapter to said divisions established by regulation, or any other duties hereafter delegated to the department by law.))~~

Sec. 5. Section 43.23.030, chapter 8, Laws of 1965 as amended by section 3, chapter 240, Laws of 1967 and RCW 43.23.030 are each amended to read as follows:

The director of agriculture ~~((through the division of agricultural development))~~ shall exercise all the powers and perform all the duties relating to the development of markets, for agricultural products, state and federal cooperative marketing programs, land utilization for agricultural purposes, water resources, transportation, and farm labor as such matters relate to the production, distribution and sale of agricultural commodities.

Sec. 6. Section 43.23.050, chapter 8, Laws of 1965 as amended by section 5, chapter 240, Laws of 1967 and RCW 43.23.050 are each amended to read as follows:

The director of agriculture ~~((through the division of plant industry))~~ shall:

(1) Exercise all the powers and perform all the duties prescribed by law relating to horticulture, and horticultural plants and products;

(2) Enforce and supervise the administration of all laws relating to horticulture, horticultural products, and horticultural interests.

Sec. 7. Section 43.23.070, chapter 8, Laws of 1965 as amended by section 7, chapter 240, Laws of 1967 and RCW 43.23.070 are each amended to read as follows:

The ~~((director of agriculture, through the division of animal industry))~~ state veterinarian shall exercise all the powers and perform all duties prescribed by law relating to diseases among domestic animals and the quarantine and destruction of diseased animals.

He shall enforce and supervise the administration of all laws relating to meat inspection, the prevention, detection, control and eradication of diseases of domestic animals, and all other matters relative to the diseases of livestock and their effect upon the public health.

Sec. 8. Section 43.23.090, chapter 8, Laws of 1965 as amended by section 9, chapter 240, Laws of 1967 and RCW 43.23.090 are each amended to read as follows:

The director of agriculture (~~(through the division of dairy and food);~~) shall exercise all powers and perform all duties prescribed by law with respect to the inspection of foods, food products, drinks, milk and milk products, and dairies and dairy products and the components thereof.

He shall enforce and supervise the administration of all laws relating to foods, food products, drinks, milk and milk products, dairies and dairy products, and their inspection, manufacture, and sale.

Sec. 9. Section 43.23.110, chapter 8, Laws of 1965 as amended by section 11, chapter 240, Laws of 1967 and RCW 43.23.110 are each amended to read as follows:

The director of agriculture (~~(through the division of grain and agricultural chemicals);~~) shall exercise all powers and perform all duties prescribed by law with respect to grains, grain and hay products, grain and terminal warehouses (~~(in relation thereto)~~), commercial feeds, commercial fertilizers, and chemical pesticides.

He shall enforce and supervise the administration of all laws relating to grains, grain and hay products, grain and terminal warehouses (~~(in relation thereto)~~), commercial feeds, commercial fertilizers, and chemical pesticides.

Sec. 10. Section 13, chapter 240, Laws of 1967 and RCW 43.23.160 are each amended to read as follows:

The director of agriculture (~~(through the division of regulatory services)~~) shall exercise all the powers and perform all the duties prescribed by law relating to commission merchants, livestock identification, livestock brand registration and inspection. All officers appointed to enforce these laws who have successfully completed a course of training prescribed by the Washington state criminal justice training commission shall have the authority generally vested in a peace officer solely for the purpose of enforcing these laws.

He shall enforce and supervise the administration of all laws relating to commission merchants, livestock identification and shall have the power to enforce all laws relating to any division under the supervision of the director of agriculture.

NEW SECTION. Sec. 11. There is added to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of agriculture to the director, the director's confidential secretary, the deputy director, not more than six assistant directors, and the state veterinarian.

NEW SECTION. Sec. 12. There is added to chapter 43.23 RCW a new section to read as follows:

The director of agriculture may enter written agreements with one or more agencies of the United States to act as the federal government's agent for determining the disposition of livestock impounded on the federal Hanford reservation. The director's authority under such an agreement may include, but is not limited to, selling or donating, on behalf of the federal government, unclaimed livestock to a qualified person, organization, or governmental agency that the director determines to be capable of humanely transporting and caring for the livestock. The director may sell or donate such livestock only if the livestock remains unclaimed after the completion of a reasonable attempt to ascertain ownership and, if ownership is not otherwise determined, by the publication of notice that the livestock has been impounded on the reservation.

Sec. 13. Section 3, chapter 304, Laws of 1955 as last amended by section 4, chapter 184, Laws of 1973 1st ex. sess. and RCW 89.08.030 are each amended to read as follows:

There is hereby established to serve as an agency of the state and to perform the functions conferred upon it (~~(in this 1973 amendatory act)~~) by law, the state conservation commission, which shall succeed to all powers, duties and property of the state soil and water conservation committee.

The commission shall consist of (~~(seven)~~) eight members, (~~(two)~~) three of whom are ex officio. Two members shall be appointed by the governor, one of whom shall be a landowner or operator of a farm. At least two of the three elected members shall be landowners or operators of a farm and shall be elected as herein provided. The appointed members shall serve for a term of four years.

The three elected members shall be elected for three-year terms, one shall be elected each year by the district supervisors at their annual state-wide meeting. One of the members shall reside in eastern Washington, one in central Washington and one in western Washington, the specific boundaries to be determined by district supervisors. At the first such election, the term of the member from western Washington shall be one year, central Washington two years and eastern Washington three years, and successors shall be elected for three years.

Unexpired term vacancies in the office of appointed commission members shall be filled by appointment by the governor in the same manner as full-term appointments. Unexpired terms of elected commission members shall be filled by the regional vice president of the Washington association of conservation districts who is serving that part of the state where the

vacancy occurs, such term to continue only until district supervisors can fill the unexpired term by electing the commission member.

The director of the department of ecology, the director of the department of agriculture, and the dean of the college of agriculture at Washington State University shall be ex officio members of the commission. An ex officio member of the commission shall hold office so long as he retains the office by virtue of which he is a member of the commission. Ex officio members may delegate their authority.

The commission may invite appropriate officers of cooperating organizations, state and federal agencies to serve as advisers to the conservation commission.

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

(1) Section 43.23.020, chapter 8, Laws of 1965, section 2, chapter 240, Laws of 1967 and RCW 43.23.020;

(2) Section 43.23.040, chapter 8, Laws of 1965, section 4, chapter 240, Laws of 1967 and RCW 43.23.040;

(3) Section 43.23.060, chapter 8, Laws of 1965, section 6, chapter 240, Laws of 1967 and RCW 43.23.060;

(4) Section 43.23.080, chapter 8, Laws of 1965, section 8, chapter 240, Laws of 1967 and RCW 43.23.080;

(5) Section 43.23.100, chapter 8, Laws of 1965, section 10, chapter 240, Laws of 1967 and RCW 43.23.100; and

(6) Section 12, chapter 240, Laws of 1967 and RCW 43.23.150."

On page 1, beginning on line 1 of the title, after "agriculture;" strike the remainder of the title and insert "amending section 14, chapter 240, Laws of 1967 and RCW 43.23.005; amending section 43.23.010, chapter 8, Laws of 1965 as amended by section 1, chapter 240, Laws of 1967 and RCW 43.23.010; amending section 15, chapter 240, Laws of 1967 and RCW 43.23.015; amending section 43.23.030, chapter 8, Laws of 1965 as amended by section 3, chapter 240, Laws of 1967 and RCW 43.23.030; amending section 43.23.050, chapter 8, Laws of 1965 as amended by section 5, chapter 240, Laws of 1967 and RCW 43.23.050; amending section 43.23.070, chapter 8, Laws of 1965 as amended by section 7, chapter 240, Laws of 1967 and RCW 43.23.070; amending section 43.23.090, chapter 8, Laws of 1965 as amended by section 9, chapter 240, Laws of 1967 and RCW 43.23.090; amending section 43.23.110, chapter 8, Laws of 1965 as amended by section 11, chapter 240, Laws of 1967 and RCW 43.23.110; amending section 13, chapter 240, Laws of 1967 and RCW 43.23.160; amending section 3, chapter 304, Laws of 1955 as last amended by section 4, chapter 184, Laws of 1973 1st ex. sess. and RCW 89.08.030; adding a new section to chapter 41.06 RCW; adding new sections to chapter 43.23 RCW; repealing section 43.23.020, chapter 8, Laws of 1965, section 2, chapter 240, Laws of 1967 and RCW 43.23.020; repealing section 43.23.040, chapter 8, Laws of 1965, section 4, chapter 240, Laws of 1967 and RCW 43.23.040; repealing section 43.23.060, chapter 8, Laws of 1965, section 6, chapter 240, Laws of 1967 and RCW 43.23.060; repealing section 43.23.080, chapter 8, Laws of 1965, section 8, chapter 240, Laws of 1967 and RCW 43.23.080; repealing section 43.23.100, chapter 8, Laws of 1965, section 10, chapter 240, Laws of 1967 and RCW 43.23.100; and repealing section 12, chapter 240, Laws of 1967 and RCW 43.23.150."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Hansen moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 3297.

POINT OF INQUIRY

Senator Barr: "Senator Hansen, could you make it just a little clearer on how the Department felt they could work with the Criminal Justice Training Commission on this, because I had felt that we should not concur on this amendment. If I could understand just a little bit more, it seems unnecessary for them to have to go through this training. Did they say it would be on a very limited basis?"

Senator Hansen: "Yes, they are already using the criminal investigation on certain portions. You see these law enforcement officers don't pack a gun, they are not out after cops and robbers. They are working with civilized people and if there is a wrong done in insecticides--in pesticides--in livestock, they want the expertise to be able to track it--if there is a ring set up that is stealing cattle--that they have the expertise to do a full investigation."

The President declared the question before the Senate to be the motion by Senator Hansen that the Senate do concur in the House amendments to Engrossed Senate Bill No. 3297.

The motion by Senator Hansen carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 3297.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3297, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 02; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senators Lee, Pullen - 2.

ENGROSSED SENATE BILL NO. 3297, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3766 with the following amendment:

On page 1, line 2, following "subdivisions;" strike the remainder of the bill and insert:

"adding new sections to chapter 4.92 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A law enforcement officer, correctional guard, or other employee of the state or a political subdivision of the state shall not use a choke hold on any person unless the person poses a threat of death or serious physical injury to the officer, employee or another person. "Choke hold" includes any hold or restraint specifically designed to inhibit breathing by compression of the airway in the neck.

NEW SECTION. Sec. 2. An officer, guard or employee may only use a sleeper hold in a non-custodial setting and then only to overcome resistance or to prevent escape.

A "sleeper hold" includes any hold or restraint specifically designed to inhibit blood flow through the carotid arteries of the neck.

NEW SECTION. Sec. 3. The state criminal justice training commission established in accordance with chapter 43.101 RCW shall develop training standards for the use of sleeper holds and no officer, guard or employee may use a sleeper hold who has not received training conducted consistent with these standards.

NEW SECTION. Sec. 4. Sections 1, 2 and 3 of this act are added to chapter 4.92 RCW.",

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Talmadge moved that the Senate do not concur in the House amendment to Substitute Senate Bill No. 3766 and insists on its position, and asks the House to recede therefrom.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Hemstad: "Mr. President, then in turn, if we eventually wished to ask for a conference—that would come from the House. Is that correct?"

REPLY BY THE PRESIDENT

President Cherberg: "It is not. It is still possible to have a conference. If the House does not recede, you can request a conference."

Senator Hemstad: "Would it be appropriate or is it in order for us at this time to ask for a conference?"

President Cherberg: "You could ask for a conference if the Senate so desired."

The President declared the question before the Senate to be the motion by Senator Talmadge to not concur in the House amendments to Substitute Senate Bill No. 3766 and to insist on its position, and to ask the House to recede therefrom.

The motion by Senator Talmadge carried and the Senate did not concur in the House amendments and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3817 with the following amendments:

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

NEW SECTION. Sec. 1. There is hereby added to chapter 70.48 RCW a new section to read as follows:

The Washington state corrections standards board shall promulgate rules and regulations concerning the appropriate procedures for strip searches in the jails of this state. The board shall consider prisoners' civil rights and rights to privacy in adopting such rules: PROVIDED, That (1) no person may be subjected to a strip search in a county jail, detention or corrections facility by, or observed by, a member of the opposite sex, and (2) no body cavity search shall be performed in a county jail, detention or corrections facility except pursuant to a search warrant. Rules shall be promulgated no later than October 1, 1983 and all jails within the state shall be in compliance with search rules by January 1, 1984.

NEW SECTION. Sec. 2. There is hereby added to chapter 70.48 RCW a new section as follows:

Any jail within the state which shall be in violation of the rules and regulations of the state corrections standards board with respect to strip searches shall receive no state funds."

On page 1, line 1 following "seizure," strike the remainder of the title and insert "adding new sections to chapter 70.48 RCW."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 3817 and asked the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee to Engrossed Substitute Senate Bill No. 3817, and the House amendments thereto: Senators Talmadge, Clarke and Fleming.

MOTION

On motion of Senator Bottiger, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 16, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4137 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to relieve the department of corrections from unacceptable burdens of cost related to storage space and manpower in the preservation of inmate personal property if the property has been abandoned by the inmate and to enhance the security and safety of the institutions.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Secretary" means the secretary of the department of corrections or the secretary's designees.

(2) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes among others contraband and money.

(3) "Contraband" means all personal property including, but not limited to, alcoholic beverages and other items which a resident of a correctional institution may not have in the resident's possession, as defined in rules adopted by the secretary.

(4) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

(5) "Owner" means the inmate, the inmate's legal representative, or any person claiming through or under the inmate entitled to title and possession of the property.

(6) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

(7) "Inmate" means a person committed to the custody of the department of corrections or transferred from other states or the federal government.

(8) "Institutions" means those facilities set forth in RCW 72.01.050(2) and all community residential programs under the department's jurisdiction operated pursuant to chapter 72.65 RCW.

(9) "Department" means the department of corrections.

(10) "Illegal items" means those items unlawful to be possessed.

(11) "Nonprofit" has the meaning prescribed by state or federal law or rules.

NEW SECTION, Sec. 3 (1) All personal property, and any income or increment which has accrued thereon, held for the owner by an institution that has remained unclaimed for more than six months from the date the owner terminated without authorization from work training release, transferred to a different institution, or when the owner is unknown or deceased, from the date the property was placed in the custody of the institution, is presumed abandoned: PROVIDED, That the provisions of this section shall be extended for up to six months for any inmate, transferred to another institution, who has no recorded next of kin, or person to whom the unclaimed property can be sent.

(2) All personal property, and any income or increment which has accrued thereon, the inmate owner of which has been placed on escape status is presumed abandoned and shall be held for three months by the institution from which the inmate escaped. If the inmate owner remains on escape status for three months or if no other person claims ownership within three months, the property shall be disposed of as set forth in this chapter.

(3) All illegal items owned by and in the possession of an inmate shall be confiscated and held by the institution to which the inmate is assigned. Such items shall be held as required for evidence for law enforcement authorities. Illegal items not retained for evidence shall be destroyed.

NEW SECTION, Sec. 4 (1) All personal property, other than money, presumed abandoned shall be destroyed unless, in the opinion of the secretary, the property may be used or has value to a charitable or nonprofit organization, in which case the property may be donated to the organization. A charitable or nonprofit organization does not have a claim nor shall the department or any employee thereof be held liable to any charitable or nonprofit organization for property which is destroyed rather than donated or for the donation of property to another charitable or nonprofit organization.

(2) Money presumed abandoned under this chapter shall be paid into the revolving fund set up in accordance with RCW 9.95.360.

(3) The department shall inventory all personal property prior to its destruction or donation.

(4) Before personal property is donated or destroyed, if the name and address of the owner thereof is known or if deceased, the address of the heirs as known, at least thirty days' notice of the donation or destruction of the personal property shall be given to the owner at the owner's residence or place of business or to some person of suitable age and discretion residing or employed therein. If the name or residence of the owner or the owner's heirs is not known, a notice of the action fixing the time and place thereof shall be published at least once in an official newspaper in the county at least thirty days prior to the date fixed for the action. The notice shall be signed by the secretary. The notice need not contain a description of property, but shall contain a general statement that the property is unclaimed personal property of inmates, specifying the institution at which the property is held. If the owner fails to reclaim the property prior to the time fixed in the notice, the property shall be donated or destroyed.

NEW SECTION, Sec. 5 This chapter does not apply if the inmate and the department have reached an agreement in writing regarding the disposition of the personal property.

NEW SECTION, Sec. 6 (1) The uniform disposition of unclaimed property act, chapter 63.28 RCW, does not apply to personal property in the possession of the department of corrections.

(2) Chapter 63.24 RCW, unclaimed property in hands of bailee, does not apply to personal property in the possession of the department of corrections.

Sec. 7, Section 2, chapter 40, Laws of 1972 ex. sess. as last amended by section 102, chapter 136, Laws of 1981 and RCW 72.60.102 are each amended to read as follows:

From and after July 1, 1973, any inmate employed in ~~((institutional industries shall be eligible for the benefits provided by Title 51 RCW, as now or hereafter amended, relating to industrial insurance, with the exceptions herein provided:~~

~~No inmate as herein described, until released upon an order of parole by the state board of prison terms and paroles, or discharged from custody upon expiration of sentence, or discharged from custody by order of a court of appropriate jurisdiction, or his dependents or beneficiaries, shall be entitled to any payment for temporary disability or permanent total disability as provided for in RCW 51.32.090 or 51.32.060 respectively, as now or hereafter enacted. Any inmate who is either not paid any wages or paid a gratuity shall not be considered employed under this section)) classes I, II, and IV of institutional industries as defined in RCW~~

72.09.100 is eligible for industrial insurance benefits as provided by Title 51 RCW. However, eligibility for benefits for either the inmate or his dependents or beneficiaries for temporary disability or permanent total disability as provided in RCW 51.32.090 or 51.32.060, respectively, shall not take effect until the inmate is released pursuant to an order of parole by the board of prison terms and paroles, or discharged from custody upon expiration of the sentence, or discharged from custody by order of a court of appropriate jurisdiction. Nothing in this section shall be construed to confer eligibility for any industrial insurance benefits to any inmate who is employed in class III or V of institutional industries as defined in RCW 72.09.100.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 63 RCW.

NEW SECTION. Sec. 9. There is added to chapter 72.09 RCW a new section to read as follows:

The secretary of corrections may permit a medium security inmate to participate in a supervised community work program under this chapter if the inmate is under the immediate supervision of an employee of the department of corrections and if the work program does not involve overnight stays outside of the institution where the inmate is incarcerated. The requisite immediate supervision shall be prescribed by the department by rule.

Sec. 10. Section 72.64.060, chapter 28, Laws of 1959 as last amended by section 269, chapter 141, Laws of 1979 and RCW 72.64.060 are each amended to read as follows:

Any department, division, bureau, commission, or other agency of the state of Washington or any agency of any political subdivision thereof or the federal government may use, or cause to be used, prisoners confined in state penal or correctional institutions to perform work necessary and proper, to be done by them at camps to be established pursuant to the authority granted by RCW 72.64.060 through 72.64.090 or in supervised community work programs authorized in section 9 of this 1983 act: PROVIDED, That such prisoners shall not be authorized to perform work on any public road, other than access roads to forestry lands unless they are under the immediate supervision of a department of corrections employee or are performing work authorized pursuant to RCW 72.64.060 through 72.64.090. The secretary may enter into contracts for the purposes of RCW 72.64.060 through 72.64.090 or the purposes of section 9 of this 1983 act.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "corrections;" strike the remainder of the title and insert "amending section 2, chapter 40, Laws of 1972 ex. sess. as last amended by section 102, chapter 136, Laws of 1981 and RCW 72.60.102; amending section 72.64.060, chapter 28, Laws of 1959 as last amended by section 269, chapter 141, Laws of 1979 and RCW 72.64.060; adding a new section to chapter 72.09 RCW; and adding a new chapter to Title 63 RCW."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Granlund, the Senate concurred in the House amendments to Substitute Senate Bill No. 4137, with the exception of Sections 9 and 10, and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3507 with the following amendments:

On page 1, line 7 beginning with "shall" strike the remainder of the sentence and insert "~~(shall)~~ may not continue to serve (~~(unless)~~) if rejected by a vote of the senate."

On page 1, line 8 after "senate" strike all material down to and including "session" on line 12 and insert "may serve without confirmation but only for a period beginning on the date of his or her appointment and ending on the thirtieth day after final adjournment of the next regular session convened after the appointee has served twelve months."

At the end of the committee amendment to page 1, line 8 insert "However, persons holding appointive office on the effective date of this act may serve without confirmation for a period of one year after such effective date."

On page 1, following line 17 insert a new subsection to read as follows:

"(3) Any confirmation not required in the Constitution to be made by the senate shall be the duty of the house to make."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Warnke, the Senate concurred in the House amendments to page 1, line 7, and to the two amendments to page 1, line 8, to Engrossed Senate Bill No. 3507.

On motion of Senator Warnke, the Senate did not concur in the House amendment to page 1, following line 17, to Engrossed Senate Bill No. 3507 and asked the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee to Engrossed Senate Bill No. 3507, and the House amendment thereto: Senators Warnke, McCaslin and Rinehart.

MOTION

On motion of Senator Bottiger, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3640 with the following amendments:

On page 1, line 19 before "A" insert "(1)"

On page 1, line 21 strike "(1)" and insert "(((1))) (a)"

On page 1, line 28 strike "(2)" and insert "(((2))) (b)"

On page 2, line 6 strike "(3)" and insert "(((3))) (c)"

On page 2, line 14 strike "(4)" and insert "(((4))) (d)"

On page 2, line 27, after "forfeiture," insert "or"

On page 2, line 28 strike "(5)" and insert "(((5))) (e)"

On page 2, line 33 strike "; or" and insert "((;or))."

On page 2, line 34, strike "(6) ((A person who)) When he" and insert "(((6)) (2) A person who"

On page 2, line 36 strike "((who))" and insert "who".

On page 6, line 3 strike "or neglects" and insert "((or neglects))"

On page 11 after line 17 insert the following new subsection:

"(1) The remedies provided by this section are in addition to other remedies provided by this chapter."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 12, line 3 after "restitution" insert "without bond"

On page 12, line 17 strike "writ"

On page 12, line 31 after "statement" insert "signed and sworn under penalty of perjury".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Bluechel, Senator Lee was excused.

On motion of Senator Talmadge, the Senate concurred in the House amendments to page 1, line 21; to page 1, line 28; to page 2, line 6; to page 2, line 14; to page 2, line 28; to page 6, line 3; to page 11, after line 17; to page 12, line 3; to page 12, line 17; and to 12, line 31; to Substitute Senate Bill No. 3640.

On motion of Senator Talmadge, the Senate did not concur in the House amendments to page 1, line 19; to page 2, line 27; to page 2, line 33; to page 2, line 34; and to page 2, line 36; to Substitute Senate Bill No. 3640 and asked the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee to Substitute Senate Bill No. 3640, and the House amendments thereto: Senators Talmadge, Hemstad and Hughes.

MOTION

On motion of Senator Rasmussen, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3856 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 9A.48.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.070 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the first degree if he knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding one thousand five hundred dollars; ((or))

(b) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; or

(c) Causes an impairment of the safety, efficiency, or operation of an aircraft by physically damaging or tampering with the aircraft or aircraft equipment, fuel, lubricant, or parts.

(2) Malicious mischief in the first degree is a class B felony."

On page 1, beginning on line 1 of the title, after "crimes;" strike the remainder of the title and insert "and amending section 9A.48.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.070."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 3856 and asked the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee to Engrossed Substitute Senate Bill No. 3856, and the House amendments thereto: Senators Talmadge, Hemstad and Hughes.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 22, 1983

Mr. President:

The House refuses to recede from its amendments to SENATE BILL NO. 3182 and asks the Senate for a conference thereon.

The Speaker has appointed as members of the Conference Committee: Representatives Lux, Sanders and Wang.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Bottiger, the request of the House for a conference on Senate Bill No. 3182 was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee to Senate Bill No. 3182, and the House amendments thereto: Senators Jones, Moore and Warnke.

MOTION

On motion of Senator Bottiger, the Conference Committee appointments were confirmed.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 126, by Committee on Ways and Means (originally sponsored by Representatives Monohon, Grimm, Kreidler, Belcher, Walk, Vander Sloep, Halsan, Sayan, Patrick, O'Brien, P. King, Zellinsky, Powers, Fisher, Ebersole, Appelwick, Johnson, Garrett, Charnley, Lewis, Addison, Miller and Ristuben)

Extending the time period for the restoration of withdrawn retirement contributions.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 50, chapter 80, Laws of 1947 as last amended by section 3, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.500 are each amended to read as follows:

(1) Membership in the retirement system is terminated when a member retires for service or disability, dies, withdraws his accumulated contributions or does not establish service credit with the retirement system for five consecutive years; however, a member may retain membership in the teachers' retirement system by leaving his accumulated contributions in the teachers' retirement fund under one of the following conditions:

((1)) (a) If he is eligible for retirement;

((2)) (b) If he is a member of another public retirement system in the state of Washington by reason of change in employment and has arranged to have membership extended during the period of such employment;

((3)) (c) If he is not eligible for retirement but has established five or more years of Washington membership service credit.

The prior service certificate becomes void when a member dies, withdraws his accumulated contributions or does not establish service credit with the retirement system for five consecutive years, and any prior administrative interpretation of the board of trustees, consistent with this section, is hereby ratified, affirmed and approved.

(2) Any member, except an elected official, who reentered service and who failed to restore withdrawn contributions, shall now have from the effective date of this 1983 act through June 30, 1984, to restore the contributions, with interest as determined by the director.

(3) Within the ninety days following the employee's resumption of employment, the employer shall notify the department of the resumption and the department shall then return to the employer a statement of the potential service credit to be restored, the amount of funds required for restoration, and the date when the restoration must be accomplished. The employee shall be given a copy of the statement and shall sign a copy of the statement which signed copy shall be placed in the employee's personnel file.

Sec. 2. Section 16, chapter 274, Laws of 1947 as last amended by section 20, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.150 are each amended to read as follows:

Should any member die, or should the individual separate or be separated from service without leave of absence before attaining age sixty years, or should the individual become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.185 or 41.40.190, the individual 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 director, which restoration must be completed within a total period of five years of membership service following the member's first resumption of employment, be returned to the status, either as an original member or new member which the member held at time of separation.

(3) Any member, except an elected official, who reentered service and who failed to restore withdrawn contributions, shall now have from the effective date of this 1983 act through June 30, 1984, to restore the contributions, with interest as determined by the director.

(4) Within the ninety days following the employee's resumption of employment, the employer shall notify the department of the resumption and the department shall then return to the employer a statement of the potential service credit to be restored, the amount of funds required for restoration, and the date when the restoration must be accomplished. The employee shall be given a copy of the statement and shall sign a copy of the statement which signed copy shall be placed in the employee's personnel file.

(5) A member who separates or has separated after having completed at least five years of service shall remain a member during the period of absence from service for the exclusive purpose of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may on written notice to the director 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 the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

((4)) (6) (a) The recipient of a retirement allowance who is employed in an eligible position other than under RCW 41.40.120(12) shall be considered to have terminated his or her retirement status and shall immediately become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended during the period of eligible employment and the individual 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 the member had at the time of the member's previous retirement shall be reinstated, but no additional service credit shall be allowed:

(b) The recipient of a retirement allowance elected to office or appointed 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 or her retirement status and shall become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended from the date of return to membership until the date when the member again retires and the member 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 the member had at the time of the member's previous retirement shall be reinstated, but no additional service credit shall be allowed: 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), the member shall be considered to remain in a retirement status and the individual's retirement benefits shall continue without interruption.

((5)) (7) 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 Washington public 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 membership therein until attaining age sixty, shall remain a member for the exclusive purpose 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 on written notice to the director 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 the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

NEW SECTION, Sec. 3. There is added to chapter 41.40 RCW a new section to read as follows:

Those currently employed members who were eligible to recover service earned prior to July 1, 1953, under a retirement system authorized pursuant to RCW 28B.10.400 through 28B.10.430, but who failed to do so, shall have until June 30, 1984, to pay the appropriate employee and employer contributions plus interest, as determined by the director of retirement systems, for such service which was not so recovered.

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."

MOTIONS

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 1 of the title, after "service;" strike the remainder of the title and insert "amending section 50, chapter 80, Laws of 1947 as last amended by section 3, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.500; amending section 16, chapter 274, Laws of 1947 as last amended by section 20, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.150; adding a new section to chapter 41.40 RCW; and declaring an emergency."

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 126, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bluechel: "Senator McDermott, as I understood it in the committee, the impact of this bill on the pension system is 59.6 million dollars. Is that correct?"

Senator McDermott: "Senator Bluechel, over the next twenty-five years, that is correct—that is if there are no contributions from the individuals."

Senator Bluechel: "How many times has the window been opened in the past ten years?"

Senator McDermott: "I haven't the vaguest idea. It sometimes seems like it comes up every year. It really isn't true. I am not sure when was the last time we had the window open. That is why the provisions are in the bill that the window will never be opened again."

MOTIONS

On motion of Senator Zimmerman, Senator McCaslin was excused.

On motion of Senator Vognild, Senator Williams was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 126, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 126, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 10; absent, 02; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 34.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Guess, Haley, Hayner, Jones, Quigg, Sellar - 10.

Absent: Senators Deccio, Moore - 2.

Excused: Senators Lee, McCaslin, Williams - 3.

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

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

MESSAGE FROM THE GOVERNOR

April 14, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 22, 1983, Governor Spellman approved the following Senate Bills entitled:

Senate Bill No. 3009

Relating to crimes.

Senate Bill No. 3165

Relating to state route number 21.

Substitute Senate Bill No. 3197

Relating to insurance.

Senate Bill No. 3282

Relating to the Multistate Highway Transportation Agreement.

Substitute Senate Bill No. 3081

Relating to licensing barbers and men's hairstylists.

Senate Bill No. 3084

Relating to boundary review boards.

Senate Bill No. 3588

Relating to the state archivist.

Senate Bill No. 3364

Relating to RIF school employ, hearing.

Senate Bill No. 3172

Relating to motor vehicles.

Senate Bill No. 3097

Relating to motor vehicles.

Substitute Senate Bill No. 3053

Relating to contractor registration.

Senate Bill No. 3144

Relating to special fuels.

Substitute Senate Bill No. 3174

Relating to WSP retirement system.

Senate Bill No. 4021

Relating to insurance.

Senate Bill No. 3076

Relating to garbage trucks.

Sincerely,

MARILYN SHOWALTER, Counsel to the Governor

MOTION

On motion of Senator Shinpoch, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 22, 1983

SB 3155 Prime Sponsor, Senator Gaspard: Requiring a high technology education training program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3155 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Deccio, Fleming, Hayner, Hughes, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Warnke.

Passed to Committee on Rules for second reading.

April 21, 1983

SB 3517 Prime Sponsor, Senator Gaspard: Continuing the school facilities cost stabilization program. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

April 21, 1983

SB 3780 Prime Sponsor, Senator Fleming: Modifying provisions relating to nursing homes. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3780 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Deccio, Fleming, Hayner, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

April 22, 1983

SB 4102 Prime Sponsor, Senator Gaspard: Providing tuition incentives for students studying to be math and science teachers. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 4102 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Deccio, Fleming, Hayner, Hughes, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 21, 1983

SHB 43 Prime Sponsor, Committee on Social and Health Services: Modifying provisions concerning medical care services. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

April 21, 1983

E2SHB 231 Prime Sponsor, Committee on Ways and Means: Establishing a job skill program. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

April 21, 1983

SHB 784 Prime Sponsor, Committee on Ways and Means: Establishing the economic and revenue forecasting council. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hayner, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Bottiger, the rules were suspended and Senate Bill No. 3155 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Bottiger, the rules were suspended and Senate Bill No. 4102 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Bottiger, the rules were suspended and Engrossed Second Substitute House Bill No. 231 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Bottiger, the rules were suspended and Substitute House Bill No. 784 was advanced to second reading and placed on the second reading calendar.

POINT OF INQUIRY

Senator Guess: "Senator Shinpoch, Senate Bill No. 3838 licenses social workers. Is that economic recovery or something like that?"

Senator Shinpoch: "Senator Guess, as with all bills, whether they are on the sheet you have in front of you or the supplemental sheet, are subject to challenge. There are merely those that we think they are for one reason or another. I have a sheet in my office of all the reasons why we think it is and I will try and get it out here, so that when you challenge that bill, I will have the reasons in front of me."

MOTION

At 5:55 p.m., on motion of Senator Bottiger, the Senate recessed until 7:30 p.m.

EVENING SESSION

The President called the Senate to order at 7:30 p.m.

MOTION

On motion of Senator Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 226, by Committee on Ways and Means (originally sponsored by Representatives Ristuben, Ellis, Martinis, Tanner, Armstrong, B. Williams, Fisher, Locke, Halsan, McMullen, Fisch, R. King, Zellinsky, Smitherman, Gallagher, Todd, Haugen, Appelwick, P. King, Braddock, D. Nelson, Brekke, Vekich, Wang, Powers, Rust, Charnley, Ebersole, Hine, Galloway, Isaacson, Tilly, Garrett, Holland, Lewis, Johnson, Schoon, Stratton and Brough)

Providing for the establishment of export assistance centers.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendments were considered and adopted simultaneously:

On page 2, line 19, after ", and" strike "three" and insert "four"

On page 2, line 32, after "represent" strike "three" and insert "four"

On page 2, line 36, after "and (c)" strike "one" and insert "two"

On page 2, line 36, after "representative of" strike "a"

On page 2, line 11, after "governor" insert "and confirmed by the senate"

On page 2, line 29, after "large," strike down to and including "senate," on line 30.

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 3, line 1, strike "company" and insert "companies"

On motion of Senator Vognild, the following Committee on Commerce and Labor amendments were considered and adopted simultaneously:

On page 4, line 4, after "development" insert "or its statutory successor"

On page 4, line 8, after "development" insert "or its statutory successor"

On page 4, line 10, after "development" insert "or its statutory successor"

On page 4, line 13, after "development" insert "or its statutory successor"

On page 4, line 19, after "department" insert "or its statutory successor"

On page 4, line 21, after "department" insert "or its statutory successor"

On page 4, line 24, after "development" insert "or its statutory successor"

On page 4, line 28, after "development" insert "or its statutory successor"

MOTION

On motion of Senator Vognild, the rules were suspended, Second Substitute House Bill No. 226, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Benitz: "Senator Vognild, I note in the summary--it says 'make loans, provide loan guarantees and establish and regulate loan guarantees.' How can we do that without getting the state involved?"

Senator Vognild: "I think every effort was made in the bill to make sure that the state was not involved. This can be a clearing house for federal funds. It can also be a clearing house for money that is dedicated to it by numerous large financial institutions--primarily insurance companies. This procedure has worked well in many other areas."

POINT OF INQUIRY

Senator Rasmussen: "Senator Vognild, you said this was to provide assistance for small business--one hundred twenty-five million, with a hundred million dollars worth of sales. I didn't quite get that. Is that what you said?"

Senator Vognild: "Yes, Senator, presently, the Department of Commerce and Economic Development--the one that Senator Hayner was talking about--is prohibited from making loans or guaranteeing loans to businesses that do less than one hundred million dollars in annual sales."

Senator Rasmussen: "How about the federal small business loans? I thought that was supposed to be able to help these companies when they had no other place to go."

Senator Vognild: "Senator, I am unable to answer that question. I can merely refer to the testimony we had in committee which indicated that there was no facility--private or public--in the state that could handle assistance to these small businesses."

Senator Rasmussen: "One further question. Then, is it the intention of this new committee to issue bonds and make loans?"

Senator Vognild: "They can receive the money from federal grants. They can receive the money from money committed by major lending institutions. These are primarily insurance companies--and other states have done this."

MOTION

On motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 8:36 p.m.

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

MESSAGE FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3034 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Every manufacturer of motor vehicles sold in this state and for which the manufacturer has made an express warranty shall maintain in this state sufficient service and repair facilities reasonably close to all areas in which its motor vehicles are sold to carry out the terms of the warranties or designate and authorize in this state as service and repair facilities independent repair or service facilities reasonably close to all areas in which its motor vehicles are sold to carry out the terms of the warranties. As a means of complying with this section, a manufacturer may enter into warranty service contracts with independent service and repair facilities.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Motor vehicle" means an automobile, truck, motorcycle, moped, or motor home, if the motor vehicle is used primarily for personal, noncommercial use.

(2) "Nonconformity" means a failure to conform with an express warranty in a manner which substantially impairs the use, value, or safety of the item.

(3) "Buyer" means the purchaser of a motor vehicle, any person to whom the motor vehicle is transferred during an express warranty applicable to the motor vehicle and any other person entitled to enforcement of the obligations of an express warranty by its terms.

(4) (a) "Express warranty" means:

(i) A written statement arising out of a sale to the consumer of a motor vehicle pursuant to which the manufacturer, dealer, or retailer undertakes to preserve or maintain the utility or performance of the motor vehicle as provided in the warranty or provide compensation if there is a failure in utility or performance; or

(ii) In the event of any sample or model, that the whole of the goods conforms to such sample or model.

(b) It is not necessary to the creation of an express warranty that formal words such as "warrant" or "guarantee" be used, but if such words are used then an express warranty is created. An affirmation merely of the value of the vehicle or a statement purporting to be merely an opinion or commendation of the vehicle does not create a warranty.

(c) Statements or representations such as expressions of general policy concerning customer satisfaction which are not subject to any limitation do not create an express warranty.

NEW SECTION. Sec. 3. If a motor vehicle does not conform to all applicable express warranties and the nonconformity is not the result of misuse or abuse of the motor vehicle by the buyer, and the buyer reports in writing the nonconformity to the manufacturer, and its agent or authorized dealer during the term of the express warranties, the manufacturer, its agent, or its authorized dealer shall, within a reasonable period of time, begin to make such repairs as are necessary to conform the vehicle to such express warranties, notwithstanding the fact that such repairs are made after the expiration of such term or such one-year period. Unless the buyer agrees in writing to the contrary, the motor vehicle must be serviced or repaired so as to conform to the applicable express warranties within thirty days of the written notice of nonconformity. Delays caused by conditions beyond the control of the manufacturer, its agent, or its authorized representative shall serve to extend the thirty-day requirement. When such delay arises, the conforming services or repairs shall be rendered as soon as possible after termination of the conditions which gave rise to the delay.

NEW SECTION. Sec. 4. If the manufacturer or its representative or its authorized dealer is unable to service or repair the motor vehicle to conform to the applicable express warranties after a reasonable number of attempts, the manufacturer shall reimburse the buyer in an amount equal to the purchase price paid by the buyer, less that amount directly attributable to use by the buyer.

NEW SECTION. Sec. 5. It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranties if during the term of such express warranties or during the period of one year following the date of original delivery of the motor vehicle to a buyer: (1) The same nonconformity has been subject to repair four or more times by the manufacturer or its agents; or (2) the vehicle is out of service by reason of repair for a cumulative total of more than thirty days since the delivery of the vehicle to the buyer. The thirty-day period includes each calendar day or portion thereof during which the service shop is open for business, but does not include periods during which repairs cannot be made due to conditions beyond the control of the service facility and does not include periods during which the buyer has been provided with a comparable replacement vehicle by the dealer or manufacturer.

NEW SECTION. Sec. 6. If a manufacturer has established an informal dispute resolution settlement procedure which substantially complies with the applicable provision of Title 16, Code of Federal Regulations, Part 703, as from time to time amended, the provisions of section 4 of this act concerning reimbursements do not apply unless the buyer has resorted to such procedure.

NEW SECTION. Sec. 7. The remedies provided under this chapter are cumulative and are in addition to any other remedies provided by law.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 19 RCW.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendment to Substitute Senate Bill No. 3034.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3034, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; nays, 17; absent, 05; excused, 00.

Voting yea: Senators Bauer, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 27.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Guess, Haley, Hayner, Hemstad, Jones, McCaslin, Metcalf, Newhouse, Quigg, Sellar, Zimmerman - 17.

Absent: Senators Bender, Fuller, Moore, Pullen, Thompson - 5.

SUBSTITUTE SENATE BILL NO. 3034, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3035 with the following amendments:

On page 1, line 4, after "agency" insert "or its successor agency"

On page 1, line 6, strike "state's" and insert "state and local"

On page 1, line 8, after "facilities," insert "state parks and recreational facilities,"

On page 1, line 8, strike "public education plants and facilities,"

On page 1, line 25, after "agency" insert "or its successor agency"

On page 1, line 26, after "agencies," strike "The" and insert "To the fullest extent possible, the"

On page 1, line 27, after "agency" insert "or its successor agency"

On page 1, line 27, after "shall" strike "also"

On page 1, line 28, after "ecology," insert "the state parks and recreation commission, the interagency committee for outdoor recreation,"

On page 2, line 4, after "agency" insert "or its successor agency"

On page 2, line 5, strike "prepare any portion" and insert "supplement or update existing studies, or to conduct studies in areas where none exist, when necessary to the preparation"

On page 2, line 6, after "agency" insert "or its successor agency"

On page 2, line 7, strike "no later than July 1, 1983" and insert "in two parts. The first part of the plan shall include the items described in section 1 (1), (2), and (3) of this act, which can be assembled from existing studies. The items identified in this part of the plan shall be evaluated and the most critical priorities shall be identified. The planning and community affairs agency or its successor agency shall present the first part of its plan to the legislature no later than July 1, 1983."

The second part of the plan shall be the full plan described in section 1 of this act, including refinement of the first part of the plan. The planning and community affairs agency or its successor agency shall present the second part of its plan to the legislature no later than December 31, 1983"

On page 2, line 9, after "agency" insert "or its successor agency"

On page 2, line 10, after "sum of" strike "sixty" and insert "thirty-five",

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator McDermott moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3035.

POINT OF INQUIRY

Senator Lee: "Senator McDermott, I was looking over some of the amendments that they had made. I know one of the ones that was of particular interest to members of the committee was to include 'school' and that has been removed. They added 'state and local projects and the parks and recreational facilities.' What I really wanted to know was, I was wondering if adding the word 'local,' which we did not have in our bill, would still cover those school projects?"

Senator McDermott: "I think it is reasonable, Senator Lee, to assume that it could be included. I think the House's feeling was that schools need not be included, since the State Board of Education already has that kind of information in the form of proposals from various school districts. I don't think they felt the need to do that, but it could be done under the use of the word 'local.'"

MOTION

On motion of Senator Talmadge, Senator Bender was excused.

The President declared the question before the Senate to be the motion by Senator McDermott that the Senate do concur in the House amendments to Substitute Senate Bill No. 3035.

The motion by Senator McDermott carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 3035.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3035, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Pullen - 1.

Excused: Senator Bender - 1.

SUBSTITUTE SENATE BILL NO. 3035, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3042 with the following amendments:

On page 2, line 23, following "(3)" strike everything through "employee" on line 30, and insert:

"Casual employee" means any individual working "on call" or working in assignments of a limited scope or of a short term or transitory nature so as to indicate that the individual does not share a community of interest with other employees of the institution or lacks an expectancy of continued employment. Medical residents and graduate students serving in graduate student service appointments are casual employees within the meaning of this section"

On page 10, line 31, following "(2)" strike everything through "faith" on line 35 and insert:

"No agreement reached pursuant to the provisions of this act which require legislative action or appropriation by the legislature shall be effective unless and until such an action or allocation has been taken or made. Following execution of an agreement, the employer and the exclusive representative shall seek appropriate legislative action actively and in good faith. Should the legislature or the governor fail to fully fund the agreement or to take the requisite action, the entire agreement shall be referred back to the parties for further negotiation: PROVIDED, HOWEVER, That the parties may agree that provisions of the agreement which are non-budgetary or do not require funding or other legislative action may take effect whether or not the requests submitted to the legislature are approved"

On page 11, line 17, following "(3)" strike everything through "purposes" on line 22, and insert:

"Any collective bargaining agreement may provide for the increase of any wages, salaries, and other benefits during the term of such agreement or the term of any individual employee contracts covering employees in the bargaining unit, if the employer receives, by increased legislative appropriation, additional moneys for such purposes",

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3042.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3042, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 27.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Hurley, Jones, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 20.

Absent: Senator Pullen - 1.

Excused: Senator Bender - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3042, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3055 with the following amendments:

On page 18, line 9, after "maintenance" insert ", of which two years shall be in industrial electrical installation"

On page 18, beginning on line 21, after "competency," strike all material down through "competency:)" on line 24 and insert "Any applicant who is a graduate of a trade school program in the electrical construction trade that was established during 1946 (~~shall be~~) is eligible to take the examination for the certificate of competency."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3055.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3055, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 07; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Benitz, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Voting nay: Senators Bluechel, Clarke, Guess, Hemstad, Lee, Rinehart, Shinpoch - 7.

Absent: Senator Pullen - 1.

Excused: Senator Bender - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3055, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3056 with the following amendments:

On page 1, line 16, strike "Upon" and insert "If the name of the contractor allegedly or apparently in violation of this chapter is not known, or if the name of the contractor does not appear on the latest list of registered contractors compiled under RCW 18.27.120(1), upon"

On page 6, after line 27, strike the remainder of the bill and insert the following:

*Sec. 18. Section 4, chapter 77, Laws of 1963 as last amended by section 1, chapter 11, Laws of 1977 ex. sess. and RCW 18.27.040 are each amended to read as follows:

(1) Each applicant shall, at the time of applying for or renewing a certificate of registration, file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in a form acceptable to the department running to the state of Washington if a general contractor, in the sum of ~~((four))~~ six thousand dollars; if a specialty contractor, in the sum of ~~((two))~~ four thousand dollars, conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of negligent or improper work or breach of contract in the conduct of the contracting business. ~~((Any registered contractor with an unimpaired bond in effect on the day immediately preceding September 21, 1977, is hereby authorized to maintain such bond until the next annual renewal of such bond at which time the terms of this 1977 amendatory act must be complied with: PROVIDED: That))~~ A change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

(2) Any contractor registered as of the effective date of this 1983 act who maintains such registration in accordance with this chapter shall be in compliance with this chapter until the next annual renewal of the contractor's certificate of registration. At that time, the contractor shall provide a bond, cash deposit, or other security deposit as required by this chapter and comply with all of the other provisions of this chapter before the department shall renew the contractor's certificate of registration.

(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit upon such bond in the superior court of the county in which the work is done or of any county in which jurisdiction of the contractor may be had. Action upon such bond or deposit shall be commenced by ~~((serving and))~~ filing ~~((of))~~ the complaint with the clerk of the appropriate superior court within one year from the date of expiration of the certificate of registration in force at the time the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was completed. Service of process in an action upon such bond shall be exclusively by service upon the department. Three copies of the complaint and a fee of ten dollars to cover the handling costs shall be served by registered or certified mail upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the ten-dollar fee and three copies of the complaint. Such service shall constitute service on the registrant and the surety for suit upon the bond and the department shall transmit the complaint or a copy thereof to the registrant at the address listed in his application and to the surety within forty-eight hours after it shall have been received.

(4) The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

((1)) (a) Labor, including employee benefits;

((2)) (b) Claims for breach of contract by a party to the construction contract;

((3)) (c) Material and equipment;

((4)) (d) Taxes and contributions due the state of Washington;

((5)) (e) Any court costs, interest, and attorney's fees plaintiff may be entitled to recover.

(5) In the event that any final judgment shall impair the liability of the surety upon the bond so furnished that there shall not be in effect a bond undertaking in the full amount prescribed in this section, the department shall suspend the registration of such contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims shall have been furnished. If such bond becomes fully impaired, a new bond must be furnished at the increased rates prescribed by this section as now or hereafter amended.

(6) In lieu of the surety bond required by this section the contractor may file with the department a deposit consisting of cash or other security acceptable to the department.

(7) Any person having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

(8) The director may promulgate rules ~~((and regulations))~~ necessary for the proper administration of the security.

Sec. 19. Section 6, chapter 77, Laws of 1963 as amended by section 1, chapter 61, Laws of 1977 ex. sess. and RCW 18.27.060 are each amended to read as follows:

(1) A certificate of registration shall be valid for one year and shall be renewed on or before the expiration date. The ~~((director))~~ department shall issue to the applicant a certificate of registration upon compliance with the registration requirements of this chapter.

(2) If the department approves an application, it shall issue a certificate of registration to the applicant. The certificate shall be valid for:

(a) One year;

(b) Until the bond expires; or

(c) Until the insurance expires, whichever comes first. The department shall place the expiration date on the certificate.

(3) A contractor may supply a short-term bond or insurance policy to bring its registration period to the full one year.

(4) If a contractor's surety bond or other security has an unsatisfied judgment against it or is canceled, or if the contractor's insurance policy is canceled, the contractor's registration shall be automatically suspended on the effective date of the impairment or cancellation. The department shall give notice of the suspension to the contractor.

Sec. 20. 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 are each amended to read as follows:

(1) The department shall ~~((annually, starting July 1, 1973;))~~ compile a list of all contractors registered ~~((pursuant to the provisions of))~~ under this chapter and update ((such)) the list at least bimonthly. ((Such)) The list shall be considered as public record information and shall be available to the public upon request: PROVIDED, That the department may charge a reasonable ~~((reproduction))~~ fee.

(2) The department shall inform the state or a person, firm, corporation, partnership, political subdivision, or other entity if a contractor is registered, and if a contractor is bonded or insured, without charge except for a reasonable reproduction fee. The fee shall be set by rule under RCW 18.27.070.

Sec. 21. Section 2, chapter 161, Laws of 1973 1st ex. sess. and RCW 18.27.140 are each amended to read as follows:

It is the purpose of this chapter to afford protection to the public including all persons, firms, and corporations furnishing labor, materials, or equipment to a contractor from unreliable, fraudulent, financially irresponsible, or incompetent contractors.

NEW SECTION. Sec. 22. Section 6, chapter 126, Laws of 1967 and RCW 18.27.085 are each hereby repealed.

NEW SECTION. Sec. 23. Sections 1 through 16 of this act are each added to chapter 18.27 RCW.

NEW SECTION, Sec. 24. Sections 1 through 17 of this act shall take effect January 1, 1984."

On page 1, line 3 of the title, after "18.27.020;" strike the remainder of the title and insert "amending section 4, chapter 77, Laws of 1963 as last amended by section 1, chapter 11, Laws of 1977 ex. sess. and RCW 18.27.040; amending section 6, chapter 77, Laws of 1963 as amended by section 1, chapter 61, Laws of 1977 ex. sess. and RCW 18.27.060; 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; amending section 2, chapter 161, Laws of 1973 1st ex. sess. and RCW 18.27.140; adding new sections to chapter 18.27 RCW; repealing section 6, chapter 126, Laws of 1967 and RCW 18.27.085; prescribing penalties; and providing an effective date;".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Bluechel, Senator Pullen was excused.

On motion of Senator Vognild, Senator Peterson was excused.

MOTIONS

Senator Vognild moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3056.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate do concur in the House amendments to Substitute Senate Bill No. 3056.

The motion by Senator Vognild carried on a rising vote and the Senate concurred in the House amendments to Substitute Senate Bill No. 3056.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3056, as amended by the House, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 24; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bottiger, Clarke, Conner, Fleming, Gaspard, Granlund, Hansen, Hughes, Hurley, Jones, Kiskaddon, McManus, Moore, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody - 22.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Deccio, Fuller, Goltz, Guess, Haley, Hayner, Hemstad, Lee, McCaslin, McDermott, Metcalf, Newhouse, Owen, Patterson, Rasmussen, Sellar, Vognild, von Reichbauer, Williams, Zimmerman - 24.

Excused: Senators Bender, Peterson, Pullen - 3.

SUBSTITUTE SENATE BILL NO. 3056, as amended by the House, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild moved the Senate reconsider the vote by which Substitute Senate Bill No. 3056, as amended by the House, failed to pass the Senate.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate reconsider the vote by which Substitute Senate Bill No. 3056, as amended by the House, failed to pass the Senate.

The motion by Senator Vognild carried and the Senate reconsidered the vote by which Substitute Senate Bill No. 3056, as amended by the House, failed to pass the Senate.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Newhouse moved that the Senate reconsider the vote by which the Senate concurred in the House amendments to Substitute Senate Bill No. 3056.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate reconsider the vote by which the Senate concurred in the House amendments to Substitute Senate Bill No. 3056.

The motion by Senator Newhouse carried and the Senate reconsidered the vote by which the Senate concurred in the House amendments to Substitute Senate Bill No. 3056.

MOTIONS

On motion of Senator Vognild, the Senate concurred in the House amendment to page 1, line 16, to Substitute Senate Bill No. 3056.

On motion of Senator Vognild, the Senate did not concur in the House amendment to page 6, after line 27, to Substitute Senate Bill No. 3056 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 15, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3087 with the following amendments:

On page 2, beginning on line 26, strike "employees in the affected units" and insert "an employee in an affected unit"

On page 2, beginning on line 29, after "(4)" strike all material down through "units" on line 32 and insert "Fringe benefits will continue to be provided on the same basis as before the reduction in work hours. In no event shall the level of health benefits be reduced due to a reduction in hours"

On page 7, after line 13, insert a new section to read as follows:

"NEW SECTION. Sec. 14. The department shall adopt such rules as are necessary to carry out the purposes of this act. The department shall make a report to the legislature by January 1, 1984 which describes the implementation of this act."

Renumber the remaining sections accordingly..

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Substitute Senate Bill No. 3087.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3087, as amended by the House, and the bill passed the Senate by the following vote:

Yeas, 28; nays, 18; absent, 00; excused, 03.

Voting yeas: Senators Bauer, Bottiger, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McDermott, McManus, Moore, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 28.

Voting nays: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Lee, McCaslin, Metcalf, Newhouse, Owen, Patterson, Quigg, Sellar, Zimmerman - 18.

Excused: Senators Bender, Peterson, Pullen - 3.

SUBSTITUTE SENATE BILL NO. 3087, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3088 with the following amendments:

On page 5, after line 9, strike all material down through line 15 and insert the following:

"(5) A "student" is any person who ((has graduated from an accredited high school, or has an equivalent education as determined by the director whose determination shall be conclusive, who attends a duly licensed cosmetology school, who receives any phase of cosmetology instruction with or without tuition, fee, or cost, and who does not receive any wage or commission)) attends a duly licensed cosmetology school and receives any phase of cosmetology instruction with or without tuition, fee, or cost and who does not receive any wage or commission and submits proof of graduation from an accredited high school or a certificate of educational competence or an equivalent education as determined by the director whose determination shall be conclusive upon application for examination for a cosmetologist license."

On page 6, after line 26, strike all material down through line 28 and insert the following:

"((No hours may be credited to any such special student unless he or she graduates from high school)) Hours shall be credited to a special student provided the student graduates from

an accredited high school or receives a certificate of educational competence prior to applying for the cosmetology license examination."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Vognild moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 3088.

POINT OF INQUIRY

Senator Rasmussen: "Senator Vognild, with this provision that the House has put in, suppose we had a hairdresser from Vietnam or Korea or China or someplace come in and they didn't have a GED, but they were really good at their work--but they didn't have the grade points. Now, what would that do in this case?"

Senator Vognild: "Senator Rasmussen, existing law says that they cannot attend the school unless they have a high school graduation certificate. I believe that this is a real good amendment, because it now says that they may attend school without graduating from high school. Additionally, they may be licensed, now, with a high school certificate or a GED, so from the existing law to the language in this, it extremely broadens it out."

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 3088.

The motion by Senator Vognild carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3088.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3088, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senator Haley - 1.

Absent: Senator Deccio - 1.

Excused: Senators Bender, Peterson, Pullen - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3088, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3106 with the following amendments:

On page 13, following line 28 insert:

"Sec. 9, Section 3, chapter 137, Laws of 1981 as last amended by ESB 3416, Laws of 1983, and RCW 9.94A.030 are each amended as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the sentencing guidelines commission.

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(3) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).

(4) "Confinement" means total or partial confinement as defined in this section.

(5) "Convictions" means an adjudication of guilt pursuant to Titles 10 or 13 RCW.

(6) "Crime-related prohibition" means an order of a court prohibiting conduct which directly relates to the circumstances of the crime for which the offender has been convicted.

and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(7)(a) "Criminal history" means the list of defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" includes a defendant's convictions or pleas of guilty in juvenile court if: (i) The guilty plea or conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); and (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) the defendant was twenty-three years of age or less at the time the offense for which he or she is being sentenced was committed.

(8) "Department" means the department of corrections.

(9) "Determinate sentence" means a sentence which states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(10) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(11) "First-time offender" means any person convicted of a felony not classified as a violent offense under this chapter, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(12) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(13) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

(14) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(15) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(16) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(17) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, ((and)) robbery in the second degree, and ((negligent)) vehicular homicide;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, which is comparable to a felony classified as a violent offense in subsection (17)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a violent offense under subsection (17)(a) or (b) of this section."

On page 1, line 1, following "intoxicated," insert "amending section 3, chapter 137, Laws of 1981, as last amended by ESB 3416, Laws of 1983 and RCW 9.94A.030".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3106.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3106, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Brauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore,

Newhouse, Owen, Patterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Bender, Peterson, Pullen - 3.

ENGROSSED SENATE BILL NO. 3106, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3124 with the following amendments:

On page 3, line 2 strike "system or" and insert "(system or)"

On page 4, line 26 strike "subsection (3) of this section" and insert "this subsection".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McManus, the Senate concurred with the House amendments to Substitute Senate Bill No. 3124.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3124, as amended by the House, and the bill passed the Senate by the following vote:

Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Decchio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Bender, Peterson, Pullen - 3.

SUBSTITUTE SENATE BILL NO. 3124, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3127 with the following amendments:

On page 2, after line 7 insert a new subsection as follows:

"(4) In the case of an employer not qualifying as a self-insurer, the department shall make a retroactive adjustment to such employer's experience rating in which the third party claim has been included to reflect that portion of the award or settlement which is reimbursed for compensation and benefits paid and, if the claim is open at the time of recovery, applied against further compensation or benefits to which the injured worker or beneficiary may be entitled."

On page 3, after line 5, insert a new subsection as follows:

"(4) In the case of an employer not qualifying as a self-insurer, the department shall make a retroactive adjustment to such employer's experience rating in which the third party claim has been included to reflect that portion of the award or settlement which is reimbursed for compensation and benefits paid and, if the claim is open at the time of recovery, applied against further compensation or benefits to which the injured worker or beneficiary may be entitled."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Substitute Senate Bill No. 3127.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3127, as amended by the House, and the bill passed the Senate by the following vote:

Yeas, 39; nays, 07; absent, 00; excused, 03.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Guigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Barr, Clarke, Craswell, Deccio, Haley, McCaslin, Metcalf - 7.

Excused: Senators Bender, Peterson, Pullen - 3.

SUBSTITUTE SENATE BILL NO. 3127, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 1983

Mr. President:

The House has passed SENATE BILL NO. 3142 with the following amendments:

On page 1, line 15, after "treasurer" strike "held" and insert "or, in the case of a county, a member of the county finance committee, held during the reporting period"

On page 1, line 19, after "treasurer" strike "had" and insert "or, in the case of a county, a member of the county finance committee, held during the reporting period"

On page 1, line 29, after "filed" insert "either"

On page 2, line 1, after "42.17.240" insert "or separately".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Senate Bill No. 3142.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3142, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Guigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Deccio - 1.

Excused: Senators Bender, Peterson, Pullen - 3.

SENATE BILL NO. 3142, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 1983

Mr. President:

The House has passed SENATE BILL NO. 3090 with the following amendments:

On page 3, after line 23, insert new sections to read as follows:

NEW SECTION. Sec. 2. There is added to chapter 43.88 RCW a new section to read as follows:

Prior to January 15 of each year, each state agency shall separately itemize and submit to the secretary of the senate and chief clerk of the house any expenditures required to be made by the agency under any federal court order. The secretary and chief clerk shall transmit this information to the appropriate standing committees. In each instance, the legislature shall review the expenditures mandated by the federal court order with a view to determining whether the program affected by the court order should be continued or eliminated and funds for the program either appropriated or not appropriated accordingly.

NEW SECTION. Sec. 3. Section 2 of this act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section (1) of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Renumber remaining sections consecutively.

On page 3, following line 25, insert:

"NEW SECTION. Sec. 3. There is added to chapter 43.88 RCW a new section to read as follows:

The optional budget appendix containing a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes shall be no more detailed than the required budget document setting forth a proposal for expenditures in the ensuing fiscal period based upon anticipated revenues for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document."

On page 3, line 29, after "immediately" insert ", except section 2 of this act which shall take effect July 1, 1983"

On page 3, line 29, after "immediately," insert "This section shall not apply to section 2 of this act."

On page 1, line 3, after "43.88.110;" insert "adding a new section to chapter 43.88 RCW;" and on page 1, line 4, after 43.88.113;" insert "providing for submission of a section of this act to a vote of the people:"

On page 1, line 4 of the title, after "RCW 43.88.113;" insert "providing an effective date;"

On page 1, following line 4 insert "adding a new section to chapter 43.88 RCW;"

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. With respect to the House amendment on page 3, line 23, I raise the question of scope and object. Speaking to the point of order, basically, the bill relates to the Budget and Accounting Act and the technical nature of the budget and the authority of the Governor to make variable cuts. Section 2 relates to itemization of expenditures relating to decisions of the federal court and I believe the amendment expands the scope and object of the bill."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Senate Bill No. 3090 is a measure of limited scope which removes obsolete statutory language from the Budget and Accounting Act.

"The amendment proposed by the House of Representatives requires state agencies to itemize expenditures required to be made pursuant to a federal court order for review by the Legislature.

"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."

MOTION

Senator Talmadge moved, that pursuant to Senate Rule 66, the Senate do not concur in the House amendments to page 3, after line 23; to page 3, line 29; to page 3, line 29; to page 1, line 3; to page 1, line 4; and to page 1, following line 4; to Senate Bill No. 3090 and asked the House to recede therefrom.

PARLIAMENTARY INQUIRY

Senator Bluechel: "Mr. President, under Rule 66, is that not when ruled out of order, the bill is sent back to the committee of origin?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Bluechel, the Senate has added a proviso. The President will read the entire rule--'A Senate bill passed by the House with an 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. In the event a scope and object ruling results in a measure being referred to committee, a motion to ask the House to recede, to insist or to adhere shall be in order on the same day upon which the scope and object ruling resulted in the measure being referred to committee.'

"The President believes that inasmuch as this is the first time in his experience that this has occurred since this rule has been in effect, that Senator Talmadge should make a motion requesting the House to recede from the amendment ruled

out of order. Otherwise, the President would have to refer this measure to committee."

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge to not concur in the House amendments to page 3, after line 23; to page 3, line 29; to page 3, line 29; page 1, line 3; page 1, line 4; and to page 1, following line 4 to Senate Bill No. 3090 and asks the House to recede therefrom.

The motion by Senator Talmadge carried and the Senate did not concur in the House amendments to page 3, line 23; to page 3, line 29; to page 3, line 29; to page 1, line 3; to page 1, line 4; and to page 1, following line 4; to Senate Bill No. 3090 and asked the House to recede therefrom.

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to page 3, following line 25, to Senate Bill No. 3090.

MESSAGE FROM THE HOUSE

April 13, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3134 with the following amendments:

On page 2, beginning on line 17, insert a new section as follows:

"NEW SECTION, Sec. 2. There is added to chapter 44.40 RCW a new section to read as follows:

Prior to the start of each regular legislative session in an odd-numbered year, the legislative transportation committee shall review the policy of the state concerning fees imposed on non-polluting fuels under RCW 82.38.075, and shall report its findings and recommendations for change, if any, to the legislature."

Re number the remaining sections consecutively

On page 1, line 3 of the title after "RCW 82.38.075;" insert "adding a new section to chapter 44.40 RCW:".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Peterson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3134.

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3134, as amended by the House, and the bill passed the Senate by the following vote:

Yeas, 42; nays, 04; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody, Zimmerman - 42.

Voting nay: Senators Craswell, McCaslin, Metcalf, Wojahn - 4.

Excused: Senators Bender, Pullen, von Reichbauer - 3.

ENGROSSED SENATE BILL NO. 3134, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3644,

SUBSTITUTE SENATE BILL NO. 3646,

SUBSTITUTE SENATE BILL NO. 3664,

SUBSTITUTE SENATE BILL NO. 3757,

SENATE BILL NO. 3763,

SUBSTITUTE SENATE BILL NO. 3812,

SUBSTITUTE SENATE BILL NO. 4107,

SENATE BILL NO. 4156.
SENATE JOINT MEMORIAL NO. 110,
SENATE JOINT MEMORIAL NO. 118,
SENATE JOINT RESOLUTION NO. 105.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 3123,
SUBSTITUTE SENATE BILL NO. 3166,
SENATE BILL NO. 3448,
SUBSTITUTE SENATE BILL NO. 3483,
SUBSTITUTE SENATE BILL NO. 3522,
SENATE BILL NO. 3531,
SENATE BILL NO. 3532,
SENATE BILL NO. 3535,
SENATE BILL NO. 3585.

MOTION

At 10:02 p.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Saturday, April 23, 1983.

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

ONE HUNDRED-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, April 23, 1983

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Haley, Hansen, Hemstad, Pullen, Quigg, Rinehart, Warnke and Woody. On motion of Senator Newhouse, Senator Hemstad was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jill Amos and Pat Woody, presented the Colors. Mr. John Livingston, representing Grace Baptist Church of Olympia, and a Senate staff member, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

April 22, 1983

Mr. President:

The House has concurred in the Senate amendment(s) to the following listed bills and has passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 116.

HOUSE BILL NO. 185.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 197.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 426.

ENGROSSED HOUSE BILL NO. 643.

HOUSE BILL NO. 747.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed SENATE BILL NO. 3184 with the following amendment:

On page 2, line 2 following "amendment." insert "Any decision of the code reviser, in consultation with the statute law committee, to incorporate amendments in the same section or to decodify a section which was both repealed and amended in the same session shall be clearly noted in the revised code of Washington.".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Senate Bill No. 3184.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3184, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 07; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Haley, Hansen, Pullen, Quigg, Rinehart, Warnke, Woody - 7.

Excused: Senator Hemstad - 1.

SENATE BILL NO. 3184, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed SENATE BILL NO. 3145 with the following amendments:

On page 3, after line 6, insert the following:

"Sec. 3. Section 16, chapter 175, Laws of 1971 ex. sess. as last amended by section 11, chapter 40, Laws of 1979 and RCW 82.38.150 are each amended to read as follows:

For the purpose of determining the amount of his liability for the tax herein imposed each special fuel dealer and each special fuel user shall file tax reports with the department, on forms prescribed by the department, at periodic intervals as shown in the following schedule:

Estimated Yearly Tax Liability	Reporting Frequency
\$ 0 - \$100	Yearly
\$101 - 250	Semi-yearly
\$251 - 499	Quarterly
\$500 and over	Monthly

The department shall establish the reporting frequency for each applicant at the time the special fuel license is issued. If it becomes apparent that any special fuel licensee is not reporting in accordance with the above schedule, the department shall change the licensee's reporting frequency by giving thirty days' notice to the licensee by mail to his address of record. A report shall be filed with the department even though no special fuel was used, or tax is due, for the reporting period. Each tax report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the report and shall be in lieu of such verification. The report shall show such information as the department may reasonably require for the proper administration and enforcement of this chapter: PROVIDED, That if a special fuel dealer or special fuel user is also a special fuel supplier at a location where special fuel is delivered into the supply tank of a motor vehicle, and if separate storage is provided thereat from which special fuel is delivered or placed into fuel supply tanks of motor vehicles, the tax report to the department need not include inventory control data covering bulk storage from which wholesale distribution of special fuel is made. The special fuel dealer or special fuel user shall file the report on or before the twenty-fifth day of the next succeeding calendar month following the period to which it relates.

Subject to the written approval of the department, tax reports may cover a period ending on a day other than the last day of the calendar month. Taxpayers granted approval to file reports in this manner will file such reports on or before the twenty-fifth day following the end of the reporting period. No change to this reporting period will be made without the written authorization of the department.

If the final filing date falls on a Saturday, Sunday or legal holiday the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post office cancellation mark stamped upon an envelope containing such report properly addressed to the department, or on the date it was mailed if proof satisfactory to the department is available to establish the date it was mailed.

The department, if it deems it necessary in order to insure payment of the tax imposed by this chapter, or to facilitate the administration of this chapter, shall have the authority to require the filing of reports and tax remittances at shorter intervals than one month if, in its opinion, an existing bond has become insufficient.

The department may permit any special fuel user whose sole use of special fuel is in motor vehicles or equipment exempt from tax as provided in RCW 82.38.075 and RCW 82.38.080(1), (2), (3), and ~~((6)-(8)))~~ (8), in lieu of the reports required in this section, to submit reports annually or as requested by the department, in such form as the department may require.

A special fuel user whose sole use of special fuel is for purposes other than the propulsion of motor vehicles upon the public highways of this state shall not be required to submit the reports required in this section."

Renumber the sections following consecutively, and correct internal references accordingly.

In line 4 of the title, after "82.38.110;" insert "amending section 16, chapter 175, Laws of 1971 ex. sess. as last amended by section 11, chapter 40, Laws of 1979 and RCW 82.38.150;".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Vognild, Senators Rinehart and Woody were excused.

On motion of Senator Bluechel, Senators Haley and Pullen were excused.

On motion of Senator Peterson, the Senate concurred in the House amendments to Senate Bill No. 3145.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3145, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 02; absent, 01; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Hughes, Hurley, McDermott - 3.

Excused: Senators Haley, Hemstad, Pullen, Rinehart, Woody - 5.

Absent: Senator Jones - 1.

SENATE BILL NO. 3145, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3156 with the following amendment:

On page 3, line 3 strike all of section 7 and renumber the remaining section consecutively, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Hughes, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 3156.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3156, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 05; absent, 01; excused, 04.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Barr, Benitz, Guess, McCaslin, Newhouse - 5.

Absent: Senator Hayner - 1.

Excused: Senators Haley, Hemstad, Pullen, Rinehart - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3156, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3203 with the following amendments:

On page 1, line 24 after "section" strike "shall" and insert "may"

On page 1, line 26 after "section" strike "shall" and insert "may",

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3203.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3203, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 03; absent, 01; excused, 04.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Barr, Craswell, McCaslin - 3.

Absent: Senator Moore - 1.

Excused: Senators Haley, Hemstad, Pullen, Rinehart - 4.

ENGROSSED SENATE BILL NO. 3203, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3217 with the following amendment:

On page 1, after line 22, insert a new subsection to read as follows:

"(3) The director may authorize commercial net fishing for salmon in the tributaries and sloughs from September 1 to November 30: PROVIDED, That the time, areas and level of effort are regulated in order to maximize the recreational fishing opportunity while minimizing excess returns of fish to hatcheries. The director shall not authorize commercial net fishing if a significant catch of steelhead would occur."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 3217.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3217, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 04; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Absent: Senators Bottiger, Jones, Moore, Owen - 4.

Excused: Senators Haley, Hemstad, Pullen, Rinehart - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3217, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE BILL NO. 3245 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. DECLARATION OF PUBLIC POLICIES—PURPOSE. It is declared to be the public policy of the state and a recognized governmental function to assist in making affordable and decent housing available throughout the state and by so doing to contribute to

the general welfare. Decent housing for the people of our state is a most important public concern. Interest rates and construction costs have made it impossible for many Washington citizens to purchase their own homes. Older people, disabled persons, and low and moderate income families often cannot afford to rent decent housing. There exists throughout the state a serious shortage of safe, sanitary and energy efficient housing available at prices within the financial means of our citizens. General economic development within the state is also impeded by a lack of affordable housing. The state's economy, which is dependent on the timber, wood products, and construction industries, has been damaged by inadequate investment in housing construction and rehabilitation. The result has been high unemployment and economic hardship affecting the prosperity of all the people of the state, particularly those in the wood products industry.

It is the purpose of this chapter to establish a state housing finance commission to act as a financial conduit which, without using public funds or lending the credit of the state or local government, can issue nonrecourse revenue bonds and participate in federal, state, and local housing programs and thereby make additional funds available at affordable rates to help provide housing throughout the state. It is also a primary purpose of this chapter to encourage the use of Washington state forest products in residential construction. This chapter is enacted to accomplish these and related purposes and shall be liberally construed to carry out its purposes and objectives.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Bonds" means the bonds, notes, or other evidences of indebtedness of the commission, the interest paid on which may or may not qualify for tax exemption.

(2) "Code" means the federal internal revenue code of 1954, as now or hereafter amended, and the regulations and rulings promulgated thereunder.

(3) "Commission" means the Washington state housing finance commission or any board, body, commission, department, or officer succeeding to the principal functions thereof or to whom the powers conferred upon the commission shall be given by law.

(4) "Costs of housing" means all costs related to the development, design, acquisition, construction, reconstruction, leasing, rehabilitation, and other improvements of housing, as determined by the commission.

(5) "Eligible person" means a person or family eligible in accordance with standards promulgated by the commission. Such persons shall include those persons whose income is insufficient to obtain at a reasonable cost, without financial assistance, decent, safe, and sanitary housing in the area in which the person or family resides, and may include such other persons whom the commission determines to be eligible.

(6) "Housing" means specific new, existing, or improved residential dwellings within this state or dwellings to be constructed within this state. The term includes land, buildings, and manufactured dwellings, and improvements, furnishings, and equipment, and such other nonhousing facilities, furnishings, equipment, and costs as may be incidental or appurtenant thereto if in the judgment of the commission the facilities, furnishings, equipment and costs are an integral part of the project. Housing may consist of single-family or multifamily dwellings in one or more structures located on contiguous or noncontiguous parcels or any combination thereof. Improvements may include such equipment and materials as are appropriate to accomplish energy efficiency within a dwelling. The term also includes a dwelling constructed by a person who occupies and owns the dwelling.

(7) "Mortgage" means a mortgage, mortgage deed, deed of trust, security agreement, or other instrument securing a mortgage loan and constituting a lien on or security interest in housing. The property may be held in fee simple or on a leasehold under a lease having a remaining term, at the time the mortgage is acquired, of not less than the term of repayment of the mortgage loan secured by the mortgage. The property may also be housing which is evidenced by an interest in a cooperative association or corporation if ownership of the interest entitles the owner of the interest to occupancy of a dwelling owned by the association or corporation.

(8) "Mortgage lender" means any of the following entities which customarily provide service or otherwise aid in the financing of housing and which are approved as a mortgage lender by the commission: A bank, trust company, savings bank, national banking association, savings and loan association, building and loan association, mortgage banker, mortgage company, credit union, life insurance company, or any other financial institution, governmental agency, municipal corporation, or any holding company for any of the entities specified in this subsection.

(9) "Mortgage loan" means an interest-bearing loan or a participation therein, made to a borrower, for the purpose of financing the costs of housing, evidenced by a promissory note, and which may or may not be secured (a) under a mortgage agreement, (b) under any other security agreement, regardless of whether the collateral is personal or real property, or (c) by insurance or a loan guarantee of a third party. However, an unsecured loan shall not be considered a mortgage loan under this definition unless the amount of the loan is under two thousand five hundred dollars.

NEW SECTION. Sec. 3. BONDS NOT DEBT OF STATE. Bonds issued under this chapter shall be issued in the name of the commission. The bonds shall not be obligations of the state of Washington and shall be obligations only of the commission payable from the special fund or funds created by the commission for their payment. Such funds shall not be or constitute public moneys or funds of the state of Washington but at all times shall be kept segregated and set apart from other funds.

Bonds issued under this chapter shall contain a recital on their face to the effect that payment of the principal of, interest on, and prepayment premium, if any, on the bonds, shall be a valid claim only as against the special fund or funds relating thereto, that neither the faith and credit nor the taxing power of the state or any municipal corporation, subdivision, or agency of the state, other than the commission as set forth in this chapter, is pledged to the payment of the principal of, interest on, and prepayment premium, if any, on the bonds.

Contracts entered into by the commission shall be entered into in the name of the commission and not in the name of the state of Washington. The obligations of the commission under the contracts shall be obligations only of the commission and are not in any way obligations of the state of Washington.

NEW SECTION. Sec. 4. COMMISSION CREATED. (1) There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington state housing finance commission. The commission is an instrumentality of the state exercising essential government functions and, for purposes of the code, acts as a constituted authority on behalf of the state when it issues bonds pursuant to this chapter. The commission is a "public body" within the meaning of RCW 39.53.010.

(2) The commission shall consist of the following voting members:

- (a) The state treasurer, ex officio;
- (b) The director of the planning and community affairs agency, ex officio;
- (c) An elected local government official, ex officio, with experience in local housing programs, who shall be appointed by the governor with the consent of the senate;
- (d) A representative of housing consumer interests, appointed by the governor with the consent of the senate;
- (e) A representative of labor interests, appointed by the governor, with the consent of the senate, after consultation with representatives of organized labor;
- (f) A representative of low-income persons, appointed by the governor with the consent of the senate;
- (g) Five members of the public appointed by the governor, with the consent of the senate, on the basis of geographic distribution and their expertise in housing, real estate, finance, energy efficiency, or construction, one of whom shall be appointed by the governor as chair of the commission and who shall serve on the commission and as chair of the commission at the pleasure of the governor.

The term of the persons appointed by the governor, other than the chair, shall be four years from the date of their appointment, except that the terms of three of the initial appointees shall be for two years from the date of their appointment. The governor shall designate the appointees who will serve the two-year terms. An appointee may be removed by the governor for cause pursuant to RCW 43.06.070 and 43.06.080. The governor shall fill any vacancy in an appointed position by appointment for the remainder of the unexpired term. If the planning and community affairs agency is abolished, the resulting vacancy shall be filled by a state official who shall be appointed to the commission by the governor. If this official occupies an office or position for which senate confirmation is not required, then his appointment to the commission shall be subject to the consent of the senate. The members of the commission shall serve without compensation, but may be reimbursed, solely from the funds of the commission, for expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and 43.03.060. A majority of the commission constitutes a quorum. Designees shall be appointed in such manner and shall exercise such powers as are specified by the rules of the commission.

(3) The commission may adopt an official seal and may select from its membership a vice chair, a secretary, and a treasurer. The commission shall establish rules concerning its exercise of the powers authorized by this chapter. The rules shall be adopted in conformance with chapter 34.04 RCW.

NEW SECTION. Sec. 5. HOUSING FINANCING POWERS. (1) In addition to other powers and duties prescribed in this chapter, and in furtherance of the purposes of this chapter to provide decent, safe, sanitary, and affordable housing for eligible persons, the commission is empowered to:

- (a) Issue bonds in accordance with this chapter: PROVIDED, HOWEVER, That this power to issue bonds shall cease to exist on June 30, 1986, unless extended by law for an additional fixed period of time;
- (b) Invest in, purchase, or make commitments to purchase or take assignments from mortgage lenders of mortgages or mortgage loans;
- (c) Make loans to or deposits with mortgage lenders for the purpose of making mortgage loans; and

(d) Participate fully in federal and other governmental programs and to take such actions as are necessary and consistent with this chapter to secure to itself and the people of the state the benefits of those programs and to meet their requirements, including such actions as the commission considers appropriate in order to have the interest payments on its bonds and other obligations treated as tax exempt under the code.

(2) The commission shall establish eligibility standards for eligible persons, considering at least the following factors:

- (a) Income;
- (b) Family size;
- (c) Cost, condition and energy efficiency of available residential housing;
- (d) Availability of decent, safe, and sanitary housing;
- (e) Age or infirmity; and
- (f) Applicable federal, state, and local requirements.

NEW SECTION. Sec. 6. NO POWER OF EMINENT DOMAIN OR TAXATION. The commission does not have the power of eminent domain and the commission does not have the power to levy any taxes of any kind.

NEW SECTION. Sec. 7. HOUSING FINANCE PLAN. The commission shall adopt a general plan of housing finance objectives to be implemented by the commission during the period of the plan. The commission shall adopt a plan no later than December 15, 1983. The commission may exercise the powers authorized under this chapter prior to the adoption of the initial plan. In developing the plan, the commission shall consider and set objectives for:

- (1) The use of funds for single-family and multifamily housing;
- (2) The use of funds for new construction, rehabilitation, including refinancing of existing debt, and home purchases;
- (3) The housing needs of low-income and moderate-income persons and families, and of elderly or mentally or physically handicapped persons;
- (4) The use of funds in coordination with federal, state, and local housing programs for low-income persons;
- (5) The use of funds in urban, rural, suburban, and special areas of the state;
- (6) The use of financing assistance to stabilize and upgrade declining urban neighborhoods;
- (7) The use of financing assistance for economically depressed areas, areas of minority concentration, reservations, and in mortgage-deficient areas;
- (8) The geographical distribution of bond proceeds so that the benefits of the housing programs provided under this chapter will be available to address demand on a fair basis throughout the state;
- (9) The use of financing assistance for implementation of cost-effective energy efficiency measures in dwellings.

The plan shall include an estimate of the amount of bonds the commission will issue during the term of the plan and how bond proceeds will be expended.

The plan shall be adopted by resolution of the commission following at least one public hearing thereon, notice of which shall be made by mailing to the clerk of the governing body of each county and by publication in the Washington State Register no more than forty and no less than twenty days prior to the hearing. A draft of the plan shall be made available not less than thirty days prior to any such public hearing. At least every two years, the commission shall report to the legislature regarding implementation of the plan.

Prior to December 31, 1983, the commission shall submit the plan to the chief clerk of the house and secretary of the senate for transmittal to and review by the appropriate standing committees. The commission may periodically update the plan. Proposed changes of the plan shall be submitted to the chief clerk of the house and secretary of the senate for transmittal to and review by the appropriate standing committees. This submittal of proposed changes shall occur at least fourteen days before final adoption of the changes by the commission.

The commission shall adopt rules designed to result in the use of bond proceeds in a manner consistent with the plan. These rules shall be adopted and in full force and effect by February 1, 1984. The commission may periodically update its rules.

The commission is not required to adopt a plan or rules for the use of the proceeds of bonds issued prior to February, 1984. This section is designed to deal only with the use of bond proceeds and nothing in this section shall be construed as a limitation on the commission's authority to issue bonds.

NEW SECTION. Sec. 8. GENERAL POWERS. In addition to other powers and duties specified in this chapter, the commission may:

- (1) Establish in resolutions relating to any issuance of bonds, or in any financing documents relating to such issuance, such standards and requirements applicable to the purchase of mortgages and mortgage loans or the making of loans to mortgage lenders as the commission deems necessary or desirable, including but not limited to: (a) The time within which mortgage lenders must make commitments and disbursements for mortgages or mortgage loans; (b) the location and other characteristics of single-family housing or multifamily housing to be financed by mortgages and mortgage loans; (c) the terms and conditions of mortgages and

mortgage loans to be acquired; (d) the amounts and types of insurance coverage required on mortgages, mortgage loans, and bonds; (e) the representations and warranties of mortgage lenders confirming compliance with such standards and requirements; (f) restrictions as to interest rate and other terms of mortgages or mortgage loans or the return realized therefrom by mortgage lenders; (g) the type and amount of collateral security to be provided to assure repayment of any loans from the commission and to assure repayment of bonds; and (h) any other matters related to the purchase of mortgages or mortgage loans or the making of loans to lending institutions as shall be deemed relevant by the commission;

(2) Sue and be sued in its own name;

(3) Make and execute contracts and all other instruments necessary or convenient for the exercise of its purposes or powers, including but not limited to contracts or agreements for the origination, servicing, and administration of mortgages or mortgage loans, and the borrowing of money;

(4) Procure such insurance, including but not limited to insurance: (a) Against any loss in connection with its property and other assets, including but not limited to mortgages or mortgage loans, in such amounts and from such insurers as the commission deems desirable, and (b) to indemnify members of the commission for acts done in the course of their duties;

(5) Provide for the investment of any funds, including funds held in reserve, not required for immediate disbursement, and provide for the selection of investments;

(6) Fix, revise, and collect fees and charges in connection with the investigation and financing of housing or in connection with assignments, contracts, purchases of mortgages or mortgage loans, or any other actions permitted under this chapter or by the commission; and receive grants and contributions;

(7) Make such expenditures as are appropriate for paying the administrative costs of the commission and for carrying out the provisions of this chapter. These expenditures may be made only from funds consisting of the commission's receipts from fees and charges, grants and contributions, the proceeds of bonds issued by the commission, and other revenues; these expenditures shall not be made from funds of the state of Washington;

(8) Establish such special funds, and controls on deposits to and disbursements from them, as it finds convenient for the implementation of this chapter;

(9) Conduct such investigations and feasibility studies as it deems appropriate;

(10) Proceed with foreclosure actions or accept deeds in lieu of foreclosure together with the assignments of leases and rentals incidental thereto. Any properties acquired by the commission through such actions shall be sold as soon as practicable through persons licensed under chapter 18.85 RCW or at public auction, or by transfer to a public agency. In preparation for the disposition of the properties, the commission may own, lease, clear, construct, reconstruct, rehabilitate, repair, maintain, manage, operate, assign, or encumber the properties;

(11) Take assignments of leases and rentals;

(12) Subject to any provisions of the commission's contracts with the holders of obligations of the commission, consent to any modification with respect to rate of interest, time, and payment of any installment of principal or interest or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract, or agreement of any kind;

(13) Subject to provisions of the commission's contracts with the holders of bonds, permit the reduction of rental or carrying charges to persons unable to pay the regular rent or schedule of charges if, by reason of other income of the commission or by reason of payment by any department, agency, or instrumentality of the United States or of this state, the reduction can be made without jeopardizing the economic stability of the housing being financed;

(14) Sell, at public or private sale, with or without public bidding, any mortgage, mortgage loan, or other instrument or asset held by the commission;

(15) Employ, contract with, or engage engineers, architects, attorneys, financial advisors, bond underwriters, mortgage lenders, mortgage administrators, housing construction or financing experts, other technical or professional assistants, and such other personnel as are necessary. The commission may delegate to the appropriate persons the power to execute legal instruments on its behalf;

(16) Receive contributions or grants from any source unless otherwise prohibited;

(17) Delegate any of its powers and duties if consistent with the purposes of this chapter;

(18) Exercise any other power reasonably required to implement the purposes of this chapter.

NEW SECTION. Sec. 9. (1) The commission shall adopt written policies to provide for the selection of bond counsel. The policies shall provide for the creation and maintenance of a roster of attorneys whom the commission believes possess the requisite special expertise and professional standing to provide bond counsel opinions which would be accepted by the underwriters, bondholders, and other members of the financial community, and which would be in furtherance of the public interest in obtaining the lowest possible interest rates on the bonds issued by the commission. Any attorney may apply to have his or her name placed on the roster, but may not be placed on the roster unless the attorney demonstrates to the commission's satisfaction that the attorney would issue the kind of opinions required by this section.

(2) Prior to selecting an attorney or attorneys to provide bond counsel services, the commission shall provide all attorneys on the roster with a notice of its intentions to select bond counsel and shall invite each of them to submit to the commission his or her fee schedule for providing bond counsel services. The commission shall have wide discretion in selecting the attorney or attorneys it considers to be most appropriate to provide the services, but in the exercise of this discretion the commission shall consider all submitted fee schedules and the public interest in achieving both savings in bond counsel fees and issuance of bonds on terms most favorable to the commission. At least once every two calendar years, the commission shall select anew an attorney or attorneys to serve as bond counsel. However, the commission may retain an attorney for longer than two years when necessary to complete work on a particular bond issue. An attorney previously retained may be selected again but only after the commission has provided other attorneys on the roster with an opportunity to be selected and has made the fee schedule review required under this subsection. In addition to or as an alternative to retaining counsel for a period of time, the commission may appoint an attorney to serve as counsel in respect to only a particular bond issue.

NEW SECTION. Sec. 10. (1) The commission shall adopt written policies to provide for the selection of underwriters. The policies shall provide for the creation of a roster of underwriters whom the commission believes possess the requisite special expertise and professional standing to provide bond marketing services which would be accepted by bondholders and other members of the financial community, and which would be in furtherance of the public interest in marketing the commission's bonds at the lowest possible costs. Any underwriter may apply to have its name placed on the roster, but may not be placed on the roster unless it demonstrates to the commission's satisfaction that it meets the requirements of this section.

(2) Whenever the commission decides that it needs the services of an underwriter, it shall provide all underwriters on the roster with a notice of its intentions and shall invite each of them to submit to the commission an itemization of its fees and other charges for providing underwriting services on the issue. The itemization shall be by categories designed by the commission. The commission shall have wide discretion in selecting the underwriter it considers to be most appropriate to provide the services, but in the exercise of this discretion the commission shall consider the underwriter's fees and other charges and the public interest in achieving both savings in the total costs of underwriting services and issuance of bonds on terms most favorable to the commission.

NEW SECTION. Sec. 11. The commission shall submit the initial policies adopted under section 9 and section 10 of this act to the chief clerk of the house and the secretary of the senate for transmittal to and review by the appropriate standing committees and the joint administrative rules review committee. By January 1, 1984 the commission shall have adopted policies in the form of rules and regulations under chapter 34.04 RCW. Such rules and regulations may only be changed or revised in accordance with chapter 34.04 RCW.

NEW SECTION. Sec. 12. The legislature recognizes that the demand for mortgage loans for nonrental single family housing will probably greatly exceed the supply of bond proceeds available to satisfy the demand. Therefore, the commission shall adopt rules providing procedures to assure that the bond proceeds available for that kind of housing shall be made available to qualified mortgagors in a fair and equitable manner.

NEW SECTION. Sec. 13. The commission is encouraged to adopt policies which will assure that bondholders will be protected against the failure to make mortgage payments financed under this chapter. Such policies may require, among other things, mortgage insurance.

NEW SECTION. Sec. 14. **RULES FOR ENERGY EFFICIENCY.** The commission shall adopt rules providing for financing assistance to implement cost-effective energy efficiency improvements.

NEW SECTION. Sec. 15. **BOND ISSUES—TERMS—ISSUANCE—PURCHASE, ETC.** (1) The commission's bonds shall bear such date or dates, mature at such time or times, be in such denominations, be in such form, be registered or registerable in such manner, be made transferable, exchangeable, and interchangeable, be payable in such medium of payment, at such place or places, be subject to such terms of redemption, bear such fixed or variable rate or rates of interest, be payable at such time or times, and be sold in such manner and at such price or prices, as the commission determines. The bonds shall be executed by the chair, by either its duly elected secretary or its treasurer, and by the trustee or paying agent if the commission determines to use a trustee or paying agent for the bonds. Execution of the bonds may be by manual or facsimile signature.

(2) The bonds of the commission shall be subject to such terms, conditions, covenants, and protective provisions as are found necessary or desirable by the commission, including, but not limited to, pledges of the commission's assets, setting aside of reserves, limitations on additional forms of indebtedness, and the mortgaging of all or any part of the commission's real or personal property, then owned or thereafter acquired, and other provisions the commission finds are necessary or desirable for the security of bond holders.

(3) Any security interest created in the unexpended bond proceeds and in the special funds created by the commission shall be immediately valid and binding against such moneys and any securities in which such moneys may be invested without commission or trustee possession thereof, and the security interest shall be prior to any party having any competing

claim in such moneys or securities, without filing or recording pursuant to chapter 62A.9 RCW and regardless of whether the party has notice of the security interest.

(4) When issuing bonds, the commission may provide for the future issuance of additional bonds or parity debt on a parity with outstanding bonds, and the terms and conditions of their issuance. The commission may refund or advance refund any bond of the commission in accordance with chapter 39.53 RCW or issue bonds with a subordinate lien against the fund or funds securing outstanding bonds.

(5) The chair of the state finance committee or the chair's designee shall be notified in advance of the issuance of bonds by the commission in order to promote the orderly offering of obligations in the financial markets.

(6) The members of the commission and any person executing the bonds are not liable personally on the indebtedness or subject to any personal liability or accountability by reason of the issuance thereof.

(7) The commission may, out of any fund available therefor, purchase its bonds in the open market.

NEW SECTION. Sec. 16. DEBT LIMITATION. The total amount of outstanding indebtedness of the commission may not exceed one billion dollars at any time.

NEW SECTION. Sec. 17. BOND ISSUES—DISPOSITION OF PROCEEDS—SPECIAL FUND. Proceeds from the sale of all bonds issued under this chapter received by the commission shall be deposited forthwith by the commission in any trust company, savings bank, savings and loan association, or bank having the powers of a trust company within or without the state, in a special fund or funds established for the particular purposes for which the bonds were issued and sold, which money shall not be funds of the state of Washington. Such fund or funds shall at all times be segregated and set apart from all other funds and held in trust for the purposes for which such bonds were issued as determined by the commission. Money other than bond sale proceeds received by the commission for these same purposes, such as private contributions or grants from the federal government, may be deposited in such fund or funds. Proceeds received from the sale of the bonds may also be used to defray the expenses of the commission in connection with and incidental to the issuance and sale of bonds, as well as expenses for studies, surveys, estimates, plans, inspections, and examinations of or incidental to the purposes for which the bonds were issued, and other costs advanced therefor by third parties or by the commission. In lieu of the commission receiving and handling these moneys in the manner outlined in this section, the commission may appoint trustees, depositories, paying agents, and other financial institutions within or without the state to perform the functions outlined and to receive, hold, disburse, invest, and reinvest such funds on its behalf and for the protection of the bondholders.

NEW SECTION. Sec. 18. BOND ISSUES—SPECIAL TRUST FUND—PAYMENTS—STATUS—ADMINISTRATION OF FUND. All revenues received by the commission including funds received from contributions or grants or in any other form to pay principal of and interest on bonds or for other bond requirements such as reserves shall be deposited by the commission in any trust company, savings bank, savings and loan association, or bank having the powers of a trust company within or without the state, to the credit of a special trust fund or funds. The commission may establish a bond fund or funds, and a reserve, sinking fund and other accounts therein, for payment of principal and interest and for other special requirements of the bonds as determined by the commission. In lieu of the commission receiving and handling these moneys as outlined in this section, the commission may appoint trustees, depositories, paying agents, and other financial institutions to perform the functions outlined and to receive, hold, disburse, invest, and reinvest such funds on its behalf and for the protection of the bondholders. Such revenues and funds, whether received and held by the commission or by others on its behalf, shall not be or constitute public funds of the state of Washington but at all times shall be kept segregated and apart from all other funds.

NEW SECTION. Sec. 19. LEGAL INVESTMENTS. Bonds issued under this chapter are hereby made securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, trust companies in their commercial departments, savings banks, cooperative banks, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in obligations of the state may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivisions of the state for any purpose for which the deposit of bonds and other obligations of the state are now or may hereafter be authorized by law.

NEW SECTION. Sec. 20. INTERNAL REVENUE CODE. For purposes of the code:

(1) The legislature reserves the right at any time to alter or change the structure, organization, programs, or activities of the commission and to terminate the commission, so long as the action does not impair any outstanding contracts entered into by the commission;

(2) Any net earnings of the commission beyond that necessary to retire its bonds and to carry out the purposes of this chapter shall not inure to the benefit of any person other than the state;

(3) Upon dissolution of the commission, title to all of its remaining property shall vest in the state;

(4) The commission constitutes the only housing finance agency of the state of Washington; and

(5) In order to take advantage of the maximum amount of tax exempt bonds for housing financing available pursuant to the code, the state ceiling for each of the calendar years 1983 and 1984 shall be allocated in accordance with the following formula:

(a) Eighty percent of the state ceiling shall be allocated to the commission and twenty percent shall be allocated to the other issuing authorities in the state.

(b) The allocation to the issuing authorities other than the commission shall be distributed to such issuing authorities in amounts as determined following public notice by the planning and community affairs agency, or its successor, pursuant to rules promulgated by it. The distribution shall be in response to applications received from such issuing authorities and shall be based on the following factors: (i) The amount of housing to be made available by such applicant; (ii) the population within the jurisdiction of the applicant; (iii) coordination with other applicable federal and state housing programs; (iv) the likelihood of implementing the proposed financing during that year; and (v) consistency with the plan of the commission. On or before February 1 of each year, the planning and community affairs agency shall distribute the state ceiling allocation among such issuing authorities and any unused portion shall be added to the allocation of the commission. However, for calendar year 1983, the distribution shall be made on or before September 1, 1983. After 1983 each issuing authority other than the commission shall confirm its allocation distribution by providing to the planning and community affairs agency no later than June 1 a copy of an executed bond purchase contract or alternative documentation deemed sufficient by the commission to evidence the reasonable likelihood of the allocation distribution being fully used. Any portion of such allocation not so confirmed shall be added to the allocation of the commission on July 1. Prior to July 1, the commission shall provide written notice of the allocation decrease to the affected issuing authority. The reallocation shall not limit the authority of the commission to assign a portion of its allocation pursuant to subsection (5)(c) of this section.

(c) The commission may assign a portion of its allocation to another issuing agency.

(d) For calendar year 1983, the allocations to issuing authorities, other than the commission, shall include bonds issued by the authorities during the first six months of 1983. However, the planning and community affairs agency, or its successor, shall adopt rules to ensure that the total amount of bonds issued by the authorities during the six-month period does not exceed their twenty percent share and that the total amount of bonds issued by any single issuing authority during such period does not exceed twenty-five million dollars.

NEW SECTION, Sec. 21. If any part of this chapter is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules under this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION, Sec. 22. ANNUAL FISCAL AUDIT. The commission shall select an accounting firm to perform an annual fiscal audit. The audit shall be performed by an independent certified public accountant in accordance with generally accepted auditing standards. The results of the audit shall be made available to the governor and the legislature.

NEW SECTION, Sec. 23. CONSTRUCTION. This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes thereof.

NEW SECTION, Sec. 24. CAPTIONS NOT PART OF LAW. As used in this chapter and sections 24 and 25 of this act, section captions constitute no part of the law.

NEW SECTION, Sec. 25. There is added to chapter 82.04 RCW a new section to read as follows:

BUSINESS AND OCCUPATION TAX EXEMPTION. This chapter does not apply to income received by the state housing finance commission under chapter 43.____ RCW (sections 1 through 23 of this act).

NEW SECTION, Sec. 26. There is added to chapter 84.36 RCW a new section to read as follows:

PROPERTY TAX EXEMPTION. The real and personal property of the state housing finance commission established by chapter 43.____ RCW (sections 1 through 23 of this act) are exempt from taxation.

Sec. 27. Section 9, chapter 10, Laws of 1982 and RCW 42.17.240 are each amended to read as follows:

(1) Every elected official (except president, vice president, and precinct committeemen), every chief executive state officer as specified in RCW 43.17.020, as now or hereafter amended, the chief administrative law judge, the director of financial management, the director of personnel, the director of the planning and community affairs agency, the director of the state system of community colleges, the executive director of the data processing authority, the

executive secretary of the forest practice appeals board, the director of the gambling commission, the director of the higher education personnel board, the secretary of transportation, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the administrator of the interagency committee for outdoor recreation, the director of parks and recreation, the executive secretary of the board of prison terms and paroles, the administrator of the public disclosure commission, the director of retirement systems, the secretary of the utilities and transportation commission, the executive secretary of the board of tax appeals, the secretary of the state finance committee, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college, each professional staff member of the office of the governor, each professional staff member of the legislature, and each member of the state board for community college education, data processing authority, forest practices board, forest practices appeals board, gambling commission, game commission, higher education personnel board, transportation commission, horse racing commission, human rights commission, board of industrial insurance appeals, liquor control board, interagency committee for outdoor recreation, parks and recreation commission, personnel board, personnel appeals board, board of prison terms and paroles, public disclosure commission, public employees' retirement system board, public pension commission, University of Washington board of regents, Washington State University board of regents, board of tax appeals, teachers' retirement system board of trustees, Central Washington University board of trustees, Eastern Washington University board of trustees, The Evergreen State College board of trustees, Western Washington University board of trustees, board of trustees of each community college, state housing finance commission, and the utilities and transportation commission, shall after January 1st and before April 15th of each year for the preceding calendar year; and every candidate, and every person appointed to fill a vacancy in an elective office (except for the offices of president, vice president, and precinct committeeman) shall, within two weeks of becoming a candidate or being appointed to such elective office, and every person appointed to the appointive positions enumerated herein shall, within two weeks of being so appointed, for the preceding twelve months; file with the commission a written statement sworn as to its truth and accuracy stating for himself and all members of his immediate family: PROVIDED, That no individual shall be required to file more than once in any calendar year: PROVIDED HOWEVER, That a statement of a candidate or appointee filed during the period January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or appointment if the filing of such statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year:

(a) Occupation, name of employer, and business address; and

(b) Each bank or savings account or insurance policy in which any such person or persons owned a direct financial interest which exceeded five thousand dollars at any time during such period; each other item of intangible personal property in which any such person or persons owned a direct financial interest, the value of which exceeded five hundred dollars during such period; and the name, address, nature of entity, nature and highest value of each such direct financial interest during the reporting period; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: PROVIDED, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship and position as trustee held; and

(e) All persons for whom any legislation, or any rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation: PROVIDED, That for the purposes of this subsection, "compensation" shall not include payments made to the person reporting by the governmental entity for which such person serves as an elected or appointed public officer or professional staff member for his service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (1) With respect to a governmental unit in which the official holds any office or position, if such entity has received compensation in any form during the preceding twelve months from such governmental unit, the value of such compensation and the consideration given or performed in exchange for

such compensation; (ii) The name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which such entity has received compensation in any form in the amount of two thousand five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation: PROVIDED, That the term "compensation" for purposes of this subsection (1)(g)(ii) shall not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing such service: PROVIDED, FURTHER, That with respect to any bank or commercial lending institution in which is held any such office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of such bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by such bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by such bank or commercial lending institution if such interest exceeds six hundred dollars; and

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, That if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report; and

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and

(l) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

Sec. 28. Section 4, chapter 95, Laws of 1895 as last amended by section 1, chapter 167, Laws of 1979 ex. sess. and RCW 4.92.040 are each amended to read as follows:

(1) No execution shall issue against the state on any judgment.

(2) Whenever a final judgment against the state shall have been obtained in an action on a claim arising out of tortious conduct, the clerk shall make and furnish to the director of financial management a duly certified copy of said judgment and the same shall be paid out of the tort claims revolving fund.

(3) Whenever a final judgment against the state shall have been obtained in any other action, the clerk of the court shall make and furnish to the director of financial management a duly certified copy of such judgment; the director of financial management shall thereupon audit the amount of damages and costs therein awarded, and the same shall be paid from appropriations specifically provided for such purposes by law.

(4) On and after September 21, 1977, all claims made to the legislature against the state of Washington for money or property, shall be accompanied by a statement of the facts on which such claim is based and such evidence as the claimant intends to offer in support of the claim and shall be filed with the director of financial management who shall retain the same as a record. All claims of five hundred dollars or less shall be approved or rejected by the director of financial management and if approved shall be paid from appropriations specifically provided for such purpose by law. Such decision, if adverse to the claimant in whole or part, shall not preclude claimant from seeking relief from the legislature: PROVIDED, That if the claimant accepts any part of his or her claim which is approved for payment by the director, such

acceptance shall constitute a waiver and release of the state from any further claims relating to the damage or injury asserted in the claim so accepted. The director shall submit to the senate committee on ways and means and to the house committee on appropriations, at the beginning of each regular session, a comprehensive list of all claims paid pursuant to this subsection during the preceding two years. For all claims over five hundred dollars, the director of financial management shall recommend to the legislature whether such claim should be approved or rejected. The legislative committees to whom such claims are referred shall make a transcript or statement of the substance of the evidence given in support of such a claim. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law.

(5) Subsections (3) and (4) of this section do not apply to judgments or claims against the state housing finance commission created under chapter 43.-- RCW (sections 1 through 23 of this 1983 act).

NEW SECTION. Sec. 29. There is added to chapter 43.21C RCW a new section to read as follows:

This chapter does not apply to the development or adoption of the plan required to be developed and adopted under chapter 43.____ RCW (sections 1 through 23 of this act).

NEW SECTION. Sec. 30. Sections 1 through 23 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 31. 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. 32. (1) Except as provided in subsection (2) of this section, 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.

(2) Section 10 of this act shall take effect on January 1, 1984."

On page 1, line 6 of the title, after "43.21C RCW;" insert "providing an effective date;".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Rasmussen, further consideration of Engrossed Second Substitute Senate Bill No. 3245 was deferred.

MESSAGE FROM THE HOUSE

April 13, 1983

Mr. President:

The House has passed SENATE BILL NO. 3255 with the following amendments:

On page 1, line 17, after "(1)" strike "He" and insert "~~((He))~~ Such person"

On page 1, line 20, after "(2)" strike "He" and insert "~~((He))~~ Such person"

On page 1, line 23, after "(3)" strike "He refuses to pass" and insert "~~((He refuses to pass))~~ Such person refuses to move a vehicle".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Senate Bill No. 3255.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3255, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vogndild, von Reichbauer, Warmke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Moore - 1.

Excused: Senators Hemstad, Pullen, Rinehart - 3.

SENATE BILL NO. 3255, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3266 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 43.52.290, chapter 8, Laws of 1965 as last amended by section 5, chapter 43, Laws of 1982 1st ex. sess. and RCW 43.52.290 are each amended to read as follows:

Members of the board of directors of an operating agency shall be paid the sum of fifty dollars per day as compensation for each day or major part thereof devoted to the business of the operating agency, together with their traveling and other necessary expenses. Such member may, regardless of any charter or other provision to the contrary, be an officer or employee holding another public position and, if he be such other public officer or employee, he shall be paid by the operating agency such amount as will, together with the compensation for such other public position equal the sum of fifty dollars per day. The common law doctrine of incompatibility of offices is hereby voided as it applies to persons sitting on the board of directors or the executive board of an operating agency and holding an elective or appointive position on a public utility district commission or municipal legislative authority or being an employee of a public utility district or municipality.

Sec. 2. Section 43.52.370, chapter 8, Laws of 1965 as last amended by section 2, chapter 43, Laws of 1982 1st ex. sess. and RCW 43.52.370 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the management and control of an operating agency shall be vested in a board of directors, herein sometimes referred to as the board. The legislative body of each member of an operating agency shall appoint a representative who may, at the discretion of the member and regardless of any charter or other provision to the contrary, be an officer or employee of the member, to serve on the board of the operating agency. Each representative shall have one vote and shall have, in addition thereto, one vote for each block of electric energy equal to ten percent of the total energy generated by the agency during the preceding year purchased by the member represented by such representative. Each member may appoint an alternative representative to serve in the absence or disability of its representative. Each representative shall serve at the pleasure of the member. The board of an operating agency shall elect from its members a president, vice president and secretary, who shall serve at the pleasure of the board. The president and secretary shall perform the same duties with respect to the operating agency as are provided by law for the president and secretary, respectively, of public utility districts, and such other duties as may be provided by motion, rule or resolution of the board. The board of an operating agency shall adopt rules for the conduct of its meetings and the carrying out of its business, and adopt an official seal. All proceedings of an operating agency shall be by motion or resolution and shall be recorded in the minute book which shall be a public record. A majority of the board members shall constitute a quorum for the transaction of business. A majority of the votes which the members present are entitled to cast shall be necessary and sufficient to pass any motion or resolution: PROVIDED, That such board members are entitled to cast a majority of the votes of all members of the board. The members of the board of an operating agency may be compensated by such agency as is provided in RCW 43.52.290: PROVIDED, That the (~~per diem~~) compensation to any member shall not exceed five thousand dollars in any year except for board members who are elected to serve on an executive board established under RCW 43.52.374(~~in which case per diem compensation to any member shall not exceed ten thousand dollars in any year~~).

(2) If an operating agency is constructing, operating, terminating, or decommissioning a nuclear power plant under a site certification agreement under chapter 80.50 RCW, the powers and duties of the board of directors shall include and are limited to the following:

(a) Final authority on any decision of the operating agency to purchase, acquire, construct, terminate, or decommission any power plants, works, and facilities except that once the board of directors has made a final decision regarding a nuclear power plant, the executive board established under RCW 43.52.374 shall have the authority to make all subsequent decisions regarding the plant and any of its components:

(b) Election of members to (~~and~~), removal from, and establishment of salaries for the elected members of the executive board under RCW 43.52.374(1)(a); and

(c) Selection and appointment of three outside directors as provided in RCW 43.52.374(1)(b).

All other powers and duties of the operating agency, including without limitation authority for all actions subsequent to final decisions by the board of directors, including but not limited to the authority to sell any power plant, works, and facilities are vested in the executive board established under RCW 43.52.374.

Sec. 3. Section 2, chapter 3, Laws of 1981 1st ex. sess. as amended by section 3, chapter 43, Laws of 1982 1st ex. sess. and RCW 43.52.374 are each amended to read as follows:

(1) With the exception of the powers and duties of the board of directors described in RCW 43.52.370(2), the management and control of an operating agency constructing, operating, terminating, or decommissioning a nuclear power plant under a site certification agreement under chapter 80.50 RCW is vested in an executive board established under this subsection and consisting of eleven members.

(a) Five members of the executive board shall be elected to four-year terms by the board of directors from among the members of the board of directors. The board of directors may provide by rule for the composition of the five members of the executive board elected from among the members of the board of directors so as to reflect the member public utility districts' and cities' participation in the joint operating agency's projects. Members elected to the executive board from the board of directors are ineligible for continued membership on the executive board if they cease to be members of the board of directors. The board of directors may also provide by rule for the removal of a member of the executive board, except for the outside directors. Members of the board of directors may be elected to serve successive terms on the executive board. Members elected to the executive board from the board of directors shall receive a salary from the operating agency at a rate set by the board of directors.

(b) Six members of the executive board shall be outside directors. Three shall be selected and appointed by the board of directors, and three shall be selected and appointed by the governor and confirmed by the senate. All outside directors shall:

(i) Serve four-year terms on the executive board. However, of the initial members of the executive board, the board of directors and the governor shall each appoint one outside director to serve a two-year term, one outside director to serve a three-year term, and one outside director to serve a four-year term. Thereafter, all outside directors shall be appointed for four-year terms. All outside directors are eligible for reappointment;

(ii) Receive (~~per diem compensation and~~) travel expenses on the same basis as the five members elected from the board of directors. The outside directors shall also receive a salary from the operating agency as fixed by the governor;

(iii) Not be an officer or employee of, or in any way affiliated with, the Bonneville power administration or any electric utility conducting business in the states of Washington, Oregon, Idaho, or Montana;

(iv) Not be involved in the financial affairs of the operating agency as an underwriter or financial adviser of the operating agency or any of its members or any of the participants in any of the operating agency's plants; and

(v) Be representative of policy makers in business, finance, or science, or have expertise in the construction or management of such facilities as the operating agency is constructing or operating, or have expertise in the termination, disposition, or liquidation of corporate assets.

(c) The governor may remove outside directors from the executive board for incompetency, misconduct, or malfeasance in office in the same manner as state appointive officers under chapter 43.06 RCW. For purposes of this subsection, misconduct shall include, but not be limited to, nonfeasance and misfeasance.

(2) Nothing in this chapter shall be construed to mean that an operating agency is in any manner an agency of the state. Nothing in this chapter alters or destroys the status of an operating agency as a separate municipal corporation or makes the state liable in any way or to any extent for any preexisting or future debt of the operating agency or any present or future claim against the agency.

(3) The eleven members of the executive board shall be selected with the objective of establishing an executive board which has the resources to effectively carry out its responsibilities. All members of the executive board shall conduct their business in a manner which in their judgment is in the interest of all ratepayers affected by the joint operating agency and its projects.

(4) The executive board shall elect from its members a chairman, vice chairman, and secretary, who shall serve at the pleasure of the executive board. The executive board shall adopt rules for the conduct of its meetings and the carrying out of its business which, for the executive board and any subgroup thereof, shall comply with the Open Public Meetings Act, Chapter 42.30 RCW, including reasonable opportunity for public input

All proceedings shall be by motion or resolution and shall be recorded in the minute book, which shall be a public record. A majority of the executive board shall constitute a quorum for the transaction of business.

(5) With respect to any operating agency existing on April 20, 1982, to which the provisions of this section are applicable:

(a) The board of directors shall elect five members to the executive board no later than sixty days after April 20, 1982; and

(b) The board of directors and the governor shall select and appoint the initial outside directors and the executive board shall hold its organizational meeting no later than sixty days after April 20, 1982, and the powers and duties prescribed in this chapter shall devolve upon the executive board at that time.

(6) The executive board shall select and employ a managing director of the operating agency and may delegate to the managing director such authority for the management and

control of the operating agency as the executive board deems appropriate. The managing director's employment is terminable at the will of the executive board.

(7) Members of the executive board shall be immune from civil liability for mistakes and errors of judgment in the good faith performance of acts within the scope of their official duties involving the exercise of judgment and discretion. This grant of immunity shall not be construed as modifying the liability of the operating agency.

The operating agency shall undertake the defense of and indemnify each executive board member made a party to any civil proceeding including any threatened, pending, or completed action, suit, or proceeding, whether civil, administrative, or investigative, by reason of the fact he or she is or was a member of the executive board, against judgments, penalties, fines, settlements, and reasonable expenses, actually incurred by him or her in connection with such proceeding if he or she had conducted himself or herself in good faith and reasonably believed his or her conduct to be in the best interest of the operating agency.

In addition members of the executive board who are utility employees shall not be fired, forced to resign, or demoted from their utility jobs for decisions they make while carrying out their duties as members of the executive board involving the exercise of judgment and discretion."

On page 1, line 1 of the title after "agencies;" strike the remainder of the title and insert "amending section 43.52.290, chapter 8, Laws of 1965 as last amended by section 5, chapter 43, Laws of 1982 1st ex. sess. and RCW 43.52.290; amending section 43.52.370, chapter 8, Laws of 1965 as last amended by section 2, chapter 43, Laws of 1982 1st ex. sess. and RCW 43.52.370; and amending section 2, chapter 3, Laws of 1981 1st ex. sess. as amended by section 3, chapter 43, Laws of 1982 1st ex. sess. and RCW 43.52.374."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Williams moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3266.

PARLIAMENTARY INQUIRY

Senator Benitz: "Mr. President, recognizing that this is a striking amendment, the question is, then, can any part of it be divided into a separate question on a separate vote?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Benitz, in reply to your parliamentary inquiry, the President believes if the division is constituted between sections, it would be possible--the division would be permitted if it dealt with sections."

Senator Benitz: "Yes, it deals with section 3--the last amendment."

MOTIONS

On motion of Senator Benitz, the question was divided and the Senate considered section 3, subsection (4), page 8, of the House amendment to Substitute Senate Bill No. 3266 separately.

Senator Williams moved that the Senate do concur in the House amendments to substitute Senate Bill No. 3266, with the exception of section 3, subsection (4) on page 8.

POINT OF INQUIRY

Senator Metcalf: "Senator Williams, the question--it says 'the annual ten thousand dollars limit on the per diem compensation.' Is that ten thousand dollars for each person?"

Senator Williams: "The ten thousand dollars per diem that is referred to in the language is for each board member. However, that has been stricken and they can no longer receive per diem. Per diem no longer exists in terms of anything that the board members can receive anymore. All they can receive is a maximum of five thousand dollars per year compensation, which is classified as income. They must declare it as income. In addition, if they have other travel or any expenses that they can verify, they can claim those kinds of expenses. There is no longer per diem and the ten thousand dollar limit language is stricken from the bill."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Benitz, the negotiations that have been going on the past few weeks with a very secret group of people--and dealing in billions of dollars--and with what will be the residents of this state having to pay the cost of the end result--don't you think that they should be public? Or should they continue to be secret?"

Senator Benitz: "It is my belief that once the temporary decisions have been reached, they should be public, but all of it--'no.' There is a tremendous amount of negotiating carrying on and if it is on the front page of the paper every day, we are going to be in worse shape instead of better. I believe very firmly that once the negotiations have been made, the public should have the right to know. I think you all recognize that there are many things that have to be talked about behind the scenes. Further, if we don't have the opportunity--or the WPPSS people--then one person simply has to go off on the side and that is not the way I would like to have it."

POINT OF INQUIRY

Senator Metcalf: "Senator Benitz, when you said public disclosure--maybe that isn't the right wording--do you mean public open meetings or something to do with the public disclosure act?"

Senator Benitz: "The amendment speaks to the open public meeting act--the RCW 42.30. They would be included in that."

The President declared the question before the Senate to be the motion by Senator Williams that the Senate do concur in the House amendments to Substitute Senate Bill No. 3266, with the exception of section 3, subsection (4) on page 8.

The motion by Senator Williams carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 3266, with the exception of section 3, subsection (4) on page 8.

MOTIONS

On motion of Senator Vognild, Senator Peterson was excused.

Senator Williams moved that the Senate do concur with the portion of the House amendment to section 3, subsection (4), page 8, to Substitute Senate Bill No. 3266.

POINT OF INQUIRY

Senator Kiskaddon: "Senator Williams, does this board decide financial contracts and financial negotiations, so that every time they get requests for proposals--or those kinds of negotiations--every meeting would have to be done with the press and everybody standing around, reading all the proposals coming in? Is there any place where there could be any confidentiality if someone's proposal of a contract--if it was a competitive bid--or is my competition able to go to the meeting and read my bid in the open with everyone else's?"

Senator Williams: "I'm not an authority on the Open Public Meetings Act, but to the extent that a city council, board of county commissioners or a port district board makes decisions relating to contracts and to the extent that some portions of it may be closed when it relates to confidential material. As I understand it, the WPPSS Board would be acting and have the same powers of exceptions that any other body in the state of Washington would have. Perhaps some other member of the Senate may wish to answer that--Senator Talmadge, perhaps."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "There are exceptions, Senator Kiskaddon, in the open meetings act. Those exceptions include personnel matters--a contractual matter that may have an impact on the amount of the contract, such as requests for a sale of a piece of real estate, where you would clearly have an impact on the sale value of the property, if it were disclosed publicly that the local government or unit of government was interested in selling it. I think those exceptions are applicable here to the WPPSS board."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Williams that the Senate concur in the portion of the House amendment to section 3, subsection (4), page 8, to Substitute Senate Bill No. 3266.

ROLL CALL

The Secretary called the roll and the motion by Senator Williams carried and the Senate concurred in the portion of the House amendment to section 3, subsection (4) to Substitute Senate Bill No. 3266 by the following vote: Yeas, 23; nays, 21; absent, 02; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Granlund, Hughes, Hurley, McDermott, McManus, Owen, Rasmussen, Rinehart, Shinpoch, Taimadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 23.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Goltz, Guess, Haley, Hansen, Hayner, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 21.

Absent: Senators Lee, Moore - 2.

Excused: Senators Hemstad, Peterson, Pullen - 3.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3266, as amended by the House, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 22; absent, 02; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, McDermott, McManus, Owen, Rasmussen, Rinehart, Shinpoch, Taimadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 22.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hayner, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Absent: Senators Conner, Moore - 2.

Excused: Senators Hemstad, Peterson, Pullen - 3.

SUBSTITUTE SENATE BILL NO. 3266, as amended by the House, having failed to receive the constitutional majority, was declared lost.

PARLIAMENTARY INQUIRY

Senator Bluechel: "What side is prevailing where someone votes 'aye' to pass a bill and the bill fails?"

REPLY BY THE PRESIDENT

President Cherberg: "Quite obvious, Senator, the prevailing side is the losing side."

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Hansen moved that the Senate reconsider the vote by which Substitute Senate Bill No. 3266, as amended by the House, failed to pass the Senate.

The President declared the question before the Senate to be the motion by Senator Hansen that the Senate reconsider the vote by which Substitute Senate Bill No. 3266, as amended by the House, failed to pass the Senate.

The motion by Senator Hansen carried and the Senate resumed consideration of Substitute Senate Bill No. 3266, as amended by the House.

MOTION FOR RECONSIDERATION

Senator Williams moved that the Senate reconsider the vote by which the Senate concurred in the the House amendment to section 3, subsection (4) to Substitute Senate Bill No. 3266.

The President declared the question before the Senate to be the motion by Senator Williams to reconsider the vote by which the Senate concurred in the House amendment to section 3, subsection (4) to Substitute Senate Bill No. 3266.

The motion by Senator Williams for reconsideration carried.

MOTION

Senator Williams moved that the Senate concur in the House amendment to section 3, subsection (4) to Substitute Senate Bill No. 3266.

PARLIAMENTARY INQUIRY

Senator Clarke: "Mr. President, if Senator Williams' motive, now, is or seems to be, in effect, not to concur, should he not withdraw his motion to concur and substitute a motion not to concur, which, if passed, then automatically would, in effect, send it back and ask the House to recede?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Clarke, in reply to your inquiry, that result would be the same either way."

Senator Clarke: "In other words, a negative vote to concur would obviously result to not concur. Then it would go back to the House?"

President Cherberg: "It would result in automatically asking the House to recede. A vote 'no' on concurrence is, in effect, not to concur."

The motion by Senator Williams failed and the Senate did not concur in the House amendment to section 3, subsection (4) to Substitute Senate Bill No. 3266 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 13, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3392 with the following amendment:

On page 1, line 12 after "may" strike all the language through "utility" on line 19 and insert "with the written approval of the city-owned electric utility, contract with a qualified electrical contractor licensed under Chapter 19.28 RCW to install any material or equipment in lieu of having city utility personnel perform the installation. In the event the city-owned electric utility denies the customer's request to utilize a private electrical contractor for such installation work, it shall provide the customer with written reasons for such denial".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McManus, the Senate concurred in the House amendment to Engrossed Senate Bill No. 3392.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3392, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 07; absent, 03; excused, 02.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 37.

Voting nay: Senators Bender, Fleming, Hughes, McDermott, Rinehart, Talmadge, Wojahn - 7.

Absent: Senators Conner, Moore, Owen - 3.

Excused: Senators Hemstad, Peterson - 2.

ENGROSSED SENATE BILL NO. 3392, 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 Vognild, Senator Williams was excused.

On motion of Senator Fleming, the Senate resumed consideration of Engrossed Second Substitute Senate Bill No. 3245 and the pending House amendments, deferred earlier today.

Senator Fleming moved that the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 3245.

POINT OF INQUIRY

Senator Quigg: "Senator Fleming, I understand there is a provision in the House amendment that requires the use of Washington building materials for construction of projects financed with this."

Senator Fleming: "I know not of an amendment there. The only amendment that I know dealing with the labor was that they included the amendment where if the dwelling was constructed by a person who occupies his own dwelling, they included that under the definition of housing. Other than that, I don't know of any amendment."

Debate ensued.

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

MOTION

On motion of Senator Shinpoch, further consideration of Engrossed Second Substitute Senate Bill No 3245 was deferred.

MESSAGE FROM THE HOUSE

April 19, 1983

Mr. President:

The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 139 on page 14, after line 12; (Sec. 22) and title amendment to page 1, line 26; refuses to concur in the remaining amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate refused to recede from the Senate amendments to Substitute House Bill No. 139 and asked the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 139, and the Senate amendments thereto: Senators Moore, Deccio and Bender.

MOTION

On motion of Senator Bottiger, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 22, 1983

Mr. President:

The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 239 on page 1, line 9, inserting "in any public area"; does not concur with the remaining amendments, and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Talmadge, the Senate insisted on its position and refused to recede from the Senate amendments to Engrossed House Bill No. 239, and requested that the House concur.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 420 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate refused to recede from the Senate amendments to House Bill No. 420 and asked the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 420, and the Senate amendments thereto: Senators Vognild, Warnke and McCaslin.

MOTION

On motion of Senator Bottiger, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 19, 1983

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 570 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Hansen, the Senate refused to recede from the Senate amendments to Engrossed House Bill No. 570 and asked the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 570, and the Senate amendments thereto: Senators Hansen, Barr and Gaspard.

MOTION

On motion of Senator Bottiger, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 20, 1983

Mr. President:

The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 334 to page 1, line 24; does not concur in the amendment to page 1, line 23; and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Goltz, the Senate receded from its amendment to page 1, line 23, to Substitute House Bill No. 334.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 334, as amended by the Senate, but without the amendment to page 1, line 23, and the bill passed the Senate by the following vote: Yeas, 41; nays, 01; absent, 05; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Woody, Zimmerman - 41.

Voting nay: Senator Wojahn - 1.

Absent: Senators Bluechel, Conner, Deccio, Fleming, Rasmussen - 5.

Excused: Senators Hemstad, Williams - 2.

SUBSTITUTE HOUSE BILL NO. 334, as amended by the Senate, but without the amendment to page 1, line 23, having received the constitutional majority, was

declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3416 with the following amendments:

On page 4, line 2 strike all of section 2 and renumber the remaining sections consecutively

On page 9, line 4 after "analysis of the" insert "anticipated"

On page 9, line 8 after "community," insert "The analysis required by this section shall be filed at the beginning of the 1984 legislative session."

On page 9, line 15 strike "This" and insert "Sections 1 through 5 of this"

On page 1, line 3 of the title after "9.94A.030;" strike all material down to and including "9.94A.060;" on line 4.,

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3416.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3416, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 03; absent, 05; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Guess, Metcalf, Pullen - 3.

Absent: Senators Bluechel, Conner, Fleming, Hurley, Jones - 5.

Excused: Senators Hemstad, Williams - 2.

ENGROSSED SENATE BILL NO. 3416, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3442 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 50, Laws of 1949 and RCW 26.12.010 are each amended to read as follows:

Each superior court shall exercise the jurisdiction conferred by this chapter and while sitting in the exercise of such jurisdiction shall be known and referred to as the "family court." A family law proceeding under this chapter is any proceeding under this title or any proceeding in which the family court is requested to adjudicate or enforce the rights of the parties or their children regarding the determination or modification of child custody, visitation, or support, or the distribution of property or obligations.

Sec. 2. Section 9, chapter 50, Laws of 1949 and RCW 26.12.090 are each amended to read as follows:

Whenever any controversy exists between ~~((spouses))~~ parties which may result in the dissolution ~~((or annulment))~~ of the marriage, declaration of invalidity, or the disruption of the household, and there is any minor child of the ~~((spouses))~~ parties or of either of them whose welfare might be affected thereby, the family court shall have jurisdiction over the controversy and over the parties thereto and all persons having any relation to the controversy as provided in this chapter.

Sec. 3. Section 10, chapter 50, Laws of 1949 and RCW 26.12.100 are each amended to read as follows:

Prior to the filing of ~~((any action for divorce, annulment or separate maintenance))~~ a family law proceeding, either ~~((spouse or both spouses))~~ party may file in the family court a petition invoking the jurisdiction of the court for the purpose of preserving the marriage by

effecting a reconciliation between the parties or for amicable settlement of the controversy between the ~~((spouses)) parties~~ so as to avoid further litigation over the issue involved. In any case where ~~((an action for divorce, annulment or separate maintenance))~~ a family law proceeding shall have been filed, either party thereto may by petition filed therein have the cause transferred to the family court for proceedings in the same manner as though action had been instituted in the family court in the first instance.

Sec. 4. Section 12, chapter 50, Laws of 1949 and RCW 26.12.120 are each amended to read as follows:

The petition shall:

(1) Briefly allege that a controversy exists between the ~~((spouses)) parties~~ and request the aid of the family court to effect a reconciliation or an amicable settlement of the controversy;

(2) State the name and age of each minor child whose welfare may be affected by the controversy;

(3) State the name and address of the petitioner or petitioners;

(4) If the petition is presented by one ~~((spouse)) party~~ only, name the other ~~((spouse)) party~~ as respondent and state the address of that ~~((spouse)) party~~;

(5) Name any other person who has any relation to the controversy and state the address of the person if known to the petitioner; and

(6) State such other information as the court may by rule require.

Sec. 5. Section 17, chapter 50, Laws of 1949 as amended by section 2, chapter 151, Laws of 1971 (ex. sess. and RCW 26.12.170 are each amended to read as follows:

The hearing shall be conducted informally as a conference or series of conferences to effect the reconciliation of the ~~((spouses)) parties~~ or an amicable adjustment or settlement of the issues of the controversy. To facilitate and promote the purposes of this chapter, the court may order or recommend the aid of physicians, psychiatrists, or other specialists or may recommend the aid of the pastor or director of any religious denomination to which the parties may belong. Such aid, however, shall be at the expense of the parties involved and shall not be at the expense of the court or of the county unless the board of county commissioners shall specifically authorize such aid.

If the court has reasonable cause to believe that a child of the parties has suffered abuse or neglect it may file a report with the proper law enforcement agency or the department of social and health services as provided in RCW 26.44.040. Upon receipt of such a report the law enforcement agency or the department of social and health services will conduct an investigation into the cause and extent of the abuse or neglect. The findings of the investigation may be made available to the court if ordered by the court as provided in RCW 42.17.310(3). The findings shall be restricted to the issue of abuse and neglect and shall not be considered custody investigations.

Sec. 6. Section 18, chapter 50, Laws of 1949 and RCW 26.12.180 are each amended to read as follows:

At or after hearing, the court may make such orders in respect to the conduct of the ~~((spouses)) parties~~ and the subject matter of the controversy as the court deems necessary to preserve the marriage or to implement ~~((the reconciliation of the spouses, but in no event shall such orders be effective for more than thirty days from the filing of the petition, unless the parties mutually consent to an extension of such time))~~ an amicable settlement of the issues in controversy.

Sec. 7. Section 19, chapter 50, Laws of 1949 and RCW 26.12.190 are each amended to read as follows:

(1) During the period of thirty days after filing a petition for conciliation no ~~((action for divorce, annulment or separate maintenance))~~ family law proceeding shall be filed by either ~~((spouse)) party~~ and further proceedings in ~~((an action))~~ a family law proceeding then pending in the superior court shall be stayed and the case transferred to the family court ~~((PRE-VIDED))~~; The family court shall have full power in all pending cases to make, alter, modify and enforce all temporary orders, orders for custody of children, possession of property, attorneys' fees, suit money or costs as may appear just and equitable ~~((;))~~.

(2) If, after the expiration of such thirty day period or the formal conclusion of the proceedings for conciliation, the controversy between the ~~((spouses, in the meantime not having))~~ parties has not been terminated, either ~~((spouse)) party~~ may apply for ~~((divorce, annulment of marriage, or separate maintenance, respectively))~~ further relief by filing in the clerk's office additional pleadings ~~((complying with the requirements relating to divorce, annulment of marriage, or separate maintenance, respectively))~~ or by asking that the pending case be set for trial ~~((; and))~~. The family court ~~((shall have))~~ has full jurisdiction to hear, try, and determine ~~((such action for divorce, annulment of marriage, or separate maintenance))~~ family law proceedings under the laws relating thereto, and to retain jurisdiction of the case for further hearings on decrees or orders to be made therein.

(3) The conciliation provisions of this chapter may be used ~~((in regard to post-divorce problems))~~ concerning support, visitation, contempt, or for modification based on changed conditions ~~((; in the discretion of the family court))~~ or for other problems between the parties related to the family law proceeding.

~~((The family court may retain jurisdiction in any proceedings for a longer period than thirty days upon good cause appearing therefor on its own motion for further conciliation or upon application of either of the spouses, but in no event shall retain jurisdiction more than ninety days without the written consent of both spouses filed with the court.))~~

(4) Except as specifically so provided nothing in this chapter shall be construed to repeal, nullify or change the law and procedure relating to ~~((divorce, annulment or separate maintenance, and))~~ family law proceedings. The family court shall, when application for relief is made under this chapter, apply ~~((such laws))~~ provisions governing family law proceedings in the same manner as if the action had been brought thereunder in the superior court, save that the conciliation procedures of the family court shall be applied so far as appropriate to arrive at an amicable settlement of all issues in controversy.

Sec. 8. Section 20, chapter 50, Laws of 1949 and RCW 26.12.200 are each amended to read as follows:

Whenever ~~((any action for divorce, annulment of marriage or separate maintenance))~~ a family law proceeding is filed in the superior court and it appears to the court at any time during the pendency of the action that there is any minor child of ~~((the spouses or of))~~ either ~~((of them))~~ party whose welfare may be affected by the dissolution ~~((or annulment))~~ of the marriage, declaration of invalidity, or the disruption of the household, the case may be transferred to the family court for proceedings for reconciliation of the ~~((spouses))~~ parties or amicable settlement of issues in controversy in accordance with the provisions of this chapter.

Sec. 9. Section 21, chapter 50, Laws of 1949 and RCW 26.12.210 are each amended to read as follows:

Whenever application is made to the family court ~~((for conciliation proceedings in respect to a controversy between spouses or a contested action for divorce, annulment or separate maintenance)),~~ but there is no minor child whose welfare might be affected by the results of the controversy, ~~((and it appears to the court upon recommendation of counsel or otherwise that reconciliation of the spouses or amicable adjustment of the controversy can probably be achieved, and that the work of the court in cases involving children will not be seriously impeded by acceptance of the case, the court may accept and dispose of the case in the same manner as similar cases involving the welfare of children are disposed of in the event of such application and acceptance.))~~ the court shall have the same jurisdiction over the controversy and the parties thereto or having any relation thereto that it has under this chapter in similar cases involving the welfare of children. The court shall accept jurisdiction under this section only upon a finding by the court that the acceptance of the case will not seriously impede the work of the court in cases involving children.

On page 1, line 1 of the title after "relations;" strike the remainder of the title and insert "amending section 1, chapter 50, Laws of 1949 and RCW 26.12.010; amending section 9, chapter 50, Laws of 1949 and RCW 26.12.090; amending section 10, chapter 50, Laws of 1949 and RCW 26.12.100; amending section 12, chapter 50, Laws of 1949 and RCW 26.12.120; amending section 17, chapter 50, Laws of 1949 as amended by section 2, chapter 151, Laws of 1971 ex. sess. and RCW 26.12.170; amending section 18, chapter 50, Laws of 1949 and RCW 26.12.180; amending section 19, chapter 50, Laws of 1949 and RCW 26.12.190; amending section 20, chapter 50, Laws of 1949 and RCW 26.12.200; and amending section 21, chapter 50, Laws of 1949 and RCW 26.12.210."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3442.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3442, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 01; absent, 05; excused, 01.

Voting yea: Senators Barr, Bender, Benitz, Bottiger, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoeh, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senator Hurley - 1.

Absent: Senators Bauer, Bluechel, Conner, Fleming, Jones - 5.

Excused: Senator Hemstad - 1.

ENGROSSED SENATE BILL NO. 3442, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3299 with the following amendments:

On page 6, line 8, after "lease" strike "heretofore or hereafter entered into"

On page 6, lines 14 and 15, strike all of subsection (i) and renumber remaining subsections of section 6(2)(b) consecutively.

On page 9, after line 5, insert the following:

"NEW SECTION. Sec. 8. No person may plead the defense of usury or maintain any action thereon based upon a transaction heretofore entered into if such transaction:

- (1) constitutes a 'consumer lease' as defined in section 2 of this act; or
- (2) would constitute such a consumer lease but for the fact that:
 - (i) the lessee was not a natural person;
 - (ii) the lease was not primarily for personal, family, or household purposes; or
 - (iii) the total contractual obligation exceeded twenty-five thousand dollars."

Renumber the remaining sections consecutively.

On page 9, line 10, after "5" insert "and 8".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Substitute Senate Bill No. 3299.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3299, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 06; absent, 04; excused, 01.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 38.

Voting nay: Senators Bender, McDermott, Rasmussen, Shinpoch, Talmadge, Thompson - 6.

Absent: Senators Bottiger, Conner, Fleming, Kiskaddon - 4.

Excused: Senator Hemstad - 1.

SUBSTITUTE SENATE BILL NO. 3299, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3308 with the following amendments:

Strike everything after the enacting clause, and insert the following:

"NEW SECTION. Sec. 1. There is added to chapter 48.21 RCW a new section to read as follows:

(1) Every insurer issuing or renewing group or blanket disability insurance policies governed by this chapter shall offer optional coverage for home health care and hospice care for persons who are homebound and would otherwise require hospitalization. Such optional coverage need only be offered in conjunction with a policy that provides payment for hospitalization as a part of health care coverage.

(2) Home health care and hospice care coverage offered under subsection (1) of this section shall conform to the following standards, limitations, and restrictions:

(a) The coverage may include reasonable deductibles and coinsurance provisions;

(b) The coverage should be structured to create incentives for the use of home health care and hospice care as an alternative to hospitalization;

(c) The coverage may contain provisions for utilization review and quality assurance;

(d) The coverage may require that home health agencies and hospice agencies have written treatment plans approved by a physician licensed under chapter 18.57 or 18.71 RCW, and may require such treatment plans to be reviewed at designated intervals;

(e) The coverage shall provide benefits for, and may restrict benefits to, services rendered by home health and hospice agencies certified by the department of social and health services;

(f) Hospice care coverage shall provide benefits for terminally ill patients for an initial period of care of not less than six months and may provide benefits for an additional six months of care in cases where the patient is facing imminent death or is entering remission if certified in writing by the attending physician;

(g) Home health care coverage shall provide benefits for a minimum of one hundred thirty health care visits per calendar year. However, a visit of any duration by an employee of a home health agency for the purpose of providing services under the plan of treatment constitutes one visit.

(3) The insurance commissioner shall adopt any rules necessary to implement this section.

(4) The requirements of this section shall not apply to contracts or policies governed by chapter 48.66 RCW.

NEW SECTION, Sec. 2. There is added to chapter 48.21A RCW a new section to read as follows:

(1) Every insurer issuing or renewing extended health insurance governed by this chapter shall offer optional coverage for home health care and hospice care for persons who are homebound and would otherwise require hospitalization. Such optional coverage need only be offered in conjunction with a policy that provides payment for hospitalization as a part of health care coverage.

(2) Home health care and hospice care coverage offered under subsection (1) of this section shall conform to the following standards, limitations, and restrictions:

(a) The coverage may include reasonable deductibles and coinsurance provisions;

(b) The coverage should be structured to create incentives for the use of home health care and hospice care as an alternative to hospitalization;

(c) The coverage may contain provisions for utilization review and quality assurance;

(d) The coverage may require that home health agencies and hospice agencies have written treatment plans approved by a physician licensed under chapter 18.57 or 18.71 RCW, and may require such treatment plans to be reviewed at designated intervals;

(e) The coverage shall provide benefits for, and may restrict benefits to, services rendered by home health and hospice agencies certified by the department of social and health services;

(f) Hospice care coverage shall provide benefits for terminally ill patients for an initial period of care of not less than six months and may provide benefits for an additional six months of care in cases where the patient is facing imminent death or is entering remission if certified in writing by the attending physician;

(g) Home health care coverage shall provide benefits for a minimum of one hundred thirty health care visits per calendar year. However, a visit of any duration by an employee of a home health agency for the purpose of providing services under the plan of treatment constitutes one visit.

(3) The insurance commissioner shall adopt any rules necessary to implement this section.

(4) The requirements of this section shall not apply to contracts or policies governed by chapter 48.66 RCW.

NEW SECTION, Sec. 3. There is added to chapter 48.44 RCW a new section to read as follows:

(1) Every health care service contractor issuing or renewing a group health care service contract governed by this chapter shall offer optional coverage for home health care and hospice care for persons who are homebound and would otherwise require hospitalization. Such optional coverage need only be offered in conjunction with a policy that provides payment for hospitalization as a part of health care coverage.

(2) Home health care and hospice care coverage offered under subsection (1) of this section shall conform to the following standards, limitations, and restrictions:

(a) The coverage may include reasonable deductibles and coinsurance provisions;

(b) The coverage should be structured to create incentives for the use of home health care and hospice care as an alternative to hospitalization;

(c) The coverage may contain provisions for utilization review and quality assurance;

(d) The coverage may require that home health agencies and hospice agencies have written treatment plans approved by a physician licensed under chapter 18.57 or 18.71 RCW, and may require such treatment plans to be reviewed at designated intervals;

(e) The coverage shall provide benefits for, and may restrict benefits to, services rendered by home health and hospice agencies certified by the department of social and health services;

(f) Hospice care coverage shall provide benefits for terminally ill patients for an initial period of care of not less than six months and may provide benefits for an additional six months of care in cases where the patient is facing imminent death or is entering remission if certified in writing by the attending physician;

(g) Home health care coverage shall provide benefits for a minimum of one hundred thirty health care visits per calendar year. However, a visit of any duration by an employee of a home health agency for the purpose of providing services under the plan of treatment constitutes one visit.

(3) The insurance commissioner shall adopt any rules necessary to implement this section.

(4) The requirements of this section shall not apply to contracts or policies governed by chapter 48.66 RCW.

NEW SECTION, Sec. 4. The legislature finds that the cost of medical care in general and hospital care in particular has risen dramatically in recent years, and that in 1981, such costs rose faster than in any year since World War II. The purpose of sections 4 through 9 of this act is to support the provision of less expensive and more appropriate levels of care, home health care and hospice care, in order to avoid hospitalization or shorten hospital stays.

NEW SECTION, Sec. 5. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Hospice agency" means a private or public agency or organization that administers and provides hospice care and is certified by the department of social and health services as a hospice care agency.

(2) "Hospice care" means care prescribed and supervised by the attending physician and provided by the hospice agency to the terminally ill in the patient's home, or in an inpatient hospice unit that meets the standards of section 7 of this act.

(3) "Home health agency" means a private or public agency or organization that administers and provides home health care and is certified by the department of social and health services as a home health care agency.

(4) "Home health care" means services, supplies, and medical equipment that meet the standards of section 6 of this act, prescribed and supervised by the attending physician, and provided through a home health agency and rendered to members in their residences when hospitalization would otherwise be required.

(5) "Home health aide" means a person providing part-time or intermittent personal care, ambulation and exercise, household services essential to health care at home, assistance with medications ordinarily self-administered, reporting changes in patients' conditions and needs, and completing appropriate records and under the supervision of a registered nurse or a physical therapist, occupational therapist, or speech therapist.

(6) "Plan of treatment" means a written plan of care established and periodically reviewed by a physician that describes home health or hospice care to be provided to a patient for palliation or treatment of illness or injury.

(7) "Certification period" means the period of time for which the home health care or hospice care plan of treatment is written.

(8) "Physician" means a physician licensed under chapter 18.57 or 18.71 RCW.

NEW SECTION, Sec. 6. (1) Home health care shall be provided by a home health agency and shall:

(a) Be delivered by a registered nurse, physical therapist, occupational therapist, speech therapist, or home health aide on a part-time or intermittent basis;

(b) Include, as applicable under the written plan, supplies and equipment such as:

(i) Drugs and medicines dispensed by or through the agency that are legally obtainable only upon a physician's written prescription, and insulin;

(ii) Artificial limbs or eyes, splints, trusses, braces, crutches, and other durable medical apparatus, and the rental of a wheelchair, hospital bed, iron lung, and other durable medical equipment required for treatment;

(iii) Supplies normally used for hospital inpatients and dispensed by the home health agency such as oxygen, catheters, needles, syringes, dressings, materials used in aseptic techniques, irrigation solutions, and intravenous fluids.

(2) The following services may be included when medically necessary, ordered by the attending physician, and included in the approved plan of treatment:

(a) Licensed practical nurses;

(b) Inhalation therapists;

(c) Social workers holding a master's degree;

(d) Ambulance service that is certified by the physician as necessary in the approved plan of treatment because of the patient's physical condition or for unexpected emergency situations.

(3) Services not included in home health care include:

(a) Nonmedical, custodial, or housekeeping services except by nurse aides or home health aides as ordered in the approved plan of treatment;

(b) "Meals on Wheels" or similar food services;

(c) Nutritional guidance;

(d) Services performed by family members;

(e) Services not included in an approved plan of treatment;

(f) Supportive environmental materials such as handrails, ramps, telephones, air conditioners, and similar appliances and devices.

NEW SECTION, Sec. 7. (1) Hospice care shall be provided by a hospice agency.

(2) A written hospice care plan shall be approved by a physician and shall be reviewed at designated intervals.

(3) The following services shall be included when medically necessary, ordered by the attending physician, and included in the approved plan of treatment:

(a) Short-term care in an inpatient hospice unit;

(b) Care of the terminally ill in an individual's home on an outpatient basis as included in the approved plan of treatment;

(c) Respite care that is continuous care for a maximum of five continuous days per certification period.

NEW SECTION. Sec. 8. The department of social and health services shall adopt rules establishing standards for the certification of home health agencies and hospice agencies under this chapter. These standards shall be compatible with and at least as stringent as home health and hospice certification regulations established by the United States department of health and human services and hospice agency accreditation standards established by the joint commission on accreditation of hospitals.

NEW SECTION. Sec. 9. Nothing in this chapter affects chapter 70.38 RCW.

NEW SECTION. Sec. 10. Sections 4 through 9 of this act shall constitute a new chapter to be added to Title 70 RCW.

NEW SECTION. Sec. 11. This act shall take effect on July 1, 1984. The department of social and health services shall immediately take such steps as are necessary to insure that this act is implemented on its effective date."

In line 3 of the title, after "Title" strike everything through "41.05" on line 4, and insert "70",

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Moore moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 3308.

POINT OF INQUIRY

Senator Goltz: "Senator Moore, is there any sort of home health agency excluded from eligibility under this bill?"

Senator Moore: "No. A major factor in introducing this kind of legislation is that home health care and hospice care are usually less expensive than institutionalization. Every effort must be made to maintain this cost effectiveness. Therefore, we are trying to achieve the widest possible participation of providers, so that there is vigorous competition in this field. This will insure high quality service at a reasonable cost. That's why certification under various other state or federal programs is not required by this bill. The only requirement for home health agencies is that the state's quality standards are at least as tough as the home health certification rules established for such agencies by the federal government."

The President declared the question before the Senate to be the motion by Senator Moore that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 3308.

The motion by Senate Moore carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3308.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3308, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; nays, 09; absent, 04; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Deccio, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hughes, Jones, Lee, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 35.

Voting nay: Senators Barr, Craswell, Guess, Haley, McCaslin, McDermott, Pullen, Quigg, Sellar - 9.

Absent: Senators Conner, Fleming, Hurley, Kiskaddon - 4.

Excused: Senator Hemstad - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3308, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 1983

Mr. President:

The House has passed SENATE BILL NO. 3363 with the following amendments:

On page 1, beginning on line 12, strike "fifty" and insert "one-hundred"

On page 1, line 17, after "district" insert "PROVIDED, That any port district which was authorized by the county treasurer to appoint its own treasurer prior to the effective date of this 1983 act, may continue to appoint its own treasurer".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Senate Bill No. 3363.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3363, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 04; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Deccio, Fuller, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Craswell, Goltz, McDermott, Pullen - 4.

Absent: Senators Conner, Fleming - 2.

Excused: Senator Hemstad - 1.

SENATE BILL NO. 3363, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3453 with the following amendment:

On page 1, line 17 after "parking upon" strike all material down to and including "this section." on page 2, line 13 and insert the following:

"(state) lands ((devoted mainly to the educational or research activities of its own institution)) and facilities of the university or college;

(b) Adjudicate matters involving parking infractions internally; and

(c) Collect and retain any penalties so imposed.

(2) If the rules or regulations promulgated under subsection (1) of this section provide for internal adjudication of parking infractions, a person charged with a parking infraction who deems himself or herself aggrieved by the final decision in an internal adjudication may, within ten days after written notice of the final decision, appeal by filing a written notice thereof with the college or university police force. Documents relating to the appeal shall immediately be forwarded to the district court in the county in which the offense was committed, which court shall have jurisdiction over such offense and such appeal shall be heard de novo."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Goltz, the Senate concurred in the House amendments to Substitute Senate Bill No. 3453.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3453, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 03; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson,

Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Bottiger, Conner, Fleming - 3.

Excused: Senator Hemstad - 1.

SUBSTITUTE SENATE BILL NO. 3453, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3480 with the following amendments:

On page 2, line 31 after "employs" insert "other than on a casual basis"

On page 3, line 5 after "entity" insert or "performs on a casual basis"

On page 3, line 6 after "performer" insert " , "

On page 3, line 7 strike "or partner" and insert "partner, or casual performer".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Substitute Senate Bill No. 3480.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3480, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 03; excused, 01.

Voting yeas: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Benitz, Conner, Rinehart - 3.

Excused: Senator Hemstad - 1.

SUBSTITUTE SENATE BILL NO. 3480, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 1983

Mr. President:

The House has passed SENATE BILL NO. 3492 with the following amendments:

On page 2, line 19, after "act." strike "The" and insert "By January 10 of each odd numbered year, the"

On page 2, line 21, after "act and" insert "shall transmit copies of their review to the governor and the appropriate policy and fiscal committees of the legislature. In addition, the council shall"

On page 3, beginning on line 11, after "Columbia." strike "The" and insert "By January 10 of each odd numbered year, the"

On page 3, line 11, after "Council" strike "also"

On page 3, beginning on line 13, after "and" insert "shall transmit copies of their review to the governor and the appropriate policy and fiscal committees of the legislature. In addition, the council shall"

On page 3, after line 15, add a new section as follows:

"NEW SECTION. Sec. 6. Sections one through five of this act shall expire on June 30, 1987."

On page 1, line 1 of the title, after "education;" strike "and" and on line 2 after "RCW" insert "; and providing an expiration date".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Goltz, the Senate concurred in the House amendments to Senate Bill No. 3492.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3492, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 06; excused, 01.

Voting yeas: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Absent: Senators Benitz, Conner, Fleming, Granlund, Hayner, Lee - 6.

Excused: Senator Hemstad - 1.

SENATE BILL NO. 3492, 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.

STATEMENT FOR THE JOURNAL

April 23, 1983

Regarding Senate Bill No. 3492, as amended by the House:

I was off the floor during the roll call, but would have voted 'aye.'

Senator Granlund

MESSAGE FROM THE HOUSE

April 15, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3497 with the following amendments:

Strike everything after the enacting clause, and insert the following:

NEW SECTION. Sec. 1. The legislature finds that vehicles using alternative fuel sources such as propane, compressed natural gas, liquid petroleum gas, or other hydrocarbon gas fuels require fire fighters to use a different technique if the vehicles catch fire. A reflective placard on such vehicles would warn fire fighters of the danger so they could react properly.

NEW SECTION. Sec. 2. There is added to chapter 46.37 RCW a new section to read as follows:

(1) Every automobile, truck, motorcycle, motor home, or off-road vehicle that is fueled by propane gas shall bear a reflective placard indicating that the vehicle is so fueled. Violation of this subsection is a traffic infraction.

(2) As used in this section "propane gas" includes propane, compressed natural gas, liquid petroleum gas, or any chemically similar gas but does not include gasoline or diesel fuel.

(3) The vehicle identification decal required by the national fire protection association and designed by the national LP gas association shall be required to be displayed on all propane fueled vehicles.

Sec. 3. Section 11, chapter 163, Laws of 1979 ex. sess. as amended by section 1, chapter 176, Laws of 1980 and RCW 46.16.015 are each amended to read as follows:

(1) Neither the department of licensing nor its agents may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under RCW 70.120.040, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance issued pursuant to RCW 70.120.060, 70.120.080, or 70.120.090 or a valid certificate of acceptance issued pursuant to RCW 70.120.070; or (b) exempted from this requirement pursuant to subsection (2) of this section. The certificates must have a date of validation which is within ninety days of the date of application for the vehicle license or license renewal. Certificates for fleet vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

(2) Subsection (1) of this section does not apply to the following vehicles:

(a) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale;

(b) Motor vehicles fifteen years old or older;

(c) Motor vehicles that use propulsion units powered exclusively by electricity;

(d) Motor vehicles fueled exclusively by propane, compressed natural gas, or liquid petroleum gas, unless it is determined that federal sanctions will be imposed as a result of this exemption;

(e) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;

~~((f))~~ (f) Motor vehicles powered by diesel engines;

~~((g))~~ (g) Farm vehicles as defined in RCW 46.04.181; or

~~((h))~~ (h) Motor vehicles exempted by the director of the department of ecology.

The provisions of subparagraph (a) of this subsection may not be construed as exempting from the provisions of subsection (1) of this section applications for the renewal of licenses for motor vehicles that are or have been leased.

(3) The department of licensing shall mail to each owner of a vehicle registered within an emission contributing area a notice regarding the boundaries of the area and restrictions established under this section that apply to vehicles registered in such areas. The information for the notice shall be supplied to the department of licensing by the department of ecology. Such a notice shall be mailed to the owner ninety days prior to the expiration date of the owner's motor vehicle license."

In line 2 of the title, after "gas," insert "amending section 11, chapter 163, Laws of 1979 ex. sess. as amended by section 1, chapter 176, Laws of 1980 and RCW 46.16.015;".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Substitute Senate Bill No. 3497.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3497, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 05; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senators Conner, Fleming, Jones, McManus, Sellar - 5.

Excused: Senator Hemstad - 1.

SUBSTITUTE SENATE BILL NO. 3497, 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 Shinpoch, the Senate resumed consideration of Engrossed Second Substitute Senate Bill No. 3245 and the pending demand for a roll call on the motion by Senator Fleming to concur in the House amendments, deferred earlier today.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Clarke: "Mr. President, the roll call vote, as I understand it, is whether or not we concur in the House amendments and not upon final passage?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Clarke, your remarks are correct."

The President declared the question before the Senate to be the roll call on the motion by Senator Fleming that the Senate concur in the House amendments to Engrossed Second Substitute Senate Bill No. 3245.

ROLL CALL

The Secretary called the roll and the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 3245 by the following vote: Yeas, 35; nays, 11; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Barr, Benitz, Craswell, Guess, Hurley, McCaslin, Metcalf, Newhouse, Pullen, Rasmussen, Sellar - 11.

Absent: Senators Conner, Woody - 2.

Excused: Senator Hemstad - 1.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3245, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wajahn, Woody, Zimmerman - 35.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Guess, Hayner, Hurley, McCaslin, Metcalf, Newhouse, Pullen, Rasmussen - 12.

Absent: Senator Conner - 1.

Excused: Senator Hemstad - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3245, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3523 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 17, chapter 138, Laws of 1981 and RCW 10.95.170 are each amended to read as follows:

The defendant shall be imprisoned in the state penitentiary within ten days after the trial court enters a judgment and sentence imposing the death penalty and shall be imprisoned both prior to and subsequent to the issuance of the death warrant as provided in RCW 10.95-.160. During such period of imprisonment, the defendant shall be confined in the segregation ((from) unit, where the defendant may be confined with other prisoners not under sentence of death, but prisoners under sentence of death shall be assigned to single-person cells.

NEW SECTION. Sec. 2. There is added to chapter 72.01 RCW a new section to read as follows:

As used in RCW 72.01.370 and section 4 of this act:

"Escorted leave" means a leave of absence from a correctional facility under the continuous supervision of an escort.

"Escort" means a correctional officer or other person approved by the superintendent or the superintendent's designee to accompany an inmate on a leave of absence and be in visual or auditory contact with the inmate at all times.

"Nonviolent offender" means an inmate under confinement for an offense other than a violent offense defined by RCW 9.94A.030.

Sec. 3. Section 1, chapter 40, Laws of 1959 as last amended by section 72, chapter 136, Laws of 1981 and RCW 72.01.370 are each amended to read as follows:

The superintendents of the state penitentiary, the state reformatory, the state honor camps and such other penal institutions as may hereafter be established, may, subject to the approval of the secretary and under section 4 of this 1983 act, grant escorted leaves of absence to inmates confined in such institutions to:

(1) Go to the bedside of the inmate's wife, husband, child, mother or father, or other member of the inmate's immediate family who is seriously ill;

(2) Attend the funeral of a member of the inmate's immediate family listed in subsection (1) of this section;

(3) Participate in athletic contests(~~(-and)~~);

(4) Perform work in connection with the industrial, educational, or agricultural programs of the department;

(5) Receive necessary medical or dental care which is not available in the institution; and

(6) Participate as a volunteer in community service work projects which are approved by the superintendent, but only inmates who are nonviolent offenders may participate in these projects. Such community service work projects shall only be instigated at the request of a local community.

NEW SECTION. Sec. 4. There is added to chapter 72.01 RCW a new section to read as follows:

An inmate shall not be allowed to start a leave of absence under RCW 72.01.370 until the secretary, or the secretary's designee, has notified any county and city law enforcement agency having jurisdiction in the area of the inmate's destination.

Sec. 5. Section 11, chapter 136, Laws of 1981 and RCW 72.09.100 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have

limited work programs in the past. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES. The industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage not less than sixty percent of the approximate prevailing wage within the state for the occupation, as determined by the director of the institutional industries division. If the director finds that he cannot reasonably determine the wage, then the pay shall not be less than the federal minimum wage.

(2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations which assist persons who are poor or infirm. The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry may be sold to public agencies and to nonprofit organizations which assist persons who are poor or infirm: PROVIDED, That to avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus by-products and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations which assist the poor and infirm. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

Security and custody services shall be provided without charge by the department of corrections.

Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the federal minimum wage and which is approved by the director of institutional industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(a) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within institutional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(b) Whenever possible, to provide forty hours of work or work training per week.

(c) Whenever possible, to offset tax and other public support costs.

Supervising, management, and custody staff shall be employees of the department.

All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations which assist persons who are poor or infirm.

Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the minimum wage for their work.

(5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an offender, placed on probation, to work off all or part of a community service order as ordered by the sentencing court.

Employment shall be in a community service program operated by the state, local units of government, or a nonprofit agency which assists persons who are poor or infirm.

Sec. 6. Section 3, chapter 7, Laws of 1972 ex. sess. and RCW 72.62.030 are each amended to read as follows:

Products goods, wares, articles, or merchandise manufactured or produced by residents of state correctional institutions or facilities within or in conjunction with vocational education programs for the training, habilitation, and rehabilitation of inmates may be sold on the open market ~~((at public auction))~~. When services are performed by residents within or in conjunction with such vocational education programs, the cost of materials used and the value of depreciation of equipment used may be recovered.

Sec. 7. Section 13, chapter 20, Laws of 1973 and RCW 72.66.036 are each amended to read as follows:

(1) The furlough or furloughs granted to any one resident, excluding furloughs for medical care, may not exceed thirty consecutive days or a total of sixty days during ((any twelve-month period)) a calendar year.

(2) Absent unusual circumstances, each first furlough and each second furlough granted to a resident shall not exceed a period of five days and each emergency furlough shall not exceed forty-eight hours plus travel time.

(3) A furlough may be extended within the maximum time periods prescribed under this section.

Sec. 8. Section 5, chapter 20, Laws of 1973 and RCW 72.66.016 are each amended to read as follows:

(1) A furlough shall not be granted to a resident if the furlough would commence prior to the time the resident has served the minimum amounts of time provided under this section:

~~((1))~~ (a) If his minimum term of imprisonment is longer than twelve months, he shall have served at least six months of the term;

~~((2))~~ (b) If his minimum term of imprisonment is less than twelve months, he shall have served at least ninety days and shall have no longer than six months left to serve on his minimum term;

~~((3))~~ (c) If he is serving a mandatory minimum term of confinement, he shall have served all but the last six months of such term.

(2) A person convicted and sentenced for a violent offense as defined in RCW 9.94A.030 is not eligible for furlough until the person has served at least one-half of the minimum term as established by the board of prison terms and paroles or the sentencing guidelines commission.

NEW SECTION. Sec. 9. There is added to chapter 43.06 RCW a new section to read as follows:

Whenever any convicted offender, who is a citizen or national of a foreign country and is under the jurisdiction of the department of corrections, requests transfer to the foreign country of which he or she is a citizen or national, under a treaty on the transfer of offenders entered into between the United States and a foreign country, the governor or the governor's designee:

(1) May grant the approval of the state to such transfer as provided in the treaty; and

(2) Shall have, notwithstanding any provision of chapter 9.95 or 72.68 RCW, the plenary authority to fix the duration of the offender's sentence, if not otherwise fixed, whenever a fixed sentence is a condition precedent to transfer.

Sec. 10. Section 72.68.010, chapter 28, Laws of 1959 as amended by section 282, chapter 141, Laws of 1979 and RCW 72.68.010 are each amended to read as follows:

(1) Whenever in its judgment the best interests of the state or the welfare of any prisoner confined in any penal institution will be better served by his or her transfer to another institution or to a foreign country of which the prisoner is a citizen or national, the secretary may effect such transfer consistent with applicable federal laws and treaties.

(2) If directed by the governor, the secretary shall, in carrying out this section and section 9 of this 1983 act, adopt rules under chapter 34.04 RCW to effect the transfer of prisoners requesting transfer to foreign countries.

Sec. 11. Section 72.68.080, chapter 28, Laws of 1959 as amended by section 10, chapter 122, Laws of 1967 ex. sess. and RCW 72.68.080 are each amended to read as follows:

All persons sentenced to prison by the authority of the United States or of any state or territory of the United States may be received by the department and imprisoned in ~~((the Washington state penitentiary or Washington state reformatory or the Washington correctional institution for women))~~ a state correctional institution as defined in RCW 72.65.010 in accordance with the sentence of the court by which they were tried. The prisoners so confined shall be subject in all respects to discipline and treatment as though committed under the laws of this state.

NEW SECTION. Sec. 12. This chapter shall be known and may be cited as the Interstate Corrections Compact.

NEW SECTION. Sec. 13. The secretary of the department of corrections is hereby authorized and requested to execute, on behalf of the state of Washington, with any other state or states legally joining therein a compact which shall be in form substantially as follows:

The contracting states solemnly agree that:

(1) The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment, and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, and with the federal government, thereby serving the best interest of such offenders and of society and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the mutual development and execution of such programs of cooperation for the confinement, treatment, and rehabilitation of offenders with the most economical use of human and material resources.

(2) As used in this compact, unless the context clearly requires otherwise:

(a) "State" means a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; and the Commonwealth of Puerto Rico.

(b) "Sending state" means a state party to this compact in which conviction or court commitment was had.

(c) "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction or court commitment was had.

(d) "Inmate" means a male or female offender who is committed, under sentence to, or confined in a penal or correctional institution.

(e) "Institution" means any penal or correctional facility, including but not limited to a facility for the mentally ill or mentally defective, in which inmates as defined in subsection (2)(d) of this section may lawfully be confined.

(3) (a) Each party state may make one or more contracts with any one or more of the other party states, or with the federal government, for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

(i) Its duration;

(ii) Payments to be made to the receiving state or to the federal government, by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance;

(iii) Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom;

(iv) Delivery and retaking of inmates;

(v) Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

(b) The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto and nothing in any such contract shall be inconsistent therewith.

(4) (a) Whenever the duly constituted authorities in a state party to this compact, and which has entered into a contract pursuant to subsection (3)(a) of this section, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state.

(b) The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

(c) Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state, provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of subsection (3)(a) of this section.

(d) Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact, including a conduct record of each inmate, and certify said record to the official designated by the sending state, in order that each inmate may have official review of his or her record in determining and altering the disposition of said inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

(e) All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal

rights which said inmate would have had if confined in an appropriate institution of the sending state.

(f) Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record, together with any recommendations of the hearing officials, shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this subdivision, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state.

(g) Any inmate confined pursuant to this compact shall be released within the territory of the sending state unless the inmate, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

(h) Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.

(i) The parents, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this compact.

(5) (a) Any decision of the sending state in respect to any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state; but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal charge or if the inmate is formally accused of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharge from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

(b) An inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition or rendition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

(6) Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any contract pursuant hereto; and any inmate in a receiving state pursuant to this compact may participate in any such federally-aided program or activity for which the sending and receiving states have made contractual provision, provided that if such program or activity is not part of the customary correctional regimen, the express consent of the appropriate official of the sending state shall be required therefor.

(7) This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

(8) This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate official of all other party states. An actual withdrawal shall not take effect until one year after the notice provided in said statute has been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

(9) Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

(10) The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any

government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

NEW SECTION. Sec. 14. The secretary of corrections is authorized to receive or transfer an inmate as defined in the Interstate Corrections Compact to any institution as defined in the Interstate Corrections Compact within this state or without this state, if this state has entered into a contract or contracts for the confinement of inmates in such institutions pursuant to subsection (3) of the Interstate Corrections Compact.

NEW SECTION. Sec. 15. The courts, departments, agencies, and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions including but not limited to the making and submission of such reports as are required by the compact.

NEW SECTION. Sec. 16. The secretary is authorized and directed to hold such hearings as may be requested by any other party state pursuant to subsection (4)(f) of the Interstate Corrections Compact. Additionally, the secretary may hold out-of-state hearings in connection with the case of any inmate of this state confined in an institution of another state party to the Interstate Corrections Compact.

NEW SECTION. Sec. 17. The secretary of corrections is empowered to enter into such contracts on behalf of this state as may be appropriate to implement the participation of this state in the Interstate Corrections Compact pursuant to subsection (3) of the compact. No such contract shall be of any force or effect until approved by the attorney general.

NEW SECTION. Sec. 18. If any agreement between this state and any other state party to the Interstate Corrections Compact enables an inmate of this state confined in an institution of another state to be released in such other state in accordance with subsection (4)(g) of this compact, then the secretary is authorized to provide clothing, transportation, and funds to such inmate in accordance with RCW 72.02.100.

NEW SECTION. Sec. 19. Sections 12 through 18 of this act shall constitute a new chapter in Title 72 RCW.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "corrections;" strike the remainder of the title and insert "amending section 17, chapter 138, Laws of 1981 and RCW 10.95.170; amending section 1, chapter 40, Laws of 1959 as last amended by section 72, chapter 136, Laws of 1981 and RCW 72.01.370; amending section 11, chapter 136, Laws of 1981 and RCW 72.09.100; amending section 3, chapter 7, Laws of 1972 ex. sess. and RCW 72.62.030; amending section 13, chapter 20, Laws of 1973 and RCW 72.66.036; amending section 5, chapter 20, Laws of 1973 and RCW 72.66.016; amending section 72.68.010, chapter 28, Laws of 1959 as amended by section 282, chapter 141, Laws of 1979 and RCW 72.68.010; amending section 72.68.080, chapter 28, Laws of 1959 as amended by section 10, chapter 122, Laws of 1967 ex. sess. and RCW 72.68.080; adding a new section to chapter 43.06 RCW; adding new sections to chapter 72.01 RCW; and adding a new chapter to Title 72 RCW."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Granlund, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3523.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3523, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Conner, Hansen - 2.

Excused: Senator Hemstad - 1.

ENGROSSED SENATE BILL NO. 3523, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3595 with the following amendment:

On page 1, line 24, strike "fifty" and insert "forty-nine".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate concurred in the House amendment to Substitute Senate Bill No. 3595.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3595, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Conner - 1.

Excused: Senator Hemstad - 1.

SUBSTITUTE SENATE BILL NO. 3595, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3034,

SUBSTITUTE SENATE BILL NO. 3035,

SUBSTITUTE SENATE BILL NO. 3042,

SUBSTITUTE SENATE BILL NO. 3055,

SUBSTITUTE SENATE BILL NO. 3087,

SENATE BILL NO. 3106,

SUBSTITUTE SENATE BILL NO. 3124,

SUBSTITUTE SENATE BILL NO. 3127,

SUBSTITUTE SENATE BILL NO. 3142.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3088,

SENATE BILL NO. 3134,

SENATE BILL NO. 3297.

MOTION

At 11:41 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MESSAGES FROM THE HOUSE

April 23, 1983

Mr. President:

The House has concurred in the Senate amendment(s) to the following listed bills and has passed said bills as amended by the Senate:

ENGROSSED HOUSE BILL NO. 284,

ENGROSSED HOUSE BILL NO. 318,

SUBSTITUTE HOUSE BILL NO. 336,

SUBSTITUTE HOUSE BILL NO. 434.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 493,
ENGROSSED HOUSE BILL NO. 753,

DEAN R. FOSTER, Chief Clerk

April 21, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 23,

HOUSE BILL NO. 203,

SUBSTITUTE HOUSE BILL NO. 232,

HOUSE BILL NO. 260,

HOUSE BILL NO. 446,

SUBSTITUTE HOUSE BILL NO. 476,

SUBSTITUTE HOUSE BILL NO. 790,

SUBSTITUTE HOUSE BILL NO. 848, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 23,

HOUSE BILL NO. 203,

SUBSTITUTE HOUSE BILL NO. 232,

HOUSE BILL NO. 260,

HOUSE BILL NO. 446,

SUBSTITUTE HOUSE BILL NO. 476,

SUBSTITUTE HOUSE BILL NO. 790,

SUBSTITUTE HOUSE BILL NO. 848.

There being no objection, the President reverted the Senate to the first order of business.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

April 23, 1983

GA 110 PHILIP R. WITTMAN, to the position of member of the Board of Prison Terms and Paroles, appointed by the Governor on April 16, 1983 for the term ending April 15, 1988. Reported by Committee on Institutions

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson, Pullen.

Passed to Committee on Rules.

MOTIONS

On motion of Senator Clarke, Senator von Reichbauer was excused.

On motion of Senator Shinpoch, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4101 with the following amendments:

On page 2, strike all of section 2.

On page 1, line 2 of the title after "RCW 67.16.170" strike all material down to and including "67.16 RCW" on line 3.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4101.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4101, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 03; absent, 09; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Quigg, Rinehart, Shipoch, Talmadge, Vognild, Warnke, Wojahn - 36.

Voting nay: Senators Haley, Rasmussen, Zimmerman - 3.

Absent: Senators Bluechel, Bottiger, Conner, Hayner, Peterson, Sellar, Thompson, Williams, Woody - 9.

Excused: Senator von Reichbauer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4101, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3614 with the following amendments:

On page 1, line 8, before "For" insert "(1)"

On page 1, beginning on line 11, after "lands" strike all material through "involved" on line 13 and insert "~~((may, with the advice and approval of such state board, commission, committee, or agency exercising control over the disposal of the land involved)), with the approval of the board of natural resources, may~~"

On page 1, beginning on line 15, after "value" strike all material through "lands" on line 17 and insert "~~((including other state lands, lands of the United States, county or municipal lands of any character, and privately owned lands))"~~

On page 1, beginning on line 17, after "lands," strike all material through "base," on line 21 and insert:

"(2) The commissioner of public lands, with the approval of the board of natural resources, may exchange state lands for lands of equal value owned by a county.

(3) Land exchanged under this section shall not be used to reduce the publicly owned forest land base."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Vognild, Senator Conner was excused.

On motion of Senator Owen, the Senate concurred in the House amendments to Substitute Senate Bill No. 3614.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3614, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 03; absent, 04; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators McCaslin, Pullen, Rinehart - 3.

Absent: Senators Bottiger, Hayner, McDermott, Woody - 4.

Excused: Senators Conner, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 3614, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3637 with the following amendments:

On page 2, line 16 strike all of section 3.

On page 1, line 3 of the title after "7.25.020" strike everything down to and including "emergency" on line 4 of the title.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Vognild, Senators Bottiger and Woody were excused.

On motion of Senator Bluechel, Senator Hayner was excused.

On motion of Senator Thompson, the Senate concurred in the House amendments to Substitute Senate Bill No. 3637.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3637, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 00; absent, 05; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Craswell, Fuller, Gaspard, Goltz, Guess, Haley, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 39.

Absent: Senators Deccio, Fleming, Granlund, Hansen, Jones - 5.

Excused: Senators Bottiger, Conner, Hayner, von Reichbauer, Woody - 5.

SUBSTITUTE SENATE BILL NO. 3637, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3642 with the following amendments:

On page 7, starting on line 1, strike all of subsection (5) and insert the following:

"(5) A solicitation history of the organization including:

(a) The number of solicitation campaigns over the past three years;

(b) The total amount of money applied to the costs of the solicitations over the past three years;

(c) The total amount of money dispersed for charitable purposes over the past three years;

(d) The number of solicitation campaigns reported under subsection (5)(a) of this section for which the organization used a professional fund raiser; and"

On page 10, line 14, after "(d)" strike "The" and insert "Upon request, the".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

Senator Talmadge moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3642.

Senator Clarke moved that the question be divided.

On motion of Senator Talmadge, and there being no objection, his motion was withdrawn.

On motion of Senator Talmadge, the Senate concurred in the House amendment to page 7, starting on line 1, to Substitute Senate Bill No. 3642.

MOTION

Senator Talmadge moved that the Senate do concur in the House amendment to page 10, line 14, to Substitute Senate Bill No. 3642.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Talmadge that the Senate do concur in the House amendment to page 10, line 14, to Substitute Senate Bill No. 3642.

ROLL CALL

The Secretary called the roll and the Senate concurred in the House amendment to page 10, line 14, to Substitute Senate Bill No. 3642 by the following vote: Yeas, 26; nays, 19; absent, 02; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Deccio, Fleming, Gaspard, Granlund, Hughes, Hurley, McCaslin, McDermott, McManus, Metcalf, Owen, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, Lee, Newhouse, Patterson, Pullen, Rasmussen, Sellar - 19.

Absent: Senators Jones, Moore - 2.

Excused: Senators Conner, von Reichbauer - 2.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3642, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 03; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators McCaslin, Pullen, Quigg - 3.

Absent: Senator Lee - 1.

Excused: Senators Conner, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 3642, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:12 p.m., on motion of Senator Shinpoch, the Senate recessed until 2:25 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 2:38 p.m.

MESSAGES FROM THE HOUSE

April 23, 1983

Mr. President:

The House has passed SUBSTITUTE HOUSE BILL NO. 334 as amended on page 1, line 24, by the Senate.

DEAN R. FOSTER, Chief Clerk

April 21, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 646,

HOUSE BILL NO. 653,

SUBSTITUTE HOUSE BILL NO. 793,

HOUSE BILL NO. 804,

HOUSE BILL NO. 905,

SUBSTITUTE HOUSE BILL NO. 1089,

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

DEAN R. FOSTER, Chief Clerk

April 23, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 116,

SUBSTITUTE HOUSE BILL NO. 197,

ENGROSSED HOUSE BILL NO. 269,

SUBSTITUTE HOUSE BILL NO. 426,

HOUSE BILL NO. 643.

HOUSE BILL NO. 747, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 23, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 548,

HOUSE BILL NO. 569,

SUBSTITUTE HOUSE BILL NO. 661, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 23, 1983

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3123,

SUBSTITUTE SENATE BILL NO. 3166,

SENATE BILL NO. 3448,

SUBSTITUTE SENATE BILL NO. 3483,

SUBSTITUTE SENATE BILL NO. 3522,

SENATE BILL NO. 3531,

SENATE BILL NO. 3532,

SENATE BILL NO. 3535,

SENATE BILL NO. 3585, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 23, 1983

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3426,

SUBSTITUTE SENATE BILL NO. 3494,

SENATE BILL NO. 3501,

SENATE BILL NO. 3537,

SENATE BILL NO. 3840,

SUBSTITUTE SENATE BILL NO. 4135, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 23, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 419,

SUBSTITUTE HOUSE BILL NO. 620,

SUBSTITUTE HOUSE BILL NO. 1011,

HOUSE JOINT MEMORIAL NO. 15,

HOUSE JOINT MEMORIAL NO. 17, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 23, 1983

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3644,

SUBSTITUTE SENATE BILL NO. 3646,

SUBSTITUTE SENATE BILL NO. 3664,

SUBSTITUTE SENATE BILL NO. 3757,

SENATE BILL NO. 3763,

SUBSTITUTE SENATE BILL NO. 3812,

SUBSTITUTE SENATE BILL NO. 4107,

SENATE BILL NO. 4156,

SENATE JOINT MEMORIAL NO. 110,

SENATE JOINT MEMORIAL NO. 118,

SENATE JOINT RESOLUTION NO. 105, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 23, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 89,

HOUSE BILL NO. 150,

SUBSTITUTE HOUSE BILL NO. 484,

SUBSTITUTE HOUSE BILL NO. 576,

HOUSE BILL NO. 765,

SUBSTITUTE HOUSE BILL NO. 882,

SUBSTITUTE HOUSE BILL NO. 888,

HOUSE JOINT MEMORIAL NO. 4,

HOUSE JOINT MEMORIAL NO. 31, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 89,

HOUSE BILL NO. 150,

SUBSTITUTE HOUSE BILL NO. 484,

SUBSTITUTE HOUSE BILL NO. 576,

HOUSE BILL NO. 765,

SUBSTITUTE HOUSE BILL NO. 882,

SUBSTITUTE HOUSE BILL NO. 888,

HOUSE JOINT MEMORIAL NO. 4,

HOUSE JOINT MEMORIAL NO. 31.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 646,

HOUSE BILL NO. 653,

SUBSTITUTE HOUSE BILL NO. 793,

HOUSE BILL NO. 804,

HOUSE BILL NO. 905,

SUBSTITUTE HOUSE BILL NO. 1089,

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 2.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 116,

SUBSTITUTE HOUSE BILL NO. 197,

ENGROSSED HOUSE BILL NO. 269,

SUBSTITUTE HOUSE BILL NO. 426,

HOUSE BILL NO. 643,

HOUSE BILL NO. 747.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 548,

HOUSE BILL NO. 569,

SUBSTITUTE HOUSE BILL NO. 661.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 419,

SUBSTITUTE HOUSE BILL NO. 620,

SUBSTITUTE HOUSE BILL NO. 1011,

HOUSE JOINT MEMORIAL NO. 15,

HOUSE JOINT MEMORIAL NO. 17.

MESSAGE FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3657 with the following amendments:

On page 2, line 1, strike all of subsection (4) and insert the following:

"(4) The adjutant general may, upon the recommendation of the executive head or governing body of a county, city or town, permit transient lodging of anyone in armories. The adjutant general may require the county, city or town to pay no more than the actual cost of staffing, heating, lighting and other miscellaneous expenses incidental to this use."

On page 2, line 18, after "which" strike "~~(may)~~ shall" and insert "may"

On page 2, line 20, after "militia" insert "or activities provided for in subsection (4) of this section".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Bluechel, Senators Hayner, Jones and Clarke were excused.

On motion of Senator Warnke, the Senate concurred in the House amendments to Substitute Senate Bill No. 3657.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3657, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 04; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Bluechel, Fleming, Vognild, Woody - 4.

Excused: Senators Clarke, Hayner, Jones, von Reichbauer - 4.

SUBSTITUTE SENATE BILL NO. 3657, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3782 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. 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 are each amended to read as follows:

(1) "Short firearm" or "pistol" as used in ((~~RCW 9.41.010 through 9.41.160~~)) this chapter means any firearm with a barrel less than twelve inches in length.

(2) "Crime of violence" as used in ((~~RCW 9.41.010 through 9.41.160~~)) this chapter means:

(a) Any of the following ((~~crimes or an attempt to commit any of the same: Murder, manslaughter, rape, riot, mayhem, first degree assault, second degree assault, robbery, burglary and kidnaping~~)) felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, burglary in the second degree, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, which is comparable to a felony classified as a crime of violence in subsection (2) (a) of this section; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under subsection (2) (a) or (b) of this section.

(3) "Firearm" as used in this chapter means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(4) "Commercial seller" as used in this chapter means a person who has a federal firearms license.

Sec. 2. Section 4, chapter 172, Laws of 1935 as amended by section 3, chapter 124, Laws of 1961 and RCW 9.41.040 are each amended to read as follows:

(No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. Such person upon being convicted of a violation of this section shall be guilty of a felony and punished by imprisonment in the state penitentiary for not less than one year nor more than ten years.) (1) A person is guilty of the crime of unlawful possession of a short firearm or pistol, if, having previously been convicted in this state or elsewhere of a crime of violence or of a felony in which a firearm was used or displayed, the person owns or has in his possession any short firearm or pistol.

(2) Unlawful possession of a short firearm or pistol shall be punished as a class C felony under chapter 9A.20 RCW.

(3) As used in this section, a person has been "convicted" at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing, post-trial motions, and appeals. A person shall not be precluded from possession if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(4) Except as provided in subsection (5) of this section, a person is guilty of the crime of unlawful possession of a short firearm or pistol if, after having been convicted of any felony violation of the uniform controlled substances act, chapter 69.50 RCW, or equivalent statutes of another jurisdiction, or after any period of confinement under RCW 71.05.320 or an equivalent statute of another jurisdiction, or following a record of commitment pursuant to chapter 10.77 RCW or equivalent statutes of another jurisdiction, he owns or has in his possession or under his control any short firearm or pistol.

(5) Notwithstanding subsection (1) of this section, a person convicted of an offense other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401(a) and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from ownership, possession, or control of a firearm as a result of the conviction.

Sec. 3. Section 7, chapter 172, Laws of 1935 as last amended by section 1, chapter 158, Laws of 1979 and RCW 9.41.070 are each amended to read as follows:

(1) The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his person within this state for ~~((two))~~ four years from date of issue, for the purposes of protection or while engaged in business, sport or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. Such citizen's constitutional right to bear arms shall not be denied to him, unless he:

(a) Is ineligible to own a pistol under the provisions of RCW 9.41.040 ~~((as now or hereafter amended or there exists a record of his prior court conviction of a crime of violence or of drug addiction or of habitual drunkenness or of confinement to a mental institution. PROVIDED: That such permit)); or~~

(b) Is under twenty-one years of age; or

(c) Is subject to a court order or injunction regarding firearms pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

(d) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime of violence; or

(e) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor.

The license shall be revoked immediately upon conviction of a crime which makes such a person ineligible to own a pistol or upon the third conviction for a violation of this chapter within five calendar years. The license shall be in triplicate, in form to be prescribed by the ~~((state director))~~ department of licensing, and shall bear the name, address, and description, fingerprints and signature of the licensee ~~((and the reason given for desiring a license)), and the licensee's driver's license number or state identification card number if used for identification in applying for the license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing said license.~~

~~((++))~~ (2) The fee for the original issuance of a ~~((two-year))~~ four-year license shall be ~~((five))~~ twenty dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the issuance of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

(a) ~~((Two))~~ Four dollars shall be paid to the state general fund;

(b) ~~((One dollar fifty cents))~~ Four dollars shall be paid to the agency taking the fingerprints of the person licensed; and

(c) ~~((One dollar fifty cents))~~ Twelve dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

~~((2))~~ (3) The fee for the renewal of such license shall be ((three)) twelve dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the renewal of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

(a) ~~((One))~~ Four dollars shall be paid to the state general fund; and

(b) ~~((Two))~~ Eight dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(4) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (3) of this section.

(5) Notwithstanding the requirements of subsections (1) through (4) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section.

(6) A political subdivision of the state shall not modify the requirements of this section. A civil suit may be brought to enjoin a wrongful refusal to issue a license. The prevailing party is entitled to reasonable costs, including attorneys' fees.

Sec. 4. Section 9, chapter 172, Laws of 1935 as last amended by section 1, chapter 227, Laws of 1969 ex. sess. and RCW 9.41.090 are each amended to read as follows:

(1) In addition to the other requirements of ((RCW sections 9.41.010 through 9.41.150 as now or hereinafter amended)) this chapter, no commercial seller shall deliver a pistol to the purchaser thereof until ((seventy-two hours shall)):

(a) The purchaser produces a valid concealed pistol license and the commercial seller has recorded the purchaser's name, license number, and issuing agency, such record to be made in duplicate and processed as provided in subsection (4) of this section; or

(b) The seller is notified in writing by the chief of police of the municipality or the sheriff of the county that the purchaser meets the requirements of RCW 9.41.040 and that the application to purchase is granted; or

(c) Five consecutive days including Saturday, Sunday and holidays have elapsed from the time of receipt of the application for the purchase thereof as provided herein by the chief of police or sheriff designated in subsection (4) of this section, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. However, if the purchaser does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, the waiting period under this subsection (1)(c) shall be up to sixty days.

(2) In any case under subsection (1)(c) of this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the seller shall hold the delivery of the pistol until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the seller so that the hold may be released if the warrant was for a crime other than a crime of violence.

(3) In any case where the chief or sheriff of the local jurisdiction has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for a crime of violence, or (e) an arrest for a crime of violence if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a pistol, the local jurisdiction may hold the sale and delivery of the pistol beyond five days up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court or municipal court for good cause shown. An applicant shall be notified of each hold placed on the sale by local law enforcement and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.

(4) At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller an application containing his or her full name, address, occupation, place of birth, and the date and hour of the application; the applicant's driver's license number or state identification card number; and a description of the weapon including, the make, model, caliber and manufacturer's number; and a statement that ((he has never been convicted in this state or elsewhere of a crime of violence, drug addiction or habitual drunkenness, or is legally judged to be of unsound mind)) the purchaser is eligible to own a pistol under RCW 9.41.040.

The seller shall, by the end of the business day, sign and attach his or her address and deliver the original of ~~((such))~~ the application and such other documentation as required under subsection (1) of this section to the chief of police of the municipality or the sheriff of the county of which the seller is a resident. The seller shall deliver the pistol to the purchaser following ~~((seventy-two hours thereafter))~~ the period of time specified in this section unless the seller is notified in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser ~~((has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind))~~ fails to meet the requirements specified in RCW 9.41.040. The chief of police of the municipality or the sheriff shall maintain a file containing the original of the application to purchase a pistol.

NEW SECTION. Sec. 5. There is added to chapter 9.41 RCW a new section to read as follows:

The department of social and health services, mental health institutions, and other health care facilities shall, upon request of a court or law enforcement agency, supply such relevant information as is necessary to determine the eligibility of a person to possess a pistol or to be issued a concealed pistol license under RCW 9.41.070 or to purchase a pistol under RCW 9.41.090. Such information shall be used exclusively for the purposes specified in this section and shall not be made available for public inspection except by the person who is the subject of the information.

NEW SECTION. Sec. 6. There is added to chapter 9.41 RCW a new section to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50 RCW;

(d) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having 0.10 percent or more by weight of alcohol in his blood, as shown by chemical analysis of his breath, blood, or other bodily substance;

(e) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;

(f) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a crime of violence or a crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Known to have been used in the commission of a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniformed controlled substances act, chapter 69.50 RCW.

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess, retention of the firearm as evidence, appropriate use by a law enforcement agency in the state, donation to a historical museum, or sale at a public auction to a commercial seller. The proceeds from any sale shall be divided as follows: The local jurisdiction shall retain its costs, including actual costs of storage and sale, and shall forward the remainder to the state game commission for use in its firearms training program pursuant to RCW 77.32.155. If the court orders delivery to a law enforcement agency and the agency no longer requires use of the firearm, the agency shall dispose of the firearm in a manner which is consistent with this subsection.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to

an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

Sec. 7. Section 4, chapter 105, Laws of 1979 ex. sess. as amended by section 6, chapter 145, Laws of 1981 and RCW 10.99.040 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any defendant charged with a crime involving domestic violence is released from custody before trial on bail or personal recognizance, the court authorizing the release may prohibit the defendant from having any contact with the victim. If the court has probable cause to believe that the defendant is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, the court may also require the defendant to surrender any deadly weapon in the defendant's immediate possession or control, or subject to the defendant's immediate possession or control, to the sheriff of the county or chief of police of the municipality in which the defendant resides or to the defendant's counsel for safekeeping. Willful 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 10.99 RCW. A certified copy of such order shall be provided to the victim.

Sec. 8. Section 7, chapter 145, Laws of 1981 and RCW 10.99.045 are each amended to read as follows:

(1) A defendant arrested for an offense involving domestic violence as defined by RCW 10.99.020(2) shall be required to appear in person before a magistrate within one judicial day after the arrest; or

(2) A defendant who is charged by citation, complaint, or information with an offense involving domestic violence as defined by RCW 10.99.020(2) and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

At the time of the appearances provided in subsection (1) or (2) of this section, the court shall determine the necessity of imposing a no contact order or other conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment. If the court has probable cause to believe that the defendant is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, as one of the conditions of pretrial release, the court may require the defendant to surrender any deadly weapon in the defendant's immediate possession or control, or subject to the defendant's immediate possession or control, to the sheriff of the county or chief of police of the municipality in which the defendant resides or to the defendant's counsel for safekeeping. The decision of the judge and findings of fact in support thereof shall be in writing.

Appearances required pursuant to this section are mandatory and cannot be waived.

Sec. 9. Section 8, chapter 145, Laws of 1981 and RCW 10.99.055 are each amended to read as follows:

Any law enforcement agency in this state may enforce this chapter as it relates to orders restricting the defendants' ability to have contact with the victim and orders requiring defendants to surrender firearms.

Sec. 10. Section 6, chapter 157, Laws of 1973 1st ex. sess. as amended by section 3, chapter 32, Laws of 1975 and RCW 26.09.060 are each amended to read as follows:

(1) In a proceeding for:

(a) Dissolution of marriage, legal separation, or a declaration of invalidity; or

(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining

order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child and, upon a showing by clear and convincing evidence that the party so restrained or enjoined has used or displayed or threatened to use a deadly weapon as defined in RCW 9A.04.110 in an act of violence or has previously committed acts of domestic violence and is likely to use or display or threaten to use a deadly weapon in an act of domestic violence, requiring the party to surrender any deadly weapon in his immediate possession or control or subject to his immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court. The court may order temporary surrender of deadly weapons without notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for response has elapsed;

(c) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(d) Removing a child from the jurisdiction of the court.

(3) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(4) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances.

(5) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed.

Sec. 11. Section 16, chapter 172, Laws of 1935 as last amended by section 7, chapter 3, Laws of 1983 and RCW 9.41.160 are each amended to read as follows:

Any violation of any provision of ((RCW 9.41.010 through 9.41.150, as amended, other than those violations specified in RCW 9.41.025 and 9.41.046)) this chapter, except as otherwise provided, shall be a misdemeanor and punishable accordingly. There shall be levied and paid into the general fund of the state treasury a penalty assessment in the minimum amount of twenty-five percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all violations of this chapter.

NEW SECTION. Sec. 12. There is added to chapter 9.41 RCW a new section to read as follows:

Cities, towns, and counties may enact only those laws and ordinances relating to firearms that are consistent with this chapter. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted.

NEW SECTION. Sec. 13. Section 12 of this act shall not apply to any offense committed prior to the effective date of this act.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 17 of the title, after "RCW;" insert "creating a new section;".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Talmadge, the Senate concurred in the House amendments to Substitute Senate Bill No. 3782.

POINT OF INQUIRY

Senator Craswell: "Senator Talmadge, subsection (4) of section 4 of the House amendment on page 11 lists the information required on the application for the purchase of a pistol. That listing includes driver's license number or state identification card number. Is that necessary for all applications?"

Senator Talmadge: "No, those numbers have to be recorded only if the applicant uses his or her driver's license or state identification card to establish his or her

residency or identity. However, the agency performing the eligibility check is permitted to use the individual's name and other proffered identification to screen for outstanding warrants or other factors indicating ineligibility."

Senator Craswell: "I notice that the House amended section 6 of the bill, allowing forfeiture of firearms under certain circumstances. The Senate bill allowed forfeiture by owners only. The House amendment allows forfeiture by any person. How can the gun owner assert his or her rights to the firearm?"

Senator Talmadge: "The rights of the owner are protected in the three ways set out in the striking amendment on page 15, lines 21 through 30. The firearm will be returned to the owner if it is shown that (1) the owner neither had knowledge of nor consented to the act or omission involving the firearm, or (2) the firearm was stolen, or (3) there was no probable cause to believe an act or omission which could result in forfeiture occurred."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3782, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3782, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Paterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Excused: Senators Clarke, Hayner, Jones, von Reichbauer - 4.

SUBSTITUTE SENATE BILL NO. 3782, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3811 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 35.82.020, chapter 7, Laws of 1965 as last amended by section 1, chapter 187, Laws of 1979 ex. sess. and RCW 35.82.020 are each amended to read as follows:

The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

(1) "Authority" or "Housing authority" shall mean any of the public corporations created by RCW 35.82.030.

(2) "City" shall mean any city, town, or code city. "County" shall mean any county in the state. "The city" shall mean the particular city for which a particular housing authority is created. "The county" shall mean the particular county for which a particular housing authority is created.

(3) "Governing body" shall mean, in the case of a city, the city council or the commission and in the case of a county, the county legislative authority.

(4) "Mayor" shall mean the mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of the city.

(5) "Clerk" shall mean the clerk of the city or the clerk of the county legislative authority, as the case may be, or the officer charged with the duties customarily imposed on such clerk.

(6) "Area of operation": (a) in the case of a housing authority of a city, shall include such city and the area within five miles from the territorial boundaries thereof: PROVIDED, That the area of operation of a housing authority of any city shall not include any area which lies within the territorial boundaries of some other city, as herein defined; (b) in the case of a housing authority of a county, shall include all of the county except that portion which lies within the territorial boundaries of any city as herein defined.

(7) "Federal government" shall include the United States of America, the United States housing authority or any other agency or instrumentality, corporate or otherwise, of the United States of America.

(8) "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health and morals.

(9) "Housing project" shall mean any work or undertaking: (a) to demolish, clear or remove buildings from any slum area; such work or undertaking may embrace the adaptation of such area to public purposes, including parks or other recreational or community purposes; or (b) to provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include the rehabilitation of dwellings owned by persons of low income, and also may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, welfare or other purposes; or (c) without limitation by implication, to provide decent, safe, and sanitary urban and rural dwellings, apartments, mobile home parks, or other living accommodations for senior citizens; such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, welfare, or other purposes; or (d) to accomplish a combination of the foregoing. The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

(10) "Persons of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by the authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(11) "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by the authority pursuant to this chapter.

(12) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(13) "Obligee of the authority" or "obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessor demising to the authority property used in connection with a housing project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority.

(14) "Mortgage loan" shall mean an interest bearing obligation secured by a mortgage.

(15) "Mortgage" shall mean a mortgage deed, deed of trust or other instrument securing a mortgage loan and constituting a lien on real property held in fee simple, or on a leasehold under a lease having a remaining term at the time the mortgage is acquired of not less than the term for repayment of the mortgage loan secured by the mortgage, improved or to be improved by a housing project.

(16) "Senior citizen" means a person age sixty-two or older who is determined by the authority to be poor or infirm but who is otherwise in some manner able to provide the authority with revenue which (together with all other available moneys, revenues, income, and receipts of the authority, from whatever sources derived) will be sufficient: (a) To pay, as the same become due, the principal and interest on bonds of the authority; (b) to meet the cost of, and to provide for, maintaining and operating projects (including the cost of insurance) and administrative expenses of the authority; and (c) to create (by not less than the six years immediately succeeding the issuance of any bonds) a reserve sufficient to meet the principal and interest payments which will be due, on the bonds in any one year thereafter and to maintain such reserve.

(17) "Commercial space" shall mean space which, because of its proximity to public streets, sidewalks, or other thoroughfares, is well suited for commercial or office use. Commercial space includes but is not limited to office as well as retail space.

Sec. 2. Section 35.82.070, chapter 7, Laws of 1965 as amended by section 2, chapter 274, Laws of 1977 ex. sess. and RCW 35.82.070 are each amended to read as follows:

An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments, including but not limited to partnership agreements and joint venture agreements, necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(2) Within its area of operation: to prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to agree to rent or sell dwellings forming part of the projects to or for persons of low income. Where an agreement or option is made to sell a dwelling to a person of low income, the authority may convey the dwelling to the person upon

fulfillment of the agreement irrespective of whether the person is at the time of the conveyance a person of low income. Leases, options, agreements, or conveyances may include such covenants as the authority deems appropriate to assure the achievement of the objectives of this chapter.

(3) To acquire, lease, rent, sell, or otherwise dispose of any commercial space located in buildings or structures containing a housing project or projects.

(4) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

~~((4))~~ (5) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own or manage buildings containing a housing project or projects as well as commercial space or other dwelling units which do not constitute a housing project as that term is defined in this chapter: PROVIDED, That notwithstanding the provisions under subsection (1) of this section, dwelling units which constitute a housing project shall occupy at least thirty percent of the interior space of any individual building in the project and at least fifty percent of the interior space in the total project; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise including financial assistance and other aid from the state or any public body, person or corporation, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein ~~((for any purpose upon the finding and declaration by the authority that the property is not needed for low income housing at that time));~~ to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

~~((5))~~ (6) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

~~((6))~~ (7) Within its area of operation: to investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

~~((7))~~ (8) Acting through one or more commissioners or other person or persons designated by the authority: to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

~~((8))~~ (9) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

~~((9))~~ (10) To agree (notwithstanding the limitation contained in RCW 35.82.210) to make such payments in lieu of taxes as the authority finds consistent with the achievement of the purposes of this chapter.

~~((10))~~ (11) To exercise the powers granted in this chapter within the boundaries of any city, town, or county not included in the area in which such housing authority is originally authorized to function: PROVIDED, HOWEVER, The governing or legislative body of such city, town, or county, as the case may be, adopts a resolution declaring that there is a need for the authority to function in such territory.

((+1)) (12) To administer contracts for assistance payments to persons of low income in accordance with section 8 of the United States Housing Act of 1937, as amended by Title II, section 201 of the Housing and Community Development Act of 1974, P.L. 93-383.

((+2)) (13) To sell at public or private sale, with or without public bidding, for fair market value, any mortgage or other obligation held by the authority.

((+3)) (14) To the extent permitted under its contract with the holders of bonds, notes, and other obligations of the authority, to consent to any modification with respect to rate of interest, time and payment of any installment of principal or interest security, or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the authority is a party.

((+4)) (15) To make loans to persons of low income ~~((incidental to))~~ for the purpose of rehabilitating or improving their dwellings or selling a dwelling to them or enabling them to purchase a dwelling, and to take such security therefor as is deemed necessary and prudent by the authority.

Sec. 3. Section 35.82.080, chapter 7, Laws of 1965 as amended by section 3, chapter 274, Laws of 1977 ex. sess. and RCW 35.82.080 are each amended to read as follows:

It is hereby declared to be the policy of this state that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the city or the county. To this end, an authority shall fix the rentals for rental units for persons of low income in projects owned or leased by the authority at no higher rates than it shall find to be necessary in order to produce revenues which (together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived) will be sufficient (1) to pay, as the same become due, the principal and interest on the bonds of the authority issued to finance the projects; (2) to meet the cost of, and to provide for, maintaining and operating the projects (including the cost of any insurance) and the administrative expenses of the authority; and (3) to create (during not less than the six years immediately succeeding its issuance of any such bonds) a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one year thereafter and to maintain such reserve. Nothing contained in this section shall be construed to limit the authorities' power to rent commercial space located in buildings containing housing projects at profitable rates and to use any profit realized from such rentals in carrying into effect the powers and purposes provided to housing authorities under this chapter.

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.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Vognild, Senator Woody was excused.

On motion of Senator Thompson, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 3811.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3811, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; nays, 17; absent, 00; excused, 05.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Haley, Hansen, Hughes, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 27.

Voting nay: Senators Barr, Bender, Craswell, Deccio, Fuller, Guess, Hemstad, Hurley, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar - 17.

Excused: Senators Clarke, Hayner, Jones, von Reichbauer, Woody - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3811, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3843 with the following amendment:

On page 1, line 21 after "(3)" strike "The president of the Washington state historical society" and insert "The chairperson of the Washington state heritage council created by 1983 law", and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate concurred in the House amendment to Engrossed Senate Bill No. 3843.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3843, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 03; absent, 02; excused, 04.

Voting yeas: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Voting nays: Senators Barr, Pullen, Rinehart - 3.

Absent: Senators Kiskaddon, Sellar - 2.

Excused: Senators Clarke, Hayner, Jones, von Reichbauer - 4.

ENGROSSED SENATE BILL NO. 3843, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3846 with the following amendments:

Strike everything after the enacting clause, and insert the following:

*Sec. 1. Section 7, chapter 42, Laws of 1969 ex. sess. as last amended by section 12, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.111 are each amended to read as follows:

(1) A registered disposer shall take custody of any vehicle or hulk placed in his custody by a law enforcement officer pursuant to RCW 46.61.565 or 46.52.180 and shall remove the vehicle or hulk to the established place of business of the registered disposer where the vehicle or hulk shall be stored, and the registered disposer shall have a lien upon the vehicle or hulk for services provided in the towing and storage of the vehicle or hulk, unless the impoundment is determined to have been invalid. However the lien does not apply to personal property in or upon the vehicle which personal property is not permanently attached to or is not an integral part of the vehicle. The registered disposer shall also have a claim against the last registered owner of the vehicle or hulk for services provided in the towing and storage of the vehicle or hulk, not to exceed the sum of two hundred dollars, unless the removal is determined to be invalid. A registered owner who has complied with RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

(2) Within twenty-four hours after receiving custody of the vehicle or hulk from the law enforcement officer, the registered disposer shall give notice of his custody to the department of licensing and the Washington state patrol. If a vehicle impounded from private property pursuant to this chapter is in the custody of a registered disposer and remains unclaimed after seventy-two hours, the registered disposer shall without undue delay give notice of his custody to the department. The department shall supply the last known names and addresses of registered and legal owners of the vehicle(s) as the names and addresses appear on the records of the department to the registered disposer on request without charge in those cases where the information was not given to the registered disposer by the law enforcement officer.

(3) Within three days after receiving the names and addresses of the owners from the department or the law enforcement officer, the registered disposer shall send a notice to the registered and legal owners of the vehicle to the last known addresses of the owners as the addresses appear on the records of the department by certified or registered mail, return receipt requested. The notice shall contain a description of the vehicle or hulk including its license number and vehicle identification number and shall state the amount due the registered disposer for services in the towing and storage of the vehicle or hulk and the time and place of public sale if the amount remains unpaid or if possession of the vehicle is not otherwise regained pursuant to RCW 46.52.200. The notice shall not be sent if the registered owner has regained possession of the vehicle pursuant to RCW 46.52.200. If the vehicle is sold pursuant to this chapter, a copy of the notice with proof of mailing shall be retained in the registered disposer's files and available for inspection for a period of three years from the date of sale.

(4) The failure of the registered disposer to comply with the time limits provided in this chapter shall limit the accumulation of storage charges to five days except where delay is unavoidable. The providing of incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available.

(5) Impounded vehicles shall be redeemed only by the legal or registered owner, a person authorized by the registered owner, or one who has purchased a vehicle from the registered owner, who produces proof of ownership or authorization and signs a receipt therefor.

(6) Any person redeeming an impounded vehicle shall pay to the towing contractor the costs of impoundment before redeeming the vehicle. However, the county, city, or town with jurisdiction over the impoundment may authorize release before payment of the towing or impoundment fees if the owner requests a hearing as to the propriety of the impoundment. The towing contractor shall accept cash, major bank credit cards, certified bank drafts, money orders, and personal checks drawn on in-state banks in payment for these costs. If such a personal check is offered in payment, the person offering the check may be required to show evidence of his or her identity by two pieces of identification which may include a driver's license, Washington state identification card issued by the department of licensing, other credit cards, or similar forms of identification. If the contractor has reasonable cause to believe the tendered check is uncollectible under standards adopted by the county, city, or town with jurisdiction over the impoundment, acceptance of the check may be refused. If the vehicle was impounded at the direction of a law enforcement officer and any personal check or promissory note is subsequently not paid or is dishonored, the drawer of the check or maker of the note shall be liable to the towing firm that has provided service for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

Sec. 2. Section 1, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.118 are each amended to read as follows:

Any person having possession or control of real property who finds an abandoned vehicle or abandoned vehicle hulk as defined in RCW 46.52.102 standing upon that property is authorized to have ~~(such)~~ the vehicle or hulk removed by a person properly registered pursuant to RCW 46.52.108. ~~((Such))~~ The vehicle shall be disposed of in accordance with the procedure prescribed in RCW ~~((46.52.111 and 46.52.112))~~ 46.52.119 and section 4 of this act.

A vehicle trespassing on family residential private property or posted private property as defined in RCW 46.52.119 or 46.52.1192 without the consent of the property owner may be impounded immediately in accordance with the procedures set forth in this chapter.

Sec. 3. Section 4, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1194 are each amended to read as follows:

(1) Any towing firm removing vehicles from private property pursuant to RCW 46.52.118, 46.52.119, or 46.52.1192 shall:

(a) File with the department a detailed schedule of all fees charged incident to the removal and storage of vehicles pursuant to RCW 46.52.119 or 46.52.1192;

(b) Post a copy of the schedule of fees on file with the department in a prominent place at the business location where vehicles are released from storage;

(c) Maintain personnel able and authorized to arrange for the release of any vehicle to its owner on a twenty-four hour basis;

(d) After removing a vehicle from private property pursuant to RCW 46.52.118, 46.52.119, or 46.52.1192, report the fact of removal together with the license number, vehicle identification number, make, year, and place of impoundment to the law enforcement agency with jurisdiction over the place of impoundment, which agency shall maintain a log of such reports ~~(: PROVIDED, That)~~. The law enforcement agency to which the report was made shall provide the name and address of the registered and legal owner, as may appear on the records of the department, to the towing firm removing a vehicle under RCW 46.52.118 through 46.52.1198. The reporting required in this subsection shall include an immediate radio or telephone call to, and a written notification, within twenty-four hours, to such local law enforcement agency;

(e) If any vehicle removed pursuant to RCW 46.52.118, 46.52.119, or 46.52.1192 remains unclaimed after twenty-four hours, send to the registered and legal owner of the vehicle by the end of the next business day a notice by certified mail, return receipt requested ~~(:)~~; (i) Advising that person of the name, location, and twenty-four hour telephone number of the person, tow truck operator, or operator of any storage facility who is empowered or authorized to return custody of any such towed, removed, or impounded motor vehicle ~~(: The notification shall also contain)~~; (ii) providing an estimate of the costs of towing, storage, or other services rendered during the course of removing, impounding, or storing any such motor vehicle ~~(: For the purpose of sending such notice, the law enforcement agency to which the report was made shall provide the name and address of the registered owner, as it appears on the records of the department, to the towing firm removing a vehicle under the provisions of RCW 46.52.118 through 46.52.1198. PROVIDED, That in the event)~~; (iii) containing notice of right of redemption and opportunity for a hearing conducted pursuant to section 4 of this act; and (iv) announcing that the vehicle will be sold at public auction pursuant to RCW 46.52.112 if not reclaimed within fifteen days of mailing of this notice.

(2) If such certified letter has been refused or returned to the sender unclaimed, the notification to the law enforcement agency as provided in subsection (1)(d) of this section shall constitute actual notice to the registered and legal owner (~~PROVIDED FURTHER THAT~~).

(3) The towing company shall give to each person who seeks to redeem an impounded vehicle written notice of right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, and a copy of the tow and storage receipt. The towing company shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(4) The effect of other laws notwithstanding, the costs of towing, storage, or other services rendered during the course of removing, impounding, or storing any such motor vehicle shall not constitute a lien upon the legal ownership of ~~(such)~~ the motor vehicle until forty-eight hours after the notice as provided in this ~~(subsection)~~ section has been received by the local law enforcement agency or owner of the vehicle, at which time the lien may be enforced as otherwise provided by law for the enforcement of towing or storage liens or liens generally (~~AND PROVIDED FURTHER THAT~~).

(5) If the towing firm assesses a fee according to the miles a vehicle is towed, the lien shall be, and the towing firm shall attempt to recover, no more than the fees that would accrue for towing to the nearest storage location of any towing firm.

~~(6)~~ (6) A failure to comply with the provisions of this section or section 4 of this act in regard to any vehicle waives the lien on that vehicle, constitutes a bar to recovery of the charges accrued on that vehicle, and is grounds for the suspension or revocation of the registration of any towing firm registered under RCW 46.52.108 to dispose of the abandoned vehicle (~~PROVIDED THAT~~). However, no storage charges ~~(shall)~~ accrue in any event until written notice as provided in this section ~~(shall have)~~ has been received by the local law enforcement agency or owner of the vehicle.

NEW SECTION. Sec. 4. There is added to chapter 46.52 RCW a new section to read as follows:

(1) Unclaimed vehicles impounded by registered disposers pursuant to RCW 46.52.118, 46.52.119, or 46.52.192 shall be redeemed only under the following circumstances:

(a) Only the registered owner, a person authorized by the registered owner, or one who has purchased a vehicle from the registered owner, who produces proof of ownership or written authorization and signs a receipt therefor, or the legal owner, may redeem an impounded vehicle.

(b) An unclaimed vehicle subject to sale may be redeemed pursuant to RCW 46.52.1196, or by posting a sufficient bond to cover accrued impoundment, towing, and storage charges. The bond shall be held in trust by the registered disposer pending the outcome of a hearing.

(2) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the notification provided for in RCW 46.52.1194 was mailed or delivered. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the legal and registered owners shall be liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The district court, within five days after the request for a hearing, shall notify the registered disposer and the registered and legal owner of the motor vehicle in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment, towing, or storage fees charged were proper.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs and the expenses of the hearing shall be assessed against the person or persons requesting the hearing.

(e) If the impoundment is determined to be invalid, then the registered and legal owners of the vehicle shall bear no impoundment, towing, or storage costs, and any bond or other security shall be returned or discharged as appropriate.

(4) Any unclaimed vehicle not redeemed within fifteen days of mailing of the notice required by RCW 46.52.1194 shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.52.112.

Sec. 5. Section 5, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1196 are each amended to read as follows:

(1) Any towing firm removing a vehicle(s) from private property pursuant to RCW 46.52.118, 46.52.119, or 46.52.192 shall release ~~(such)~~ the vehicle to the owner, operator, driver, or authorized designee thereof upon the presentation to any person having custody of ~~(such)~~ the

vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such motor vehicle(~~(-such)~~). Commercially reasonable tender (~~(to)~~) shall include, without limitation, cash, personal checks drawn on (~~(local)~~) in-state banks with proper identification, and valid and appropriate credit cards(~~(-PROVIDED HOWEVER, THAT)~~). Any person who stops payment on a personal check with intent to defraud a towing firm (~~(which)~~) that has provided a service pursuant to this section(~~(;)~~) or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees(~~(-PROVIDED FURTHER: That every towing firm providing service pursuant to this section shall post a true copy of this section in a conspicuous place upon its business premises: PROVIDED FURTHER: That))~~).

(2) If the owner, operator, driver, or authorized designee thereof (~~(-shall)~~) provides adequate proof of his financial responsibility, employment, and residence in the community to any person having custody of any towed, removed, impounded, or stored motor vehicle, (~~(then)~~) the motor vehicle shall be released without payment(~~(;)~~) with the understanding that such costs shall be paid within thirty days, or shall be recoverable through an action by law.

(3) A towing firm providing service under this section shall post a true copy of this section in a conspicuous place upon its business premises.

Sec. 6. Section 2, chapter 111, Laws of 1971 ex. sess. as last amended by section 19, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.150 are each amended to read as follows:

Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director of licensing shall inspect and may authorize the disposal of an abandoned junk motor vehicle. The officer or authorized person shall record the make of such motor vehicle(~~(;)~~) and the serial number or vehicle identification number, if available, and shall also detail the damage or missing equipment to verify that the value of (~~(such)~~) the abandoned junk vehicle is equivalent only to the value of the scrap metal (~~(therein; only)~~) in it.

An abandoned junk motor vehicle is subject to the provisions of RCW 46.52.1194 and section 4 of this act.

Any surplus moneys arising from the disposal of abandoned junk motor vehicle shall be deposited in the county general fund.

Sec. 7. Section 4, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.190 are each amended to read as follows:

(1) When a vehicle or hulk is impounded pursuant to RCW 46.61.565 or 46.52.180, the governmental agency at whose direction the impoundment was effected shall, within twenty-four hours after the impoundment, mail notification of the impoundment to the last registered owner and the legal owner of the vehicle as shown on the records of the department or as otherwise reasonably ascertainable. The notification shall contain a certificate of mailing and shall inform the registered and legal owners of the impoundment, redemption procedures, and opportunity for a hearing to contest the basis for the impoundment. The notice need not be mailed if the vehicle is redeemed prior to the mailing of the notice or if the registered owner and the legal owner are not reasonably ascertainable.

Upon impoundment of a vehicle pursuant to this section, the law enforcement officer shall also provide the registered disposer with the name and address of the last registered owner and legal owner of the vehicle as may be shown by the records of the department or as otherwise reasonably ascertainable.

(2) The notification provided for in this section shall inform the registered and legal owners that any hearing request shall be directed to the district court for the justice court district in which the vehicle was impounded and shall be accompanied by a form to be (~~(utilized)~~) used for the purpose of requesting a hearing. Any request for a hearing pursuant to this section shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the notification provided for in this section was mailed. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the registered and legal owners shall be liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3) If the registered or legal owner timely requests a hearing provided for by this section and prevails at the hearing, the unit of government under whose jurisdiction the impoundment was effected shall be liable for any towing, storage, or other impoundment charges permitted under this chapter.

(4) Removal and storage of a vehicle or hulk under RCW 46.52.170 through 46.52.190 or under RCW 46.61.565 shall be at the (~~(owner's)~~) registered and legal owners' expense, except as provided in RCW 46.52.104, 46.52.106, and subsection (3) of this section.

(5) The department may adopt rules providing that the owner's vehicle license will not be renewed or a new vehicle license issued to the owner unless any outstanding removal and storage charges are paid.

Sec. 8. Section 5, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.200 are each amended to read as follows:

When a vehicle or hulk is impounded pursuant to RCW 46.52.170 through 46.52.190 or 46.61.565 and the registered or legal owner has made a timely request for a hearing, the registered or legal owner may regain possession of the vehicle pending the outcome of the hearing by posting a sufficient ((cash)) bond to cover accrued impoundment, towing, and storage charges to be held in trust by the registered disposer ((or such other security as the department may by rule require)).

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

In line 1 of the title, after "vehicles;" strike "and"

In line 3 of the title, after "46.52.111" and before the period, insert "; amending section 1, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.118; amending section 4, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1194; amending section 5, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1196; amending section 2, chapter 111, Laws of 1971 ex. sess. as last amended by section 19, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.150; amending section 4, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.190; amending section 5, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.200; adding a new section to chapter 46.52 RCW; and declaring an emergency".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Peterson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3846.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3846, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Sellar - 1.

Excused: Senators Clarke, Hayner, Jones, von Reichbauer - 4.

ENGROSSED SENATE BILL NO. 3846, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3858 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 35.13.180, chapter 7, Laws of 1965 as amended by section 4, chapter 332, Laws of 1981 and RCW 35.13.180 are each amended to read as follows:

City and town councils of second and third class cities and towns may by a majority vote annex new territory outside the city or town limits, whether contiguous or noncontiguous for park, cemetery, or other municipal purposes when ((such territory is owned by the city or town)) all owners of the real property in the new territory give their written consent to the annexation.

NEW SECTION. Sec. 2. There is added to chapter 35.13 RCW a new section to read as follows:

All unincorporated areas that as of January 1, 1984, lie wholly within the boundaries of any city or town shall be incorporated into, and become part of, the city or town within whose boundaries the unincorporated area lies. Land which is owned by a county and used for the purposes of an agricultural fair under chapter 15.76 or 36.37 RCW or a county park, however, shall not be annexed without the consent of a majority of the members of the legislative authority of the county which owns the land. For purposes of this section, an unincorporated area which is completely bounded by both a state boundary or a body or bodies of navigable water and the particular city or town is considered to lie wholly within the boundaries of a city or town.

NEW SECTION. Sec. 3. There is added to chapter 35.13 RCW a new section to read as follows:

A city or town shall not annex territory under RCW 35.10.211, 35.10.217, 35.13.015, 35.13.020, or 35.13.130 if, after the proposed annexation has occurred, any closed plane figure of unincorporated area could be drawn that includes a portion of the boundary of the newly-annexed area so that eighty percent or more of the figure's perimeter is coterminous with any of the annexing city's or town's boundaries. A city or town may, however, annex territory that lies within a corridor of unincorporated territory which existed before the effective date of this act despite the fact that it creates a closed plane figure prohibited by this section if, after the proposed annexation has occurred, another closed plane figure cannot be drawn within the corridor so that a greater percentage of the perimeter is coterminous with the boundaries of the city or town than the perimeter of the original figure. In addition, a city or town shall not annex unincorporated territory if the annexation would result in an area of unincorporated territory being entirely surrounded by a body or bodies of water and the annexing city or town.

NEW SECTION. Sec. 4. There is added to chapter 35A.14 RCW a new section to read as follows:

All unincorporated areas that as of January 1, 1984, lie wholly within the boundaries of any code city shall be incorporated into, and become part of, the code city within whose boundaries the unincorporated area lies. Land which is owned by a county and used for the purposes of an agricultural fair under chapter 15.76 or 36.37 RCW or a county park, however, shall not be annexed without the consent of a majority of the members of the legislative authority of the county which owns the land. For purposes of this section, an unincorporated area which is completely bounded by both a state boundary or a body or bodies of navigable water and the particular code city is considered to lie wholly within the boundaries of a code city.

NEW SECTION. Sec. 5. There is added to chapter 35A.14 RCW a new section to read as follows:

A code city shall not annex territory under RCW 35A.14.015, 35A.14.020, or 35A.14.120 if, after the proposed annexation has occurred, any closed plane figure of unincorporated area could be drawn that includes a portion of the boundary of the newly-annexed area so that eighty percent or more of the figure's perimeter is coterminous with any of the annexing code city's boundaries. A code city may, however, annex territory that lies within a corridor of unincorporated territory which existed before the effective date of this act despite the fact that it creates a closed plane figure prohibited by this section if, after the proposed annexation has occurred, another closed plane figure cannot be drawn within the corridor so that a greater percentage of the perimeter is coterminous with the boundaries of the code city than the perimeter of the original figure. In addition, a code city shall not annex unincorporated territory if the annexation would result in an area of unincorporated territory being entirely surrounded by a body or bodies of water and the annexing code city.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, beginning on line 2 of the title, after "towns;" strike the remainder of the title and insert "amending section 35.13.180, chapter 7, Laws of 1965 as amended by section 4, chapter 332, Laws of 1981 and RCW 35.13.180; adding new sections to chapter 35.13 RCW; adding new sections to chapter 35A.14 RCW; and declaring an emergency."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Thompson moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 3858.

POINT OF ORDER

Senator Rasmussen: "Mr. President, a point of order. I wish to raise the point of scope and object on this amendment. The bill as originally passed, Mr. President, was an innocuous bill that provided that everybody that wanted to be annexed to the city would sign up and they could be annexed. This new amendment that is on here provided that unilaterally the city can take in any place that they want to. I would suggest, Senator Barr, that your bill has been changed completely over what your intention was at the time you sponsored it. I do raise scope and object. It is completely different with this amendment."

There being no objection, further consideration of Engrossed Senate Bill No. 3858 was deferred.

President Pro Tempore Goltz assumed the chair.

MESSAGE FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3880 with the following amendment:

On page 4, strike lines 7 through 12 and insert:

"(e) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days. Such accumulated time may be taken at any time during the school year or up to twelve days per year may be used for the purpose of payments for unused sick leave."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Gaspard, the Senate concurred in the House amendment to Substitute Senate Bill No. 3880.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3880, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 09; absent, 00; excused, 04.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogniild, Warnke, Williams, Wojahn, Woody, Zimmerman - 36.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Guess, Haley, McCaslin, Newhouse, Patterson - 9.

Excused: Senators Clarke, Hayner, Jones, von Reichbauer - 4.

SUBSTITUTE SENATE BILL NO. 3880, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 112 with the following amendment:

On page 1, beginning on line 6, strike all material down to and including "2005" on line 22 and insert ", section 10, of the Constitution of the state of Washington to read as follows:

Article VIII, section 10. Notwithstanding the provisions of sections 5 and 7 of this Article, until January 1, ~~((1998))~~ 2005 any county, city, town, quasi municipal corporation, municipal corporation, or political subdivision of the state which is engaged in the sale or distribution of energy may, as authorized by the legislature, use public moneys or credit derived from operating revenues from the sale of energy ~~((to assist the owners of residential structures in financing the acquisition and installation of materials and equipment for the conservation or more efficient use of energy in such structures)), or lend its credit financed by the issuance of debt instruments secured solely by revenues, to provide financing to individuals, associations, companies, or corporations to be used for the purposes of conserving energy. Except as provided in section 7 of this Article, an appropriate charge back to the recipient shall be made for such extension of public moneys or credit and the same ((shall)) may be a lien against the ((residential)) structure or equipment benefited, or against such other adequate security as specified by implementing legislation that the legislature is hereby authorized to enact.~~

Activities authorized by this section are deemed to be for a public purpose.

Except as to ~~((contracts entered into))~~ bonds and loans issued prior ~~((thereto, this amendment to the state Constitution shall be null and void as of January 1, 1998 and shall have no further force or effect after that date))~~ to January 1, 2005, this section shall expire on January 1, 2005.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Williams moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Joint Resolution No. 112.

POINT OF INQUIRY

Senator Metcalf: "Could someone answer this very specifically? I would like to know just exactly what the House amendment does. It says here, in the digest, that the original bill--the constitutional amendment--allows the state to provide financing for energy conservation and then, the House amendment says the state is excluded from lending its credit to the private sector for conservation purposes. Just exactly who is the one to whom we are lending the credit of the state?"

Senator Benitz: "Mr. President and members of the Senate. The House amendment deleted the 'state' from the constitutional amendment. Thus, the state may not lend its credit to the private sector for conservation purposes. Any county, town, city, quasi municipal corporation or municipal corporation may use public monies or credit to finance energy conservation projects. The word 'state' was taken out of it."

Senator Metcalf: "Continuing then, why do we need a constitutional amendment, if the state is not going to lend its credit? The constitutional amendment says, specifically, that the 'state' may not lend its credit, does it not? Why do we need a constitutional amendment if the state is excluded from lending its credit? That's what the Constitution presently does."

Senator Benitz: "The others are subdivisions of the state and, therefore, we do have to have a change in the Constitution, if they are allowed to do so--the various ones I read to you."

FURTHER POINT OF INQUIRY

Senator Metcalf: "I would like to ask another question. Have we ever had a case before where the political subdivisions are lending the credit--lending their credit--separate than the credit of the state? Have we made that distinction before or is this a whole new area where we are opening the door where we can later drive a truck through? What are we doing here?"

Senator Williams: "Senator Metcalf, approximately three years ago--I believe it was--we passed a constitutional amendment just like this for those subdivisions of state government to make conservation loans to the owners of residences--private owners of residences. This, now, simply expands that to allow for the making of those kinds of loans to commercial and industrial owners. The prior constitutional amendment limited that to just the subdivision of state government, but did include state, so we did do it several years ago, when the citizens of this state adopted that constitutional amendment."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Williams that the Senate do concur in the House amendment to Engrossed Substitute Senate Joint Resolution No. 112.

The motion by Senator Williams carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Joint Resolution No. 112.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Mr. President, perhaps Senator Quigg would like to answer. He mentioned, in his arguments in favor of this, that the state had loaned its credit to build thermal power plants. Now, we had better be specific with all the talk about WPPSS. What thermal power plants have we loaned state credit to build? Is that the coal-powered plant down there in Centralia?"

Senator Quigg: "Senator Metcalf, the joint operating agency, of course, is the pass-through for the participants and a lot of those participants are public utility districts and they have put the credit of those utility districts up as revenue--not only as revenue--but to a certain extent some property taxing authority as well. It has been a tremendous burden for the ratepayers and, potentially to a much lesser extent, even taxpayers.

"That is something that has come about as we have tried to build our way out of the energy dilemma in which we found ourselves. I think we have seen that is not necessarily the most effective way to handle the problem. This constitutional limit simply puts into policy the realization that maybe conserving energy might be

the better way to go at this stage of the game and allows the lending of the credit of these junior taxing districts for that purpose."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Joint Resolution No. 112.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Joint Resolution No. 112, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 34; nays, 14; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody, Zimmerman - 34.

Voting nay: Senators Barr, Clarke, Craswell, Guess, Hansen, Hurley, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Sellar, Vognild - 14.

Excused: Senator von Reichbauer - 1.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 112, as amended by the House, having received the constitutional two-thirds majority, was declared passed.

MESSAGE FROM THE HOUSE

April 20, 1983

Mr. President:

The House has passed SENATE BILL NO. 4082 with the following amendments:

On page 1, line 9 strike "justice of the peace of the justice court" and insert "~~((justice of the peace of the justice court))~~ judge of courts of limited jurisdictions"

On page 1, line 11 after "reduced" insert "by up to".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Granlund, the Senate concurred in the House amendments to Senate Bill No. 4082.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4082, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Pullen, Rasmussen - 2.

Absent: Senator Woody - 1.

Excused: Senator von Reichbauer - 1.

SENATE BILL NO. 4082, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 1983

Mr. President:

The House has passed SENATE BILL NO. 4088 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The following acts or parts of acts are each repealed:

(1) Section 27, chapter 99, Laws of 1979 and RCW 43.131.201;

(2) Section 69, chapter 99, Laws of 1979 and RCW 43.131.202.

NEW SECTION, Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "Relating to the archaeological research center;" strike all material down through and including "date;" on line 4 and insert "repealing section 27, chapter 99, Laws of 1979 and RCW 43.131.201; repealing section 69, chapter 99, Laws of 1979 and RCW 43.131.202;"

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate concurred in the House amendments to to Senate Bill No. 4088.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4088, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Woody - 1.

Excused: Senator von Reichbauer - 1.

SENATE BILL NO. 4088, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4103 with the following amendment:

On page 3, line 15 after "that" strike "direct contact hours" and insert "compliance with the direct contact hour requirement".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate concurred in the House amendment to Engrossed Senate Bill No. 4103.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4103, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Pullen, Woody - 2.

Excused: Senator von Reichbauer - 1.

ENGROSSED SENATE BILL NO. 4103, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4112 with the following amendments:

On page 6, following line 8 insert a new section 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 4 of the title after "RCW 46.44.030;" strike "and"

On page 1, line 6 of the title after "RCW 46.44.0941" insert "; and declaring an emergency".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 4112.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4112, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators McDermott, Woody - 2.

Excused: Senator von Reichbauer - 1.

ENGROSSED SENATE BILL NO. 4112, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4153 with the following amendments:

Strike everything after the enacting clause, and insert the following:

"Sec. 1. Section 1, chapter 269, Laws of 1969 ex. sess. as amended by section 20, chapter 37, Laws of 1982 1st ex. sess. and RCW 41.04.005 are each amended to read as follows:

As used in RCW 41.04.005, 41.04.010, 41.16.220, and 41.20.050 "veteran" includes every person, who at the time he seeks the benefits of RCW 28B.40.361, 41.04.005, 41.04.010, 41.16.220, and 41.20.050(;;): (1) Has served in any branch of the armed forces of the United States between World War I and World War II or during(:

(h)) any period of war ((and such)); and (2) has received an honorable discharge or received a discharge for physical reasons with an honorable record. A "period of war" ((shall)) includes World War I, World War II, the Korean conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. The ((said)) "Viet Nam era" ((shall)) means the period beginning August 5, 1964, and ending on ((such date as shall thereafter be determined by presidential proclamation or concurrent resolution of the congress; and in addition to this subsection, who, upon termination of said service has

(2) Received an honorable discharge; or

(3) Received a discharge for physical reasons with an honorable record; or

(4) Been released from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given)) May 7, 1975.

Sec. 2. Section 1, chapter 178, Laws of 1949 as last amended by section 1, chapter 115, Laws of 1982 and RCW 73.04.110 are each amended to read as follows:

Any person who is a veteran as defined in RCW 41.04.005(;- as now or hereafter amended;) who submits to the ((director)) department of licensing satisfactory proof ((that he or she has)) of a service-connected disability rating from the veterans administration ((or any branch of the armed forces of the United States)) and:

(1) Has ((the loss of or the loss of)) lost the use of both ((arms)) hands or ((legs or one arm and one leg or a loss or use of one arm or one leg that precludes locomotion without the use of or aid of braces, crutches, canes, a wheelchair, or a permanent prosthesis for the rated disability; he or she)) one foot;

(2) Was captured and incarcerated for more than twenty-nine days by an enemy of the United States during a period of ((conflict)) war with the United States; ((he or she))

(3) Has become blind in both eyes as the result of military service; or ((he or she))

(4) Is rated by the veterans administration ((as totally and permanently disabled due to service-connected conditions, shall be)) and is receiving service-connected compensation at the one hundred percent rate that is expected to exist for more than one year; is entitled to ((have issued to him or her by the director of licensing general license plates)) regular or special license plates ((with)) issued by the department of licensing. The special license plates shall bear distinguishing marks, letters, or numerals indicating that the motor

vehicle is owned by a disabled veteran or ~~((distinguishing marks, letters, or numerals indicating that the motor vehicle is owned by a))~~ former prisoner of war. This license shall be issued annually for one ~~((vehicle for))~~ personal use vehicle without ~~((the))~~ payment of any license fees or excise tax thereon. Whenever any person who has been issued license plates under the provisions of this section applies to the department for transfer of ~~((such))~~ the plates to a subsequently acquired motor vehicle, a transfer fee of five dollars shall be charged in addition to all other appropriate fees. The department may periodically verify the one hundred percent rate as provided in subsection (4) of this section.

Any person who has been issued free motor vehicle license plates under this section prior to ~~((March 31, 1982))~~ July 1, 1983, shall continue to be eligible for the annual free license plates.

For the purposes of this section, "blind" ~~((shall))~~ means ~~((that))~~ the definition of "blind" ~~((utilized))~~ used by the state of Washington in determining eligibility for financial assistance to the blind under Title 74 RCW.

Any unauthorized use of a special plate is a gross misdemeanor.

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 July 1, 1983."

In line 3 of the title, after "41.04.005;" strike "and"

In line 5 of the title, after "73.04.110" and before the period, insert "; declaring an emergency; and providing an effective date".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 4153.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4153, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Patterson - 1.

Absent: Senators Fleming, Guess - 2.

Excused: Senator von Reichbauer - 1.

ENGROSSED SENATE BILL NO. 4153, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4226 with the following amendment:

On page 2, line 23 after "and" strike "to administer" and insert " regarding the administration of".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Hansen, the Senate concurred in the House amendment to Substitute Senate Bill No. 4226.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4226, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf,

Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.
Excused: Senator von Reichbauer - 1.

SUBSTITUTE SENATE BILL NO. 4226, 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.

President Cherberg assumed the chair.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed Senate Bill No. 3858 and the pending motion by Senator Thompson to concur in the House amendments, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Engrossed Senate Bill No. 3858 is a measure of limited scope which allows certain cities to annex property outside their boundaries for municipal purposes if all of the owners of the property give their written consent to the annexation.

"The amendments proposed by the House of Representatives provide that unincorporated areas in cities which are within the boundaries of the city are incorporated as of January 1, 1984, without the consent of the property owners. Also, the amendments provide that cities may not annex property in the future if it would result in an unincorporated area being surrounded by the city.

"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 House amendments were ruled out of order.

MOTIONS

On motion of Senator Thompson, and there being no objection, the motion was withdrawn.

On motion of Senator Thompson, the Senate asked the House to recede from the amendments to Engrossed Senate Bill No. 3858.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3026 with the following amendments:

On page 1, line 11 after "safety," insert "For the purposes of this section hazardous cargo shall mean hazardous materials as defined in RCW 70.136.020(1)."

On page 1, following line 12 insert:

"NEW SECTION. Sec. 2. There is added to chapter 47.01 RCW a new section to read as follows:

The department of transportation shall adopt regulations to establish procedures for giving notice to transporters of placarded radioactive or hazardous cargo of times when transportation of such cargo is prohibited."

Renumber the remaining sections consecutively.

On page 1, line 2 following "RCW;" insert "adding a new section to chapter 47.01 RCW";

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Williams moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3026.

POINT OF INQUIRY

Senator Williams: "Senator Hurley, will you explain what procedure the Department of Transportation will follow to carry out the intent of this act as now amended?"

Senator Hurley: "Senator Williams, as now amended by the House, the Department of Transportation must notify the trucking association and the railroad companies of the authority the state patrol will now have to control the transportation of any placarded hazardous materials when dangerous conditions exist, and when transportation of such cargo is prohibited."

The President declared the question before the Senate to be the motion by Senator Williams that the Senate concur in the House amendments to Substitute Senate Bill No. 3026.

The motion by Senator Williams carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 3026.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3026, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 08; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Clarke, Conner, Fleming, Gaspard, Goltz, Granlund, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 38.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Fuller, Guess, Hansen, Quigg - 8.

Absent: Senators Bottiger, Deccio - 2.

Excused: Senator von Reichbauer - 1.

SUBSTITUTE SENATE BILL NO. 3026, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3068 with the following amendments:

On page 1, line 15 after "food" insert "free of charge"

On page 1, line 28 after "RCW" insert " , ,

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Substitute Senate Bill No. 3068.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3068, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator von Reichbauer - 1.

SUBSTITUTE SENATE BILL NO. 3068, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3101 with the following amendments:

On page 5, line 30, after "~~which issued~~:" insert "(a) At the time of the original issuance of a class H license, the board shall prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required.

(b)*

On page 7, line 18 after "therewith," insert "No liquor license may be issued or reissued by the board to any motor sports facility or licensee operating within the motor sports facility unless the motor sports facility enforces a program reasonably calculated to prevent alcohol or alcoholic beverages not purchased within the facility from entering the facility and such program is approved by local law enforcement agencies."

On page 7, line 18, after "therewith," insert "It is the intent under this subsection that a retail license shall not be issued by the board where doing so would, in the judgment of the board, adversely affect a private school meeting the requirements for private schools under Title 28A RCW, which school is within five hundred feet of the proposed licensee. The board shall fully consider and give substantial weight to objections filed by private schools. If a license is issued despite the proximity of a private school, the board shall state in a letter addressed to the private school the board's reasons for issuing the license."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Vognild, the Senate concurred in the House amendment to page 5, line 30, to Engrossed Substitute Senate Bill No. 3101.

Senator Vognild moved that the Senate concur in the first House amendment to page 7, line 18, to Engrossed Substitute Senate Bill No. 3101.

POINT OF ORDER

Senator Rasmussen: "A point of order, Mr. President. I would raise the question of scope and object on the amendment. The original bill was the Liquor Board's omnibus bill and this certainly enlarges the intent of the original bill. I think it should be ruled out on basis of scope."

Further debate ensued.

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, with your permission, we will proceed and then come back to the point of order."

MOTION

On motion of Senator Vognild, the Senate concurred in the second House amendment to page 7, line 18, to Engrossed Substitute Senate Bill No. 3101.

There being no objection, further consideration of Engrossed Substitute Senate Bill No. 3101 was deferred.

President Pro Tempore Goltz assumed the chair.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed SENATE BILL NO. 3393 with the following amendment:

On page 2, following line 28 insert: "So long as a member of the judiciary of the state of Washington is available for judicial work at such times and under such conditions as may be set forth by local rules and custom that member may serve as an active member of the national guard or air national guard."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Senate Bill No. 3393.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3393, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 04; excused, 01.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse,

Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Bauer, Hayner, Patterson, Warnke - 4.

Excused: Senator von Reichbauer - 1.

SENATE BILL NO. 3393, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3433 with the following amendments:

On page 10, after line 22, insert the following:

"(9) At no time shall the total outstanding bonded indebtedness of the authority exceed five hundred million dollars."

On page 13, after line 3, insert the following:

"NEW SECTION, Sec. 12. The authority shall adopt rules to assure that the "prevailing rate of wage," as defined in RCW 39.12.010, is paid on any construction financed under this chapter."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 13, after line 3, insert the following:

"NEW SECTION, Sec. 12. (1) The authority shall adopt written policies to provide for the selection of bond counsel. The policies shall provide for the creation and maintenance of a roster of attorneys whom the authority believes possess the requisite special expertise and professional standing to provide bond counsel opinions which would be accepted by the underwriters, bondholders and other members of the financial community, and which would be in furtherance of the public interest in obtaining the lowest possible interest rates on the bonds issued by the authority. Any attorney may apply to have his or her name placed on the roster, but may not be placed on the roster unless the attorney demonstrates to the authority's satisfaction that the attorney would issue the kind of opinions required by this section.

(2) Prior to selecting an attorney or attorneys to provide bond counsel services, the authority shall provide all attorneys on the roster with a notice of its intentions to select bond counsel and shall invite each of them to submit to the authority his or her fee schedule for providing bond counsel services. The authority shall have wide discretion in selecting the attorney or attorneys it considers to be most appropriate to provide the services, but in the exercise of this discretion the authority shall consider all submitted fee schedules and the public interest in achieving issuance of bonds on terms most favorable to the authority. At least once every two calendar years, the authority shall select anew an attorney or attorneys to serve as bond counsel. However, the authority may retain an attorney for longer than two years when necessary to complete work on a particular bond issue. An attorney previously retained may be selected again but only after the authority has provided other attorneys on the roster with an opportunity to be selected and has made the fee schedule review required under this subsection. As an alternative to retaining counsel for a period of time, the authority may appoint an attorney to serve as counsel in respect to only a particular bond issue or issues."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 13, after line 3, insert the following:

"NEW SECTION, Sec. 12. (1) The authority shall adopt written policies to provide for the selection of underwriters. The policies shall provide for the creation of a roster of underwriters who the authority believes possess the requisite special expertise and professional standing to provide bond marketing services which would be accepted by bondholders and other members of the financial community, and which would be in furtherance of the public interest in marketing the authority's bonds at the lowest possible costs. Any underwriter may apply to have its name placed on the roster, but may not be placed on the roster unless it demonstrates to the authority's satisfaction that it meets the requirements of this section.

(2) Whenever the authority decides that it needs the services of an underwriter, it shall provide all underwriters on the roster with a notice of its intentions and shall invite each of them to submit to the authority an itemization of its fees and other charges for providing underwriting services on the issue. The itemization shall be by categories designed by the authority. The authority shall have wide discretion in selecting the underwriter it considers to be most appropriate to provide the services, but in the exercise of this discretion the authority shall consider the underwriter's fees and other charges and the public interest in achieving issuance of bonds on terms most favorable to the authority. The authority may adopt rules setting forth conditions under which an institution of higher education may be permitted to exercise the notice and selection procedures set forth in this subsection. These rules shall require the

institution to comply with the provisions of this subsection as if it were the authority and to obtain the authority's prior approval of the selection of an underwriter."

Remember the remaining sections consecutively and correct any internal references accordingly..

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Moore, the Senate refused to concur in the House amendments to Substitute Senate Bill No. 3433 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3434 with the following amendments:

On page 12, line 15 after "winnings" insert ", taxes, license fees."

On page 12, line 25 following "organization" strike "; and" and insert "~~((and))~~ (d) such event shall not be held on the premises of a licensee, as defined in RCW 66.20.160, more than four calendar days per calendar month; and (e)"

On page 17, line 20 after "subsection" insert ": PROVIDED FURTHER, That a voluntary contribution to defray club expenses averaging no more than one dollar per player per hour may be made by the players in a social dice game with a record of such contributions to be maintained by the organization for a period of three years"

On page 18, line 32 after "organization" and before "as" insert ", which does not discriminate in full membership on the basis of sex and race, and".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Vognild, the Senate concurred in the House amendments to page 12, line 15; to page 12, line 25; and to page 17, line 25; to Substitute Senate Bill No. 3434.

Senator Vognild moved that the Senate do concur in the House amendments to page 18, line 32, to Substitute Senate Bill No. 3434.

POINT OF INQUIRY

Senator Pullen: "Senator Vognild, would this mean organizations like the Elks, which as I understand it, is a male-only organization, from holding some of these gambling activities?"

Senator Vognild: "Senator Pullen, I can only answer that in my opinion. That is something the courts haven't really decided upon. In discussing this amendment with the proponents of the bill--that is the club representatives--they indicated they would just as soon have it accepted and go with the bill, although they do believe it will probably affect clubs like the Elks. It will very possibly affect some religious clubs that are formed and are part of a church, but the impact will be relatively small and if it proves to be a problem, I presume they will come back and tell us later. I guess it is difficult to argue against anti-discrimination."

POINT OF ORDER

Senator Pullen: Mr. President, a point of order. I challenge the amendment on scope and object."

Debate ensued.

There being no objection, further consideration of Substitute Senate Bill No. 3434 was deferred.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3490 with the following amendments:

On page 3, after line 17, insert the following:

NEW SECTION, Sec. 5. There is added to chapter 70.05 RCW a new section to read as follows:

Each city or town which is part of a county health department established under chapter 70.05 RCW or a combined city-county health department established under chapter 70.08 RCW, or is purchasing health services from a health department under a contract authorized by RCW 70.05.150 or 70.08.090, shall pay such sums to support the operations of such department as are agreed upon by the city or town and the jurisdiction operating the department, in accordance with guidelines established by the department of social and health services in consultation with the state board of health which specify those services or types of services that cities, towns, and counties must provide, and those services which are optional. If no agreement can be reached between the jurisdiction operating the health department and such city or town following a reasonable period of good faith negotiations, including mediation where appropriate, the matter shall be resolved by a board of arbitrators which shall be convened at the request of either party. The board of arbitrators shall consist of a representative of the jurisdiction operating the health department, a representative from the city or town involved, and a third representative appointed by the other two representatives. If no agreement can be reached regarding the third representative, the third representative shall be appointed by a judge of the superior court of the county of the jurisdiction operating the department. The determination by the board of arbitrators of the amount to be paid by the city or town shall be binding on all parties. The cost, if any, of the representative appointed by each party shall be borne by that party. The cost, if any, of the third representative shall be shared equally by both parties.

NEW SECTION, Sec. 6. There is added to chapter 70.05 RCW a new section to read as follows:

All expenses incurred by the state or county in carrying out the provisions of chapters 70.05 and 70.08 RCW, any other public health law, or the rules enacted under such laws by the state department of social and health services or the state board of health shall be paid by the city or town by which or on whose behalf such expenses were incurred. The local health officer shall certify the amount agreed upon or determined by arbitration under section 5 of this act which remains unpaid by each city or town to the fiscal or warrant issuing officer of such city or town.

If the certified expense is not paid by the city or town within thirty days after the end of the fiscal year, the local health officer shall certify the amount due to the auditor of the county in which the city or town is situated, who shall promptly issue a warrant on the county treasurer payable out of the current expense fund of the county, or in accordance with the procedures of the fiscal agent of the combined city-county health department. Any sums paid in this manner shall be reimbursed by the county auditor out of the money due the city or town at the next monthly settlement or settlements of the collection of taxes and until the certified amount is satisfied and shall be transferred to the county's current expense fund or to the fiscal agent of the combined city-county health department."

On page 1, line 6 of the title, after "70.05.053," strike "and"

On page 1, line 8 of the title, after "70.05.080" insert "; and adding new sections to chapter 70.05 RCW".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

Senator Fleming moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3490.

POINT OF ORDER

Senator Zimmerman: "A point of order, Mr. President. I challenge this amendment on the scope and object. I think it goes beyond the intent of the bill and, secondly, I see it as a local problem in King County--and between King County and Seattle. I think, perhaps, it is something we shouldn't be dealing with down here at this point."

There being no objection, further consideration of Substitute Senate Bill No. 3490 was deferred.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3520 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. There is added to chapter 29.10 RCW a new section to read as follows:

Challenges of voter registration filed within thirty days of any primary or election, general or special, shall be administered wholly under sections 2 and 3 of this act.

NEW SECTION. Sec. 2. There is added to chapter 29.10 RCW a new section to read as follows:

Registration of a person as a voter is presumptive evidence of his or her right to vote at any primary or election, general or special, but a person's right to vote may be challenged at the polls by a precinct election officer and he or she may be required then and there to establish his or her right to vote. Each precinct election officer shall challenge a person offering to vote when the officer knows or suspects the person to be unqualified as a voter.

Challenges may be initiated by a registered voter subject to the following conditions:

(1) Challenges on grounds other than residence may be made at the polls and the person challenged may be required then and there to establish his or her right to vote to the precinct election officers:

(2) Challenges on the grounds of residence alone must be filed not later than seven days before any primary or election, general or special, at the office of the appropriate county auditor. A challenged voter may properly transfer or reregister until three days before the primary or election, general or special, by applying personally to the county auditor.

NEW SECTION. Sec. 3. There is added to chapter 29.10 RCW a new section to read as follows:

When the right of a person has been challenged under section 2 of this act, the officers conducting the election at the polling place shall require the challenged person to vote a ballot which shall be placed in a sealed envelope separate from other voted ballots. In precincts where voting machines are used, any person whose right to vote is challenged under section 2 of this act shall be furnished with a paper ballot, which shall be placed in a sealed envelope after being marked. The sealed ballots of challenged voters shall be transmitted at the close of the election to the canvassing board or other authority charged by law with canvassing the returns of the particular primary or election. The challenging party must prove to the canvassing board or authority by clear and convincing evidence that the challenged voter's registration is improper. If the challenging party fails to meet this burden, the challenged ballot shall be accepted as valid and counted. The canvassing board or authority shall give the challenged voter the opportunity to present testimony and evidence to the canvassing board or authority before making its determination. All challenged ballots must be determined no later than the time of canvassing for the particular primary or election. The decision of the canvassing board or other authority charged by law with canvassing the returns shall be final. Challenges of absentee ballots shall be determined according to RCW 29.36.100.

Sec. 4. Section 2, chapter 156, Laws of 1965 ex. sess. as amended by section 2, chapter 225, Laws of 1967 and RCW 29.10.130 are each amended to read as follows:

Any (~~precinct committeeman, precinct election officer or registration officer~~) registered voter may (~~sign a preliminary~~) request that the registration of another voter be canceled if that voter no longer maintains a legal voting residence at the address shown on his or her registration record. The challenger shall sign a form, subject to the penalties of perjury, to the effect that to his or her personal knowledge and belief another registered voter does not actually reside (and maintain his abode) at the address as given on his or her registration record and that the voter in question is not protected by the provisions of Article VI, section 4, of the Constitution of the state of Washington (PROVIDED, That (1) a precinct committeeman or precinct election officer may only challenge the residence of a voter registered in the precinct wherein such precinct committeeman or precinct election officer serves and (2)). The person filing (~~such~~) the challenge must furnish the address at which the challenged voter actually resides in order to assure that proper notice will be received by the challenged voter.

Sec. 5. Section 3, chapter 156, Laws of 1965 ex. sess. as last amended by section 34, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.140 are each amended to read as follows:

All (~~such signed forms~~) challenges of voter registration under RCW 29.10.130 shall be delivered to the appropriate county auditor who shall (~~cancel the registration records of the voters concerned on the thirtieth day following date of mailing or as soon thereafter as is practicable. PROVIDED, That~~) send, by certified mail, a notice of intent to cancel the registration on account of a (claimed change) challenge of residence (shall be mailed by certified mail) to that address at which the challenged voter (actually resides in order to assure that proper notice will be received by the challenged voter) is alleged to reside and to the address of the challenged voter listed on the registration record.

Any voter (~~:~~) whose registration has been so (~~questioned~~) challenged and who believes that the allegation is not true (~~:~~) shall, within twenty days of such mailing (~~or publication~~), file a written (~~protest~~) response with the county auditor. The county auditor shall immediately (~~notify~~) request, by certified mail, the challenger and the challenged voter to appear at a meeting to be held within ten days of the mailing of the request at a place, day, and hour (certain) to be stated in the (notice) request, for determination of the validity of such registration (PROVIDED, That should), if the challenged voter (~~be~~) is unable to appear in person,

he or she may file a reply by means of an affidavit stating ~~((therein))~~ under oath the reasons he or she believes ~~((his))~~ the registration to be valid, and ~~((should))~~ if the challenger ~~((be))~~ is unable to appear in person he or she may file a statement by means of affidavit stating the reasons he or she believes the registration to be invalid.

~~((The hearing shall take place at the time and place designated by the county auditor in the event))~~. If both the challenger and the challenged voter file affidavits instead of appearing in person, an evaluation of ~~((such))~~ the affidavits by the county auditor ~~((shall))~~ constitutes a hearing for the purposes of this section.

The county auditor shall hold a hearing at which time both parties shall present their facts and arguments. After reviewing the facts and arguments, the county auditor shall rule as to the validity or invalidity of the challenge. His or her ruling ~~((shall be))~~ is final subject only to a petition for judicial review by the superior court under ~~((the provisions of))~~ chapter 34.04 RCW ~~((as it is now or hereafter amended))~~. If the challenger fails to appear at the meeting or fails to file an affidavit, the registration in question may remain in full effect as determined by the county auditor. If the challenged voter fails to appear at the meeting or fails to file an affidavit and after reviewing the facts the county auditor finds the challenge valid, then the registration shall be canceled and the voter so notified.

Sec. 6. Section 29.65.010, chapter 9, Laws of 1965 as amended by section 101, chapter 361, Laws of 1977 ex. sess. and RCW 29.65.010 are each amended to read as follows:

Any registered voter may contest the right of any person declared elected to an office to be issued a certificate of election for any of the following causes:

(1) For ~~((malconduct))~~ misconduct on the part of any member of any precinct election board involved therein;

(2) Because the person whose right is being contested was not at the time he was declared elected eligible to that office;

(3) Because the person whose right is being contested was previous to the election convicted of a felony by a court of competent jurisdiction, his conviction not having been reversed nor his civil rights restored after the conviction;

(4) Because the person whose right is being contested gave a bribe or reward to a voter or to an inspector or judge of election for the purpose of procuring his election, or offered to do so;

(5) On account of illegal votes.

(a) Illegal votes include but are not limited to the following:

(i) More than one vote cast by a single voter;

(ii) A vote cast by a person disqualified under Article VI, section 3 of the state Constitution.

(b) Illegal votes do not include votes cast by improperly registered voters who were not properly challenged pursuant to sections 2 and 3 of this act.

All election contests shall proceed under RCW 29.04.030 ~~((as now or hereafter amended))~~.

NEW SECTION. Sec. 7. There is added to chapter 29.81 RCW a new section to read as follows:

(1) No individual, candidate, or political committee may publish or distribute any campaign material that is similar in design or appearance to a voters' pamphlet or candidates' pamphlet published by the secretary of state during the last ten years pursuant to chapter 29.81 or 29.80 RCW.

(2) The secretary of state may recover damages from any individual, candidate, or political committee found by a superior court to have violated the provision of this section. The damages shall not exceed one hundred dollars for each copy of any similar material published or distributed. Any damages recovered under this section shall be transmitted to the state treasurer for deposit in the general fund.

Sec. 8. Section 29.27.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 4, Laws of 1977 and RCW 29.27.060 are each amended to read as follows:

When a proposed constitution or constitutional amendment or other question is to be submitted to the people of the state for state-wide popular vote, the attorney general shall prepare a concise statement posed as a question and not exceeding twenty words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon.

Questions to be submitted to the people of a county or municipality shall also be advertised as provided for nominees for office, and in such cases there shall also be printed on the ballot a concise statement posed as a question and not exceeding ~~((twenty words or))~~ seventy-five words ~~((in the case of a school district tax proposition))~~ containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon, which statement shall be prepared by the city attorney for the city, and by the prosecuting attorney for the county or any other political subdivision of the state, other than cities, situated in the county.

~~((Such))~~ The concise statement ~~((shall))~~ constitutes the ballot title. The secretary of state shall certify to the county auditors the ballot title for a proposed constitution, constitutional amendment, or other state-wide question at the same time and in the same manner as the ballot titles to initiatives and referendums.

Sec. 9. Section 29.36.010, chapter 9, Laws of 1965 as last amended by section 76, chapter 361, Laws of 1977 ex. sess. and RCW 29.36.010 are each amended to read as follows:

~~((In addition to those persons authorized under section 19 of this 1977 amendatory act.))~~

Any duly registered voter may vote an absentee ballot for any primary or election in the manner provided in this chapter.

A voter desiring to cast an absentee ballot must apply in writing to his county auditor no earlier than forty-five days nor later than the day prior to any election or primary: PROVIDED, That an application honored for a primary ballot shall also be honored as an application for a ballot for the following election if the voter so indicates on his application: PROVIDED FURTHER, That a voter admitted to a hospital no earlier than three days before a primary or election and confined to the hospital on election day may apply by messenger for an absentee ballot on the day of the primary or election if a signed statement from the hospital administrator, or designee, verifying the voter's date of admission and status as a patient in the hospital on the day of the primary or election is attached to the absentee ballot application.

Such applications must contain the voter's signature and may be made in person or by mail or messenger: PROVIDED, That no application for an absentee ballot shall be approved unless the voter's signature upon the application compares favorably with the voter's signature upon his permanent registration record.

Sec. 10. Section 29.36.035, chapter 9, Laws of 1965 and RCW 29.36.035 are each amended to read as follows:

The delivery of an absentee ballot for any primary or election shall be subject to the following qualifications:

(1) Only the voter, himself, or a member of his family may pick up an absentee ballot at the office of the issuing officer: PROVIDED, That this subsection does not apply to voters hospitalized on election day who apply by messenger in accordance with RCW 29.36.010 for an absentee ballot on the day of the primary or election.

(2) Except as noted in subsection (1) above, the issuing officer shall mail the absentee ballot directly to each applicant.

(3) No absentee ballot shall be issued on the day of the primary or election concerned, except as provided by RCW 29.36.010, for a voter confined to a hospital on the day of a primary or election.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) Section 29.59.010, chapter 9, Laws of 1965, section 1, chapter 225, Laws of 1967 and RCW 29.59.010;

(2) Section 29.59.020, chapter 9, Laws of 1965 and RCW 29.59.020;

(3) Section 29.59.030, chapter 9, Laws of 1965 and RCW 29.59.030;

(4) Section 29.59.040, chapter 9, Laws of 1965, section 29, chapter 109, Laws of 1967 ex. sess. and RCW 29.59.040; and

(5) Section 29.59.060, chapter 9, Laws of 1965 and RCW 29.59.060."

In line 7 of the title, after "29.10 RCW;" insert "adding a new section to chapter 29.81 RCW; amending section 29.27.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 4, Laws of 1977 and RCW 29.27.060; amending section 29.36.010, chapter 9, Laws of 1965 as last amended by section 76, chapter 361, Laws of 1977 ex. sess. and RCW 29.36.010; amending section 29.36.035, chapter 9, Laws of 1965 and RCW 29.36.035;".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Thompson moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3520.

POINT OF INQUIRY

Senator Newhouse: "It appears to me, Senator Thompson, that you left out the most important--in my mind--and that is the third amendment, section 9, changes the law, so that any registered voter may vote absentee and removes any requirements for an absentee ballot. Is that correct?"

Senator Thompson: "Not according to my understanding or information. I don't believe it is true."

POINT OF ORDER

Senator Pullen: "Mr. President, a point of order. This amendment clearly expands the scope and object. I would ask the President to so rule. I don't think there is any doubt about this one. In looking through it, there are whole bills and whole subject matters that have been added to this particular bill. It clearly is beyond the scope and object of the bill."

There being no objection, further consideration of Substitute Senate Bill No. 3520 was deferred.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3630 with the following amendment:

On page 1, line 18 after "acres" insert "or more".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Hansen, the Senate concurred in the House amendment to Substitute Senate Bill No. 3630.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3630, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 01; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Voting nay: Senator Haley - 1.

Excused: Senator von Reichbauer - 1.

SUBSTITUTE SENATE BILL NO. 3630, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3674 with the following amendments:

On page 3, line 12, after "act." insert "The department of ecology is also authorized to participate in any future federal program established under the federal Safe Drinking Water Act which provides matching funding for planning and implementation of a sole source aquifer protection program."

On page 3, beginning on line 23, strike all of new section 5.

Renumber the remaining section accordingly..

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Hughes, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3674.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3674, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 03; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Barr, Clarke, Deccio - 3.

Absent: Senators Peterson, Woody - 2.

Excused: Senator von Reichbauer - 1.

ENGROSSED SENATE BILL NO. 3674, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed SENATE BILL NO. 3857 with the following amendment:

On page 2, line 2 after "(d)" insert "Motor vehicles fueled exclusively by propane, compressed natural gas, liquid petroleum gas, or other gaseous fuels, unless it is determined that federal sanctions will be imposed as a result of this exemption."

Renumber the remaining subsections consecutively.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Vognild, Senator Woody was excused.

On motion of Senator Talmadge, the Senate concurred in the House amendment to Senate Bill No. 3857.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3857, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Bluechel - 1.

Absent: Senator Peterson - 1.

Excused: Senators von Reichbauer, Woody - 2.

SENATE BILL NO. 3857, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 1983

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 289 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Talmadge moved that the rules be suspended and the Senate reconsider the vote by which Engrossed Substitute House Bill No. 289, as amended by the Senate, passed the Senate.

POINT OF INQUIRY

Senator Guess: "Senator Talmadge, did that bill pass the Senate today?"

Senator Talmadge: "No, Senator."

Senator Guess: "I thought you had to have consideration on the same day."

Senator Talmadge: "Mr. President, if I might explain my motion. This is the bill that relates to DWI. The House has not concurred in the Senate amendments to the bill, but they would like to have us add two small sections to the bill. The striking amendment that is on your desk is exactly the same measure as passed the Senate with two small changes that will make the bill acceptable to the House, and so we are going through this procedure to get a new striking amendment to the bill and send it back over to the House in order to get the DWI issue taken care of."

Debate ensued.

There being no objection, Senator Guess withdrew his objection.

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Talmadge that the rules be suspended and that the Senate reconsider the vote by which Engrossed Substitute House Bill No. 289, as amended by the Senate, passed the Senate.

The motion by Senator Talmadge carried, having received the necessary two-thirds vote, and the Senate resumed consideration of Engrossed Substitute House Bill No. 289, as amended by the Senate.

MOTIONS

On motion of Senator Talmadge, the rules were suspended and Engrossed Substitute House Bill No. 289, as amended by the Senate, was returned to second reading for purpose of an amendment.

On motion of Senator Talmadge, the rules were suspended and the Senate reconsidered the vote by which the Senate Judiciary Committee amendment to Engrossed Substitute House Bill No. 289 was adopted.

MOTION

Senator Talmadge moved adoption of the following amendment by Senators Talmadge, Peterson and Hemstad to the Senate Committee on Judiciary Amendment to Engrossed Substitute House Bill No. 289:

Beginning on page 1, line 1, of the Senate Committee Amendment, strike the entire amendment, and insert the following:

*Strike everything after the enacting clause, and insert the following:

*Sec. 1. Section 11, chapter 260, Laws of 1981 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~~) is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her 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)) The officer shall inform the person of his or her right to refuse the test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test. The officer shall warn the driver that his refusal to take the test may be used against him in any subsequent criminal trial.

Unless the person to be tested is unconscious, the chemical test administered shall be of ((his)) the breath only ((-PROVIDED-That)). If an individual is unconscious or is under arrest for the crime of ((negligent)) vehicular homicide ((by motor vehicle)) as provided in RCW 46.61.520 or vehicular assault as provided in section 2, chapter ...((SB 3106)), Laws of 1983, 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 46.61.502, 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 or her arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his or her 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)) one year after the date of the alleged violation

or for two years if it is the second such refusal in a five-year period, 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)~~ directed 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))~~ the 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))~~ the 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 in this section 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))~~ that 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))~~ has the right to file a petition in the superior court of the county ~~((wherein))~~ in which he or she 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 or she has a license.

Sec. 2, Section 11, chapter 260, Laws of 1981 as amended by section 1 of this act 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))~~ within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her 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.

(2) 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))~~ within this state while under the influence of intoxicating liquor. The officer shall inform the person of his or her right to refuse the test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that ~~((a))~~ his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test ~~((: The officer shall warn the driver))~~, ~~((b))~~ that his or her privilege to drive will be suspended, revoked, or denied if the test is administered and the test indicates a concentration of alcohol in his or her blood of 0.10 percent or more, and ~~((c))~~ that his or her refusal to take the test may be used against him or her in ~~((any))~~ a subsequent criminal trial.

~~((Unless the person to be tested is unconscious))~~ (3) Except as provided in this subsection and subsection (4) of this section, the chemical test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in section 2, chapter (SB 3106), Laws of 1983, 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 46.61.502, 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))~~ (4) 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, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

~~((3))~~ (5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a

chemical test of his or her breath. ~~((after being informed that his refusal will result in the revocation or denial of his privilege to drive.))~~ no test shall be given ~~except as authorized under subsection (3) or (4) of this section.~~ ~~((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 one year after the date of the alleged violation or for two years if it is the second such refusal in a five-year period, 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 directed in this section, 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 the notice may, in writing and within ten days thereafter 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 the 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 provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that 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 has the right to file a petition in the superior court of the county in which he or she 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 or she has a license.))~~

NEW SECTION. Sec. 3. (1) If, after arrest and after the other applicable conditions and requirements of RCW 46.20.308 have been satisfied, a person submits to a chemical test of his or her blood, breath, or other bodily fluids, or such a test has been administered without that person's express consent as permitted by RCW 46.20.308 (3) or (4), and the test results indicate an alcoholic concentration in that person's blood of 0.10 percent or more by weight, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by section 5 of this act:

(b) Confiscate the person's Washington state license or permit to drive, if any;

(c) Issue a temporary license as provided for in subsection (2) of this section to any driver who surrenders a current and valid license; and

(d) Immediately notify the department of licensing of the arrest and transmit to the department of licensing any confiscated license or permit and a sworn report that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both; and

(ii) That after receipt of the warnings required by RCW 46.20.308(2) the person refused to submit, or submitted to chemical testing, or that a test was administered without the person's express consent as permitted under RCW 46.20.308 (3) or (4); and

(iii) That, if a test was administered, the applicable requirements of RCW 46.20.308 were met before administration of the test and that the test was administered in accordance with RCW 46.61.506; and

(iv) That the results of any test administered indicated an alcoholic concentration in that person's blood of 0.10 percent or more.

(2) The department shall provide law enforcement agencies with temporary license forms and written notice statements for use under subsection (1) of this section. Any temporary license issued under subsection (1) of this section shall indicate that it is effective for forty-five days from the arrest or, until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to section 6 of this act, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces.

NEW SECTION. Sec. 4. (1) The department shall suspend, revoke, or deny the arrested person's driving privileges as follows:

(a) In the case of a person who has refused a test:

(i) For a first refusal within five years, revocation or denial for one year;

(ii) For a second refusal within five years, revocation or denial for two years.

(b) In the case of a person who has submitted to or been administered a test indicating a blood alcohol concentration of 0.10 percent or more:

(i) For a first incident within five years, suspension or denial for ninety days;

(ii) For a second incident within five years, revocation or denial for one year;

(iii) For a third incident within five years, revocation or denial for two years.

(c) A suspension, revocation, or denial shall take effect when sustained at a hearing under section 6 of this act, or forty-five days after the person's arrest if no hearing was requested, whichever occurs first.

(2) The department shall not grant or reinstate a person's privilege to drive that has been suspended, revoked, or denied under subsection (1) of this section until it has determined the person is eligible for reinstatement under RCW 46.20.031 and 46.61.515 and is otherwise qualified.

(3) For purposes of this section and section 5 of this act, driving privileges include:

(a) A Washington state driver's license or permit;

(b) A nonresident privilege to drive; and

(c) The privilege of a person to apply for a new or duplicate license or permit or to renew a license, permit, or nonresident privilege.

NEW SECTION. Sec. 5. No suspension, revocation, or denial of a driving privilege under section 4 of this act is effective until the department of licensing or a law enforcement officer acting on its behalf notifies the person in writing by personal service, by certified mail, or by first class mail addressed to that person's last known address of record with the department of the department's intention to suspend, revoke, or deny together with the grounds therefor and allows the person a seven-day period to request in writing that the department provide a hearing as provided in section 6 of this act. The notice shall specify the steps the person must take to obtain a hearing. If no written request for a hearing is postmarked or delivered to the department within seven days from the date of notification, the department shall issue an order effective as provided in section 4 of this act. If a request for a hearing is filed in time, the department shall give the person an opportunity for a hearing as provided in section 6 of this act.

NEW SECTION. Sec. 6. (1) Administrative hearings held to determine the propriety of any suspension, revocation, or denial imposed under section 4 of this act shall be in accordance with rules adopted by the director.

(2) The department shall fix a time, no more than forty-five days after arrest, and a place for a hearing to be held in the county in which the arrest was made that resulted in a report being transmitted under section 3 of this act. The hearing may be set for some other county by agreement between the department and the person. If the hearing is not held and an order issued under section 8 of this act within forty-five days after arrest, the suspension, revocation, or denial under section 4 of this act shall not be imposed.

(3) The department shall give the person at least fourteen days advance notice of the time and place of hearing, but the period of notice may be waived by the person. RCW 46.20.332 and 46.20.333 apply to the hearings. The department shall issue a subpoena upon the request of any party and, to the extent required by department rule, upon a statement showing the general relevance and reasonable scope of the evidence sought. The subpoena may be issued with like effect by the person's attorney of record or the office of the attorney general, and the form of the subpoena in each case may be the same as when issued by the agency, except that it shall only be subscribed by the signature of the person's attorney or an assistant attorney general. Every party has the right of cross-examination of any witness who testifies and has the right to submit rebuttal evidence. Subpoenas issued under this section may be enforced in the manner provided by RCW 34.04.105(5).

(4) With respect to arrested drivers who have submitted to or been administered chemical tests, the department by rule may permit the admission into evidence at the hearing of (a) copies of official reports of persons who possess a valid permit or certificate from the state toxicologist to perform tests or chemical analyses of the blood or breath, as to results of particular tests or analyses performed by that person when the copies have been certified as true copies of the report by the writer of the report, under oath, and (b) certificates of Breathalyzer maintenance operators who possess a valid permit or certificate from the state toxicologist, as to the

testing and calibration of Breathalyzers or similar machines by that person. The reports or certificates may be admitted without further proof or foundation as prima facie evidence of the facts stated in them unless the arrested driver has given written notice received by the department not less than seven days before the date set for the hearing that he or she requests that the person administering the test, or the Breathalyzer maintenance operator, be produced by the department at the hearing.

NEW SECTION. Sec. 7. The scope of the administrative hearing under section 6 of this act shall include:

(1) With respect to a person who has refused a chemical test, the issues of:

(a) 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 within this state while under the influence of intoxicating liquor;

(b) Whether the person was placed under arrest; and

(c) Whether the person 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 or her privilege to drive and that the person had the right to additional tests.

(2) With respect to a person upon whom a chemical test was administered, the issues of:

(a) 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 within this state while under the influence of intoxicating liquor;

(b) Whether the person was placed under arrest;

(c) Whether the applicable requirements of RCW 46.20.308 were satisfied before the administration of the chemical test;

(d) Whether the person either submitted to the test or a test was administered without express consent as permitted under RCW 46.20.308; and

(e) Whether the test indicated a concentration of alcohol in the person's blood of 0.10 percent, or more. The person may challenge whether the testing methods used were in accordance with RCW 46.61.506 and were valid and reliable.

NEW SECTION. Sec. 8. After a hearing held under section 6 of this act, the department shall order that the appropriate suspension, revocation, or denial of privileges be imposed effective ten days after receipt of the order. In the alternative, the department may order that the administrative action be dismissed.

NEW SECTION. Sec. 9. (1) If the suspension, revocation, or denial imposed by the department under section 4 of this act is sustained after a hearing, the person whose license, permit, or privilege is affected has the right to file a petition in the superior court of the county of arrest or the county in which the person resides or, if a nonresident of this state, the superior court of Thurston county, for review of the final order of suspension, revocation, or denial by the department. The petition shall be filed within ten days following receipt by the person of the department's final order, or the right to appeal is deemed to have been waived. The review shall be conducted by the court without a jury, and shall be confined to the record, except that in cases of alleged irregularities in procedure before the department, not shown in the record, testimony on that issue may be taken in court. The scope of the review is limited to that prescribed by RCW 7.16.120, governing writs of certiorari.

(2) The filing of the appeal does not stay the effective date of the suspension, revocation, or denial unless it is stayed by the court after motion and argument. Such a stay may be granted only if the court finds upon the arguments and affidavits presented that there is a reasonable probability that the petitioner will prevail upon the merits of the petition, that the public interest will not be substantially harmed by the stay, and that the petitioner will suffer irreparable harm if the order is not stayed. If such a stay is granted it shall provide that it is effective only so long as there is no conviction of the petitioner for a moving violation or no finding that the petitioner has committed a traffic infraction which is a moving violation during the pendency of the appeal.

(3) The court may affirm the department's decision, remand the matter for further administrative proceedings, or reverse the department's order of suspension, revocation, or denial.

(4) The actual costs of preparing and transmitting the record to superior court shall be borne by the petitioner and awarded by the court to the department if the department's decision is affirmed. The costs shall be borne by the department if the department's decision is remanded or reversed.

NEW SECTION. Sec. 10. When it has been finally determined under the procedures of sections 4 through 8 of this act that a nonresident's privilege to operate a motor vehicle in this state has been suspended or 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 the person has a driver's license.

NEW SECTION. Sec. 11. When the department is required to suspend, revoke, or deny a person's license, permit, or nonresident privilege to drive under either section 4 of this act or under RCW 46.61.515(5), and (1) the department has earlier imposed a suspension, revocation, or denial under the other of those two provisions or is preparing to do so, and (2) each of those

two sanctions has been required as the result of civil or criminal proceedings arising from the same arrest, the department shall proceed as follows:

(a) If the civil and criminal sanctions imposed or to be imposed are for the same minimum length of time, the suspension, revocation, or denial imposed by the department is limited to that first imposed and fully effective under one of those provisions;

(b) If the civil and criminal sanctions are of different minimum lengths of time, the department shall impose the sanction of longer duration. If the sanction with the shorter minimum duration has earlier been imposed by the department, the department shall reduce the minimum duration of the longer revocation by the number of days the license, permit, or privilege to drive was actually under suspension, revocation, or denial pursuant to the earlier action by the department.

If a suspension, revocation, or denial of a person's license, permit, or nonresident privilege to drive would have been imposed by the department under section 4 of this act but for the operation of this section, the suspension, revocation, or denial shall be treated as if it had been imposed for the purposes of determining the minimum duration of subsequent suspensions or revocations required under that section.

NEW SECTION. Sec. 12. (1) The director, or his or her designee, shall administer and enforce the provisions of sections 3 through 11 of this act. The director may adopt such rules as he or she deems necessary to carry out the purposes of sections 3 through 11 of this act.

(2) The department shall prescribe and provide such forms as it deems necessary or desirable to carry out the purposes of sections 3 through 11 of this act.

Sec. 13. Section 46.04.480, chapter 12, Laws of 1961 as amended by section 7, chapter 62, Laws of 1979 and RCW 46.04.480 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, or 46.61.515 and chapter 46.65 RCW the invalidation may last for a period ~~((to exceed))~~ other than one calendar year.

Sec. 14. Section 46.04.480, chapter 12, Laws of 1961 as last amended by section 13 of this act and RCW 46.04.480 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, ~~((or))~~ 46.61.515, or section 4 of this act and chapter 46.65 RCW the invalidation may last for a period other than one calendar year.

Sec. 15. Section 24, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.285 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of ~~((such))~~ the driver's conviction of any of the following offenses, when ~~((such))~~ the conviction has become final:

(1) ~~((Manslaughter (or negligent)))~~ For vehicular homicide ~~((resulting from the operation of a motor vehicle))~~ the period of revocation shall be two years;

(2) Vehicular assault;

(3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the ~~((third))~~ second such conviction ~~((of such))~~ for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years;

~~((3))~~ (4) Any felony in the commission of which a motor vehicle is used;

~~((4))~~ (5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

~~((5))~~ (6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

~~((6))~~ (7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction ~~((of such))~~ for the driver within a period of two years.

Sec. 16. Section 24, chapter 121, Laws of 1965 ex. sess. as amended by section 15 of this act and RCW 46.20.285 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

(1) For vehicular homicide the period of revocation shall be two years;

(2) Vehicular assault;

(3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the second such conviction for the driver within a period of five years. Upon a showing that

the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years. A revocation imposed under this subsection shall run concurrently with any corresponding revocation which may be imposed by the department pursuant to section 4 of this act or RCW 46.61.515(5) arising out of the same arrest;

(4) Any felony in the commission of which a motor vehicle is used;

(5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

(7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.

Sec. 17. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 5, chapter 212, Laws of 1982 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 or 46.61.515. 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)) the suspension shall remain in effect and the department shall not issue to ((such)) the person any new, duplicate, or renewal ((of)) license until ((such)) the person ((shall)) pay a reinstatement fee of twenty dollars and ((shall)) give and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the reinstatement fee shall be fifty dollars.~~

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked ~~((shall)), unless the revocation was for a cause which has been removed, is not ((be)) entitled to have ((such)) the 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)) until: (a) After the expiration of one year from the date on which the revoked license was surrendered to and received by the department ((- such)); (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(5) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; or (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with ((an additional)) a reinstatement fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reinstatement fee shall be fifty dollars. The department shall not then issue a new license unless it is satisfied after investigation of the driving ability of ((such)) the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until ((such)) the person ((shall)) give and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. A resident without a license or permit whose license or permit was denied under RCW 46.20.308(3) shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.~~

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the suspension shall remain in effect and the department shall not issue to the person any new or renewal license until the person ~~((shall)) pays a reinstatement fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reinstatement fee shall be fifty dollars.~~

Sec. 18. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 17 of this act 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 or 46.61.515. 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, the suspension shall remain in effect and the department shall not issue to the person any new, duplicate, or renewal license until the person pays a reinstatement fee of twenty dollars and gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504 or was imposed under section 4 (1) (a) or (b) of this act, the reinstatement fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date on which the revoked license was surrendered to and received by the department; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(5) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; or (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reinstatement fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reinstatement fee shall be fifty dollars. The department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. A resident without a license or permit whose license or permit was denied under (~~RCW 46.20.308(3)~~) section 4 of this act shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the suspension shall remain in effect and the department shall not issue to the person any new or renewal license until the person pays a reinstatement fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reinstatement fee shall be fifty dollars.

NEW SECTION, Sec. 19. There is added to chapter 46.68 RCW a new section to read as follows:

(1) Until July 1, 1984, thirty dollars of any driver's license reinstatement fee paid under RCW 46.20.311 when the suspension or revocation was for a violation involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, shall be deposited by the department in the DWI impact account, hereby created, of the general fund.

(2) By December 31, 1983, and by August 1, 1984, the office of financial management shall distribute the proceeds of the DWI impact account to the counties for the increased needs of the courts, the prosecuting attorneys, the public defenders, and local law enforcement in handling cases involving driving while intoxicated. To receive a grant from the DWI impact account, a county shall establish, to the satisfaction of the office of financial management, its need for the funds, that a satisfactory effort by the county is being maintained to the extent possible with available funds, and that local resources have been exhausted.

(3) In making grants from the DWI impact account, the office of financial management shall consider the following:

(a) The number of arrests for driving while intoxicated made in the county in the immediately preceding fiscal year;

(b) The percentage of change over the corresponding number for the second preceding fiscal year;

(c) The judicial caseload predicted by the administrator for the courts for the current fiscal year;

(d) Increases in financial support provided by counties for enforcement and conviction relating to offenses involving driving while intoxicated; and

(e) The increase in efforts of law enforcement agencies to arrest persons violating laws against driving while intoxicated.

(4) This section shall expire on August 31, 1984.

NEW SECTION, Sec. 20. There is added to chapter 46.68 RCW a new section to read as follows:

After June 30, 1984, thirty dollars of any driver's license reinstatement fee paid under RCW 46.20.311 when the suspension or revocation was for a violation involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, shall be deposited by the department in the highway safety fund for the exclusive use of the department in implementing sections 3 through 12 of this act.

Sec. 21. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter ... (SHB 498), Laws of 1983 and RCW 46.61.515 are each amended to read as follows:

(1) Every person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished by imprisonment for not less than twenty-four consecutive hours nor more than one

year, and by a fine of not more than ~~((five))~~ seven hundred fifty dollars. Twenty-four consecutive hours of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. The court may impose conditions of probation that may include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The convicted person shall, in addition, be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services, as determined by the court. A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the convicted person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services. Standards for approval for alcohol treatment programs shall be prescribed by rule under the administrative procedure act, chapter 34.04 RCW. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions.

(2) On a second or subsequent conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs within a five-year period a person shall be punished by imprisonment for not less than seven days nor more than one year and by a fine of not more than one thousand five hundred dollars. District courts and courts organized under chapter 35.20 RCW are authorized to impose such fine. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If, at the time of a second or subsequent conviction, the driver is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended or deferred. The person shall, in addition, be required to complete a diagnostic evaluation by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. The report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem requiring treatment, the person shall complete treatment at an approved alcoholism treatment facility or approved drug treatment center.

In addition to any nonsuspendable and nondeferable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(3) There shall be levied and paid into the highway safety fund of the state treasury a penalty assessment in the minimum amount of twenty-five percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all offenses involving a violation of any state statute or city or county ordinance relating to driving a motor vehicle while under the influence of intoxicating liquor or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor. All funds derived from the penalty assessment are in addition to and exclusive of assessments made under RCW 46.81.030 and are for the exclusive use of the department for driver services programs and for a state-wide alcohol safety action program, or other similar programs designed primarily for the rehabilitation or control of traffic offenders. The penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence.

(4) Notwithstanding the provisions contained in chapters 3.16, 3.46, 3.50, 3.62, or 35.20 RCW, or any other section of law, the penalty assessment provided for in subsection (3) of this section shall not be suspended, waived, modified, or deferred in any respect, and all moneys derived from the penalty assessments shall be forwarded to the highway safety fund to be used exclusively for the purposes set forth in subsection (3) of this section.

(5) The license or permit to drive or any nonresident privilege of any person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs shall:

(a) On the first conviction under either offense, be suspended by the department until the person reaches age nineteen or for ~~((not less than thirty))~~ ninety days (~~(- PROVIDED, That the~~

~~court may recommend that no suspension action be taken~~), whichever is longer. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified;

(b) On a second conviction under either offense within a five-year period, be ~~(suspended)~~ revoked by the department for ~~(not less than sixty days)~~ one year. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified;

(c) On a third or subsequent conviction ~~(under either such offense)~~ of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs, vehicular homicide, or vehicular assault, or any combination thereof within a five-year period, be revoked by the department for two years.

(6) In any case provided for in this section, where a driver's license is to be revoked or suspended, the revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case the conviction is sustained on appeal the revocation or suspension takes effect as of the date that the conviction becomes effective for other purposes.

NEW SECTION. Sec. 22. There is added to chapter 46.20 RCW a new section to read as follows:

A suspension or revocation of the license, permit, or nonresident privilege to drive that is required to be imposed by the department of licensing under RCW 46.61.515 shall be coordinated by the department with any suspension or revocation which has been imposed by the department following any civil action it may have taken pursuant to sections 3 through 12 of this act arising out of the same arrest, as required by section 11 of this act.

Sec. 23. Section 1, chapter 5, Laws of 1973 as last amended by section 4, chapter ... (ESB 3106), Laws of 1983 and RCW 46.20.391 are each amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, may petition the court for a stay of the effect of the mandatory suspension or revocation for the purpose of submitting to the department an application for an occupational driver's license. The court upon determining that the petitioner is engaged in an occupation or trade ~~(which)~~ that makes it essential that the petitioner operate a motor vehicle may stay the effect of the mandatory suspension or revocation, notwithstanding RCW 46.20.270, for a period of not more than thirty days and may set definite restrictions as ~~((to hours of the day which may not exceed twelve hours in any one day, days of the week, type of occupation, and areas or routes of travel permitted under the occupational driver's license))~~ provided in section 25 of this act. No person may petition for, and the court may not order, a stay affecting the first thirty days of any suspension or revocation imposed under RCW 46.61.515.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the present conviction the applicant has not been convicted more than once of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular homicide under RCW 46.61.520, or of vehicular assault under section 2 ~~((of this act))~~; chapter ... (ESB 3106), Laws of 1983; and

(c) The applicant is engaged in an occupation or trade ~~((which))~~ that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The department, upon receipt of an application and the prescribed fee, may issue an occupational driver's license to any person eligible under this section ~~((for a period of not more than one year which))~~ that permits the operation of a motor vehicle only within the limits established by the court and only when the operation is essential to the licensee's occupation or trade. No person may apply for, and the department may not issue, an occupational license for the first thirty days of any suspension or revocation imposed under RCW 46.61.515.

(4) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense ~~((which))~~ that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

Sec. 24. Section 1, chapter 5, Laws of 1973 as last amended by section 23 of this act and RCW 46.20.391 are each amended to read as follows:

(1) Any person licensed under this chapter whose driving privilege has been suspended or revoked under section 4(1)(b)(i) of this act or who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, may ((petition the court for a stay of the effect of the mandatory suspension or revocation for the purpose of submitting)) submit to the department an application for an occupational driver's license. The ((court)) department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may ((stay the effect of the mandatory suspension or revocation, notwithstanding RCW 46.20.270, for a period of not more than thirty days)) issue an occupational driver's license and may set definite restrictions as provided in section ((25)) 26 of this act. No person may petition for, and the ((court may not order, a stay affecting)) department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed under RCW 46.61-.515 or pursuant to section 4(1)(b)(i) of this act. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction or administrative action, the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the present conviction or administrative action, the applicant has not been convicted more than once of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular homicide under RCW 46.61.520, or of vehicular assault under section 2, chapter ... (ESB 3106), Laws of 1983, or had a license administratively suspended or revoked under section 4 of this act; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) ~~((The department, upon receipt of an application and the prescribed fee, may issue an occupational driver's license to any person eligible under this section that permits the operation of a motor vehicle only within the limits established by the court and only when the operation is essential to the licensee's occupation or trade. No person may apply for, and the department may not issue, an occupational license for the first thirty days of any suspension or revocation imposed under RCW 46.61.515.~~

(4)) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has had a driver's license administratively suspended or revoked under section 4 of this act or has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction or administrative action, and continues with the same force and effect as any suspension or revocation under this title.

NEW SECTION. Sec. 25. There is added to chapter 46.20 RCW a new section to read as follows:

In issuing an order staying the mandatory suspension or revocation of a person's driver's license so that the person may apply for an occupational driver's license under RCW 46.20.391, the court shall describe the type of occupation permitted and shall set forth in detail the specific hours of the day during which the person may drive to and from his place of work, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel.

Any restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

NEW SECTION. Sec. 26. There is added to chapter 46.20 RCW a new section to read as follows:

In issuing an occupational driver's license under RCW 46.20.391, the department shall describe the type of occupation permitted and shall set forth in detail the specific hours of the day during which the person may drive to and from his place of work, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel. These restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational driver's

license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

NEW SECTION, Sec. 27. There is added to chapter 46.61 RCW a new section to read as follows:

The refusal of a person to submit to a test of the alcoholic content of his blood under RCW 46.20.308 is admissible into evidence at a subsequent criminal trial without any comment and with a jury instruction, where applicable, that there shall be no speculation as to the reason for the refusal and that no inference is to be drawn from the refusal.

NEW SECTION, Sec. 28. There is added to chapter 46.61 RCW a new section to read as follows:

(1) It is a traffic infraction to drink any alcoholic beverage in a motor vehicle when the vehicle is upon a highway.

(2) It is a traffic infraction for a person to have in his possession while in a motor vehicle upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage if the container has been opened or a seal broken or the contents partially removed.

(3) It is a traffic infraction for the registered owner of a motor vehicle, or the driver if the registered owner is not then present in the vehicle, to keep in a motor vehicle when the vehicle is upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage which has been opened or a seal broken or the contents partially removed, unless the container is kept in the trunk of the vehicle or in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle does not have a trunk. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

(4) This section does not apply to a public conveyance that has been commercially chartered for group use or to the living quarters of a motor home or camper or, except as otherwise provided by RCW 66.44.250 or local law, to any passenger for compensation in a for-hire vehicle licensed under city, county, or state law.

Sec. 29. Section 442, chapter 249, Laws of 1909 and RCW 66.44.240 are each amended to read as follows:

Every person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant, or employee of such person, who ~~(shall)~~ knowingly permits any person to drink any intoxicating liquor in any public conveyance, except in the compartment where such liquor is sold or served under the authority of a license lawfully issued, ~~(shall be)~~ is guilty of a misdemeanor. This section does not apply to a public conveyance that is commercially chartered for group use or a for-hire vehicle licensed under city, county, or state law.

Sec. 30. Section 441, chapter 249, Laws of 1909 and RCW 66.44.250 are each amended to read as follows:

Every person who ~~(shall)~~ drinks any intoxicating liquor in any public conveyance, except in a compartment or place where sold or served under the authority of a license lawfully issued, ~~(shall be)~~ is guilty of a misdemeanor. With respect to a public conveyance that is commercially chartered for group use and with respect to a for-hire vehicle licensed under city, county, or state law, this section applies only to the driver of the vehicle.

NEW SECTION, Sec. 31. The administrator for the courts may assign one or more justices from other judicial districts to serve as visiting justices in a judicial district which the administrator determines is experiencing an increase in case filings as the result of enhanced enforcement of laws related to driving, or being in physical control of, a motor vehicle while intoxicated. The prosecuting, city, or town attorney of the county, city, or town in which a judicial district lies, or the presiding judge of the judicial district, may request the administrator for the courts to designate the district as an enhanced enforcement district and to make assignments under this section. An assignment shall be for a specified period of time not to exceed thirty days. A visiting justice has the same powers as a justice of the district to which he or she is assigned. A visiting justice shall be reimbursed for expenses under RCW 2.56.070.

Sec. 32. Section 118, chapter 299, Laws of 1961 and RCW 3.66.070 are each amended to read as follows:

All criminal actions shall be brought in the justice court district where the alleged violation occurred: PROVIDED, That (1) the prosecuting attorney may file felony cases in the district in which the county seat is located ~~(and)~~; (2) with the consent of the defendant criminal actions other than those arising out of violations of city ordinances may be brought in or transferred to the district in which the county seat is located, and (3) if the alleged violation relates to driving, or being in actual physical control of, a motor vehicle while intoxicated and the alleged violation occurred within a judicial district which has been designated an enhanced enforcement district under section 31 of this act, the charges may be filed in that district or in a district within the same county which is adjacent to the district in which the alleged violation occurred.

NEW SECTION, Sec. 33. There is added to chapter 46.61 RCW a new section to read as follows:

A sentencing court may allow persons convicted of violating RCW 46.61.502 or 46.61.504 to fulfill the terms of the sentence provided in RCW 46.61.515 (1) or (2) in nonconsecutive or intermittent time periods. However, the first twenty-four hours of any sentence under RCW

46.61.515(1) and the first forty-eight hours of any sentence under RCW 46.61.515(2) shall be served consecutively unless suspended or deferred as otherwise provided by law.

Sec. 34. Section 2, chapter 316, Laws of 1977 ex. sess. as last amended by section 25, chapter 136, Laws of 1981 and RCW 70.48.020 are each amended to read as follows:

As used in this chapter the words and phrases in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Holding facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the temporary housing of such persons during or after trial and/or sentencing, but in no instance shall the housing exceed thirty days.

(2) "Detention facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety days.

(3) "Special detention facility" means a minimum security facility operated by a governing unit primarily designed, staffed, and used for the housing of special populations of sentenced persons who do not require the level of security normally provided in detention and correctional facilities including, but not necessarily limited to, persons convicted of offenses under RCW 46.61.502 or 46.61.504.

(4) "Correctional facility" means a facility operated by a governing unit primarily designed, staffed, and used for the housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction, and rehabilitation following conviction of a criminal offense.

~~((4))~~ (5) "Jail" means any holding, detention, or correctional facility as defined in this section.

~~((5))~~ (6) "Health care" means preventive, diagnostic, and rehabilitative services provided by licensed health care professionals and/or facilities; such care to include providing prescription drugs where indicated.

~~((6))~~ (7) "Commission" means the state jail commission created pursuant to RCW 70.48.030 but, after June 30, 1983, "commission" and "state jail commission" means the state corrections standards board.

~~((7))~~ (8) "Substantially remodeled" means significant alterations made to the physical plant of a jail to conform with the physical plant standards.

~~((8))~~ (9) "Department" means the department of social and health services.

~~((9))~~ (10) "Secretary" means the secretary of social and health services.

~~((10))~~ (11) "Governing unit" means the city and/or county or any combinations of cities and/or counties responsible for the operation, supervision, and maintenance of a jail.

~~((11))~~ (12) "Mandatory custodial care standards" means those minimum standards, rules, or regulations that are adopted pursuant to RCW 70.48.050(1)(a) and 70.48.070(1) for jails to meet federal and state constitutional requirements relating to the health, safety, security, and welfare of inmates.

~~((12))~~ (13) "Advisory custodial care standards" means custodial care standards recommended by the commission which are not mandatory.

~~((13))~~ (14) "Physical plant standards" and "physical plant requirements" mean those minimum standards, rules, or regulations that are prescribed by the commission for jails that relate to structural specifications of the physical plant, including but not limited to size of cells and rooms within a jail, design of facilities, and specifications for fixtures and other equipment.

~~((14))~~ (15) "Jail inspector" means a person with at least five years in a supervisory position as a law enforcement or custodial corrections officer.

~~((15))~~ (16) "Major urban" means a county or combination of counties which has a city having a population greater than twenty-six thousand based on the 1978 projections of the office of financial management.

~~((16))~~ (17) "Medium urban" means a county or combination of counties which has a city having a population equal to or greater than ten thousand but less than twenty-six thousand based on the 1978 projections of the office of financial management.

~~((17))~~ (18) "Rural" means a county or combination of counties which has a city having a population less than ten thousand based on the 1978 projections of the office of financial management.

NEW SECTION. Sec. 35. There is added to chapter 70.48 RCW a new section to read as follows:

Mandatory custodial care standards adopted under RCW 70.48.050 for special detention facilities shall be limited to those necessary to meet minimum legal requirements for health, welfare, and security for low-risk prisoners considering the length of stay and the prisoner classification involved. The standards shall not incorporate standards applicable to correction and detention facilities except where specifically justified.

NEW SECTION. Sec. 36. There is added to chapter 70.48 RCW a new section to read as follows:

The legislative authority of a county or city that establishes a special detention facility as defined in RCW 70.48.020 for persons convicted of violating RCW 46.61.502 or 46.61.504 may establish a reasonable fee schedule to cover the cost of housing in the facility. The schedule shall be on a sliding basis that reflects the person's ability to pay.

Sec. 37. Section 16, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.180 are each amended to read as follows:

Counties may acquire, build, operate, and maintain holding, detention, special detention, and correctional facilities as defined in RCW 70.48.020 at any place designated by the county legislative authority within the territorial limits of the county. The facilities shall comply with chapter 70.48 RCW and the rules adopted thereunder.

Sec. 38. Section 35.21.330, chapter 7, Laws of 1965 as amended by section 19, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.190 are each amended to read as follows:

Cities and towns may acquire, build, operate, and maintain holding, detention, special detention, and correctional facilities as defined in RCW 70.48.020 at any place within the territorial limits of the county in which the city or town is situated, as may be selected by the legislative authority of the municipality (~~(--PROVIDED-- That such)~~). The facilities comply with the provisions of chapter 70.48 RCW and rules adopted (~~(there to)~~) thereunder.

Sec. 39. Section 17, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.210 are each amended to read as follows:

(1) All cities and counties are authorized to establish and maintain farms, camps, and work release programs and facilities, as well as special detention facilities. The facilities shall meet the requirements of chapter 70.48 RCW and any rules adopted thereunder.

(2) Farms and camps may be established either inside or outside the territorial limits of a city or county. A sentence of confinement in a city or county jail may include placement in a farm or camp. Unless directed otherwise by court order, the chief law enforcement officer or department of corrections, may transfer the prisoner to a farm or camp. The sentencing court, chief law enforcement officer, or department of corrections may not transfer to a farm or camp a greater number of prisoners than can be furnished with constructive employment and can be reasonably accommodated.

(3) The city or county may establish a city or county work release program and housing facilities for the prisoners in the program. In such regard, factors such as employment conditions and the condition of jail facilities should be considered. When a work release program is established the following provisions apply:

(a) A person convicted of a felony and placed in a city or county jail is eligible for the work release program. A person sentenced to a city or county jail is eligible for the work release program. The program may be used as a condition of probation for a criminal offense. Good conduct is a condition of participation in the program.

(b) The court may permit a person who is currently, regularly employed to continue his or her employment. The chief law enforcement officer or department of corrections shall make all necessary arrangements if possible. The court may authorize the person to seek suitable employment and may authorize the chief law enforcement officer or department of corrections to make reasonable efforts to find suitable employment for the person. A person participating in the work release program may not work in an establishment where there is a labor dispute.

(c) The work release prisoner shall be confined in a work release facility or jail whenever the prisoner is not employed and between the hours or periods of employment unless the court directs otherwise.

(d) The chief law enforcement officer or (~~his~~) a designee shall collect the work release prisoner's earnings and from the earnings make payments for the prisoner's board, personal expenses inside and outside the jail, and share of the administrative expenses of this section. Support payments for the prisoner's dependents, if any, shall be made as directed by the court. With the prisoner's consent, the remaining funds may be used to pay the prisoner's preexisting debts. Any balance shall be retained and paid to the prisoner when the prisoner is discharged.

(e) With court approval the prisoner's sentence may be reduced by one-fourth if the prisoner's conduct, diligence, and general attitude merit the reduction.

(f) If the work release prisoner violates the conditions of custody or employment, the prisoner shall be returned to the sentencing court. The sentencing court may require the prisoner to spend the remainder of the sentence in actual confinement and may cancel any earned reduction of the sentence.

(4) A special detention facility may be operated by a noncorrectional agency or by noncorrectional personnel by contract with the governing unit. The employees shall meet the standards of training and education established by the criminal justice training commission as authorized by RCW 43.101.080. The special detention facility may use combinations of features including, but not limited to, low-security or honor prisoner status, work farm, work release, community review, prisoner facility maintenance and food preparation, training programs, or alcohol or drug rehabilitation programs, with or without cost to the prisoners.

NEW SECTION, Sec. 40. There is added to chapter 35.21 RCW a new section to read as follows:

Except as limited by the maximum penalties authorized by law, no city or town may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in RCW 46.61.515.

NEW SECTION. Sec. 41. There is added to chapter 36.32 RCW a new section to read as follows:

No county may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided for in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in RCW 46.61.515.

NEW SECTION. Sec. 42. There is added to chapter 43.59 RCW a new section to read as follows:

The Washington traffic safety commission shall produce and disseminate through all possible media, informational and educational materials explaining the extent of the problems caused by drinking drivers, the need for public involvement in their solution, and the penalties of existing and new laws against driving while intoxicated.

NEW SECTION. Sec. 43. The standing committees on transportation and judiciary of the state senate and house of representatives, with the assistance of the department of licensing, shall conduct a joint study to analyze and evaluate the issues involved in authorizing administrative revocation of the driver's license of a person who operates a motor vehicle while under the influence of alcohol. The study shall include an analysis and evaluation of other states that have enacted statutes that provide for administrative revocation of driver's licenses, the effects on reducing drunken driving, the cost of implementing and administering such a program, and any impacts on the criminal justice system.

The committees shall submit a report that includes their findings and recommendations, together with proposed legislation, to the legislature before January 1, 1984.

NEW SECTION. Sec. 44. The legislature finds that previous attempts to curtail the incidence of driving while intoxicated have been inadequate. The legislature further finds that property loss, injury, and death caused by drinking drivers have reached unacceptable levels. This act is intended to convey the seriousness with which the legislature views this problem. To that end the legislature seeks to insure swift and certain punishment for those who drink and drive. The legislature does not intend to discourage or deter courts and other agencies from directing or providing treatment for problem drinkers. However, it is the intent that such treatment, where appropriate, be in addition to and not in lieu of the sanctions to be applied to all those convicted of driving while intoxicated.

Sec. 45. Section 12, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.120 are each amended to read as follows:

(Two) Five years from the date of the court's approval of deferred prosecution for an individual defendant, those dockets that remain in the special court deferred prosecution file relating to such defendant shall be dismissed and the records removed.

NEW SECTION. Sec. 46. Sections 3 through 12 of this act are added to chapter 46.20 RCW.

NEW SECTION. Sec. 47. Sections 2, 3 through 12, 14, 16, 18, 22, 24, and 26 of this act shall take effect on January 1, 1985. The remainder of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1983. The director of licensing may immediately take such steps as are necessary to insure that all sections of this act are implemented on their respective effective dates.

NEW SECTION. Sec. 48. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 66, beginning on line 4 of the Senate Committee Amendment, strike the entire title amendment, and insert the following:

"On page 1, line 1 of the title, after "intoxicated;" strike the remainder of the title, and insert "amending section 11, chapter 260, Laws of 1981 and RCW 46.20.308; amending section 11, chapter 260, Laws of 1981 as amended by section 1 of this act and RCW 46.20.308; amending section 46.04.480, chapter 12, Laws of 1961 as amended by section 7, chapter 62, Laws of 1979 and RCW 46.04.480; amending section 46.04.480, chapter 12, Laws of 1961 as last amended by section 13 of this act and RCW 46.04.480; amending section 24, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.285; amending section 24, chapter 121, Laws of 1965 ex. sess. as amended by section 15 of this act and RCW 46.20.285; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 5, chapter 212, Laws of 1982 and RCW 46.20.311; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 17 of this act and RCW 46.20.311; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter ... (SHB 498), Laws of 1983 and RCW 46.61.515; amending section 1, chapter 5,

Laws of 1973 as last amended by section 4, chapter ... (ESB 3106), Laws of 1983 and RCW 46.20.391; amending section 1, chapter 5, Laws of 1973 as last amended by section 23 of this act and RCW 46.20.391; amending section 442, chapter 249, Laws of 1909 and RCW 66.44.240; amending section 441, chapter 249, Laws of 1909 and RCW 66.44.250; amending section 118, chapter 299, Laws of 1961 and RCW 3.66.070; amending section 2, chapter 316, Laws of 1977 ex. sess. as last amended by section 25, chapter 136, Laws of 1981 and RCW 70.48.020; amending section 16, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.180; amending section 35.21.330, chapter 7, Laws of 1965 as amended by section 19, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.190; amending section 17, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.210; amending section 12, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.120; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 43.59 RCW; adding new sections to chapter 46.20 RCW; adding new sections to chapter 46.61 RCW; adding new sections to chapter 46.68 RCW; adding new sections to chapter 70.48 RCW; creating new sections; prescribing penalties; providing an expiration date; declaring an emergency; and providing effective dates."

POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, by raising the age from 18 to 19--that was in what respect? What can't they do at 19 now that we had at 18."

Senator Talmadge: "Under the provisions of this bill, if one is convicted of driving while intoxicated--and the person is 19 years or younger, the person loses his or her license until they have reached the age of 19."

Debate ensued.

MOTION

On motion of Senator Bluechel, Senator Clarke was excused.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Talmadge, Peterson and Hemstad to the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the amendment to the committee amendment was adopted.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Judiciary amendment, as amended.

The motion by Senator Talmadge carried and the Committee on Judiciary amendment, as amended, was adopted.

MOTION

On motion of Senator Talmadge, the following title amendment was adopted:

On page 66, beginning on line 4 of the Senate Committee Amendment, strike the entire title amendment, and insert the following:

On page 1, line 1 of the title, after "intoxicated;" strike the remainder of the title, and insert "amending section 11, chapter 260, Laws of 1981 and RCW 46.20.308; amending section 11, chapter 260, Laws of 1981 as amended by section 1 of this act and RCW 46.20.308; amending section 46.04.480, chapter 12, Laws of 1961 as amended by section 7, chapter 62, Laws of 1979 and RCW 46.04.480; amending section 46.04.480, chapter 12, Laws of 1961 as last amended by section 13 of this act and RCW 46.04.480; amending section 24, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.285; amending section 24, chapter 121, Laws of 1965 ex. sess. as amended by section 15 of this act and RCW 46.20.285; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 5, chapter 212, Laws of 1982 and RCW 46.20.311; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 17 of this act and RCW 46.20.311; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter ... (SHB 498), Laws of 1983 and RCW 46.61.515; amending section 1, chapter 5, Laws of 1973 as last amended by section 4, chapter ... (ESB 3106), Laws of 1983 and RCW 46.20.391; amending section 1, chapter 5, Laws of 1973 as last amended by section 23 of this act and RCW 46.20.391; amending section 442, chapter 249, Laws of 1909 and RCW 66.44.240; amending section 441, chapter 249, Laws of 1909 and RCW 66.44.250; amending section 118, chapter 299, Laws of 1961 and RCW 3.66.070; amending section 2, chapter 316, Laws of 1977 ex. sess. as last amended by section 25, chapter 136, Laws of 1981 and RCW 70.48.020; amending section 16, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.180; amending section 35.21.330, chapter 7, Laws of 1965 as amended by section 19, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.190; amending section 17, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.210; amending section 12, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.120; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 43.59 RCW; adding new sections to chapter 46.20 RCW; adding new sections to chapter 46.61 RCW;

adding new sections to chapter 46.68 RCW; adding new sections to chapter 70.48 RCW; creating new sections; prescribing penalties; providing an expiration date; declaring an emergency; and providing effective dates."

MOTION

On motion of Senator Talmadge, the rules were suspended. Engrossed Substitute House Bill No. 289, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 289, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 289, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Clarke, von Reichbauer - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 289, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 3490, as amended by the House, deferred earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Zimmerman, the President finds that Substitute Senate Bill No. 3490 is a measure which provides a method for appointing health officers in charter counties.

"The amendment proposed by the House of Representatives establishes a method of funding for local health departments.

"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 House amendment was ruled out of order.

MOTION

On motion of Senator Thompson, the Senate refused to concur in the House amendments to Substitute Senate Bill No. 3490 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4092 with the following amendment:

On page 1, line 10 after "appointed by the" strike "chairman of the respective committees" and insert "President of the Senate and Speaker of the House".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Bender, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4092.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4092, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shipnosh, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Fleming - 1.

Absent: Senator Quigg - 1.

Excused: Senators Clarke, von Reichbauer - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4092, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4066 with the following amendment:

Strike everything after the enacting clause, and insert the following:

*Sec. 1. Section 13, chapter 208, Laws of 1941 as last amended by section 3, chapter 18, Laws of 1979 and RCW 31.08.160 are each amended to read as follows:

(1) Every licensee hereunder may lend any sum of money not to exceed two thousand five hundred dollars in amount and may charge, contract for, and receive thereon charges at a rate not exceeding two and one-half percent per month on that part of the unpaid principal balance of any loan not in excess of five hundred dollars, one and one-half percent per month on that part of the unpaid principal balance of any loan in excess of five hundred dollars and not in excess of one thousand dollars, and one percent per month on any remainder of such unpaid principal balance.

(2) Charges on loans made under this chapter shall not be paid, deducted, discounted, or received in advance, or compounded, but the rate of charge authorized by this section may be precomputed as provided in subsection (3) of this section. Charges on loans made under this chapter, except as permitted by subsection (3) hereof, (a) shall be computed and paid only as a percentage per month of the unpaid principal balance or portions thereof, and (b) shall be so expressed in every obligation signed by the borrower. For the purpose of this section a month shall be that period of time from any date in a month to the corresponding date in the next month and if there is no such corresponding date then to the last day of the next month; and a day shall be considered one-thirtieth of a month when computation is made for a fraction of a month.

(3) When the loan contract requires repayment in substantially equal and consecutive monthly installments of principal and charges combined, the charges may be precomputed at the monthly rate on scheduled unpaid principal balances according to the terms of the contract and added to the principal of the loan. Every payment may be applied to the combined total of principal and precomputed charge until the contract is fully paid. The acceptance or payment of charges on loans made under the provisions of this subsection shall not be deemed to constitute payment, deduction, or receipt thereof in advance nor compounding under subsection (2) above. Such precomputed charge shall be subject to the following adjustments:

(a) The portion of the precomputed charge applicable to any particular monthly installment period shall bear the same ratio to the total precomputed charge, excluding any adjustment made under paragraph (f) of this subsection, as the balance scheduled to be outstanding during that monthly period bears to the sum of all monthly balances scheduled originally by the contract of loan.

(b) If the loan contract is prepaid in full by cash, a new loan, refinancing, or otherwise before the final installment date, the portion of the precomputed charge applicable to the full installment periods following the installment date nearest the date of such prepayment shall be rebated. In computing any required rebate, any prepayment made on or before the fifteenth day following an installment date shall be deemed to have been made on the installment date preceding such prepayment. If prepayment in full occurs before the first installment date an additional rebate of one-thirtieth of the portion of the precomputed charge applicable to a first installment period of one month shall be made for each day from the date of such prepayment to the first scheduled installment date. If judgment is obtained before the final installment date, the contract balance shall be reduced by the rebate of precomputed charge which would be required for prepayment in full as of the date judgment is obtained.

(c) If the payment date of all wholly unpaid installments on which no default charge has been collected is deferred one or more full months and the contract so provides, the licensee may charge and collect a deferment charge. Such deferment charge shall not exceed the portion of the precomputed charge applicable under the original contract of loan to the first month of the deferment period multiplied by the number of months in said period. The deferment period is the month or months in which no scheduled payment has been made or in which no payment is to be required by reason of the deferment. In computing any default

charge, or required rebate, the portion of the precomputed charge applicable to each deferred balance and installment period following the deferment period and prior to the deferred maturity shall remain the same as that applicable to such balances and periods under the original contract of loan. Such charge may be collected at the time of deferment or at any time thereafter. If a loan is prepaid in full during a deferment period, the borrower shall receive, in addition to the rebate required under paragraph (b) of this subsection, a rebate of that portion of the deferment charge applicable to any unexpired months of the deferment period.

(d) If the payment in full of any scheduled installment is in default more than seven days and the contract so provides, the licensee may charge and collect a default charge not exceeding five percent of the unpaid amount of the installment or five dollars, whichever is less. Said charge may not be collected more than once for the same default and may be collected when such default occurs or any time thereafter. If such default charge is deducted from any payment received after default occurs and such deduction results in the default of a subsequent installment, no charge may be made for the resulting default.

(e) If two or more full installments are in default for one full month or more at any installment date and if the contract so provides, the licensee may reduce the contract balance by the rebate which would be required for prepayment in full on such installment date. Thereafter, charges may be received at the agreed rate computed on actual unpaid balances of the contract for the time outstanding until the contract is fully paid. Charges so collected shall be in lieu of any deferment or default charges which otherwise would accrue on the contract after such installment date.

(f) A licensee and borrower may agree that the first installment due date may be not more than fifteen days more than one month and the amount of such installment may be increased by one-thirtieth of the portion of the precomputed charge applicable to a first installment of one month for each extra day.

(4) No licensee shall induce or permit any borrower to split up or divide any loan, nor induce or permit any person, nor any husband or wife jointly or severally, to become obligated, directly or contingently or both, under more than one contract of loan at the same time, for the purpose or with the result of obtaining a higher rate of charge than would otherwise be permitted by this section. If part or all of the consideration for a loan contract is the unpaid principal balance of a prior loan with the same licensee, then the principal amount payable under such loan contract shall not include any unpaid charges on the prior loan, except charges which have accrued within sixty days before the making of such loan contract and may include the balance of a precomputed contract which remains after giving the rebate required by subsection (3) hereof.

(5) No licensee shall directly or indirectly charge, contract for, or receive any charges or fees except charges authorized by this chapter, the reasonable actual costs paid by the licensee to foreclose, repossess or otherwise realize on the security, reasonable attorney fees and court costs incurred by the licensee and the lawful fees, if any, actually and necessarily paid out by the licensee to any public officer for the transferring of title or for filing, recording, or releasing in any public office, any instrument securing the loan, which fees may be collected when the loan is made, or at any time thereafter. If any payment on a loan is made by check and payment of that check is refused because there was no account or due to insufficient funds, the licensee may contract for and receive a charge in an amount authorized under rule by the supervisor of banking. A bona fide error in the calculation of charges or in the recording of such charges in any statement or receipt delivered to the borrower or in the licensee's records shall not be deemed to be a violation of this chapter if the licensee corrects the error.

Sec. 2. Section 14, chapter 208, Laws of 1941 as amended by section 6, chapter 212, Laws of 1959 and RCW 31.08.170 are each amended to read as follows:

It shall be the duty of every licensee to:

(1) Deliver to the borrower or anyone thereof, if several, at the time any loan is made under this chapter, a statement (~~(--upon which there shall be printed in the English language a copy of subsections (1) and (5) of RCW 31.08.160;))~~ showing in clear and distinct terms the ~~((principal))~~ amount ~~((of the loan excluding charges))~~ financed, the date of the loan, the agreed schedule of payments, the nature of the security, if any, for the loan, the name and address of the licensee, and the ~~((agreed rate of))~~ finance charges. ~~((When charges are precomputed, the statement shall show the amount of the precomputed charge and shall contain a copy of paragraphs (a) and (b) of subsection (3) of RCW 31.08.160;))~~ The licensee shall provide to the borrower at the time the loan is made a copy of RCW 31.08.160.

(2) Give to the party making any payment a plain and complete receipt for each payment made on account of any such loan at the time such payment is made, or a periodic statement at least once each forty-five days showing such payment, specifying the amount applied to charges and the amount, if any, applied to principal, and stating the unpaid principal balance, if any, of such loan; a receipt shall be given at the time any cash payment is made. PROVIDED, That if the charges were precomputed the receipt or statement need not be itemized, and no receipt or statement shall be required where payment is made by check or

money order and the full amount of such check or money order is applied to the loan: PROVIDED FURTHER, That when a default or deferment charge is collected, a receipt or statement shall be given showing the amount applied to the loan and the amount applied to the default or deferment charge;

(3) Permit payment to be made in advance in any amount on any such loan at any time during regular business hours, but the licensee may apply such payment first to all charges at the agreed rate up to the date of such payment: PROVIDED, That when charges are precomputed such payment shall be equal to one or more full scheduled installments;

(4) Upon payment of the loan in full, mark indelibly every obligation signed by the borrower with the word "paid" or "canceled" and release any mortgage and restore all notes and collateral which no longer secures a loan and to which the borrower may be lawfully entitled: PROVIDED, HOWEVER, That in case any such document or obligation is in custodia legis these requirements shall not be applicable; and

(5) Obtain from the borrower prior to making the loan a statement signed by the borrower setting forth the borrower's then current financial condition (~~and containing a statement that the borrower recognizes~~) and describing the penalties and defenses resulting from giving false (~~statement of~~) financial (~~condition~~) information, all on a form approved by the supervisor. A copy of the statement (~~required to~~) shall be delivered to the borrower when the loan is made (~~shall be acknowledged in writing by the licensee and the borrower, and a copy thereof shall be retained by the licensee~~).

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Substitute Senate Bill No. 4066.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4066, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogndil, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Quigg - 1.

Excused: Senators Clarke, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 4066, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3224 with the following amendments:

On page 1, line 5, after "electricity," insert "sewer, water,"

On page 1, line 26, after "earth" strike all material through "substances"

On page 2, line 10, after "town," insert "sewer district, water district,"

On page 4, beginning on line 8, strike the remainder of the section

On page 4, line 19, after "district," insert "water district, sewer district," and on page 4, line 20, after "the" insert "appropriate" and on page 4, line 21, after "53," strike "and" and insert "56, 57, or"

On page 5, beginning on line 29, after "cities" strike "of the first class" and insert "or towns"

On page 5, line 30, after "class," strike the remainder of the section.

On page 7, line 32, after "the" strike "bondholders" and insert "bond owners" and on page 7, line 34, after "remedies of the" strike "bondholders" and insert "bond owners" and on page 7, line 35, after "by" strike "bondholders" and insert "bond owners" and on page 8, beginning on line 6, strike "holder" and insert "owner",

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Williams moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 3224.

POINT OF ORDER

Senator Newhouse: "A point of order, Mr. President. I would request that the President rule on the scope and object of the amendments, particularly the one expanding to the sewer and water districts."

There being no objection, further consideration of Engrossed Senate Bill No. 3224 was deferred.

MESSAGE FROM THE HOUSE

April 21, 1983

Mr. President:

The House has passed SENATE BILL NO. 4204 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 161, Laws of 1979 ex. sess. as amended by section 1, chapter 139, Laws of 1980 and RCW 70.38.015 are each amended to read as follows:

~~(In consideration of the findings made and national health priorities declared by the congress in the National Health Planning and Resources Development Act of 1974, Public Law 93-641;) It is declared to be the public policy of this state:~~

(1) ~~That health planning ((for promoting, maintaining, and assuring a high level of)) to promote, maintain, and assure the health ((for)) of all citizens ((of)) in the state, ((and for the provision of)) to provide accessible health services, health manpower, health facilities, and other resources while controlling excessive increases in costs, and to recognize prevention as a high priority in health programs, is essential to the health, safety, and welfare of the people of the state. ((Such planning is necessary.) Health planning should be fostered on both a state-wide and regional basis and must maintain responsiveness to changing health and social needs and conditions. ((The marshaling of all health resources to assure the quality and availability of health services to every person must be the goal of such planning, which must likewise assure optimum efficiency, effectiveness, equity, coordination, and economy in development and implementation to reach that goal.)) Involvement in health planning from both consumers and providers throughout the state should be encouraged. Regional health planning under ((the provisions of)) this chapter and in a manner consistent with RCW 36.70.015 is declared to be a proper public purpose for the expenditure of funds of counties or other public entities interested in local and regional health planning;~~

(2) ~~((That the development and offering of new institutional health services should be accomplished in a manner which is orderly, timely, economical, and consistent with the effective development of necessary and adequate means of providing quality health care for persons to be served by such facilities without unnecessary duplication or fragmentation of such facilities;~~

~~((3)) That the development of health services and resources, including the construction, modernization, and conversion of health facilities, should be accomplished in a planned, orderly fashion, consistent with identified priorities and without unnecessary duplication or fragmentation;~~

~~((4)) (3) That the development and maintenance of adequate health care information ((and)), statistics and projections of need for health facilities and services is essential to effective health planning and resources development ((be accomplished));~~

~~((5)) (4) That the ((strengthening of competitive forces in the health services industry, wherever competition and consumer choice can constructively serve to advance the purposes of quality assurance, cost-effectiveness, and access, should be implemented;~~

~~This chapter has been updated to reflect amendments to the National Health Planning and Resources Development Act of 1974, Public Law 93-641, by the Health Planning and Resources Development Amendments of 1979, Public Law 96-79)) development of nonregulatory approaches to health care cost containment should be considered, including the strengthening of price competition;~~

~~(5) That health planning should be concerned with financing, access, and quality, recognizing the close interrelationship of the three and emphasizing cost control of health services, including cost-effectiveness and cost-benefit analysis;~~

~~(6) That this chapter should be construed to effectuate this policy and to be consistent with requirements of the federal health planning and resources development laws.~~

Sec. 2. Section 2, chapter 161, Laws of 1979 ex. sess. as last amended by section 1, chapter 119, Laws of 1982 and RCW 70.38.025 are each amended to read as follows:

When used in this chapter, the terms defined in this section shall have the meanings indicated.

(1) ~~("Annual implementation plan" means a description of objectives which will achieve goals of the health systems plan and specific priorities among the objectives. The annual implementation plan is for a one-year period and must be reviewed and amended as necessary on an annual basis.~~

~~((2))~~ "Board of health" means the state board of health created pursuant to chapter 43.20 RCW.

~~((3))~~ (2) "Capital expenditure" is an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a facility as its own contractor) which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required review if the acquisition had been made by purchase, such expenditure shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to certificate of need review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which such expenditure is made shall be included in determining the amount of the expenditure.

~~((4))~~ (3) "Council" means the state health coordinating council created in RCW 70.38.055 and described in Public Law 93-641.

~~((5))~~ (4) "Department" means the state department of social and health services.

~~((6))~~ (5) "Expenditure minimum" means, for the purposes of the certificate of need program, (six hundred thousand) one million dollars (for the twelve-month period beginning with October 1979, and for each twelve-month period thereafter the figure in effect for the preceding twelve-month period, adjusted to reflect the change in the preceding twelve-month period in an index established by rules and regulations by the department of social and health services for the purpose of making such adjustment) adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule.

~~((7))~~ (6) "Federal law" means Public Law 93-641, as amended, or its successor.

(7) "Health care facility" means hospices, hospitals, psychiatric hospitals, tuberculosis hospitals, alcoholism hospitals, nursing homes, kidney disease treatment centers, ambulatory surgical facilities, rehabilitation facilities, and home health agencies, and includes such facilities when owned and operated by the state or by a political subdivision or instrumentality of the state and such other facilities as required by ((Public Law 93-641)) federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts. In addition, the term does not include any nonprofit hospital: (a) Which is operated exclusively to provide health care services for children; (b) which does not charge fees for such services; (c) whose rate reviews are waived by the state hospital commission; and (d) if not contrary to federal law as necessary to the receipt of federal funds by the state.

(8) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XIII, section 1310(d) of the Public Health Services Act; or

(b) (i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency, and preventive services, and out-of-area coverage; (ii) is compensated (except for copayments) for the provision of the basic health care services listed in (b)(i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and (iii) provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(9) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services and as defined in ~~((Public Law 93-641))~~ federal law.

~~((10))~~ "Health systems agency" means a public regional planning body or a private nonprofit corporation which is organized and operated in a manner that is consistent with the laws of the state of Washington and Public Law 93-641 and which is capable of performing each of the functions described in RCW 70.38.065 and is capable as determined by the secretary of the United States department of health and human services, upon recommendation of the governor or of the council, of performing each of the functions described in the federal law.

(11) "Health systems plan" means a detailed statement of goals and resources required to reach those goals as described in Public Law 93-641. Goals describe a healthful environment

and health systems in the health service area which, when developed, will assure that quality health services will be available and accessible in a manner which assures continuity of care; at reasonable cost, for all residents of the area; are responsive to the unique needs and resources of the health service area; take into account national guidelines for health planning policy and are responsive to state-wide health needs as determined by the department. The health systems plan also describes institutional health services and such other services as described in Public Law 96-79 as needed to provide for the well-being of persons receiving care within the health service area. The health system plan shall describe the number and type of resources including facilities, personnel, medical equipment, and other resources required to meet the goals in the health system plan and shall state the extent to which existing health care facilities are in need of modernization or conversion and the extent to which new facilities need to be constructed or acquired. The health system plan shall be developed in accordance with a format established by the council and shall be reviewed and amended as necessary but at least triennially.

((2)) (10) "Health service area" means a geographic region appropriate for effective health planning which includes a broad range of health services and a population of at least four hundred fifty thousand persons.

(11) "Institutional health services" means health services provided in or through health care facilities and entailing annual operating costs of at least ((two)) five hundred ((fifty)) thousand dollars ((for the twelve-month period beginning with October 1979, and for each twelve-month period thereafter the figure in effect for the preceding twelve-month period, adjusted to reflect the change in the preceding twelve-month period in an index established by rules and regulations by the department of social and health services:

((13) "Long-range health facility plan" means a document prepared by each hospital which contains a description of its plans for substantial changes in its facilities and services for three years)) adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index, or a lesser amount required by federal law and established by the department by rule: PROVIDED, That no new health care facility may be initiated as an institutional health service.

((14)) (12) "Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of ((four hundred thousand)) one million dollars, adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule; except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of section 1861(s) of such act:

((15)) (13) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

((16)) (14) "Provider" generally means a health care professional or an organization, institution, or other entity providing health care but the precise definition for this term shall be ((in accord with Public Law 93-641)) established by rule of the department, consistent with federal law.

((17) "Public Law 93-641", for the purposes of this chapter, refers to Titles XV and XVI of the Public Health Service Act as amended by the Health Planning and Resources Development Amendments of 1979 (Public Law 96-79):

((8)) (15) "Public health" means the level of well-being of the general population; those actions in a community necessary to preserve, protect, and promote the health of the people for which government is responsible; and the governmental system developed to guarantee the preservation of the health of the people.

(16) "Regional health council" means a public regional planning body or a private non-profit corporation which is organized and operated in a manner that is consistent with the laws of the state and which is capable of performing each of the functions described in RCW 70.38-.085. A regional health council shall have a governing body for health planning which is composed of a majority (but not more than sixty percent of the members) of persons who are residents of the health service area served by the entity; who are consumers of health care; who are broadly representative of the social, economic, linguistic, and racial populations, and geographic areas of the health service area, and major purchasers of health care; and who are not, nor within the twelve months preceding appointment have been, providers of health care. The remainder of the members shall be residents of the health service area served by the agency who are providers of health care.

(17) "Regional health plan" means a document which provides at least a statement of health goals and priorities for the health service area. In addition, it sets forth the number, type, and distribution of health facilities, services, and manpower needed within the health service area to meet the goals of the plan.

(18) "State health plan" means a document (~~(described in Public Law 96-79;)~~ developed ~~(by the department and the council))~~ in accordance with RCW 70.38.065.

Sec. 3. Section 3, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.035 are each amended to read as follows:

The department is designated ~~(;)~~ as the state health planning and development agency ~~(; as the sole and official agency of the state to administer and supervise the administration of the state responsibilities pursuant to The National Health Planning and Resources Development Act of 1974, Public Law 93-641, and rules and regulations promulgated thereunder)~~. The department is designated as the agency of this state to accept, receive, retain, and administer federal funds made ~~((pursuant to the provisions of Public Law 93-641))~~ available for health planning and the certificate of need program. Nothing in this chapter shall be construed to affect the authority of the state hospital commission pursuant to chapter 70.39 RCW.

Sec. 4. Section 4, chapter 161, Laws of 1979 ex. sess. as amended by section 3, chapter 139, Laws of 1980 and RCW 70.38.045 are each amended to read as follows:

The department is authorized and empowered to:

(1) Exercise such duties and powers as are prescribed for state health planning and development agencies in ~~((Public Law 93-641, including but not limited to the following: (1) conduct health planning activities;))~~ federal law, consistent with the policy of this chapter;

(2) Assist the state health coordinating council in determining state-wide needs and conducting health planning activities, review the state health plan as developed by the council and submit the plans and recommendations as to approval or modification to the governor, and implement the state health plan ~~((and the plans of the health systems agencies within the state which relate to the government of the state, and determine state-wide health needs))~~ as approved by the governor. In implementing the state health plan, the department shall be assisted by such other agencies of state government as the governor may designate;

~~((2) Prepare and review at least triennially and revise as necessary a preliminary state health plan;))~~

(3) ~~((Assist the council in;))~~ Consider recommendations from the council and assign, subject to the continuing approval of the council, an executive director, who shall be exempt from chapter 41.06 RCW, and provide such additional dedicated staffing assistance as necessary for the performance of its functions ~~((generally in implementing the state health plan, the department shall be assisted by such other agencies of state government as the governor may designate))~~ to work under the direction and supervision of the director;

(4) Serve as the designated planning agency of the state for the purposes of section 1122 of the Social Security Act, if the department maintains an agreement with the secretary, United States department of health and human services pursuant to section 1122 of Public Law 92-603, and administer a state certificate of need program as provided in RCW 70.38.105, 70.38.115, and 70.38.125;

(5) After consideration of recommendations, if any, submitted by the ~~((health systems agencies))~~ designated regional health councils respecting proposed undertakings which are subject to certificate of need review under the provisions of this chapter, making findings as to the need for such undertakings;

(6) ~~((Review on a periodic basis, not less than every five years, at least those institutional and home health services being offered in the state with respect to which priority goals have been established in the state health plan and, after consideration of recommendations submitted by health systems agencies respecting the appropriateness of such services, make public its findings;))~~

(7) Coordinate and consult in the conduct of its authorized activities with the Washington state hospital commission, the council, ~~((the designated state mental health authority))~~ designated regional health councils, and ~~((such))~~ other state agencies designated by the governor;

~~((8) Prepare an inventory of the nonfederal health care facilities located in the state and evaluate on an ongoing basis the physical condition of such facilities;))~~

(9) Determine the state-wide health needs of the state after providing reasonable opportunity for the submission of written recommendations from the health systems agencies and such agencies as shall be designated by the governor and after consulting with the council;

(7) Consider the recommendations of the council, designated regional health councils, and the state health plan in development of its biennial budget; and

(8) Approve and deny applications for certificates of need.

Sec. 5. Section 6, chapter 161, Laws of 1979 ex. sess. as amended by section 5, chapter 139, Laws of 1980 and RCW 70.38.065 are each amended to read as follows:

The ~~((council))~~ board is authorized and empowered to:

(1) Exercise such duties and powers as are required for state-wide health coordinating councils in ~~((P.L. 93-641, including but not limited to the following: (1))~~ federal law.

(2) Establish, in consultation with the ~~((health systems agencies and the department;))~~ designated regional health councils, requirements for a uniform format ~~((for health systems plans, review and coordinate))~~ and content for materials to be submitted by regional health councils to assist in development of the state health plan, and develop at least ~~((triennially))~~ biennially the state health ~~((systems))~~ plan, ~~((and review at least annually the annual implementation~~

plan of each health systems agency and report to the secretary of health and human services its comments:

(2) Prepare, review at least triennially, and revise as necessary a state health plan which shall be made up of the health systems plans of the health systems agencies and which plan may, as found necessary by the state health coordinating council, contain revisions of such health systems plans to achieve their appropriate coordination or to deal more effectively with state-wide health needs as determined by the department. The plan shall also describe the institutional health services needed to provide for the well-being of persons receiving care within the state, the number and type of resources required to meet the goals of the plan, and the extent to which existing health care facilities are in need of modernization, conversion, or closure and the extent to which new facilities need to be constructed or acquired. The state health plan, approved by the council, shall be the state health plan for the state for purposes of Public Law 93-641 after its approval by the governor:

(3) Review annually the budget of each health systems agency and report to the secretary of the United States department of health and human services its comments on such budget;

(4) Review applications submitted by the health systems agencies for planning and development grants, and report to the secretary of the United States department of health and human services its comments;

(5) Advise the department generally on the performance of its functions;

(6) The state health plan shall provide a statement of state health policies, goals, and priorities. In addition, it shall set forth the number, type, and distribution of health care facilities and services needed within the state. In developing the state health plan the board shall consult with the designated regional health councils and shall consider regional health plans.

(3) Submit the ((approved state)) council-adopted health plan to the secretary for review and comment and submission to the governor for adoption as the state health plan for the state. The governor may disapprove or modify the ((state health)) plan ((only if the governor determines the plan does not effectively meet the state-wide health needs that have been identified by the department)). The governor, in disapproving or modifying a state health plan, shall ((make public a detailed statement of the basis for the determination that the plan does not meet such needs and shall specify the changes in the plan which the governor determines are needed to meet such needs. The plan shall then be revised after public hearing in accordance with the governor's statement.

(7) Perform such duties in connection with the state health plan as may be required as a condition to the receipt of federal funds as described in Public Law 93-641; make public a written explanation of the actions taken. As approved by the governor, the plan shall be the state health plan.

Sec. 6. Section 8, chapter 161, Laws of 1979 ex. sess. as amended by section 6, chapter 139, Laws of 1980 and RCW 70.38.085 are each amended to read as follows:

((There shall be established in accordance with Public Law 93-641, and implementing regulations:)) The council shall establish health service areas within the state and ((health systems agencies)) designate regional health councils organized, composed, and established in accordance with ((such law)) this chapter and criteria established by the council, considering the resources available for such purpose.

Each ((health systems agency)) designated regional health council shall have as its primary responsibility the provision of effective health planning for its health service area and the promotion ((of the development within the area)) of health services, manpower, and facilities which meet identified needs((;)) and reduce documented inefficiencies((; and implement the health plans of the agencies which shall include all classes of health care practitioners)). To meet its primary responsibility, a ((health systems agency)) designated regional health council shall carry out ((such functions as are prescribed for health systems agencies in Public Law 93-641, including but not limited to)) the following functions:

(1) ((Assemble and analyze data concerning: The status and its determinants of the health of the residents of its health service area; the status of the health care delivery system in the area and the use of that system by the residents of the area; the effect which the area's health care delivery system has on the health of the residents of the area; the number, type, and location of the area's health resources including health services, manpower, and facilities; the patterns of utilization of the area's health resources; and the environmental and occupational exposure factors affecting immediate and long-term health conditions)) Exercise such duties, powers, and responsibilities as are prescribed for health systems agencies in federal law, consistent with the policy of this chapter.

(2) Identify local health problems and concerns and assemble and analyze health data and information consistent with the requirements of the board:

((2) Establish) (3) Develop, consistent with the ((format)) criteria established by the council, ((a health systems plan)) other materials of assistance to the council in preparation of the state health plan;

((3) Establish, annually review, and amend as necessary an annual implementation plan which describes objectives which will achieve the goals of the health systems plan and priorities among the objectives;

(4) Develop and publish specific plans and projects for achieving the objectives of the annual implementation plan;

(5)) (4) Review and make recommendations to the ((department)) council respecting the need for ((new institutional)) health services ((proposed to be offered or developed)) in the health service area of ((such health systems agency)) the council;

((6) Review on a periodic basis, at least every five years, at least those institutional and home health services offered in the health service area of the agency and with respect to which priority goals have been established in the state health plan, and make recommendations to the department respecting the appropriateness of such services in the area; and

(7)) (5) Seek the assistance of individuals and public and private entities in the health service area, to the extent practicable((in implementing the health systems plan and annual implementation plan)); and

(6) Exercise such other duties and functions as may be established by the council or department to fulfill the intent and purposes of this chapter, which may include review, analysis, and recommendations on applications for certificates of need.

In addition, the regional health councils may establish, biennially review, and amend as necessary a regional health plan which provides at least a statement of health goals and priorities for the health service area and sets forth the number, type, and distribution of health facilities, services, and manpower needed within the health service area to meet the goals of the plan.

Sec. 7. Section 10, chapter 161, Laws of 1979 ex. sess. as last amended by section 2, chapter 119, Laws of 1982 and RCW 70.38.105 are each amended to read as follows:

(1) The department is authorized and directed to implement the certificate of need program in this state pursuant to the provisions of this chapter.

(2) There shall be a state certificate of need program which is administered consistent with the ((provisions of Public Law 93-641)) requirements of federal law as necessary to the receipt of federal funds by the state.

(3) No person shall engage in any undertaking which is subject to certificate of need review under subsection (4) of this section without first having received from the department either a certificate of need or an exception granted in accordance with this chapter.

(4) The following shall be subject to certificate of need review under this chapter:

(a) The construction, development, or other establishment of a new health care facility;

(b) Any capital expenditure by or on behalf of a health care facility which substantially changes the services of the facility after January 1, 1981, provided that the substantial changes in services are specified by the department in rule;

(c) Any capital expenditure by or on behalf of a health care facility which exceeds the expenditure minimum as defined by RCW 70.38.025((6)). However, a capital expenditure which is not subject to certificate of need review under (a), (b), (d), (e), or (f) of this subsection and which is solely for any one or more of the following is not subject to certificate of need review except to the extent required by the federal government as a condition to receipt of federal assistance and does not substantially affect patient charges:

(i) Communications and parking facilities;

(ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;

(iii) Energy conservation systems;

(iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities which are necessary to maintain state licensure;

(v) Acquisition of equipment, including data processing equipment, which is not or will not be used in the direct provision of health services;

(vi) Construction which involves physical plant facilities, including administrative and support facilities, which are not or will not be used for the provision of health services;

(vii) Acquisition of land; and

(viii) Refinancing of existing debt;

(d) A change in bed capacity of a health care facility which increases the total number of licensed beds or redistributes beds among facility and service categories of acute care, skilled nursing, intermediate care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months;

(e) Acquisition of major medical equipment:

(i) If the equipment will be owned by or located in a health care facility; or

(ii) If, after January 1, 1981, the equipment is not to be owned by or located in a health care facility, the department finds consistent with federal regulations the equipment will be used to provide services for hospital inpatients, or the person acquiring such equipment did not notify the department of the intent to acquire such equipment at least thirty days before entering into contractual arrangements for such acquisition;

(f) Any new institutional health services which are offered in or through a health care facility, and which were not offered on a regular basis by, in, or through such health care facility within the twelve-month period prior to the time such services would be offered; and

(g) Any expenditure by or on behalf of a health care facility in excess of the expenditure minimum made in preparation for any undertaking under subsection (4) of this section and any

arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings, and specifications. The department may issue certificates of need permitting predevelopment expenditures, only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made.

(5) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section.

Sec. 8. Section 11, chapter 161, Laws of 1979 ex. sess. as amended by section 8, chapter 139, Laws of 1980 and RCW 70.38.115 are each amended to read as follows:

(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary of the department~~((or his designee;))~~ in accord with the provisions of this chapter and rules ~~((and regulations proposed by))~~ of the department ~~((and adopted by the board of health pursuant to this chapter. Rules and regulations shall))~~ which establish review procedures and criteria for the certificate of need program.

(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:

(a) The relationship of the health services being reviewed to the applicable health plans;

~~(b) ((The relationship of services reviewed to the long-range development plan, if any, of the persons providing or proposing such services;~~

~~(c))~~ The need that the population served or to be served by such services has for such services;

~~((d))~~ (c) The availability of less costly or more effective alternative methods of providing such services;

~~((e))~~ (d) The ~~((immediate and the long-range))~~ financial feasibility ~~((of the proposal as well as))~~ and the probable impact of the proposal on the cost of and charges for providing health services ~~((by the persons proposing the new institutional health service)),~~ including findings and recommendations of the Washington state hospital commission in the case of applications submitted by hospitals;

~~((f) The relationship of the services proposed to be provided to the existing health care system of the area in which such services are proposed to be provided;~~

~~((g))~~ (e) In the case of health services to be provided, (i) ~~((the availability of resources including health manpower, management personnel, and funds for capital and operating needs for the provision of the services; (ii))~~ the availability of alternative uses of ~~((such))~~ project resources for the provision of other health services, ~~((iii) the effect of the means proposed for the delivery of such services on the clinical needs of health professional training programs in the area in which such services are to be provided, (iv) the extent to which health professions schools in the area will have access to the services for training purposes if such services are to be available in a limited number of facilities, and (v))~~ (i) the extent to which such proposed services will be accessible to all residents of the area to be served~~((When an application is made by an osteopathic or allopathic facility for a certificate of need to construct, expand, or modernize a health care facility, acquire major medical equipment, or add services, the need for that construction, expansion, modernization, acquisition of equipment, or addition of services shall be considered on the basis of)), and (iii)~~ the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels;

~~((h) Special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas;~~

~~(i) The special needs and circumstances of health maintenance organizations;~~

~~((j))~~ (f) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons;

~~((k))~~ (g) The special needs and circumstances of osteopathic hospitals and nonallopathic services;

~~((l) The special circumstances of health service institutions and the need for conserving energy;~~

~~(m) The factors which affect the effect of competition on the supply of the health services being reviewed;~~

~~((n))~~ (h) Improvements or innovations in the financing and delivery of health services which foster ~~((competition))~~ cost containment and serve to promote quality assurance and cost-effectiveness;

~~((o))~~ (i) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed; and

~~((p))~~ (j) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past.

(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds ~~((in accordance with criteria prescribed by the secretary of the United States department of health and human services by regulation))~~:

(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and

(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its institutional health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

A health care facility (or any part thereof) or medical equipment with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or equipment or in a lease of such facility or equipment may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.

~~(4) ((When a hospital has developed a long-range health facility plan, pursuant to RCW 70.38.145 and the proposed new institutional health service is consistent with such plan, an expedited review process shall be instituted by the department as it has been done since the enactment of chapter 70.38 RCW in 1971.~~

(b)) The decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances. The conditions shall directly relate to the project being reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

~~((6))~~ (5) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

~~((7))~~ (6) The department shall specify information to be required for certificate of need applications. Within fifteen days of receipt of the application, the department shall request additional information considered necessary to the application or start the review process. Applicants may decline to submit requested information through written notice to the department, in which case review starts on the date of receipt of the notice. Applications may be denied or limited because of failure to submit required and necessary information.

(7) Concurrent review is for the purpose of comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs. Categories of projects subject to concurrent review include at least new health care facilities, new services, and expansion of existing health care facilities. The department shall specify time periods for the submission of applications for certificates of need subject to concurrent review, which shall not exceed ninety days. Review of concurrent applications shall start fifteen days after the conclusion of the time period for submission of applications subject to concurrent review. Concurrent review periods shall be limited to one hundred fifty days, except as provided for in rules adopted by the department authorizing and limiting amendment during the course of the review, or for an unresolved pivotal issue declared by the department.

(8) Review periods for certificate of need applications other than those subject to concurrent review shall be limited to ninety days. Review periods may be extended up to thirty days if needed by a review agency, and for unresolved pivotal issues the department may extend up to an additional thirty days. A review may be extended in any case if the applicant agrees to the extension.

(9) The department or a designated regional health council shall conduct a public hearing on a certificate of need application if requested unless the review is expedited or subject to emergency review. The department by rule shall specify the period of time within which a public hearing must be requested and requirements related to public notice of the hearing, procedures, recordkeeping and related matters.

(10) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked shall be afforded an opportunity for administrative review in accordance with chapter 34.04 RCW and a hearing shall be held within one hundred twenty days of a request therefor. An administrative law judge shall review the decision of the secretary's designee and render a proposed decision for consideration by the secretary in accordance with chapter 34.12 RCW or remand the matter to the secretary's designee for further consideration.

The secretary's final decision is subject to review by the superior court as provided in chapter 34.04 RCW.

(11) The department may establish procedures and criteria for reconsideration of decisions.

(12) An amended certificate of need shall be required for the following modifications of an approved project:

(a) A new service;

(b) An expansion of a service beyond that originally approved;

(c) An increase in bed capacity;

(d) A significant reduction in the scope of a project without a commensurate reduction in the cost of the project, or a cost increase (as represented in bids on a construction project or final cost estimates acceptable to the person to whom the certificate of need was issued) if the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure approved. The review of reductions or cost increases shall be restricted to the continued conformance of the project with the review criteria pertaining to financial feasibility and cost containment.

((#)) (13) An application for a certificate of need for a capital expenditure which is determined by the department to be required to eliminate or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved ((as specified in PL 93-641, section 1527(c)).

Sec. 9. Section 12, chapter 161, Laws of 1979 ex. sess. as amended by section 10, chapter 139, Laws of 1980 and RCW 70.38.125 are each amended to read as follows:

(1) A certificate of need shall be valid for two years: PROVIDED, That one six-month extension may be made if it can be substantiated that substantial and continuing progress toward commencement of the project has been made as defined by regulations to be adopted pursuant to this chapter.

(2) A project for which a certificate of need has been issued shall be commenced during the validity period for the certificate of need.

(3) The department, in cooperation with the ~~((health systems agencies established in the state under the provision of Public Law 93-641)) regional health councils, and the hospital commission((:))~~ in the case of hospital projects, shall monitor the costs and components of approved projects to assure conformance with certificates of need that have been issued. Rules and regulations adopted shall specify when changes in the cost or components of a project require reevaluation of the project. The department may require applicants to submit periodic progress reports on approved projects or other information as may be necessary to effectuate its monitoring responsibilities.

(4) The secretary of the department, in the case of a new health facility, shall not issue any license unless and until a prior certificate of need shall have been issued by the department for the offering or development of such new health facility.

(5) Any person who engages in any undertaking which requires certificate of need review ~~((under RCW 70.38.065(4)))~~ without first having received from the department either a certificate of need or an exception granted in accordance with this chapter shall be liable to the state in an amount not to exceed one hundred dollars a day for each day of such unauthorized offering or development. Such amounts of money shall be recoverable in an action brought by the attorney general on behalf of the state in the superior court of any county in which the unauthorized undertaking occurred. Any amounts of money so recovered by the attorney general shall be deposited in the state general fund.

(6) The department may bring any action to enjoin a violation or the threatened violation of the provisions of this chapter or any rules and regulations adopted pursuant to this chapter, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to occur, or in the superior court of Thurston county.

Sec. 10. Section 13, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.135 are each amended to read as follows:

~~((+))~~ The secretary of the department shall have authority to:

~~((a))~~ (1) Provide when needed temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part time or fee-for-service basis; ~~((and~~

~~((b))~~ (2) Make or cause to be made such on-site surveys of health care or medical facilities as may be necessary to the development of the state health plan ~~((and state medical facilities plan))~~ and the administration of the certificate of need program((:));

~~((2))~~ (3) Upon review of recommendations ~~((of the department))~~, if any, from the board of health ~~((shall have authority to))~~:

(a) Promulgate ~~((and enforce))~~ rules ~~((and regulations))~~ under which health care facilities providers doing business ~~((with))~~ within the state shall submit to the department such data related to health and health care as the department finds necessary to the performance of its functions under this chapter:

(b) Promulgate rules (~~and regulations~~) pertaining to the maintenance and operation of medical facilities which receive federal assistance under the provisions of Title XVI:

(c) Promulgate rules (~~and regulations~~) in implementation of the provisions of this chapter, including the establishment of procedures for public hearings for predecisions and post-decisions on applications for certificate of need;

(d) Promulgate rules providing circumstances and procedures of expedited certificate of need review if:

(i) An application is found consistent with the state health plan; and

(ii) There has not been a significant change in existing health facilities of the same type or in the need for such health facilities and services;

(4) Grant allocated state funds to regional health councils to fund not more than seventy-five percent of the costs of regional planning activities, excluding costs related to review of applications for certificates of need, provided for in this chapter or approved by the council; and

(5) Contract with and provide reasonable reimbursement for designated regional health councils to assist in determinations of certificates of need.

NEW SECTION. Sec. 11. The enactment of amendments to chapter 70.38 RCW by this 1983 act shall not have the effect of terminating or in any way modifying the validity of a certificate of need which was issued prior to the effective date of this 1983 act.

Sec. 12. Section 16, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.905 are each amended to read as follows:

In any case where the provisions of this chapter may directly conflict with (~~provisions of Public Law 93-641 or any amendments thereto~~) federal law, or regulations promulgated thereunder, the (~~provisions of Public Law 93-641~~) federal law shall supersede and be paramount as necessary to the receipt of federal funds by the state.

Sec. 13. Section 17, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.910 are each amended to read as follows:

If any provision of this (~~act~~) chapter or its application to any person or circumstance is held invalid, the remainder of the (~~act~~) chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. There is added to chapter 70.38 RCW a new section to read as follows:

A certificate of need application which was submitted and declared complete, but upon which final action had not been taken prior to the effective date of this act, shall be reviewed and action taken based on chapter 70.38 RCW, as in effect prior to the effective date of this act, and the rules adopted thereunder.

NEW SECTION. Sec. 15. The state government committees of the senate and house of representatives shall conduct program and fiscal reviews of the board of health to be completed no later than January 1, 1984, and transmitted to the appropriate standing committees of the senate and house of representatives.

Sec. 16. Section 33, chapter 99, Laws of 1979 and RCW 43.131.213 are each amended to read as follows:

The powers and duties of the state board of health shall be terminated on June 30, (~~1983~~) 1985, as provided in RCW 43.131.214.

Sec. 17. Section 75, chapter 99, Laws of 1979 and RCW 43.131.214 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~1984~~) 1986:

(1) Section 36.62.020, chapter 4, Laws of 1963 and RCW 36.62.020;

(2) Section 43.20.030, chapter 8, Laws of 1965, section 11, chapter 18, Laws of 1970 ex. sess. and RCW 43.20.030;

(3) Section 43.20.050, chapter 8, Laws of 1965, section 9, chapter 102, Laws of 1967 ex. sess., section 49, chapter 141, Laws of 1979 and RCW 43.20.050;

(4) Section 43.20.100, chapter 8, Laws of 1965, section 44, chapter 75, Laws of 1977 and RCW 43.20.100;

(5) Section 43.20.140, chapter 8, Laws of 1965, section 58, chapter 141, Laws of 1979 and RCW 43.20.140;

(6) Section 11, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.200;

(7) Section 1, chapter 197, Laws of 1957 and RCW 69.06.010;

(8) Section 2, chapter 197, Laws of 1957 and RCW 69.06.020;

(9) Section 5, chapter 197, Laws of 1957 and RCW 69.06.050;

(10) Section 16, chapter 190, Laws of 1939, section 1, chapter 30, Laws of 1961 and RCW 69.16.115;

(11) Section 17, chapter 190, Laws of 1939, section 2, chapter 30, Laws of 1961 and RCW 69.16.120;

(12) Section 16, chapter 112, Laws of 1939 and RCW 69.20.095;

(13) Section 17, chapter 112, Laws of 1939 and RCW 69.20.100;

(14) Section 3, chapter 144, Laws of 1955 and RCW 69.30.030;

- (15) Section 5, chapter 144, Laws of 1955 and RCW 69.30.050;
 (16) Section 6, chapter 144, Laws of 1955 and RCW 69.30.060;
 (17) Section 12, chapter 102, Laws of 1967 ex. sess., section 1, chapter 25, Laws of 1969 ex. sess. and RCW 70.01.010;
 (18) Section 16, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.110;
 (19) Section 4, chapter 114, Laws of 1919 and RCW 70.24.040;
 (20) Section 8, chapter 114, Laws of 1919 and RCW 70.24.070;
 (21) Section 6, chapter 54, Laws of 1967 and RCW 70.28.035;
 (22) Section 3, chapter 267, Laws of 1955, section 9, chapter 189, Laws of 1971 ex. sess. and RCW 70.41.030;
 (23) Section 1, chapter 231, Laws of 1969 ex. sess. and RCW 70.54.110;
 (24) Section 6, chapter 177, Laws of 1959 and RCW 70.58.350;
 (25) Section 5, chapter 82, Laws of 1967 and RCW 70.83.050; and
 (26) 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.

NEW SECTION. Sec. 18. Sections 16 and 17 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, strike everything after "health;" through "43.131.214." on line 3 and insert "amending section 1, chapter 161, Laws of 1979 ex. sess. as amended by section 1, chapter 139, Laws of 1980 and RCW 70.38.015; amending section 2, chapter 161, Laws of 1979 ex. sess. as last amended by section 1, chapter 119, Laws of 1982 and RCW 70.38.025; amending section 3, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.035; amending section 4, chapter 161, Laws of 1979 ex. sess. as amended by section 3, chapter 139, Laws of 1980 and RCW 70.38.045; amending section 6, chapter 161, Laws of 1979 ex. sess. as amended by section 5, chapter 139, Laws of 1980 and RCW 70.38.065; amending section 8, chapter 161, Laws of 1979 ex. sess. as amended by section 6, chapter 139, Laws of 1980 and RCW 70.38.085; amending section 10, chapter 161, Laws of 1979 ex. sess. as last amended by section 2, chapter 119, Laws of 1982 and RCW 70.38.105; amending section 11, chapter 161, Laws of 1979 ex. sess. as amended by section 8, chapter 139, Laws of 1980 and RCW 70.38.115; amending section 12, chapter 161, Laws of 1979 ex. sess. as amended by section 10, chapter 139, Laws of 1980 and RCW 70.38.125; amending section 13, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.135; amending section 16, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.905; amending section 17, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.910; amending section 33, chapter 99, Laws of 1979 and RCW 43.131.213; amending section 75, chapter 99, Laws of 1979 and RCW 43.131.214; adding a new section to chapter 70.38 RCW; creating a new section; and declaring an emergency."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Warnke moved that the Senate do concur in the House amendments to Senate Bill No. 4204.

POINT OF INQUIRY

Senator Wojahn: "Senator Warnke, can you explain to me the effect of the proviso found on page 11, line 2?"

Senator Warnke: "Senator Wojahn, it is intended to ensure that home health-care agencies, hospices and similar facilities, which are started up by existing health-care facilities are reviewed under the certificate of need."

POINT OF INQUIRY

Senator Hemstad: "Senator Warnke, with regard to the sunseting of the State Board of Health, is this merely initiating a process that is normally used there or is it the intention, with this bill, the Board of Health will, in fact, disappear in two years?"

Senator Warnke: "The life of the State Board of Health is extended for two years and the committees will be looking at it. That question will be answered during the 83-85 biennium--on how long they are going to exist."

Senator Hemstad: "Then, the question is open for discussion, rather than the decision already made?"

Senator Warnke: "That's true."

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Haley, how much does a CAT scanner--or body scanner to most of us--cost?"

Senator Haley: "They are getting cheaper--somewhere around fifty to seventy-five thousand."

Senator Bottiger: "A body scanner? Isn't a body scanner about a million and a half?"

Senator Haley: "I'm not sure how much it is. We've got a brand new one in Lakewood Hospital, which I looked over carefully. The utilization of this type of scanner is extremely heavy and saves a lot of money in many other ways, so who are you and I to say that it doesn't pay for itself quickly. It shortens the patient's stay, prevents the need for the patient being sent from one hospital to another. I think there are two sides to this question, but many people claim that to go ahead and get a CAT scanner or body scanner in there, in the long run, will save money."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Warnke that the Senate do concur in the House amendments to Senate Bill No. 4204.

The motion by Senator Warnke carried and the Senate concurred in the House amendments to Senate Bill No. 4204.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4204, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 01; excused, 02.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Taimadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Barr - 1.

Absent: Senator Quigg - 1.

Excused: Senators Clarke, von Reichbauer - 2.

SENATE BILL NO. 4204, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3416.

SENATE BILL NO. 3442.

SUBSTITUTE SENATE BILL NO. 3453.

SUBSTITUTE SENATE BILL NO. 3480.

SENATE BILL NO. 3492.

SUBSTITUTE SENATE BILL NO. 3497.

SENATE BILL NO. 3523.

SUBSTITUTE SENATE BILL NO. 3595.

SUBSTITUTE SENATE BILL NO. 4101.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3145.

SUBSTITUTE SENATE BILL NO. 3156.

SENATE BILL NO. 3184.

SENATE BILL NO. 3203.

SUBSTITUTE SENATE BILL NO. 3217.

SECOND SUBSTITUTE SENATE BILL NO. 3245.

SENATE BILL NO. 3255.

SUBSTITUTE SENATE BILL NO. 3299.

SUBSTITUTE SENATE BILL NO. 3308.

SENATE BILL NO. 3363.

SENATE BILL NO. 3392.

MESSAGES FROM THE HOUSE

April 23, 1983

Mr. President:

The House has concurred in the Senate amendments to SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 6, and has adopted the resolution as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 23, 1983

Mr. President:

The House has concurred in the Senate amendment(s) to the following listed bills and has passed said bills as amended by the Senate:

HOUSE BILL NO. 107,
 SUBSTITUTE HOUSE BILL NO. 177,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 179,
 SUBSTITUTE HOUSE BILL NO. 359,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 431,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 433,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 463,
 SUBSTITUTE HOUSE BILL NO. 452,
 ENGROSSED HOUSE BILL NO. 520.

DEAN R. FOSTER, Chief Clerk

April 23, 1983

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 3022, and the Speaker has appointed as members of the Conference Committee: Representatives Armstrong, McMullen and Tilly.

DEAN R. FOSTER, Chief Clerk

April 23, 1983

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 3856, and the Speaker has appointed as members of the Conference Committee: Representatives McMullen, Dellwo and Padden.

DEAN R. FOSTER, Chief Clerk

April 23, 1983

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 3640, and the Speaker has appointed as members of the Conference Committee: Representatives Armstrong, Niemi and Isaacson.

DEAN R. FOSTER, Chief Clerk

April 23, 1983

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 3253, and the Speaker has appointed as members of the Conference Committee: Representatives Dellwo, McMullen and Padden.

DEAN R. FOSTER, Chief Clerk

April 23, 1983

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 3079, and the Speaker has appointed as members of the Conference Committee: Representatives Moon, Haugen and Miller.

DEAN R. FOSTER, Chief Clerk

April 23, 1983

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE HOUSE BILL NO. 139, and the Speaker has appointed as members of the Conference Committee: Representatives Lux, Wang and Sanders.

DEAN R. FOSTER, Chief Clerk

MOTION

At 5:30 p.m., on motion of Senator Shinpoch, the Senate adjourned until 2:00 p.m., Sunday, April 24, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

ONE HUNDRED-FIFTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, April 24, 1983

The Senate was called to order at 2:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Hayner, Jones, Lee, Metcalf, Pullen, Quigg, von Reichbauer and Zimmerman. On motion of Senator Bluechel, Senators Jones, Hayner, Lee, Pullen, Quigg, von Reichbauer and Zimmerman were excused. On motion of Senator Vognild, Senator Bottiger was excused.

The Sergeant at Arms Color Guard, consisting of Pages Eric Erickson and Tony Snyder, presented the Colors. Reverend George C. Smith, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

April 24, 1983

Mr. President:

The House has passed SENATE JOINT MEMORIAL NO. 116 with the following amendment:

On page 1, line 18 after "construction" insert ", and they stand as a special tribute to the many dedicated people, from the President of the United States to the people of the Big Bend and sagebrush country, who fought for so many years to make the dam a reality".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Hansen, the Senate concurred in the House amendment to Senate Joint Memorial No. 116.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 116, as amended by the House, and the memorial passed the Senate by the following vote: Yeas, 39; nays, 00; absent, 02; excused, 08.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody - 39.

Absent: Senators Metcalf, Warnke - 2.

Excused: Senators Bottiger, Hayner, Jones, Lee, Pullen, Quigg, von Reichbauer, Zimmerman - 8.

SENATE JOINT MEMORIAL NO. 116, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

April 23, 1983

Mr. President:

The House has concurred in the Senate amendment(s) to the following listed bills and has passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 233.

ENGROSSED HOUSE BILL NO. 511.

HOUSE BILL NO. 555.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 579.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 667,
ENGROSSED HOUSE BILL NO. 674.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 3101 and the pending House amendment, deferred April 23, 1983.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Engrossed Substitute Senate Bill No. 3101 is a measure which deals with the Liquor Control Board by clarifying that liquor stores may sell lottery tickets, conforming licensing statutes to a recent United States Supreme Court decision regarding the veto power of churches and church schools over the issuance of licenses, and removing the requirement that a staggered license program be created.

"The amendment proposed by the House of Representatives, also, deals with the subject of the Liquor Control Board by prohibiting the issuance or reissuance of a liquor license to a motor sports facility unless the facility enforces a program to prevent alcoholic beverages not purchased within the facility from entering the facility.

"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 House amendment was ruled in order.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate do concur in the first House amendment to page 7, line 18, to Engrossed Substitute Senate Bill No. 3101.

The motion by Senator Vognild carried and the Senate concurred in the first House amendment to page 7, line 18, to Engrossed Substitute Senate Bill No. 3101.

POINT OF INQUIRY

Senator Zimmerman: "Senator Vognild, on page 2, where it adds in the lines 'and lottery tickets'--and those places where it adds in this language--is the cost of the administration of the lottery--I assume the costs will be transferred from the Lottery Commission to the Liquor Board--is that in keeping with the percentages that were set up in the original lottery administration, as to how they would be properly divided up?"

Senator Vognild: "Yes, Senator Zimmerman. The changes in the law were actually a technical requirement that the AG requested, so that the Liquor Control Board could legally sell lottery tickets. They receive the same five percent discount as any other retailer of lottery tickets and that defrays the expenses to the Liquor Board."

Having concurred in the House amendment to page 5, line 30, and to the second House amendment to page 7, line 18, on April 23, 1983, the President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3101.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3101, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 05; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 40.

Voting nay: Senators Craswell, Granlund, McCaslin, Metcalf, Zimmerman - 5.

Absent: Senator Woody - 1.

Excused: Senators Bottlger, Hayner, Pullen - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3101, 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 Shinpoch, the Senate resumed consideration of Engrossed Senate Bill No. 3224 and the pending House amendments, deferred April 23, 1983.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Newhouse, the President finds that Engrossed Senate Bill No. 3224 is a measure which facilitates the use of waste heat and cogeneration by authorizing local governments and special districts to finance the development of heating systems.

"The amendments proposed by the House of Representatives simply add water and sewer districts to the list of special districts which are authorized to develop these heating systems.

"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 House amendments were ruled in order.

The President declared the question before the Senate to be the motion by Senator Williams that the Senate do concur in the House amendments to Engrossed Senate Bill No. 3224.

The motion by Senator Williams carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 3224.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3224, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 09; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Owen, Patterson, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators Clarke, Craswell, Hayner, Jones, McCaslin, Metcalf, Newhouse, Rasmussen, Sellar - 9.

Absent: Senators Moore, Woody - 2.

Excused: Senator Pullen - 1.

ENGROSSED SENATE BILL NO. 3224, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Haley: "Thank you, Mr. President. I request to speak on a point of personal privilege. We were discussing what the cost of a total body CAT scanner was last evening and I just checked with Dr. Whitney at the Lakewood Hospital about the cost of those things. I thought the members may be interested to know. He says you can buy a used scanner that will get you by, but doesn't produce the best quality of work for one hundred to two hundred thousand dollars. The kind that Lakewood Hospital is currently leasing costs about six hundred thousand and it is first-class and first-rate and will get a small hospital by. He says that a large hospital that has all the attachments comes to about 1.4 million dollars. I thought the members may be interested to know about these costs."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, for the interest of the members, the one that Allenmore Hospital is currently negotiating to buy is 1.5 million dollars."

MOTION

At 2:39 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 3:36 p.m.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 3434 and the pending House amendment to page 18, line 32, deferred April 23, 1983.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Pullen, the President finds that Substitute Senate Bill No. 3434 is a measure which increases the amount of money that nonprofit organizations may collect from fund raising activities and allows members of an organization to participate in gambling activities at any chapter.

"The amendment proposed by the House of Representatives limits the tax exemption provided for bingo, raffles and amusement game activities of nonprofit organizations to those organizations which do not discriminate in full membership on the basis of sex or race.

"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 House amendment was ruled out of order.

MOTIONS

On motion of Senator Vognild, and there being no objection, the motion to concur in the House amendment to page 18, line 32, to Substitute Senate Bill No. 3434 was withdrawn.

Senator Vognild moved that the Senate do not concur in the House amendment to page 18, line 32, to Substitute Senate Bill No. 3434 and asked the House to recede therefrom.

POINT OF INQUIRY

Senator Rasmussen: "Senator Vognild, that amendment on page 17, line 20-- 'that a voluntary contribution to defray club expenses averaging no more than one dollar per player per hour may be made by the players in a social dice game with a record of such contributions to be maintained by the organization for a period of three years'--I would presume that dollar--say we had ten players in the game rolling dice and we put in a dollar a piece, that would be ten dollars for the house?"

Senator Vognild: "I would agree, Senator."

Senator Rasmussen: "Then, my further question would be, what is the limit on the dice game? There is no record kept of the dice game. It could be--you could roll the dice for ten bucks, or thirty bucks or forty bucks a throw or whatever."

Senator Vognild: "Senator, I am unable to answer that question. The limits are set by the Gambling Commission when they authorize the event."

Senator Rasmussen: "I didn't know that the Gambling Commission was limiting dice. They limit poker games."

Senator Vognild: "They also limit the stakes that can be played at any social fund-raising event."

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate do not concur in the amendment to page 18, line 32, to Substitute Senate Bill No. 3434 and asked the House to recede therefrom.

The motion by Senator Vognild carried and the Senate did not concur in the amendment to page 18, line 32, to Substitute Senate Bill No. 3434 and asked the House to recede therefrom.

MOTION

On motion of Senator Shimpoch, the Senate resumed consideration of Substitute Senate Bill No. 3520 and the pending House amendments, deferred April 23, 1983.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Pullen, the President finds that Substitute Senate Bill No. 3520 is a measure which revises the procedures for challenging voter registration.

"The amendments proposed by the House of Representatives, while including the language of the original bill, authorize the use of absentee ballots by hospitalized persons and prohibits the publication of campaign material that is similar to the voters' pamphlet published by the Secretary of State.

"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 House amendments were ruled out of order.

MOTIONS

On motion of Senator Thompson, and there being no objection, the motion to concur in the House amendments to Substitute Senate Bill No. 3520 was withdrawn.

On motion of Senator Thompson, the Senate did not concur in the House amendments to Substitute Senate Bill No. 3520 and asked the House to recede therefrom.

MOTION

At 3:42 p.m., on motion of Senator Shinpoch, the Senate recessed until 4:00 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 4:00 p.m.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 784, by Committee on Ways and Means (originally sponsored by Representatives McDonald, Grimm, Heck, Cantu, Hine, Tilly, Sommers, G. Nelson, Barrett, Taylor, Sanders and Wang)

Establishing the economic and revenue forecasting council.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended. Substitute House Bill No. 784 was advanced to third reading, the second reading considered the third, and the bill was 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. 784.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 784, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Jones, McDermott, McManus, Moore, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Owen, Patterson, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 23.

Excused: Senator Pullen - 1.

SUBSTITUTE HOUSE BILL NO. 784, having received the constitutional majority, 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 McClure, Haugen, B. Williams, Monohon, Vekich, Martinis, Fisch and D. Nelson

Revising procedures relating to salmon delivery permits.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the following Committee on Natural Resources amendment was adopted:

On page 1, line 13, after "director" insert "or his designee"

On motion of Senator Owen, the rules were suspended. House Bill No. 585, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 585, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 585, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Jones, Warnke - 2.

Excused: Senator Pullen - 1.

HOUSE BILL NO. 585, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

April 23, 1983

MR. SPEAKER:

MR. PRESIDENT:

We, of your Conference Committee, to whom was referred Substitute House Bill No. 139, modifying provisions on insurance, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Moore, Deccio and Bender; Representatives Lux, Wang and Sanders.

MOTION

Senator Moore moved that the report of the Conference Committee be adopted and the powers of Free Conference be granted on Substitute House Bill No. 139.

POINT OF ORDER

Senator Rasmussen: "Can the President clarify what rules we are operating under that have the powers of Free Conference? I find it hard, Mr. President, to determine how we would handle the powers of Free Conference and whether the bill would have to lie on the table for a certain number of hours until we have had a chance to examine it, if it did go to Free Conference. Mostly, I see no powers of Free Conference anywhere in our rules. If the President has any ideas that would clarify it, it would certainly help."

At 4:15 p.m., there being no objection, the President declared the Senate to be at ease.

The President called the Senate to order at 4:42 p.m.

REPLY BY THE PRESIDENT

President Cherberg: "In reply to Senator Rasmussen's inquiry, the President finds that Senate Rule 40 states: '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.'

"Therefore, in the absence of Joint Rules, the President is required to consult Reed's Rules. The President finds that Reed's Rule 242 is applicable to the situation to empower the Senate to grant the Powers of Free Conference.

"The President should like to exercise the privilege of stating that the absence of Joint Rules creates many difficulties and is unfair to the legislators and the people of this state."

The President declared the question before the Senate to be the motion by Senator Moore that the Report of the Conference Committee be adopted and that the powers of Free Conference be granted on Substitute House Bill No. 139.

The motion by Senator Moore carried and the Report of the Conference Committee was adopted and the powers of Free Conference were granted on Substitute House Bill No. 139.

MOTION

On motion of Senator Bottiger, the rules were suspended for Senate Rule 22, subsection (7), as it would apply to Substitute Senate Bill No. 3022, Substitute Senate Bill No. 3253, Substitute Senate Bill No. 3640 and Senate Bill No. 3182.

MOTION

On motion of Senator Shinpoch, the Senate returned to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 392, by Representatives Ebersole, Smitherman and Fisher

Modifying the hearing procedures for the formation of local improvement districts.

The bill was read the second time.

POINT OF ORDER

Senator Rasmussen: "A point of order, Mr. President. Is Engrossed House Bill No. 392 properly before us, with the cutoff resolution that we have?"

Debate ensued.

There being no objection, further consideration of Engrossed House Bill No. 392 was deferred.

President Pro Tempore Goltz assumed the chair.

MOTION

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

MESSAGE FROM THE HOUSE

April 23, 1983

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 479 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Moore, the Senate receded from the Senate amendments to Engrossed House Bill No. 479.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 479, without the Senate amendments.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 479, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 03; excused, 01.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Decchio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Bauer, Sellar, Vognild - 3.

Excused: Senator Pullen - 1.

ENGROSSED HOUSE BILL NO 479, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 1983

Mr. President:

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1093 on page 4, line 11; refuses to concur in the amendment on page 4, line 13, and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate receded from the Senate amendment on page 4, line 13, of Engrossed Substitute House Bill No. 1093.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1093, as the Senate amended, but without the amendment on page 4, line 13.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1093, as amended by the Senate, but without the Senate amendment on page 4, line 13, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Jones - 1.

Absent: Senator Craswell - 1.

Excused: Senator Pullen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1093, as amended by the Senate, but without the amendment on page 4, line 13, having received the 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 Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 325, by Committee on Ways and Means (originally sponsored by Representatives Sayan, Silver and R. King) (by Office of Financial Management request)

Abolishing certain obsolete funds and accounts.

The bill was read the second time.

MOTION

On motion of Senator Shinpoch, the rules were suspended, Substitute House Bill No. 325 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 Shinpoch, other than cleaning up obsolete references and so forth, it would indicate, in reading the summary here, that this would be necessary in order that they may borrow another four hundred million for tax loans. What is the difference with the last four hundred million that they borrowed, and which they made money on, and this four hundred million they are proposing to borrow--that we need a change in the law?"

Senator Shinpoch: "Senator Rasmussen, I don't know what you are reading, but I don't know that this bill has anything at all to do with borrowing four hundred million dollars. It sets up a fund, so that you can track and pay interest, plus principal costs, on short-term loans. It certainly doesn't authorize the borrowing of any

four hundred million dollars, as far as I know. I can't find that in here. What section are you reading that in?"

Senator Rasmussen: "Well--'a loan principal and interest fund is established to track and pay interest, plus principal costs for short-term certificates of indebtedness as was the case when four hundred million in one year certificates were sold.' You mean to tell me that the Treasurer's Office has been without a method of tracking. The statements I received on it indicated they made about a million and a half on it--I think it was. That is what I am wondering, why we need to make the change in the law now?"

Senator Shinpoch: "Senator Rasmussen, I don't know what--number one, I guess I don't know what your question is--and the second thing, if I understand the gist of your question, you are saying 'didn't the Treasurer already have some way of tracking and why do you need a better way?' I think you always need a better way and I suspect that what he had was some kind of a manual tracking system and doesn't have that."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 325.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 325, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Absent: Senator Quigg - 1.

Excused: Senator Pullen - 1.

SUBSTITUTE HOUSE BILL NO. 325, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed House Bill No. 392, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling on the point of order raised by Senator Rasmussen, the President finds that Engrossed House Bill No. 392 is a measure which allows certain cities and towns to use hearing officers to hold public hearings on the proposed establishment of local improvement districts.

"Pursuant to Senate Concurrent Resolution No. 103, the President finds that Engrossed House Bill No. 392, in its present form, does not fall within the provisions of Senate Concurrent Resolution No. 103 and, therefore, is not properly before the Senate."

Engrossed House Bill No. 392 was ruled out of order.

MOTIONS

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 3226, deferred April 21, 1983.

Senator McDermott moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 286, Laws of 1961 as amended by section 2, chapter 30, Laws of 1971 and RCW 2.12.012 are each amended to read as follows:

Any judge of the supreme court, court of appeals, or superior court of this state who shall leave judicial service at any time after having served as a judge of any of such courts for an aggregate of ((~~twelve~~)) ten years shall be eligible to a partial retirement pension in a percentage of the pension provided in this chapter as determined by the proportion his years of judicial service bears to eighteen and shall receive the same upon attainment of age seventy, or eighteen years after the commencement of such judicial service, whichever shall occur first.

Sec. 2. Section 9, chapter 163, Laws of 1982 and RCW 41.50.032 are each amended to read as follows:

(1) The director shall assume all powers, duties, and functions of the retirement boards abolished by RCW 2.10.052, 41.26.051, 41.32.015, 41.40.022, and 43.43.142 except as otherwise assigned in this section.

(2) There is hereby created a state advisory committee to the department of retirement systems which shall serve in an advisory capacity to the director of retirement systems. The committee shall consist of twelve members appointed by the governor as provided in this section:

(a) Three active members and one retired member of the public employees' retirement system;

(b) Two active members, one a law enforcement officer and the other a fire fighter, and one retired fire fighter, of the law enforcement officers' and fire fighters' retirement system;

(c) Two active members, one a teacher and the other an administrator, and one retired member of the teachers' retirement system;

(d) One active member of the state patrol retirement system;

(e) One active member of the judicial retirement system.

The active members appointed under subsections (a), (b), (c), and (d) of this subsection shall be selected from a list of three nominees submitted by each organization representing active members. The retired members appointed under subsections (a), (b), and (c) of this subsection shall be selected from a list of three nominees submitted by each organization representing retired members. The member appointed under subsection (e) of this subsection shall be appointed from a list of three nominees submitted by the state supreme court.

Members shall serve staggered three-year terms as determined by the governor. Members shall serve without compensation but shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) The advisory committee shall at its first meeting of each fiscal year elect a chairperson and vice chairperson.

(4) The chairperson shall annually appoint from the committee members a subcommittee for each retirement system covered by this chapter. Each subcommittee shall have one committee member representing the system for which appointed and two other committee members who represent any other system. The subcommittees shall meet upon the call of the director to review all disability appeals cases which have been heard by a hearings examiner. Having considered the ~~((report of the hearings examiner and all other legally pertinent material))~~ hearings examiner's proposed decision, including findings of fact and conclusions of law, and having personally considered the whole record or such portions thereof as may be cited by the parties, the subcommittee shall make a recommendation to the director for the disposition of the appeal.

Sec. 3. Section 19, chapter 209, Laws of 1969 ex. sess. as amended by section 6, chapter 294, Laws of 1981 and RCW 41.26.210 are each amended to read as follows:

Any person aggrieved by any final decision of the director must, before petitioning for judicial review, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing ~~((before the retirement board))~~. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered ~~((by the retirement board))~~, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in the notice of hearing or appearing in the records of the retirement system.

Sec. 4. Section 20, chapter 209, Laws of 1969 ex. sess. as amended by section 7, chapter 294, Laws of 1981 and RCW 41.26.220 are each amended to read as follows:

A hearing shall be held by ~~((members of the retirement board, or its))~~ the director, or the director's duly authorized representative(s), in the county of the residence of the claimant at a time and place designated by the ~~((retirement board))~~ director. Such hearing shall be de novo and shall conform to the provisions of chapter 34.04 RCW, as now or hereafter amended. The disability board and the ~~((director))~~ department shall be entitled to appear in all such proceedings and introduce testimony in support of the decision. Judicial review of any final decision by the ~~((retirement board))~~ director shall be governed by the provisions of chapter 34.04 RCW as now law or hereafter amended.

Sec. 5. Section 21, chapter 209, Laws of 1969 ex. sess. as amended by section 103, chapter 81, Laws of 1971 and RCW 41.26.230 are each amended to read as follows:

No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a ~~((finding))~~ decision of the ~~((retirement board))~~ director affecting such claimant's right to retirement or disability benefits.

NEW SECTION, Sec. 6. There is hereby created a select committee which shall review the law enforcement officers' and fire fighters' (LEOFF) retirement system. The committee shall be made up of the following individuals: Four members of the Washington senate, two from each

caucus, chosen by the president of the senate; four members of the house of representatives, two from each caucus, chosen by the speaker of the house; three members chosen by the governor, at least one of whom shall be a member of the LEOFF II system. Each member of the committee shall have an equal vote.

The legislature shall provide such staffing, technical assistance and support services as may be required to carry out committee business. All state, local and private agencies shall cooperate fully in the committee's work.

The committee's purposes shall include, but not be limited to, a review of the following issues regarding LEOFF: (1) The adequacy of retirement benefits; (2) the actuarial soundness of the system; (3) the method of financing the system; (4) the membership eligibility requirements; (5) review of the administrative procedures within the system; and (6) review of the adequacy of labor and industries benefits for law enforcement officers and fire fighters and other high-risk professions.

The committee shall prepare a report, including any recommendations, by January for the 1984 session of the legislature. The committee shall cease to exist upon presentation of its report.

Sec. 7. Section 9, chapter 209, Laws of 1969 ex. sess. as last amended by section 22, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.090 are each amended to read as follows:

Retirement of a member for service shall be made by the board as follows:

(1) Any member having five or more years of service and having attained the age of fifty years shall be eligible for a service retirement allowance and shall be retired upon his written request effective the first day following the date upon which the member is separated from service.

(2) Any member having five or more years of service, who terminates his employment with any employer, may leave his contributions in the fund. Any employee who so elects, upon attaining age fifty, shall be eligible to apply for and receive a service retirement allowance based on his years of service, commencing on the first day following his attainment of age fifty. This section shall also apply to a person who rendered service as a law enforcement officer or fire fighter, as those terms are defined in RCW 41.26.030, on or after July 1, 1969, but who was not employed as a law enforcement officer or fire fighter on March 1, 1970, by reason of his having been elected to a public office. Any member selecting this optional vesting with less than twenty years of service shall not be covered by the provisions of RCW 41.26.150, and his survivors shall not be entitled to the benefits of RCW 41.26.160 unless his death occurs after he has attained the age of fifty years. Those members selecting this optional vesting with twenty or more years service shall not be covered by the provisions of RCW 41.26.150 until the attainment of the age of fifty years: PROVIDED, That a member selecting this option, with less than twenty years of service credit, who shall die prior to attaining the age of fifty years, shall have paid from the Washington law enforcement officers' and fire fighters' retirement fund, to such member's surviving spouse, if any, otherwise to such beneficiary as the member shall have designated in writing, or if no such designation has been made, to the personal representative of his estate, a lump sum which is equal to the amount of such member's accumulated contributions plus accrued interest: PROVIDED FURTHER, That if the vested member has twenty or more years of service credit the surviving spouse or children shall then become eligible for the benefits of RCW 41.26.160 regardless of his age at the time of his death, to the exclusion of the lump sum amount provided by this subsection.

~~((3) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty and may not thereafter be employed as a law enforcement officer or fire fighter: PROVIDED, That for any member who is elected or appointed to the office of sheriff, chief of police, or fire chief, his election or appointment shall be considered as a waiver of the age sixty provision for retirement and nonemployment for whatever number of years remain in his present term of office and any succeeding periods for which he may be so elected or appointed: PROVIDED FURTHER, That the provisions of this subsection shall not apply to any member who is employed as a law enforcement officer or fire fighter on March 1, 1970.))~~

Sec. 8. Section 43.43.250, chapter 8, Laws of 1965 as last amended by section 26, chapter 52, Laws of 1982 1st ex. sess. and RCW 43.43.250 are each amended to read as follows:

~~((1) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty: PROVIDED, That the requirement to retire at age sixty shall not apply to a member serving as chief of the Washington state patrol:~~

~~(2)) Any member who has completed twenty-five years of credited service or has attained the age of fifty-five may apply to retire as provided in RCW 43.43.260, by completing and submitting an application form to the department, setting forth at what time the member desires to be retired.~~

Sec. 9. Section 6, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.450 are each amended to read as follows:

The required contribution rates to the retirement system for members, employers, and the state of Washington shall be established by the director from time to time as may be necessary upon the advice of the state actuary.

The member, the employer and the state shall each contribute the following shares of the cost of the retirement system:

Member	50%
Employer	30%
State	20%

Any adjustments in contribution rates required from time to time for future costs shall likewise be shared proportionally by the members, employers, and the state: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the state.

Any increase in the contribution rate required as the result of a failure of the state or of an employer to make any contribution required by this section shall be borne in full by the state or by that employer not making the contribution.

The director shall notify ~~((the retirement board))~~ all employers of any pending adjustment in the required contribution rate and such increase shall be announced ~~((at a board meeting held))~~ at least thirty days prior to the effective date of the change.

Members' contributions required by this section shall be deducted from the members basic salary each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members, employers of such members, and the state shall each contribute the following percentages of basic salary:

Member	8.14%
Employer	4.88%
State	3.28%

In addition, the state shall initially contribute an additional twenty percent of basic salary per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 10. Section 58, chapter 80, Laws of 1947 as amended by section 5, chapter 32, Laws of 1973 2nd ex. sess. and RCW 41.32.580 are each amended to read as follows:

A retired teacher upon returning to service ~~((in the public schools of Washington))~~ may elect to again become a member of the retirement system: PROVIDED, That if such a retired teacher elects to be restored to membership he must establish two full years of service credit before he will be eligible to retire under the provision of a formula other than the one in effect at the time of his previous retirement: PROVIDED FURTHER, That where any such right to again retire is exercised to become effective before a member has established two full years of service credit he may elect to retire only under the provisions of the formula in effect at the time of his previous retirement: AND PROVIDED FURTHER, That this section shall not apply to any individual who has returned to service and is presently in service on the effective date of this 1973 amendatory act.

Sec. 11. Section 6, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.775 are each amended to read as follows:

The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary: PROVIDED, That the employer contribution shall be contributed as provided in RCW 41.32.401.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the employers.

Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

The director shall notify ~~((the retirement board))~~ all employers of any pending adjustment in the required contribution rate and such increase shall be announced ~~((at a board meeting held))~~ at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members earnable compensation each payroll period. The members contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends and the employers contribution shall be remitted as provided by law.

Until such time as the director shall establish other rates, members and employers of such members shall each contribute 5.66% of earnable compensation: PROVIDED, That employers shall initially contribute an additional 5.80% of earnable compensation per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 12. Section 6, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.650 are each amended to read as follows:

The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the employers.

Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

The director shall notify ~~((the retirement board))~~ all employers of any pending adjustment in the required contribution rate and such increase shall be announced ~~((at a board meeting held))~~ at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members compensation earnable each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members and employers of such members shall each contribute 5.51% of compensation earnable: PROVIDED, That employers shall initially contribute an additional one and one-half percent of compensation earnable per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 13. Section 13, chapter 274, Laws of 1947 as last amended by section 19, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, with the following exceptions:

(1) Persons in ineligible positions;
 (2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership ~~((and to be accepted by the action of the director, such application for those taking elective office for the first time after May 21, 1971, shall be submitted within eight years of the beginning of their initial term of office: AND PROVIDED FURTHER, That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority))~~ during such periods of employment: AND PROVIDED FURTHER, That any persons holding or who have held elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership ~~((and be accepted by action of the director,))~~ to be effective during such term or terms of office, and shall be allowed to ~~((recover or regain))~~ establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director and employer contributions therefor by the employer or employee with interest as determined by the director: AND PROVIDED FURTHER, That ~~((any person who was an elected official eligible to apply for membership pursuant to this subsection, who failed to exercise that option while holding such elected office and who is now a member of the retirement system, shall have the option to recover service credit for such elected service upon payment to the retirement system of the employee and employer contributions which would have been made had the person been a member during the period of such elective service))~~ all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall not be considered part of the member's annuity for any purpose except withdrawal of contributions;

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights

should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits:

(5) Patient and inmate help in state charitable, penal, and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;

(10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter. Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only from the date of application.

NEW SECTION, Sec. 14. There is added to chapter 41.40 RCW a new section to read as follows:

(1) A person who established service credit under chapter 41.44 RCW and who became a member of the retirement system governed by this chapter prior to the effective date of this act is:

(a) Entitled to transfer any service currently credited under chapter 41.44 RCW to service credit under this chapter as though it had been earned under this chapter; and

(b) Entitled to reestablish any service originally earned under chapter 41.44 RCW but which was destroyed by withdrawal under chapter 41.44 RCW upon payment of the amount withdrawn plus interest from the date of withdrawal until the date of restoration at a rate to be set by the director. The restoration shall be completed within one year of the effective date of this act or within one year of reemployment if not employed by an employer on the effective date of this act. Credit for the reestablished service shall be given as though earned in the system governed by this chapter.

(2) The department is authorized to recompute the benefit of any retiree in accordance with this section if the recomputation results in a larger benefit and shall pay the additional amount retroactively to the date of retirement.

(3) Persons affected by this section shall have the benefit provided by this section or the benefit provided by chapters 41.44 and 41.40 RCW as they existed prior to the effective date of this act, whichever is larger.

NEW SECTION. Sec. 15. There is added to chapter 41.40 RCW a new section to read as follows:

The director is authorized to waive RCW 41.40.120(3) for any retired member who qualifies for reentry under RCW 41.40.150(4)(b).

Sec. 16. Section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 256, Laws of 1981 and RCW 41.26.030 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers; and

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply.

(4) "Fire fighter" means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(b) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) supervisory fire fighter personnel;

(d) any full time executive secretary of an association of fire protection districts authorized under chapter 52.08 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(f) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fireman or fire fighter; and

(g) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in RCW 41.26.050. The retirement board shall be called the Washington law enforcement officers' and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of this 1972 amendatory act are hereby ratified.

(6) "Surviving spouse" means the surviving widow or widower of a member. The word shall not include the divorced spouse of a member.

(7) "Child" or "children" whenever used in this chapter means every natural born child and stepchild where that relationship was in existence prior to the date benefits are payable under this chapter, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12) (a) "Final average salary" for persons who establish membership in the retirement system on or before September 30, 1977, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for persons who establish membership in the retirement system on or after October 1, 1977, means the monthly average of the member's basic salary for the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13) (a) "Basic salary" for persons who establish membership in the retirement system on or before September 30, 1977, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b) and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any

form of severance pay: PROVIDED. That in any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) the basic salary the member would have received had such member not served in the legislature; or

(ii) such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under subparagraph (i) of this subsection is greater than basic salary under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(14) (a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service rendered by a member from and after the member's initial commencement of employment as a fire fighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall include (i) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (ii) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: PROVIDED. That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter: PROVIDED FURTHER. That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period: AND PROVIDED FURTHER. That where a member is employed by two employers at the same time, he shall only be credited with service to one such employer for any month during which he rendered such dual service.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in RCW 41.26.110 for persons who establish membership in the retirement system on or before September 30, 1977.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(20) "Disability retirement" for persons who establish membership in the retirement system on or before September 30, 1977, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" for persons who establish membership in the retirement system on or before September 30, 1977, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW;

(D) A psychologist licensed under chapter 18.83 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(23) "Regular interest" means such rate as the director may determine.

(24) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(25) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(26) "Director" means the director of the department.

(27) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(28) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

Sec. 17. Section 8, chapter 294, Laws of 1977 ex. sess. as last amended by section 2, chapter 12, Laws of 1982 and RCW 41.26.470 are each amended to read as follows:

(1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the director shall be eligible to receive an allowance under the provisions of RCW 41.26.410 through 41.26.550. Such member shall receive a monthly disability allowance computed as provided for in RCW 41.26.420 and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age fifty-eight.

(2) Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such

medical examinations reveal that such a member has recovered from the incapacitating disability (~~and the member is no longer entitled to benefits under Title 51 RCW~~), the retirement allowance shall be canceled and the member shall be restored to duty in the same civil service rank, if any, held by the member at the time of retirement or, if unable to perform the duties of the rank, then, at the member's request, in such other like or lesser rank as may be or become open and available, the duties of which the member is then able to perform. In no event shall a member previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the member at the date of the retirement for disability. If the department determines that the member is able to return to service, the member is entitled to notice and a hearing. Both the notice and the hearing shall comply with the requirements of chapter 34.04 RCW, as now or hereafter amended.

NEW SECTION. Sec. 18. There is added to chapter 41.32 RCW a new section to read as follows:

The director is authorized to waive RCW 41.32.260(3) to effectuate RCW 41.32.260(4).

NEW SECTION. Sec. 19. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Consolidated employer" means the new organizational element formed to perform some governmental function or service for two or more political subdivisions at least one of which is a first class city having its own retirement system. The new organization may be an element of county government or city government or of some other existing political subdivision, or it may be, or be a part of, a newly formed political subdivision.

(2) "New hiree" means someone hired by the consolidated employer who:

(a) Was not employed by any of the combining elements or their political subdivisions at the time of consolidation; or

(b) Was employed by one of the combining elements or their political subdivisions but did not become an employee of the consolidated employer within one year of the date on which the consolidated employer became a legal entity.

NEW SECTION. Sec. 20. This chapter governs the retirement program for individuals whose employment status is altered when two or more political subdivisions enter into an agreement to provide for consolidation of a function of government, the function is to be performed either by one of the participating subdivisions or by a newly created subdivision, and the employees of the participating subdivisions are enrolled as members of more than one Washington public retirement system.

NEW SECTION. Sec. 21. All new hirees by the consolidated entity shall become members of the retirement system to which the consolidated employer belonged prior to the consolidation if the employer is a member of a retirement system. If the employer is not a member of a retirement system, the new hirees shall not have a retirement program until the employer joins a retirement system.

NEW SECTION. Sec. 22. If the consolidated employer was an employer-member of one of the state retirement systems prior to consolidation:

(1) The employees of the consolidated employer who were active members of a state retirement system prior to the consolidation shall continue to be members of that system.

(2) Employees who were members of a city public retirement system prior to the consolidation may exercise one of the following options:

(a) Remain an active member of the city public retirement system while employed by the consolidated employer; or

(b) Establish membership in the retirement system provided by chapter 41.40 RCW and either separate and withdraw from the city public system or, if eligible, separate and vest with the city system.

Only prospective periods of qualifying service with a Washington public retirement system may be established under this section.

NEW SECTION. Sec. 23. If the consolidated employer was an employer-member of a city public retirement system prior to the consolidation:

(1) The employees of the consolidated employer who were members of a city public retirement system prior to the consolidation shall continue to be members of that system.

(2) Employees of the consolidated employer who were members of the retirement system provided by chapter 41.40 RCW may exercise one of the following options:

(a) Remain an active member of the system provided by chapter 41.40 RCW; or

(b) Establish membership in the retirement system provided by the city public retirement system and either separate and withdraw from the system provided by chapter 41.40 RCW or, if eligible, separate and vest with that system.

Only prospective periods of qualifying service with a Washington public retirement system may be established under this section.

NEW SECTION. Sec. 24. The following general rules apply in consolidated situations under this chapter:

(1) If the consolidated employer is a member of a retirement system, all employees, otherwise eligible, shall be members of a retirement system.

(2) No employee may be an active member of more than one Washington public retirement system as a consequence of employment by the consolidated employer.

(3) Any person employed by the consolidated employer within one year of the date of activation of the consolidated entity shall be entitled to the options provided in sections 22 and 23 of this act if he or she was an active member of a Washington public retirement system at the time of employment by the consolidated entity.

(4) An employee who is not retired at the time of employment by the consolidated employer may not elect to retire from any Washington public retirement system until he or she has separated from service with the consolidated employer.

(5) No member of any retirement system may become entitled to any benefits or rights under any Washington public retirement system as a result of this chapter except such rights of membership as are covered in this chapter.

(6) This chapter shall be effective retroactive to December 31, 1981, and all time periods specified in this chapter shall run from the dates indicated or December 31, 1981, whichever is the later.

(7) Consolidated employers are required to comply with the laws and rules of any Washington public retirement system whose active members they employ.

(8) Entry into membership granted under this chapter does not constitute a waiver of any other law or rule of any Washington public retirement system including and not limited to eligibility standards for service credit or benefits.

NEW SECTION, Sec. 25. An employee electing under section 22(2)(a) or 23(2)(a) of this act shall have the right to change positions within the structure of the consolidated employer without affecting the employee retirement membership.

NEW SECTION, Sec. 26. It is not the purpose of this chapter to provide relief to any Washington public retirement system or its sponsors when consolidations result in financial injury to any such system. These issues are properly addressed in the negotiations between the interested parties when the consolidation is being planned and executed.

NEW SECTION, Sec. 27. This chapter does not apply to any consolidation which includes any members of retirement systems established by chapter 41.18, 41.20, or 41.26 RCW.

NEW SECTION, Sec. 28. Sections 19 through 27 of this act shall constitute a new chapter in Title 41 RCW.

NEW SECTION, Sec. 29. There is appropriated from the general fund to the public employees' retirement fund for the biennium ending June 30, 1985, the sum of two hundred ten thousand dollars, or so much thereof as may be necessary, for costs resulting from section 14 of this act.

NEW SECTION, Sec. 30. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator McDermott, this is a question that relates to page 23--the new section, subsection (b)--where we are talking about a person reestablishing their service credit and saying the restoration shall be completed within one year of the effective date of this act, since this is a new section, or within one year of reemployment if not employed--the usual words we have to say. Is this new one year open period for all employees who may not have had or not taken advantage of the buy-back period in the past?"

Senator McDermott: "Yes, Senator Lee. When we discussed this bill--this bill was on the calendar and 95 percent of this amendment has been on before. When we discussed this before, I said there is a one year open period. We are opening the window for the last time. You may have remembered that. A couple of people on the floor laughed. What happened is that people are in state service, they go out and draw out their money and they come back and they are young and they don't pay attention or whatever, and finally twenty years later, they decide they would like to buy back their earlier years. We have opened the window, at least as long as I have been here, we have opened the window, I think, three times to let people in.

"This section lets them rebuy that back for a one year period, but it, also, requires and sets up procedures for which everyone who returns to state service will get a certified letter telling them that they have 90 days to buy back in. A copy will be put in their record and from this point forward, there will be no open windows. Everybody will have had an opportunity to buy back. If they didn't, they will have no excuse. This is the last open window--period."

Senator Lee: "One further question. Even though the persons, of course, are putting in their own credit, plus interest--this is the same way the bill was before--there has to be an additional burden upon them--the pension funds themselves, or at least a calculated one, if all of them bought back. It is the only way you could do. Do you recall what the Actuary had to say as far as what the increased demand on the pension funds would be?"

Senator McDermott: "I don't remember the percentage figure, Senator Lee, but he figured everybody who had ever returned to service, and gave us a figure that I remember was something like ten million dollars. I don't think it is going to be that high, but that is what he estimated as a very outside figure."

POINT OF INQUIRY

Senator Haley: "Senator McDermott, is it customary for psychologists to be covered under health insurance? I am not aware of that being an extensive practice. Are you aware of other health insurance coverages including psychologists around in this area or anywhere in the country? I would like to know what the experience is and if you know anything about what the fiscal impact of that is?"

Senator McDermott: "Actually, when I first came to the legislature in 1971, I sponsored a bill to license psychologists in this state. Once somebody is licensed, they can be paid under insurance programs. I remember coming before Big Daddy Day's committee and he said to me 'I've never seen a doctor come and ever testify for anybody except himself.' Actually, I think the costs are a little bit less paying psychologists and psychiatrists, so it is actually a cost saving to allow the LEOFF system to use psychologists."

POINT OF INQUIRY

Senator Bluechel: "Senator McDermott, in regard to the open window for a one year period, if I remember correctly in the Ways and Means Committee, the Actuary stated that if everybody participated--we are looking at his best judgment--at a 59.6 million dollar impact, not a ten million dollar impact. Do you have any recollection of that particular bill we were talking about. I believe they said 59.6--that is the figure I have here."

Senator McDermott: "As I said in answer to Senator Lee's question, he figured everybody. The figure was--I don't remember a figure quite that high, but I, also, think he over-estimated the figure. He is more conservative than most actuaries."

MOTION

Senator Metcalf moved the following amendment to the amendment:
On page 1, line 6, strike section 1.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Does anybody around here know the judge that we are going to grant a retirement in ten years, instead of twelve? Anyone know the name? I would like to know, specifically, who we are helping. Does anyone know the answer? I can't believe that nobody in the Senate knows the answer to this."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Metcalf to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the amendment to the amendment was not adopted by the following vote: Yeas, 22; nays, 24; absent, 02; excused, 01.

Voting yea: Senators Barr, Benitz, Craswell, Deccio, Gaspard, Guess, Haley, Hansen, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Owen, Patterson, Quigg, Rasmussen, Sellar, Vognild, von Reichbauer, Wojahn - 22.

Voting nay: Senators Bauer, Bender, Bluechel, Clarke, Conner, Fleming, Fuller, Goltz, Granlund, Hayner, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Rinehart, Shipoch, Talmadge, Thompson, Warnke, Williams, Woody - 24.

Absent: Senators Bottiger, Zimmerman - 2.

Excused: Senator Pullen - 1.

MOTION

On motion of Senator Shinpoch, further consideration of Substitute Senate Bill 3226 was deferred.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3614.
 SUBSTITUTE SENATE BILL NO. 3637.
 SUBSTITUTE SENATE BILL NO. 3642.
 SUBSTITUTE SENATE BILL NO. 3657.
 SUBSTITUTE SENATE BILL NO. 3782.
 SUBSTITUTE SENATE BILL NO. 3811.
 SENATE BILL NO. 3843.
 SENATE BILL NO. 3846.
 SUBSTITUTE SENATE BILL NO. 3880.
 SUBSTITUTE SENATE BILL NO. 4066.
 SENATE BILL NO. 4082.
 SENATE BILL NO. 4088.
 SENATE BILL NO. 4103.
 SENATE BILL NO. 4112.
 SENATE BILL NO. 4153.
 SENATE BILL NO. 4204.
 SUBSTITUTE SENATE BILL NO. 4226.
 SUBSTITUTE SENATE JOINT RESOLUTION NO. 112.

MOTION

At 5:39 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 6:05 p.m.

MOTION

At 6:05, on motion of Senator Bottiger, the Senate recessed until 7:00 p.m.

EVENING SESSION

The President called the Senate to order at 7:00 p.m.

MOTION

At 7:00 p.m., on motion of Senator Bottiger, the Senate recessed until 7:25 p.m.

SECOND EVENING SESSION

The President called the Senate to order at 7:25 p.m.

MOTION

On motion of Senator Shinpoch, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 24, 1983

Mr. President:

The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3640 and has granted said Committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

April 23, 1983

MR. SPEAKER:

MR. PRESIDENT:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3640, modifying the residential landlord-tenant act, have had the same

under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference to recommend that the bill pass amended as follows:

On page 2, line 34 after "(6)" strike "~~((A person who))~~ When he" and insert "A person who"

On page 2, line 36 after "and" strike "~~((who))~~" and insert "who"

On page 6, line 3 strike "or neglects" and insert "~~((or neglects))~~"

On page 11 after line 17 insert the following new subsection:

"(1) The remedies provided by this section are in addition to other remedies provided by this chapter."

Renumber the following subsections consecutively and correct any internal references accordingly.

On page 12, line 3 after "restitution" insert "without bond"

On page 12, line 17 strike "writ"

On page 12, line 31 after "statement" insert "signed and sworn under penalty of perjury"

Signed by: Senators Talmadge, Hughes and Hemstad; Representatives Niemi, Armstrong and Isaacson.

MOTION

On motion of Senator Bottiger, the report of the Conference Committee was adopted and the powers of Free Conference on Substitute Senate Bill No. 3640 were granted.

MESSAGE FROM THE HOUSE

April 23, 1983

Mr. President:

The House has adopted the report of the Conference Committee on SENATE BILL NO. 3182 and has granted said Committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

April 24, 1983

MR. SPEAKER:

MR. PRESIDENT:

We, of your Conference Committee, to whom was referred SENATE BILL NO. 3182, modifying provisions relating to financial institutions, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending Senate Bill No. 3182 and the amendment attached hereto:

Strike everything after the enacting clause, and insert the following:

NEW SECTION. Sec. 1. There is added to chapter 30.04 RCW a new section to read as follows:

A bank or trust company may purchase for its own account shares of stock of a bank or a holding company that owns or controls a bank if the stock of the bank or company is owned exclusively, except to the extent directly qualifying shares are required by law, by depository institutions and the bank or company and all subsidiaries thereof are engaged exclusively in providing services for other depository institutions and their officers, directors, and employees. In no event may the total amount of such stock held by a bank or trust company in any bank or bank holding company exceed at any time ten percent of its capital stock and paid-in and unimpaired surplus, and in no event may the purchase of such stock result in a bank or trust company acquiring more than twenty-five percent of any class of voting securities of such bank or company. Such a bank or bank holding company shall be called a "banker's bank."

NEW SECTION. Sec. 2. There is added to chapter 30.04 RCW a new section to read as follows:

Sales of federal reserve funds with a maturity of one business day or under a continuing contract are not "loans or obligations" or "liabilities" for the purposes of the loan limits established by RCW 30.04.110. However, sales of federal reserve funds with a maturity of more than one business day are subject to those limits.

For the purposes of this section, "sale of federal reserve funds" means any transaction among depository institutions involving the disposal of immediately available funds resulting from credits to deposit balances at federal reserve banks or from credits to new or existing deposit balances due from a correspondent depository institution.

Sec. 3. Section 30.04.060, chapter 33, Laws of 1955 as amended by section 6, chapter 196, Laws of 1982 and RCW 30.04.060 are each amended to read as follows:

The supervisor, the deputy supervisor, or a bank examiner, without previous notice, shall visit each bank and each trust company at least once in each year, and oftener if necessary, for the purpose of making a full investigation into the condition of such corporation, and for that purpose they are hereby empowered to administer oaths and to examine under oath any director, officer, employee, or agent of such corporation. ~~((Said))~~ The supervisor may make such other full or partial examinations as deemed necessary and may examine any bank holding company that owns any portion of a bank or trust company chartered by the state of Washington and obtain reports of condition for any bank holding company that owns any portion of a bank or trust company chartered by the state of Washington. The supervisor may visit and examine into the affairs of any nonpublicly held corporation in which the bank, trust company, or bank holding company has an investment or any publicly held corporation the capital stock of which is controlled by the bank, trust company, or bank holding company; may appraise and revalue such corporations' investments and securities; and shall have full access to all the books, records, papers, securities, correspondence, bank accounts, and other papers of such corporations for such purposes. The supervisor may, in his or her discretion, accept in lieu of the examinations required in this section the examinations required under the terms of the federal reserve act for banks which are, or may become, members of a federal reserve bank or the deposits of which are insured by the Federal Deposit Insurance Corporation. Any wilful false swearing in any examination ~~((shall be))~~ is perjury in the second degree.

Sec. 4. Section 30.04.110, chapter 33, Laws of 1955 as amended by section 1, chapter 136, Laws of 1969 and RCW 30.04.110 are each amended to read as follows:

The total liability to any bank or trust company of any person for money borrowed, including in the liabilities of a firm or association the liabilities of the several members thereof, shall not at any time exceed ~~((fifteen))~~ twenty percent of the capital and surplus of such bank or trust company; but the discount of bills of exchange drawn in good faith against actually existing values and the discount of commercial or business paper of solvent parties, actually owned by the person negotiating the same, shall not be considered as money borrowed by him: PROVIDED, That loans secured by collateral security having an ascertained market value of at least fifteen percent more than the amount of the loans secured, shall not be limited by this section.

Loans or obligations shall not be subject under this section to any limitation based upon such capital and surplus to the extent that they are secured or covered by guaranties, or by commitments or agreements to take over or to purchase the same, made by any federal reserve bank or by the United States or any department, bureau, board, commission or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States.

For the purposes of this section, "capital" includes capital notes or debentures issued under chapter 30.36 RCW.

Sec. 5. Section 2, chapter 194, Laws of 1963 and RCW 30.04.128 are each amended to read as follows:

Any state bank or trust company, stock savings bank, or mutual savings bank may invest in the capital stock of banking service corporations ~~((organized for the purpose of performing or providing mechanical, clerical, or record keeping services for two or more banks))~~. The total amount which any such bank may invest in the shares of such corporations may not exceed in the case of a bank or trust company or stock savings bank, ten percent of its paid in or unimpaired capital and unimpaired surplus, or in the case of a mutual savings bank, ten percent of its guaranty fund. Such a bank service corporation may not engage in any activity other than ~~((the performance of services for banks))~~ those permitted by the bank service corporation act, 12 U.S.C. Sec. 1861, et seq., as amended by P.L. 97-320, and in effect on the effective date of this 1983 act. The performance of any service, and any records maintained by any such corporation for a bank, shall be subject to regulation and examination by the supervisor and appropriate federal agencies to the same extent as if such services or records were being performed or maintained by the bank on its own premises.

Sec. 6. Section 30.04.140, chapter 33, Laws of 1955 as amended by section 2, chapter 133, Laws of 1967 and RCW 30.04.140 are each amended to read as follows:

No bank or trust company shall pledge or hypothecate any of its securities or assets to any depositor, ~~((or creditor))~~ except that it may qualify as depository for United States deposits, postal savings funds or other public funds, or funds held in trust and deposited by any public officer by virtue of his office, or funds held by the United States or the state of Washington, or any officer thereof in trust, or for funds of corporations owned or controlled by the United States, and may give such security for such deposits as are required by law or by the officer making the same; and it may give security to its trust department for deposits with itself which represent trust funds invested in savings accounts or which represent fiduciary funds awaiting investment or distribution ~~((PROVIDED, That any bank or trust company may borrow, for temporary purposes, not to exceed in the aggregate amount the paid-in capital and surplus thereof, and may pledge as security therefor assets of such corporation, not exceeding one and one-half times the amount borrowed))~~.

Sec. 7. Section 30.04.160, chapter 33, Laws of 1955 and RCW 30.04.160 are each amended to read as follows:

~~((When it shall appear to the supervisor that any bank or trust company is habitually borrowing for the purpose of reloaning, he may require such corporation to pay off such borrowed money. Nothing herein shall prevent any bank or trust company from rediscounting in good faith and indorsing any of its negotiable notes, but all such moneys borrowed and all such rediscounts shall at all times show on its books and in its reports. No certificates of deposit shall be issued for the purpose of borrowing money.))~~ No officer of any bank or trust company shall issue the note of such corporation for money borrowed or rediscount any of its notes except when authorized by resolution of its board of directors or by an authorized committee thereof. Violation of any provision of RCW 30.04.140 or 30.04.150 or of this section shall constitute a felony.

Sec. 8. Section 7, chapter 136, Laws of 1969 and RCW 30.04.215 are each amended to read as follows:

In addition to all powers ~~((previously))~~ enumerated by this title, and those necessarily implied therefrom, a bank may engage in other business ((activity. PROVIDED: That)) activities that have been determined by the board of governors of the federal reserve system or by the United States Congress to be closely related to the business of banking, as of the effective date of this 1983 act. At least thirty days before investment in corporations or other entities under this chapter, notification by letter shall be made to the supervisor in accordance with such terms and conditions as the supervisor might establish by rule. A bank((- which)) that desires to perform an activity ((which)) that is not expressly authorized by ((the powers enumerated in)) this section(;) shall first apply to the supervisor for authorization to conduct such activity. Within thirty days of the receipt of this application, the supervisor shall determine whether the activity is ((an appropriate adjunct)) closely related to the business of banking, whether the public convenience and advantage will be promoted, whether the activity is apt to create an unsafe or unsound practice by the bank and whether the applicant is capable of performing such an activity. If the supervisor finds the activity to be ((an appropriate adjunct)) closely related to the business of banking and the bank is otherwise qualified, he shall forthwith inform the applicant that the activity is authorized. If the supervisor determines that such activity is not ((an appropriate adjunct)) closely related to the business of banking or the bank is not otherwise qualified, he shall forthwith inform the applicant in writing. The applicant shall have the right to appeal from an unfavorable determination in accordance with the procedures of the Administrative Procedure Act, chapter 34.04 RCW((- as now or hereafter amended)). In determining whether a particular activity is ((an appropriate adjunct)) closely related to the business of banking, the supervisor shall be guided by ((whether national banks under federal laws and administrative regulations and rulings have the authority to perform such activity)) the rulings of the board of governors of the federal reserve system in making determinations in connection with the powers exercisable by bank holding companies, and the activities performed by other commercial banks or their holding companies. Any activity which may be performed by a bank, except the taking of deposits, may be performed by a corporation, all of the outstanding stock of which is owned by the bank. A bank shall not invest a sum greater than twenty-five percent of its capital and surplus in the capital stock of corporations organized to perform activities authorized by this section.

Sec. 9. Section 30.04.230, chapter 33, Laws of 1955 as last amended by section 7, chapter 196, Laws of 1982 and RCW 30.04.230 are each amended to read as follows:

(1) A corporation or association organized under the laws of this state or licensed to transact business in the state, other than a bank or trust company, may acquire any or all shares of stock of any bank, trust company, or national banking association. Nothing in this section shall be construed to prohibit the merger, consolidation, or reorganization of a bank or trust company in accordance with this title((- or to permit a)).

(2) ~~Unless the terms of this section are complied with, an out-of-state bank holding company ((the operations of which are principally conducted outside this state to)) shall not acquire more than five percent of the shares of the voting stock or all or substantially all of the assets of a bank, trust company, or national banking association the principal operations of which are conducted within this state.~~

(3) As used in this section a "bank holding company" means a company that is a bank holding company as defined by the Bank Holding Company Act of 1956, as amended (12 U.S.C. Sec. 1941 et seq.). An "out-of-state bank holding company" is a bank holding company that principally conducts its operations outside this state, as measured by total deposits held or controlled by its bank subsidiaries on the date on which it became a holding company. A "domestic bank holding company" is a bank holding company that principally conducts its operations within this state, as measured by total deposits held or controlled by its bank subsidiaries on the date on which it became a bank holding company.

(4) Any such acquisition referred to under subsection (2) of this section by an out-of-state bank holding company requires the express written approval of the supervisor of banking. Approval shall not be granted unless and until the following conditions are met:

(a) An out-of-state bank holding company desiring to make an acquisition referred to under subsection (2) of this section and the bank, trust company, national banking association, or domestic bank holding company parent thereof, if any, proposed to be acquired shall file an application in writing with the supervisor of banking and pay an investigation fee of five thousand dollars to the supervisor of banking. The application shall contain such information as the supervisor of banking may prescribe by rule as necessary or appropriate for the purpose of making a determination under this section. The application and supporting information and all examination reports and information obtained by the supervisor and the supervisor's staff in conducting its investigation shall be confidential and privileged and not subject to public disclosure under chapter 42.17 RCW. The application and information may be disclosed to federal bank regulatory agencies and to officials empowered to investigate criminal charges, subject to legal process, valid search warrant, or subpoena. In any civil action in which such application or information is sought to be discovered or used as evidence, any party may, upon notice to the supervisor and other parties, petition for an in camera review. The court may permit discovery and introduction of only those portions that are relevant and otherwise unobtainable by the requesting party. The application and information shall be discoverable in any judicial action challenging the approval of an acquisition by the supervisor as arbitrary and capricious or unlawful.

(b) The supervisor of banking shall find that:

(i) The bank, trust company, or national banking association that is proposed to be acquired or the domestic bank holding company controlling such bank, trust company, or national banking association is in such a liquidity or financial condition as to be in danger of closing, failing, or insolvency. In making any such determination the supervisor shall be guided by the criteria developed by the federal regulatory agencies with respect to emergency acquisitions under the provisions of 12 U.S.C. Sec. 1828(c);

(ii) There is no state bank, trust company, or national banking association doing business in the state of Washington or domestic bank holding company with sufficient resources willing to acquire the entire bank, trust company, or national banking association on at least as favorable terms as the out-of-state bank holding company is willing to acquire it;

(iii) The applicant out-of-state bank holding company has provided all information and documents requested by the supervisor in relation to the application; and

(iv) The applicant out-of-state bank holding company has demonstrated an acceptable record of meeting the credit needs of its entire community, including low and moderate income neighborhoods, consistent with the safe and sound operation of such institution.

(c) The supervisor shall consider:

(i) The financial institution structure of this state; and

(ii) The convenience and needs of the public of this state.

(5) Nothing in this section may be construed to prohibit, limit, restrict, or subject to further regulation the ownership by a bank of the stock of a bank service corporation or a banker's bank.

NEW SECTION. Sec. 10. Section 30.04.150, chapter 33, Laws of 1955 and RCW 30.04.150 are each repealed.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 241, Laws of 1981 and RCW 43.19.095; and

(2) Section 2, chapter 241, Laws of 1981 and RCW 43.19.112.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. Sections 1 through 10 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

In line 1 of the title, after "institutions;" strike the remainder of the title and insert "amending section 30.04.060, chapter 33, Laws of 1955 as amended by section 6, chapter 196, Laws of 1982 and RCW 30.04.060; amending section 30.04.110, chapter 33, Laws of 1955 as amended by section 1, chapter 136, Laws of 1969 and RCW 30.04.110; amending section 2, chapter 194, Laws of 1963 and RCW 30.04.128; amending section 30.04.140, chapter 33, Laws of 1955 as amended by section 2, chapter 133, Laws of 1967 and RCW 30.04.140; amending section 30.04.160, chapter 33, Laws of 1955 and RCW 30.04.160; amending section 7, chapter 136, Laws of 1969 and RCW 30.04.215; amending section 30.04.230, chapter 33, Laws of 1955 as last amended by section 7, chapter 196, Laws of 1982 and RCW 30.04.230; adding new sections to chapter 30.04 RCW; repealing section 30.04.150, chapter 33, Laws of 1955 and RCW 30.04.150; repealing section 1, chapter 241, Laws of 1981 and RCW 43.19.095; repealing section 2, chapter 241, Laws of 1981 and RCW 43.19.112; and declaring an emergency."

Signed by: Senators Moore, Jones and Warneke; Representatives Wang and Sanders.

MOTION

On motion of Senator Moore, the report of the Conference Committee was adopted and the powers of Free Conference on Senate Bill No. 3182 were granted.

MESSAGE FROM THE HOUSE

April 24, 1983

Mr. President:

The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3253 and has granted said Committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

April 23, 1983

MR. SPEAKER:

MR. PRESIDENT:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3253, requiring law enforcement officers to take certain abused children into custody, have had the same under consideration, and we report that we are unable to agree to the House amendment to page 6, line 23, and respectfully request the powers of Free Conference, to recommend that the bill pass as amended by the House, with the exception of the amendment to page 6, line 23, and that the following amendment be adopted, and the bill do pass as amended by the Free Conference Committee:

On page 6, line 25 after "for" strike "any action or omission" and insert "the decision for taking the child into custody, if done"

Signed by: Senators Talmadge, Hughes and Hemstad; Representatives Dellwo, McMullen and Padden.

MOTION

On motion of Senator Talmadge, the report of the Conference Committee was adopted and the powers of Free Conference on Substitute Senate Bill No. 3253 were granted.

MESSAGE FROM THE HOUSE

April 24, 1983

Mr. President:

The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3022 and has granted said Committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

April 23, 1983

MR. SPEAKER:

MR. PRESIDENT:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3022, clarifying the Crime Victim Compensation Act, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference, and that the bill pass as amended by the House on page 2, line 5 and page 2, line 11 and with the following amendment to page 3, line 10:

On page 3, after line 10 insert the following:

"Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county."

Signed by: Senators Talmadge, Hughes and Hemstad; Representatives McMullen and Tilly.

MOTION

On motion of Senator Talmadge, the report of the Conference Committee was adopted and the powers of Free Conference on Substitute Senate Bill No. 3022 were granted.

MESSAGES FROM THE HOUSE

April 24, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE HOUSE NO. 1093 as amended by the Senate on page 4, line 11.

DEAN R. FOSTER, Chief Clerk

April 24, 1983

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 906 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 24, 1983

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 289 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

April 22, 1983

Mr. President:

The House has concurred in the Senate amendment(s) to the following listed bills and has passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 44,

HOUSE BILL NO. 76,

SUBSTITUTE HOUSE BILL NO. 117,

SUBSTITUTE HOUSE BILL NO. 129,

SUBSTITUTE HOUSE BILL NO. 134,

SUBSTITUTE HOUSE BILL NO. 390,

HOUSE BILL NO. 436,

SUBSTITUTE HOUSE BILL NO. 458,

SUBSTITUTE HOUSE BILL NO. 865,

HOUSE BILL NO. 867.

DEAN R. FOSTER, Chief Clerk

April 24, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3034,

SUBSTITUTE SENATE BILL NO. 3035,

SUBSTITUTE SENATE BILL NO. 3042,

SUBSTITUTE SENATE BILL NO. 3055,

SUBSTITUTE SENATE BILL NO. 3087,

SUBSTITUTE SENATE BILL NO. 3088,

SENATE BILL NO. 3106,

SUBSTITUTE SENATE BILL NO. 3124,

SUBSTITUTE SENATE BILL NO. 3127,

SENATE BILL NO. 3134,

SENATE BILL NO. 3142,

SENATE BILL NO. 3297, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MESSAGES FROM THE HOUSE

April 24, 1983

Mr. President:

The Speaker has signed:

SENATE BILL NO 3416,

SENATE BILL NO. 3442.

SUBSTITUTE SENATE BILL NO. 3453,
SUBSTITUTE SENATE BILL NO. 3480,
SENATE BILL NO. 3492,
SUBSTITUTE SENATE BILL NO. 3497,
SENATE BILL NO. 3523,
SUBSTITUTE SENATE BILL NO. 3595,
SUBSTITUTE SENATE BILL NO. 4101, and the same are herewith transmitted.
DEAN R. FOSTER, Chief Clerk

April 24, 1983

Mr. President:

The Speaker has signed:

SENATE BILL NO 3145,
SUBSTITUTE SENATE BILL NO. 3156,
SENATE BILL NO. 3184,
SENATE BILL NO. 3203,
SUBSTITUTE SENATE BILL NO. 3217,
SECOND SUBSTITUTE SENATE BILL NO. 3245,
SENATE BILL NO. 3255,
SUBSTITUTE SENATE BILL NO. 3299,
SUBSTITUTE SENATE BILL NO. 3308,
SENATE BILL NO. 3363,
SENATE BILL NO. 3392, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 24, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 44,
HOUSE BILL NO. 76,
SUBSTITUTE HOUSE BILL NO. 117,
SUBSTITUTE HOUSE BILL NO. 129,
SUBSTITUTE HOUSE BILL NO. 134,
SUBSTITUTE HOUSE BILL NO. 390,
HOUSE BILL NO. 436,
SUBSTITUTE HOUSE BILL NO. 458,
SUBSTITUTE HOUSE BILL NO. 865,
HOUSE BILL NO. 867, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 24, 1983

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 107,
SUBSTITUTE HOUSE BILL NO. 177,
SUBSTITUTE HOUSE BILL NO. 179,
HOUSE BILL NO. 185,
HOUSE BILL NO. 284,
HOUSE BILL NO. 318,
SUBSTITUTE HOUSE BILL NO. 336,
SUBSTITUTE HOUSE BILL NO. 433,
SUBSTITUTE HOUSE BILL NO. 434,
SUBSTITUTE HOUSE BILL NO. 463,
SUBSTITUTE HOUSE BILL NO. 493,
HOUSE BILL NO. 520,
HOUSE BILL NO. 753, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 24, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 233,
SUBSTITUTE HOUSE BILL NO. 334,

SUBSTITUTE HOUSE BILL NO. 359.
 SUBSTITUTE HOUSE BILL NO. 452.
 HOUSE BILL NO. 511.
 HOUSE BILL NO. 555.
 SUBSTITUTE HOUSE BILL NO. 667.
 HOUSE BILL NO. 674, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 1983

Mr. President:

The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 3433 and asks the Senate to concur therein, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Substitute Senate Bill No. 3433.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3433, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3433, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Thompson, von Reichbauer, Warnke, Williams, Wojahn - 36.

Voting nay: Senators Barr, Benitz, Bluechel, Guess, Jones, Sellar, Shinpoch, Talmadge, Vognild, Woody, Zimmerman - 11.

Absent: Senator Lee - 1.

Excused: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 3433, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3614,
 SUBSTITUTE SENATE BILL NO. 3637,
 SUBSTITUTE SENATE BILL NO. 3642,
 SUBSTITUTE SENATE BILL NO. 3657,
 SUBSTITUTE SENATE BILL NO. 3782,
 SUBSTITUTE SENATE BILL NO. 3811,
 SENATE BILL NO. 3843,
 SENATE BILL NO. 3846,
 SUBSTITUTE SENATE BILL NO. 3880,
 SUBSTITUTE SENATE BILL NO. 4066,
 SENATE BILL NO. 4082,
 SENATE BILL NO. 4088,
 SENATE BILL NO. 4103,
 SENATE BILL NO. 4112,
 SENATE BILL NO. 4153,
 SENATE BILL NO. 4204,
 SUBSTITUTE SENATE BILL NO. 4226.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 112, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 44,
 HOUSE BILL NO. 76,
 SUBSTITUTE HOUSE BILL NO. 117,
 SUBSTITUTE HOUSE BILL NO. 129,
 SUBSTITUTE HOUSE BILL NO. 134,
 SUBSTITUTE HOUSE BILL NO. 390,
 HOUSE BILL NO. 436,
 SUBSTITUTE HOUSE BILL NO. 458,
 SUBSTITUTE HOUSE BILL NO. 865,
 HOUSE BILL NO. 867.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 233,
 SUBSTITUTE HOUSE BILL NO. 334,
 SUBSTITUTE HOUSE BILL NO. 359,
 SUBSTITUTE HOUSE BILL NO. 452,
 HOUSE BILL NO. 511,
 HOUSE BILL NO. 555,
 SUBSTITUTE HOUSE BILL NO. 667,
 HOUSE BILL NO. 674.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 3101,
 SENATE BILL NO. 3224,
 SENATE JOINT MEMORIAL NO. 116.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 3026,
 SUBSTITUTE SENATE BILL NO. 3068,
 SENATE BILL NO. 3393,
 SUBSTITUTE SENATE BILL NO. 3630,
 SENATE BILL NO. 3674,
 SENATE BILL NO. 3857,
 SUBSTITUTE SENATE BILL NO. 4092.

MOTION

At 7:40 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 9:05 p.m.

MESSAGES FROM THE HOUSE

April 24, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 325,
 SUBSTITUTE HOUSE BILL NO. 431,
 HOUSE BILL NO. 479,
 SUBSTITUTE HOUSE BILL NO. 579,
 SUBSTITUTE HOUSE BILL NO. 784, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 24, 1983

Mr. President:

The House has concurred in the Senate amendment(s) to the following listed bills and has passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 126,

HOUSE BILL NO. 585.

DEAN R. FOSTER, Chief Clerk

April 24, 1983

Mr. President:

The House has concurred in the Senate amendment to ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3 and has adopted the resolution as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 325,
 SUBSTITUTE HOUSE BILL NO. 431,
 HOUSE BILL NO. 479,
 SUBSTITUTE HOUSE BILL NO. 579,
 SUBSTITUTE HOUSE BILL NO. 784.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 107,
 SUBSTITUTE HOUSE BILL NO. 177,
 SUBSTITUTE HOUSE BILL NO. 179,
 HOUSE BILL NO. 185,
 HOUSE BILL NO. 284,
 HOUSE BILL NO. 318,
 SUBSTITUTE HOUSE BILL NO. 336,
 SUBSTITUTE HOUSE BILL NO. 433,
 SUBSTITUTE HOUSE BILL NO. 434,
 SUBSTITUTE HOUSE BILL NO. 463,
 SUBSTITUTE HOUSE BILL NO. 493,
 HOUSE BILL NO. 520,
 HOUSE BILL NO. 753.

MESSAGE FROM THE HOUSE

April 24, 1983

Mr. President:

The House has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 3640, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

April 23, 1983

MR. SPEAKER:

MR. PRESIDENT:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3640, modifying the residential landlord-tenant act, have had the same under consideration, and we recommend that the bill pass as amended:

On page 2, line 34 after "(6)" strike "((A person who)) When he" and insert "A person who"

On page 2, line 36 after "and" strike "((who))" and insert "who"

On page 6, line 3 strike "or neglects" and insert "((or neglects))"

On page 11 after line 17 insert the following new subsection:

"(1) The remedies provided by this section are in addition to other remedies provided by this chapter."

Reumber the following subsections consecutively and correct any internal references accordingly.

On page 12, line 3 after "restitution" insert "without bond"

On page 12, line 17 strike "writ"

On page 12, line 31 after "statement" insert "signed and sworn under penalty of perjury"

Signed by: Senators Talmadge, Hughes and Hemstad; Representatives Niemi, Armstrong and Isaacson.

MOTION

On motion of Senator Talmadge, the report of the Free Conference Committee on Substitute Senate Bill No. 3640 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3640, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3640, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 03; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Hurley, McManus, Sellar - 3.

Excused: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 3640, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 1983

Mr. President:

The House has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 3022, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

April 23, 1983

MR. SPEAKER:

MR. PRESIDENT:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3022, clarifying the Crime Victim Compensation Act, have had the same under consideration, and we recommend that the bill pass as amended by the House on page 2, line 5, and page 2, line 11, and the following amendment to page 3, after line 10:

On page 3, after line 10 insert the following:

"Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county."

Signed by: Senators Talmadge, Hughes and Hemstad; Representatives McMullen and Tilly.

MOTION

On motion of Senator Talmadge, the report of the Free Conference Committee on Substitute Senate Bill No. 3022 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3022, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3022, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner,

Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Quigg, Sellar - 2.

Excused: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 3022, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 1983

Mr. President:

The House has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 3253, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

April 24, 1983

MR. SPEAKER:

MR. PRESIDENT:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3253, requiring law enforcement officers to take certain abused children into custody, have had the same under consideration, and we recommend that the bill pass as amended by the House with the exception of the amendment to page 6, line 23, and that the following amendment be adopted, and the bill do pass as amended by the Free Conference Committee:

On page 6, line 25 after "for" strike "any action or omission" and insert "the decision for taking the child into custody, if done"

Signed by: Senators Talmadge, Hughes and Hemstad; Representatives Dellwo, McMullen and Padden.

MOTION

On motion of Senator Talmadge, the report of the Free Conference Committee on Substitute Senate Bill No. 3253 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3253, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3253, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 04; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Hurley, Jones, Sellar, Woody - 4.

Excused: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 3253, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 1983

Mr. President:

The House has adopted the report of the Free Conference Committee on SENATE BILL NO. 3182, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

April 24, 1983

MR. SPEAKER:

MR. PRESIDENT:

We, of your Free Conference Committee, to whom was referred SENATE BILL NO. 3182, modifying provisions relating to financial institutions, have had the same under consideration, and we recommend that Senate Bill No. 3182 be amended as follows, and that the amended bill do pass.

Strike everything after the enacting clause, and insert the following:

NEW SECTION. Sec. 1. There is added to chapter 30.04 RCW a new section to read as follows:

A bank or trust company may purchase for its own account shares of stock of a bank or a holding company that owns or controls a bank if the stock of the bank or company is owned exclusively, except to the extent directly qualifying shares are required by law, by depository institutions and the bank or company and all subsidiaries thereof are engaged exclusively in providing services for other depository institutions and their officers, directors, and employees. In no event may the total amount of such stock held by a bank or trust company in any bank or bank holding company exceed at any time ten percent of its capital stock and paid-in and unimpaired surplus, and in no event may the purchase of such stock result in a bank or trust company acquiring more than twenty-five percent of any class of voting securities of such bank or company. Such a bank or bank holding company shall be called a "banker's bank."

NEW SECTION. Sec. 2. There is added to chapter 30.04 RCW a new section to read as follows:

Sales of federal reserve funds with a maturity of one business day or under a continuing contract are not "loans or obligations" or "liabilities" for the purposes of the loan limits established by RCW 30.04.110. However, sales of federal reserve funds with a maturity of more than one business day are subject to those limits.

For the purposes of this section, "sale of federal reserve funds" means any transaction among depository institutions involving the disposal of immediately available funds resulting from credits to deposit balances at federal reserve banks or from credits to new or existing deposit balances due from a correspondent depository institution.

Sec. 3. Section 30.04.060, chapter 33, Laws of 1955 as amended by section 6, chapter 196, Laws of 1982 and RCW 30.04.060 are each amended to read as follows:

The supervisor, the deputy supervisor, or a bank examiner, without previous notice, shall visit each bank and each trust company at least once in each year, and oftener if necessary, for the purpose of making a full investigation into the condition of such corporation, and for that purpose they are hereby empowered to administer oaths and to examine under oath any director, officer, employee, or agent of such corporation. ~~((Said))~~ The supervisor may make such other full or partial examinations as deemed necessary and may examine any bank holding company that owns any portion of a bank or trust company chartered by the state of Washington and obtain reports of condition for any bank holding company that owns any portion of a bank or trust company chartered by the state of Washington. The supervisor may visit and examine into the affairs of any nonpublicly held corporation in which the bank, trust company, or bank holding company has an investment or any publicly held corporation the capital stock of which is controlled by the bank, trust company, or bank holding company; may appraise and revalue such corporations' investments and securities; and shall have full access to all the books, records, papers, securities, correspondence, bank accounts, and other papers of such corporations for such purposes. The supervisor may, in his or her discretion, accept in lieu of the examinations required in this section the examinations required under the terms of the federal reserve act for banks which are, or may become, members of a federal reserve bank or the deposits of which are insured by the Federal Deposit Insurance Corporation. Any wilful false swearing in any examination ~~((shall be))~~ is perjury in the second degree.

Sec. 4. Section 30.04.110, chapter 33, Laws of 1955 as amended by section 1, chapter 136, Laws of 1969 and RCW 30.04.110 are each amended to read as follows:

The total liability to any bank or trust company of any person for money borrowed, including in the liabilities of a firm or association the liabilities of the several members thereof, shall not at any time exceed ~~((fifteen))~~ twenty percent of the capital and surplus of such bank or trust company; but the discount of bills of exchange drawn in good faith against actually existing values and the discount of commercial or business paper of solvent parties, actually owned by the person negotiating the same, shall not be considered as money borrowed by him: PROVIDED, That loans secured by collateral security having an ascertained market value of at least fifteen percent more than the amount of the loans secured, shall not be limited by this section.

Loans or obligations shall not be subject under this section to any limitation based upon such capital and surplus to the extent that they are secured or covered by guaranties, or by commitments or agreements to take over or to purchase the same, made by any federal

reserve bank or by the United States or any department, bureau, board, commission or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States.

For the purposes of this section, "capital" includes capital notes or debentures issued under chapter 30.36 RCW.

Sec. 5. Section 2, chapter 194, Laws of 1963 and RCW 30.04.128 are each amended to read as follows:

Any state bank or trust company, stock savings bank, or mutual savings bank may invest in the capital stock of banking service corporations ~~((organized for the purpose of performing or providing mechanical, clerical, or record keeping services for two or more banks))~~. The total amount which any such bank may invest in the shares of such corporations may not exceed in the case of a bank or trust company or stock savings bank, ten percent of its paid in or unimpaired capital and unimpaired surplus, or in the case of a mutual savings bank, ten percent of its guaranty fund. Such a bank service corporation may not engage in any activity other than ~~((the performance of services for banks))~~ those permitted by the bank service corporation act, 12 U.S.C. Sec. 1861, et seq., as amended by P.L. 97-320, and in effect on the effective date of this 1983 act. The performance of any service, and any records maintained by any such corporation for a bank, shall be subject to regulation and examination by the supervisor and appropriate federal agencies to the same extent as if such services or records were being performed or maintained by the bank on its own premises.

Sec. 6. Section 30.04.140, chapter 33, Laws of 1955 as amended by section 2, chapter 133, Laws of 1967 and RCW 30.04.140 are each amended to read as follows:

No bank or trust company shall pledge or hypothecate any of its securities or assets to any depositor, ~~((or creditor:))~~ except that it may qualify as depository for United States deposits, postal savings funds or other public funds, or funds held in trust and deposited by any public officer by virtue of his office, or funds held by the United States or the state of Washington, or any officer thereof in trust, or for funds of corporations owned or controlled by the United States, and may give such security for such deposits as are required by law or by the officer making the same; and it may give security to its trust department for deposits with itself which represent trust funds invested in savings accounts or which represent fiduciary funds awaiting investment or distribution ~~((PROVIDED, That any bank or trust company may borrow, for temporary purposes, not to exceed in the aggregate amount the paid-in capital and surplus thereof, and may pledge as security therefor assets of such corporation, not exceeding one and one-half times the amount borrowed))~~.

Sec. 7. Section 30.04.160, chapter 33, Laws of 1955 and RCW 30.04.160 are each amended to read as follows:

~~((When it shall appear to the supervisor that any bank or trust company is habitually borrowing for the purpose of reloaning, he may require such corporation to pay off such borrowed money. Nothing herein shall prevent any bank or trust company from rediscounting in good faith and indorsing any of its negotiable notes, but all such moneys borrowed and all such rediscounts shall at all times show on its books and in its reports. No certificates of deposit shall be issued for the purpose of borrowing money.))~~ No officer of any bank or trust company shall issue the note of such corporation for money borrowed or rediscount any of its notes except when authorized by resolution of its board of directors or by an authorized committee thereof. Violation of any provision of RCW 30.04.140 or 30.04.150 or of this section shall constitute a felony.

Sec. 8. Section 7, chapter 136, Laws of 1969 and RCW 30.04.215 are each amended to read as follows:

In addition to all powers ~~((previously))~~ enumerated by this title, and those necessarily implied therefrom, a bank may engage in other business ~~((activity: PROVIDED, That))~~ activities that have been determined by the board of governors of the federal reserve system or by the United States Congress to be closely related to the business of banking, as of the effective date of this 1983 act. At least thirty days before investment in corporations or other entities under this chapter, notification by letter shall be made to the supervisor in accordance with such terms and conditions as the supervisor might establish by rule. A bank((-which)) that desires to perform an activity ((which)) that is not expressly authorized by ((the powers enumerated in)) this section(;;) shall first apply to the supervisor for authorization to conduct such activity. Within thirty days of the receipt of this application, the supervisor shall determine whether the activity is ~~((an appropriate adjunct))~~ closely related to the business of banking, whether the public convenience and advantage will be promoted, whether the activity is apt to create an unsafe or unsound practice by the bank and whether the applicant is capable of performing such an activity. If the supervisor finds the activity to be ((an appropriate adjunct)) closely related to the business of banking and the bank is otherwise qualified, he shall forthwith inform the applicant that the activity is authorized. If the supervisor determines that such activity is not ((an appropriate adjunct)) closely related to the business of banking or the bank is not otherwise qualified, he shall forthwith inform the applicant in writing. The applicant shall have the right to appeal from an unfavorable determination in accordance with the procedures of the Administrative Procedure Act, chapter 34.04 RCW((-as now or hereafter amended)). In determining

whether a particular activity is ~~((an appropriate adjunct))~~ closely related to the business of banking, the supervisor shall be guided by ~~((whether national banks under federal laws and administrative regulations and rulings have the authority to perform such activity))~~ the rulings of the board of governors of the federal reserve system in making determinations in connection with the powers exercisable by bank holding companies, and the activities performed by other commercial banks or their holding companies. Any activity which may be performed by a bank, except the taking of deposits, may be performed by a corporation, all of the outstanding stock of which is owned by the bank. A bank shall not invest a sum greater than twenty-five percent of its capital and surplus in the capital stock of corporations organized to perform activities authorized by this section.

Sec. 9. Section 30.04.230, chapter 33, Laws of 1955 as last amended by section 7, chapter 196, Laws of 1982 and RCW 30.04.230 are each amended to read as follows:

(1) A corporation or association organized under the laws of this state or licensed to transact business in the state, other than a bank or trust company, may acquire any or all shares of stock of any bank, trust company, or national banking association. Nothing in this section shall be construed to prohibit the merger, consolidation, or reorganization of a bank or trust company in accordance with this title ~~((or to permit a))~~.

(2) ~~Unless the terms of this section are complied with, an out-of-state bank holding company ((the operations of which are principally conducted outside this state to)) shall not~~ acquire more than five percent of the shares of the voting stock or all or substantially all of the assets of a bank, trust company, or national banking association the principal operations of which are conducted within this state.

(3) As used in this section a "bank holding company" means a company that is a bank holding company as defined by the Bank Holding Company Act of 1956, as amended (12 U.S.C. Sec. 1941 et seq.). An "out-of-state bank holding company" is a bank holding company that principally conducts its operations outside this state, as measured by total deposits held or controlled by its bank subsidiaries on the date on which it became a holding company. A "domestic bank holding company" is a bank holding company that principally conducts its operations within this state, as measured by total deposits held or controlled by its bank subsidiaries on the date on which it became a bank holding company.

(4) Any such acquisition referred to under subsection (2) of this section by an out-of-state bank holding company requires the express written approval of the supervisor of banking. Approval shall not be granted unless and until the following conditions are met:

(a) An out-of-state bank holding company desiring to make an acquisition referred to under subsection (2) of this section and the bank, trust company, national banking association, or domestic bank holding company parent thereof, if any, proposed to be acquired shall file an application in writing with the supervisor of banking and pay an investigation fee of five thousand dollars to the supervisor of banking. The application shall contain such information as the supervisor of banking may prescribe by rule as necessary or appropriate for the purpose of making a determination under this section. The application and supporting information and all examination reports and information obtained by the supervisor and the supervisor's staff in conducting its investigation shall be confidential and privileged and not subject to public disclosure under chapter 42.17 RCW. The application and information may be disclosed to federal bank regulatory agencies and to officials empowered to investigate criminal charges, subject to legal process, valid search warrant, or subpoena. In any civil action in which such application or information is sought to be discovered or used as evidence, any party may, upon notice to the supervisor and other parties, petition for an in camera review. The court may permit discovery and introduction of only those portions that are relevant and otherwise unobtainable by the requesting party. The application and information shall be discoverable in any judicial action challenging the approval of an acquisition by the supervisor as arbitrary and capricious or unlawful.

(b) The supervisor of banking shall find that:

(i) The bank, trust company, or national banking association that is proposed to be acquired or the domestic bank holding company controlling such bank, trust company, or national banking association is in such a liquidity or financial condition as to be in danger of closing, failing, or insolvency. In making any such determination the supervisor shall be guided by the criteria developed by the federal regulatory agencies with respect to emergency acquisitions under the provisions of 12 U.S.C. Sec. 1828(c);

(ii) There is no state bank, trust company, or national banking association doing business in the state of Washington or domestic bank holding company with sufficient resources willing to acquire the entire bank, trust company, or national banking association on at least as favorable terms as the out-of-state bank holding company is willing to acquire it;

(iii) The applicant out-of-state bank holding company has provided all information and documents requested by the supervisor in relation to the application; and

(iv) The applicant out-of-state bank holding company has demonstrated an acceptable record of meeting the credit needs of its entire community, including low and moderate income neighborhoods, consistent with the safe and sound operation of such institution.

(c) The supervisor shall consider:

(i) The financial institution structure of this state; and

(ii) The convenience and needs of the public of this state.

(5) Nothing in this section may be construed to prohibit, limit, restrict, or subject to further regulation the ownership by a bank of the stock of a bank service corporation or a banker's bank.

NEW SECTION. Sec. 10. Section 30.04.150, chapter 33, Laws of 1955 and RCW 30.04.150 are each repealed.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 241, Laws of 1981 and RCW 43.19.095; and

(2) Section 2, chapter 241, Laws of 1981 and RCW 43.19.112.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. Sections 1 through 10 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

In line 1 of the title, after "institutions;" strike the remainder of the title and insert "amending section 30.04.060, chapter 33, Laws of 1955 as amended by section 6, chapter 196, Laws of 1982 and RCW 30.04.060; amending section 30.04.110, chapter 33, Laws of 1955 as amended by section 1, chapter 136, Laws of 1969 and RCW 30.04.110; amending section 2, chapter 194, Laws of 1963 and RCW 30.04.128; amending section 30.04.140, chapter 33, Laws of 1955 as amended by section 2, chapter 133, Laws of 1967 and RCW 30.04.140; amending section 30.04.160, chapter 33, Laws of 1955 and RCW 30.04.160; amending section 7, chapter 136, Laws of 1969 and RCW 30.04.215; amending section 30.04.230, chapter 33, Laws of 1955 as last amended by section 7, chapter 196, Laws of 1982 and RCW 30.04.230; adding new sections to chapter 30.04 RCW; repealing section 30.04.150, chapter 33, Laws of 1955 and RCW 30.04.150; repealing section 1, chapter 241, Laws of 1981 and RCW 43.19.095; repealing section 2, chapter 241, Laws of 1981 and RCW 43.19.112; and declaring an emergency."

Signed by: Senators Moore, Jones and Warnke; Representatives Wang and Sanders.

MOTION

Senator Moore moved that the report of the Free Conference Committee on Senate Bill No. 3182 be adopted.

POINT OF INQUIRY

Senator Rasmussen: "Senator Moore, I would like to get a little of this banking business on the record. There is a statement in this bill--this conference bill--there is no state bank, trust company, or national banking association doing business in the state of Washington or domestic bank holding company with sufficient resources willing to acquire the entire bank, trust company, or national banking association on at least as favorable terms as the out-of-state bank holding company is willing to acquire it.' Do you know what those terms are?"

Senator Moore: "That would depend on each individual situation. The potential buyer of one of our institutions--the buyer happening to be out of state. You know, no two deals are the same, so it would be up to the controller of the currency or our state banking supervisor to determine that."

Senator Rasmussen: "You have no knowledge, yourself, of the terms?"

Senator Moore: "No."

Senator Rasmussen: "This, then, is not a true statement that is in the bill?"

Senator Moore: "I think it is broad and I think it covers it. I do not think that you can define down to each individual deal what may or may not happen."

Senator Rasmussen: "O.K., thank you. Well, if we vote for this, we are accepting this as the gospel--that we know that there is no other way to handle it. The second question would be the newspapers and this is where we get most of our information--some on the radio--that SeaFirst has a one and half billion dollar drawing account from other banks. Do you know if they have attempted to draw on this reserve?"

Senator Moore: "Senator, I do not even know if it exists. You said that you got the information from the newspapers and, frankly, everything that I have ever known about that was published, you know, I took a second look at."

Senator Rasmussen: "Well, this is a statement by SeaFirst, itself. The other thing, Senator Moore, in this bill--the application and supporting information and all examination reports and information obtained by the supervisor of banking and

the supervisor's staff in conducting an investigation shall be confidential and privileged--the application and information may be disclosed, under Chapter 42, the application and information may be disclosed to the federal bank regulatory agencies.' How would the average citizen get any information to take a bank on--let us say--with that type of secrecy?"

Senator Moore: "Senator, it is not all that secret. If the supervisor of banking, in his discretion, feels that public knowledge is important, he is obligated to divulge that."

Senator Rasmussen: "Well, my last question for you, Senator Moore, the Penn Square Bank failure happened six months ago. The federal supervisor of banking--the controller--knew about that and knew about the banks that were involved. Why was not the public made aware of the precarious condition of this bank and other banks?"

Senator Moore: "Senator Rasmussen, I have always favored complete public disclosure. I cannot answer for what the federal government does. I just don't know."

Senator Rasmussen: "Then, let us go to the state banking supervisor. They have no powers to examine banks?"

Senator Moore: "Yes, they do."

Senator Rasmussen: "Then, why were we not told then?"

Senator Moore: "Senator, I do not know."

Senator Rasmussen: "I think that those are questions that we need to have answered. Thank you, Senator Moore."

Senator Moore: "These things are available and can be queried."

PARLIAMENTARY INQUIRY

Senator Jones: "Mr. President, is our three-minute rule in effect?"

REPLY BY THE PRESIDENT

President Cherberg: "No, Senator, it is not in effect."

Senator Jones: "I had that feeling."

Debate ensued.

POINT OF INQUIRY

Senator Sellar: "Senator Moore, under the language of the bill, must the appropriate federal agency be involved?"

Senator Moore: "Yes, Senator Sellar, the Federal Bank Holding Company Act of 1956 requires that the Federal Reserve Board approve the transaction. The existing language of Senate Bill No. 3182 further requires that the state supervisor of banking make his findings in accordance with the criteria established by the federal regulatory agencies. In practice, this means that the state supervisor of banking must work very closely in consultation with the appropriate federal regulators."

Senator Sellar: "Senator Moore, will in-state institutions be given information allowing them to make an informed decision as to whether or not they desire to compete for acquisition of the troubled institution?"

Senator Moore: "Yes, Senator Sellar, under section 9, (4) (b) (ii), the supervisor must provide such information to potential in-state bidders to make a knowledgeable finding as required by this sub-section to the effect that there are no bank or bank holding companies within the state willing to acquire the troubled institutions on at least as favorable terms as the offer made by an out-of-state entity."

"Thus, at the appropriate time, information must be shared, while avoiding premature disclosure that could endanger further the troubled financial institution. The supervisor is thereby enabled to properly resolve the emergent situation."

Senator Sellar: "Does the language of the bill ensure that Washington State financial institutions will have an opportunity to match out-of-state offers?"

Senator Moore: "Yes, that is the explicit requirement of section 9 (4) (b) (ii) on page 13. Under the terms of this in-state preference clause, in-state financial institutions which have submitted bids will be given the opportunity to match the terms of the most favorable out-of-state bid, if the out-of-state bid is superior to all in-state bids. If this has not been done, then the supervisor would not be in a position to make a determination under the provisions of section 9 (4) (b) (ii)."

Further debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Moore, I have read this bill some and particularly section nine, which sets up the conditions under which an out-of-state bank may do certain things. There is nothing that refers to an in-state bank making a bid. My question is, why did the conference committee not consider doing what they did in Alaska, which is to make a door that swung both ways? The bill swings only inward. People can come into the state. I would like to know why did you not allow the door to swing the other way, so that a state bank could go out into another state?"

Senator Moore: "I cannot speak for the rest of the committee. From my standpoint, I wanted to move cautiously. I want to move in the most sensible way possible and it is very possible that we will take this up during the next session. I have no idea, but I don't like violent change."

PARLIAMENTARY INQUIRY

Senator McDermott: "Mr. President, the first eight sections of this bill have to do with state banking. It has to do with the various rules and regulations which apply to the supervisor of banking in this state, and section 9, which is the whole reason we are told we are here for, which is the SeaFirst section--that section applies to a national bank--not a state bank. It seems to me that the parliamentary question is, does this bill contain two subjects within a single bill and, therefore, is it unconstitutional under Article II, Section 19 of the State Constitution?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator McDermott, the President has never offered any such opinion, but does believe that, in the final analysis, such a question would have to be answered in court."

REMARKS BY SENATOR MCDERMOTT

Senator McDermott: "Mr. President, will that be entered in the record?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, the Secretary advises so."
Further debate ensued.

POINT OF ORDER

Senator Gaspard: "Mr. President, a point of order. I believe Senator Quigg is violating the Senate Rules when he is impugning the motives of the Senator."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Quigg, would you please confine your remarks to the motion?"

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Moore, you indicated, when questioned by Senator Sellar, that there were provisions in this conference report where other banks--in-state--would have the opportunity to bid. I point out to you on line 9 through line 14 on page 8, that once this body votes on that particular phase--'there is no state bank, trust company or national banking association doing business in the state of Washington or domestic bank holding company with sufficient resources.' That is a positive statement that we will be voting on and it will be part of the law. This is the law that we are passing?"

Senator Moore: "Well, not exactly, Senator."

Senator Rasmussen: "Well, it states that in this law."

Senator Moore: "I beg to differ. If you will look at the remarks, starting on line 11 on page 7 and read through to the bottom, you will see 'the supervisor of banking shall find that: the bank' and so on, and then we come to one, two, three and, I think, if you attach two in the context of (b), you will find that the supervisor of banking shall find that there is no bank in the state that can do the job."

Senator Rasmussen: "The line that you refer to--line 11--refers only to 'an out-of-state bank holding company desiring to make an acquisition' does not refer, at all, to an in-state bank."

Senator Moore: "It is line 7 (4)."

Senator Rasmussen: "Line 7--you are absolutely right--'any such acquisition referred to under subsection (2) of this section by an out-of-state bank.' It refers only to out-of-state banks and I don't know if you are all reading the same line that I am, but you could look at line 7 and line 11 and it only references out-of-state banks. Is that correct?"

Senator Moore: "I think you would need to read the entire section. I don't want to labor it, but I think that it all makes sense when put together and, I think, this is being lifted out of context."

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

The President declared the question before the Senate to be the roll call on the motion by Senator Moore to adopt the Report of the Free Conference Committee.

ROLL CALL

The Secretary called the roll and the motion by Senator Moore carried and the report of the Free Conference Committee was adopted by the following vote: Yeas, 34; nays, 14; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Patterson, Peterson, Quigg, Shipnosh, Talmadge, Thompson, von Reichbauer, Warnke, Woody - 34.

Voting nay: Senators Bauer, Bender, Fleming, Granlund, McDermott, Metcalf, Owen, Rasmussen, Rinehart, Sellar, Vogt, Williams, Wojahn, Zimmerman - 14.

Excused: Senator Pullen - 1.

Debate ensued.

Senators Zimmerman, Peterson and Rasmussen demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3182, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3182, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 34; nays, 14; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Patterson, Peterson, Quigg, Shipnosh, Talmadge, Thompson, von Reichbauer, Warnke, Woody - 34.

Voting nay: Senators Bauer, Bender, Fleming, Granlund, McDermott, Metcalf, Owen, Rasmussen, Rinehart, Sellar, Vogt, Williams, Wojahn, Zimmerman - 14.

Excused: Senator Pullen - 1.

SENATE BILL NO. 3182, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PROCLAMATION BY THE GOVERNOR

The Washington State Legislature has all but concluded the 1983 Regular Session without finishing its essential tasks. It is therefore necessary for me to convene the legislature in extraordinary session for the purpose of addressing only the following:

- The state budget and budget-related items
- Revenues to support the budget
- The Washington Public Power Supply System
- Bills in dispute
- Gubernatorial appointments

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the State Constitution, do hereby convene the Washington

State Legislature in extraordinary (special) session for a period not to exceed thirty days in the Capitol at Olympia at 12:00 noon on April 25, 1983.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24th day of April, A.D. nineteen hundred and eighty three.

John Spellman
Governor of Washington

(Seal)

By the Governor:
Ralph Munro
Secretary of State

MESSAGE FROM THE HOUSE

April 24, 1983

Mr. President:

The House refuses to recede from its amendments to page 6, line 27, and page 1, line 1, to SUBSTITUTE SENATE BILL NO. 3056 and asks the Senate to concur, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Vognild moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3056.

Debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3056 was deferred until the Special Session.

MOTION

At 11:02 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:08 p.m.

MESSAGES FROM THE HOUSE

April 24, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 126,

HOUSE BILL NO. 585,

SUBSTITUTE HOUSE BILL NO. 1093,

HOUSE CONCURRENT RESOLUTION NO. 3, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 24, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 289,

SUBSTITUTE HOUSE BILL NO. 906,

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 6, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 24, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3026,

SUBSTITUTE SENATE BILL NO. 3068,

SUBSTITUTE SENATE BILL NO. 3101,

SENATE BILL NO. 3224,

SENATE BILL NO. 3393,

SUBSTITUTE SENATE BILL NO. 3630.

SENATE BILL NO. 3674.
 SENATE BILL NO. 3857.
 SUBSTITUTE SENATE BILL NO. 4092.
 SENATE JOINT MEMORIAL NO. 116, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 126,
 SUBSTITUTE HOUSE BILL NO. 289,
 HOUSE BILL NO. 585,
 SUBSTITUTE HOUSE BILL NO. 906,
 SUBSTITUTE HOUSE BILL NO. 1093,
 HOUSE CONCURRENT RESOLUTION NO. 3,
 SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 6.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 3022,
 SUBSTITUTE SENATE BILL NO. 3253,
 SUBSTITUTE SENATE BILL NO. 3433,
 SUBSTITUTE SENATE BILL NO. 3640.

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, I invoke Senate Rule 28 on Senate Bill No. 3182."

REMARKS BY THE PRESIDENT

President Cherberg: "Senator McDermott has invoked Rule 28 on Senate Bill NO. 3182, which states that any Senator shall have the right to compare an enrolled bill with the engrossed bill before the President signs the same. Senator Rasmussen has joined in invoking the rule."

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, I guess what I am asking--could those Senators delay the process of the bill that has been voted on by both houses, if they can't find any error?"

REPLY BY THE PRESIDENT

President Cherberg: "The Senators have the right to compare an enrolled bill with an engrossed bill. How long that takes, I don't know."

Senator Bottiger: "I guess at 4 o'clock in the morning if they haven't found any errors, can the President sign it then?"

President Cherberg: "Yes, the President has signed bills even later than that, Senator."

Debate ensued.

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I would presume that the President doesn't have any authority to sign after midnight tonight. That is the end of the day, even though our clocks are one hour behind. The session ends, as the Constitution provides on the 105th day--that is today--ends at midnight. I would suspect that the President's authority for signing bills for this session no longer exists."

REMARKS BY SENATOR CLARKE

Senator Clarke: "I would respectfully suggest to the President that that would be a matter for the courts to decide and if the President elects to sign at that time, that is the President's decision to make."

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that your remarks are correct. The President, as already indicated, has signed bills even later than that."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, you have signed bills at 4 o'clock in the morning, but not particularly on the last day of a constitutionally set session of 105 days."

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator."

Senator Rasmussen: "With people raising a point of order on it?"

President Cherberg: "The President doesn't recall anyone ever raising that point of order at 3 o'clock in the morning, Senator."

Senator Rasmussen: "It could be if somebody raised the point at 12 o'clock midnight. It would be entered in the Journal."

President Cherberg: "Yes, it would, Senator. All points of order are in the Journal."

MOTION

Senator Bottiger moved that Senate Rule 28 be suspended, if the Senators objecting have not examined the document by 2 o'clock in the morning.

POINT OF ORDER

Senator Rasmussen: "A point of order, Mr. President. I suggest that Senator Bottiger's motion to suspend the rules would be out of order, because I think his motion is untimely."

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that the process has already started."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Speaking to the point of order. Senator Bottiger, being only one Senator on this floor and not the Holy Ghost, has no right to suspend the rules at any time after the constitutional session ends. Furthermore, he does not have the right to suspend the rule, after it has been invoked."

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that Senator Rasmussen's remarks concerning the invocation of the rule are correct--that it is untimely now to try and suspend the rule."

POINT OF INQUIRY

Senator Clarke: "Would Senator McDermott yield to a question?"

President Cherberg: "Senator McDermott does not yield."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, it appears to me that a member could certainly be entitled to look at the enrolled bill and compare it, but within a reasonable length of time as set by you. Otherwise, the process could be held up indefinitely on many bills."

REPLY BY THE PRESIDENT

President Cherberg: "The President can't find where he has the authority to set the time."

PARLIAMENTARY INQUIRY

Senator Woody: "I guess I simply need to know if a statement that I heard a short while ago is correct. The statement referenced the necessity for a bill passing both houses and being presented to the Governor's Office by midnight. The inference was that if this body had not passed the bill and approved it by midnight, that we would lose the opportunity to address it in this legislative session."

REPLY BY THE PRESIDENT

President Cherberg: "The President suggests that you direct your inquiry to the Secretary of the Senate. It seems an impossibility to be able to deliver all bills to the Governor before midnight."

POINT OF INQUIRY

Senator Bottiger: "Senator Rasmussen, the rule is there for obvious reason to cure and correct mistakes, but would not it be possible for any one member to hold this legislature in indefinite session by simply refusing to consider that and preventing the entire body from adjourning?"

Senator Rasmussen: "No way--in answer to Senator Bottiger's question. There is no way that any one member can hold this body in session. The Constitution is all-powerful in that. The Constitution, as you well know, specifies 105 days and the 105th day ends at midnight tonight--at least that is my understanding."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Bottiger: "By way of parliamentary inquiry, could we require the Senators to make a report by a specific time by a majority vote?"

REPLY BY THE PRESIDENT

President Cherberg: "If the Senate has that authority, the President is unaware of it."

Senator Bottiger: "There is a rule that permits the Senate to require a committee to report a bill by a specific time."

President Cherberg: "The President believes that fits in the same category as the invocation rule. It is untimely. The Senate, in its wisdom, removed the question of consideration from the rule book and the President can't think of any particular parliamentary move that could have prevented the invocation. If the point had been raised immediately, perhaps the President could have permitted a motion to require them to report to a time certain, but that did not occur."

PARLIAMENTARY INQUIRY

Senator Guess: "Mr. President, in reading Senate Rule 28, I see no provision in there where it says that any deviation from that must be timely and so I would then go to Rule 48 and ask if the corollary to that rule isn't within the power of the body. The power of the body, as you have said many, many times is that it is up to the body to do anything that it wishes--and it has that power."

"Now, the rule says 'any standing committee of the Senate may be relieved of further consideration of any bill, regardless of prior action of the committee.' Could not that same power apply to a bill that is no more than five pages long being compared? Senator Rasmussen has been one of those who has chastised the speaker, upon occasion, for dillying or dilly dallying--and now we are being subjected. Senator Rasmussen, to a little dilly dallying. The question is, can the will of the majority be thwarted?"

REPLY BY THE PRESIDENT

President Cherberg: "The President is unaware of any will of the majority at the present time, Senator. The rule does say that 'any standing committee of the Senate may be relieved of further consideration of the bill, regardless of prior action of the committee by a majority vote of the Senators elected'--'the committee'--this is not a committee."

Debate ensued.

MOTION

Senator Bottiger moved that section 1 of Senate Rule 35, requiring a 24-hour notice to amend be suspended.

POINT OF ORDER

Senator Fleming: "Mr. President, a point of order. The point of order is that I question a quorum of the Senate on suspension of the rules."

REPLY BY THE PRESIDENT

President Cherberg: "The motion to suspend is non-debatable. The President will recognize Senator Bottiger for explanatory remarks and then anyone else for rebuttal."

The President declared the question before the Senate to be the motion by Senator Bottiger to suspend section 1 of Senate Rule 35.

The motion by Senator Bottiger carried and section 1 of Senate Rule 35 was suspended.

MOTION

Senator Bottiger moved that Senate Rule 28 be repealed for a twenty-four hour period.

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Bottiger, from what point--from what time period?"

Senator Bottiger: "Until the end of the session, Mr. President."

MOTIONS

On motion of Senator Bottiger, and there being no objection, the motion to repeal Rule 28 for a twenty-four hour period was withdrawn.

Senator Bottiger moved that Senate Rule 28 be repealed from now until the end of the session.

POINT OF INFORMATION

Senator Rasmussen: "He can suspend the rule after we have complied with the rule, which has already been invoked. There is no basis for suspending the rule when the Senators are already engaged in reading the bill. They are using the rule and they need that. I have to read it myself."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Rasmussen: As I understand, we are not on a suspension of the rules."

REPLY BY THE PRESIDENT

President Cherberg: "In a sense it is, Senator--repeal--suspend--the President doesn't believe there is much difference between repeal or suspend."

Senator Rasmussen: "Yes, there is a lot of difference."

President Cherberg: "Well, I know--"

Senator Rasmussen: "Let me speak to that, Mr. President. The motion to suspend says that you temporarily are suspending the rules. A motion to repeal requires a two-thirds vote or is the same as it is to change the rule, as Senator Bottiger well knows. I can't conceive of anybody that believes in the operation of the rules of the Senate that after you have invoked the rule--any one of you--that then they come and say 'well we are going to repeal it now today, because we don't like what is happening.' You could cut off everything. I can't agree with that at all. I think the only way that you can have an orderly business of the Senate is to observe the rules, work with the rules and try and give--and all rules are adopted so that each Senator has a fair opportunity on this floor to express himself and themselves and to talk about the issues that are important.

"Now, right at this stage of the game, not all of you, because I am sure that most of you do not agree with this. You are very fair about it. You want the rules observed. If you would take a good look at that rule--it was put in there for one purpose--Rule 28. I will just quote from it. I won't read it--'Any Senator shall have the right to compare an enrolled bill with the engrossed bill before the President signs the same.' Now, what would that mean to you? It would mean the same, I think, as I read it, which says 'comparing an enrolled and engrossed bill that comes through here and is amended and changes made'--you want the same thing in there that you have adopted.

"You want that for the enrolled bill, which may get to the Governor tomorrow, the next day or the day after, and it is filed, also, with the Secretary of State. You

have to recognize that if you operate without rules or because if somebody steps on your toes—I am going to change the rules. You, obviously, don't want that. You don't want anybody stepping on your rights to represent the people of this state. Your voters sent you down here—not to be sheep or not to fluster—but to state the facts as the rules are laid out and as the Constitution provides. There isn't any question in my mind—"

REMARKS BY THE PRESIDENT

President Cherberg: "The motion is non-debatable. Rebuttal remarks are permitted, but the President believes you have extended your time."

Senator Rasmussen: "Mr. President, it was my understanding that it wasn't a motion to suspend, but a motion to change."

President Cherberg: "You are correct. It was a motion to repeal Rule 28."

Senator Rasmussen: "That is debatable. There is no rule that prohibits you from debating a change in the rules. The only rule that says there is no opportunity to debate is when it is a motion to suspend. Am I correct?"

President Cherberg: "Your point is well taken—yes."

Senator Rasmussen: "I am just trying to go by the rules. There has never been a time that I have tried to evade the rules. I have always worked with them. Those of you who have worked with me in the last thirty-five years in the House and Senate know that—that I am going by the rules."

President Cherberg: "For what purpose does Senator Hayner rise?"

POINT OF ORDER

Senator Hayner: "A point of order, Mr. President. I have the distinct feeling that Senator Rasmussen is trying to run the time out on this and I would like to make a point. Mr. President, this Rule 28 was not designed to thwart the will of the majority, even though the time is not in there. Usually, under law, if there is no specific time given, it is a reasonable length of time to inspect the engrossed bill."

REPLY BY THE PRESIDENT

President Cherberg: "The President agrees with that statement—a reasonable length of time."

Senator Hayner: "A reasonable length of time. They have had fifteen to twenty minutes already. It is not a very long bill, Mr. President."

President Cherberg: "No, Senator Rasmussen, you have not yielded the floor."

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, did the President rule that Senator Rasmussen has a reasonable length of time to present the other side of the motion to repeal the rule?"

REPLY BY THE PRESIDENT

President Cherberg: "Would you repeat the question?"

Senator Bottiger: "Does he have a reasonable length of time or can he filibuster beyond 12 o'clock?"

President Cherberg: "According to the rules, Senator Rasmussen has the floor."

Senator Rasmussen: "I was merely explaining what I was trying to do and let me assure you that I would like to go home. I would have liked to have gone home permanently at the end of the session at 12 o'clock, but it doesn't look like it because Senator McDermott is reading the bill and I have to read it after that—before the President can sign it. That is what the rule says. I don't know why you would think—"

President Cherberg: "Under those circumstances, Senator Rasmussen, the President believes that you should yield the floor."

Senator Rasmussen: "I will when I get through telling them what I think."

President Cherberg: "The President believes that you may be practicing dilatory tactics, Senator."

Senator Rasmussen: "No. Have I made any motion or anything that may have delayed the action, Mr. President? There is no three-minute rule and a Senator is allowed to explain his position. I would try and concentrate on the issue at hand."

President Cherberg: "Senator Rasmussen, the President will permit up to five minutes to twelve."

Senator Rasmussen: "That is a long time, Mr. President. It is only five minutes to eleven, now, by our clocks. Thank you, Mr. President. I will try and comply with your wishes."

President Cherberg: "Daylight saving time, Senator."

Senator Rasmussen: "Daylight saving time? Thank you, Mr. President."

President Cherberg: "It is now 11:52. You have less than three minutes, Senator."

Senator Rasmussen: "How could I read that bill in that time?"

President Cherberg: "To complete your comments, Senator."

Senator Rasmussen: "I can complete my comments, but I don't know if I can read the bill in that time. I am a slow reader. I am trying to determine what the body thought they had put in this rule--and that was to make it very clear to all of you, that we don't want dilatory or dilly dallying tactics on this floor. What we do want is the right of the minority preserved, which is the right to use the rules for your benefit and to protect the rights of the people that represent you. That is what we are all here for. If we were to go home and say--'I give up'--that we don't even want to argue the point, that we are not going to obey the rules, there really isn't much use of you coming down for the session.

"I fully believe and I have always believed--and that is why I have worked so hard with those of you that believe in the rules of the Senate. We don't have Joint Rules, unfortunately. Senator Hayner complained about that. She complained that there were no Joint Rules and there aren't any and that is unfortunate. I don't know how to explain that. We didn't have any last session. I couldn't explain that either, but this session, we have a very clear rule that has never been challenged. It is said that you have that right to read that bill. I hope, Mr. President, that nobody on this floor will take advantage of the fact that I can't talk all night.

"I am trying to present those points that, I think, are important to you. I would hope that you recognize that so that I can leave the floor safely, with the knowledge that you are not going to destroy the rules and that I can then go and read the enrolled bill. It is very difficult to read an enrolled bill. I can read the rules and that is all. I would urge all of you to take a good look at the rule, believe what it means, support the Constitution, support the people that voted for you and support general good government, instead of chaos. Some countries operate without rules. We don't want that in this country. It is very important. It is very important that each person have a chance to speak."

MOTIONS

On motion of Senator Bottiger, and there being no objection, the motion to repeal Rule 28 was withdrawn.

Senator Bottiger moved that Senate Bill No. 3182 be brought before the Senate immediately to compare the enrolled bill with the engrossed bill.

Senators Vognild, Bottiger and Peterson demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Bottiger that Senate Bill No. 3182 be brought before the Senate immediately to compare the enrolled bill with the engrossed bill.

The motion by Senator Bottiger carried.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I have been informed that the House has compared the enrolled bill with the engrossed bill and found it to be identical and that the Speaker of the House has signed the bill. May I ask if the Secretary of the Senate has compared the enrolled bill with the engrossed bill?"

POINT OF ORDER

Senator Rasmussen: "My point of order, Mr. President, is that there is no provision for the Senate to accept the House scrutiny of a bill."

REPLY BY THE PRESIDENT.

President Cherberg: "Your point is well taken, Senator. The President would like to propose a question. What is the hangup?"

Senator Bottiger: "The motion to direct the President to sign the bill."

Senator Rasmussen: "No way, Mr. President--"

President Cherberg: "The President would like to have his questions answered. What is the hangup on the time--12 o'clock? The President has signed hundreds of bills after 12 o'clock."

Senator Bottiger: "I have no hangups whatsoever, Mr. President. Senator Rasmussen apparently has some."

Senator Rasmussen: "I think it is the height of something or other to seek to demand that the constitutionally elected presiding officer of the Senate--elected in his own right statewide--that he has to accept directions from anybody--that he has to sign anything at any time and I see no reason to accept such a frivolous motion as that and I am shocked. I am absolutely shocked that you could even suggest such a thing as that. I would never do that myself."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, with all due respect, you asked the 'hangup,' and I understand that you have signed many bills after the deadline and after sine die. I am trying to avoid a constitutional question, in the courts later which can be obviated if you would sign this bill prior to 12 o'clock. I am concerned about the constitutional section, which I read, that requires a bill to be signed in open session. I am afraid that an argument would be made in court that this open session as an open session terminates at midnight."

REPLY BY THE PRESIDENT

President Cherberg: "The Senate is still in open session and probably will be for several hours."

POINT OF ORDER

Senator Rasmussen: "Didn't you rule that we were running on daylight saving time? I would call your attention to the clocks at both ends of the chamber, which now indicate that we are now one minute after midnight. One minute after midnight--and this is the President's ruling--he didn't want me to talk for another hour and I didn't blame him. I do call your attention right now, Mr. President, to the time, which is after midnight. The bill has not been signed. There is that question and I didn't raise it, but Senator Clarke raised--the constitutional question here--and that is a very valid question, I am sure. Senator McDermott is here and I have not had a chance to read the bill."

REPLY BY THE PRESIDENT

President Cherberg: "Further discussion is moot at this point, Senator."

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, I would like to have it entered in the Journal that I was only able to read three-quarters of the bill."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Under Rule 28, can I now read the bill?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that you have the right to read it, Senator Rasmussen, but you will have to return it in time, so that the President can sign it in an open meeting. What would you consider a reasonable time, Senator?"

Senator Rasmussen: "Being a slow reader, probably fifteen minutes."

President Cherberg: "Is that agreeable--fifteen minutes?"

PARLIAMENTARY INQUIRY

Senator Deccio: "Mr. President, the session by law is 105 days. Does it mean 105 days of twenty-four hours each? I assume that is what it would mean."

REPLY BY THE PRESIDENT

President Cherberg: "That is something for the judiciary to decide, Senator."

POINT OF ORDER

Senator Zimmerman: "A point of order, Mr. President. Under the circumstances of Senator Rasmussen, then, each one of us would have the opportunity to read the bill and we will be here as long as it takes to read and, therefore, we shall figure that we shall be here until late into the night?"

REPLY BY THE PRESIDENT

President Cherberg: "Not unless you invoke Rule 28."

Senator Zimmerman: "Under the circumstances, we are allowed to do that?"

President Cherberg: "Senator Rasmussen will have fifteen minutes to read the bill."

Debate ensued.

POINT OF ORDER

Senator McDermott: "Mr. President, my point of order is--could you tell me what time it is?"

President Cherberg: "Starting time?"

Senator McDermott: "Yes, right now."

President Cherberg: "12:05."

Senator McDermott: "A.M.--on the 106th day?"

President Cherberg: "It is later than that now."

Senator McDermott: "Right now?"

President Cherberg: "It is 12:05 a.m."

Senator McDermott: "On the 106th day, then?"

President Cherberg: "It is 12:05 a.m."

PARLIAMENTARY INQUIRY

Senator McCaslin: "As a freshman, I am inquisitive as to why Senator McDermott had thirty minutes to read the bill and only read three-quarters of it and we have allowed Senator Rasmussen fifteen minutes to read the bill?"

REPLY BY THE PRESIDENT

President Cherberg: "Slim is married to a school teacher."

At 12:09 a.m., there being no objection, the President declared the Senate to be at ease.

The President called the Senate to order at 12:15 a.m.

POINT OF ORDER

Senator Rasmussen: "Mr. President, I have read the enrolled bill. The enrolled bill said it has passed the Senate April 24, 1983. The President of the Senate is expected to sign the bill April 24, 1983. Mr. President, as a point of order, I raise the point of order that it is now a quarter after twelve. We are beyond the twenty-fourth day and although the President may sign the bill, saying it is the twenty-fourth day, for all purposes in the world--that the Supreme Court looks at--it is the twenty-fifth day and the session has ended as of midnight on the twenty-fourth. So, I will return the enrolled bill to you, Mr. President, with those observations."

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 3182.

POINT OF ORDER

Senator McDermott: "A point of order, Mr. President. Could you tell us the time, please?"

REPLY BY THE PRESIDENT

President Cherberg: "The time is 12:16:58, the 105th working day."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Just for the record, that is daylight saving time?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, that is daylight saving time."

MESSAGES FROM THE HOUSE

April 24, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3022,

SUBSTITUTE SENATE BILL NO. 3253,

SUBSTITUTE SENATE BILL NO. 3433,

SUBSTITUTE SENATE BILL NO. 3640, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

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

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

SENATE RESOLUTION 1983-63

By Senators Bottiger, Fleming, Hayner and Jones

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 No. 63, President Cherberg appointed Senators Rasmussen, Zimmerman and McDermott as a committee of three from the Senate to notify the House that the Senate is ready to adjourn.

MOTION

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

MOTION

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

SENATE RESOLUTION 1983-64

By Senators Bottiger, Fleming, Hayner and Jones

WHEREAS, The Regular Session of the Forty-eighth 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-eighth 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 Senate Facilities and Operations Committee may, as they deem appropriate, authorize out of state travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate 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 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-eighth 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 Leader, the Senate Minority Floor Leader, the Assistant Majority Leader, the Assistant Senate Minority Floor Leader, the Majority and Minority Whips, the Majority and Minority Caucus Chairmen and Caucus Vice Chairmen and Secretaries, and 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 the Council of State Governments, 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; and

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 all keys distributed by the Secretary of the Senate's Office be returned to the Secretary of the Senate; 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 Senate Facilities is permitted upon such terms as the Secretary shall deem proper.

COMMITTEE FROM THE HOUSE NOTIFYING
SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of a committee from the House consisting of Representatives Lux, Ellis and Barrett. The committee appeared before the bar of the Senate to notify the Senate that the House was about to adjourn SINE DIE.

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

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

MESSAGES FROM THE HOUSE

April 24, 1983

Mr. President:

The Speaker has signed:

SENATE BILL NO 3182, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 24, 1983

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 20, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 20 by Representatives Heck and G. Nelson

Resolving to return all bills to house of origin immediately prior to sine die.

MOTIONS

On motion of Senator Bottiger, the rules were suspended, House Concurrent Resolution No. 20 was advanced to second reading and read the second time.

On motion of Senator Bottiger, the rules were suspended, House Concurrent Resolution No. 20 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

REPORT OF SPECIAL COMMITTEE APPOINTED
TO NOTIFY THE HOUSE OF
ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Rasmussen, Zimmerman and McDermott who were appointed under the provisions of Senate Resolution No. 63. The committee reported they had notified the House that the Senate was about to adjourn SINE DIE.

The report was received and the committee was discharged.

MOTION

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

MESSAGE FROM THE HOUSE

April 24, 1983

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 19, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 19 by Representatives Heck and G. Nelson

Notifying the Governor the legislature is ready to adjourn SINE DIE.

MOTIONS

On motion of Senator Bottiger, the rules were suspended, House Concurrent Resolution No. 19 was advanced to second reading and read the second time.

On motion of Senator Bottiger, the rules were suspended, House Concurrent Resolution No. 19 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of House Concurrent Resolution No. 19, President Cherberg appointed Senators Bottiger, Clarke and Vognild as a committee of three from the Senate to join a like committee from the House to notify the Governor that the legislature is about to adjourn SINE DIE.

MOTION

On motion of Senator Bottiger, the committee appointments were confirmed.

MESSAGES FROM THE HOUSE

April 24, 1983

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 19, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 24, 1983

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 20, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 19.

HOUSE CONCURRENT RESOLUTION NO. 20.

MESSAGES FROM THE HOUSE

April 24, 1983

Mr. President:

In accordance with the provisions set forth in HOUSE CONCURRENT RESOLUTION NO. 20, the House herewith transmits the following listed Senate Bills:

SENATE BILL NO. 3090,

SUBSTITUTE SENATE BILL NO. 3266,

SUBSTITUTE SENATE BILL NO. 3434,

SUBSTITUTE SENATE BILL NO. 3490,

ENGROSSED SENATE BILL NO. 3507,

SUBSTITUTE SENATE BILL NO. 3520,

SUBSTITUTE SENATE BILL NO. 3766,

ENGROSSED SUBSTITUTE SENATE BILL NO. 3817,

ENGROSSED SENATE BILL NO. 3858,

SUBSTITUTE SENATE BILL NO. 4137, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 24, 1983

Mr. President:

In accordance with the provisions of HOUSE CONCURRENT RESOLUTION NO. 20, the following Senate bills are herewith transmitted:

SUBSTITUTE SENATE BILL NO. 3079,

ENGROSSED SUBSTITUTE SENATE BILL NO. 3856, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 24, 1983

Mr. President:

In accordance with HOUSE CONCURRENT RESOLUTION NO. 20, the House herewith transmits the following list of Senate Bills:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3003,

SENATE BILL NO. 3015,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3019,

SUBSTITUTE SENATE BILL NO. 3021,

SENATE BILL NO. 3045,

SECOND SUBSTITUTE SENATE BILL NO. 3051,

SUBSTITUTE SENATE BILL NO. 3057,

ENGROSSED SENATE BILL NO. 3059,

ENGROSSED SENATE BILL NO. 3060,

SUBSTITUTE SENATE BILL NO. 3062,

SUBSTITUTE SENATE BILL NO. 3067,

SUBSTITUTE SENATE BILL NO. 3074,

SENATE BILL NO. 3082.

SENATE BILL NO. 3083.
SECOND SUBSTITUTE SENATE BILL NO. 3085.
SUBSTITUTE SENATE BILL NO. 3098,
ENGROSSED SENATE BILL NO. 3099,
SUBSTITUTE SENATE BILL NO. 3103,
SECOND SUBSTITUTE SENATE BILL NO. 3104,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3107,
ENGROSSED SENATE BILL NO. 3114,
ENGROSSED SENATE BILL NO. 3117,
SENATE BILL NO. 3118,
ENGROSSED SENATE BILL NO. 3119,
SENATE BILL NO. 3121,
SUBSTITUTE SENATE BILL NO. 3122,
SENATE BILL NO. 3128,
ENGROSSED SENATE BILL NO. 3131,
ENGROSSED SENATE BILL NO. 3132,
SUBSTITUTE SENATE BILL NO. 3133,
SENATE BILL NO. 3135,
ENGROSSED SENATE BILL NO. 3143,
SUBSTITUTE SENATE BILL NO. 3152,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3154,
SUBSTITUTE SENATE BILL NO. 3158,
ENGROSSED SENATE BILL NO. 3162,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3163,
SENATE BILL NO. 3169,
SUBSTITUTE SENATE BILL NO. 3173,
SUBSTITUTE SENATE BILL NO. 3178,
SUBSTITUTE SENATE BILL NO. 3181,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3183,
SENATE BILL NO. 3188,
ENGROSSED SENATE BILL NO. 3191,
SUBSTITUTE SENATE BILL NO. 3194,
SENATE BILL NO. 3196,
SENATE BILL NO. 3205,
ENGROSSED SENATE BILL NO. 3222,
SUBSTITUTE SENATE BILL NO. 3225,
SENATE BILL NO. 3233,
SENATE BILL NO. 3238,
ENGROSSED SENATE BILL NO. 3243,
SUBSTITUTE SENATE BILL NO. 3244,
SENATE BILL NO. 3248,
SUBSTITUTE SENATE BILL NO. 3256,
SUBSTITUTE SENATE BILL NO. 3259,
ENGROSSED SENATE BILL NO. 3260,
ENGROSSED SENATE BILL NO. 3262,
SENATE BILL NO. 3263,
SENATE BILL NO. 3264,
SUBSTITUTE SENATE BILL NO. 3267,
SECOND SUBSTITUTE SENATE BILL NO. 3272,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3273,
SUBSTITUTE SENATE BILL NO. 3276,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3277,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3290,
ENGROSSED SENATE BILL NO. 3306,
ENGROSSED SENATE BILL NO. 3309,
ENGROSSED SENATE BILL NO. 3310,
SUBSTITUTE SENATE BILL NO. 3311,
SENATE BILL NO. 3314,
SUBSTITUTE SENATE BILL NO. 3372,
SENATE BILL NO. 3376,
SENATE BILL NO. 3379.

SUBSTITUTE SENATE BILL NO. 3382.
SENATE BILL NO. 3386.
ENGROSSED SUBSTITUTE SENATE BILL NO. 3387.
ENGROSSED SENATE BILL NO. 3390.
SUBSTITUTE SENATE BILL NO. 3395.
SENATE BILL NO. 3408.
SENATE BILL NO. 3412.
SENATE BILL NO. 3413.
ENGROSSED SUBSTITUTE SENATE BILL NO. 3414.
SENATE BILL NO. 3417.
SENATE BILL NO. 3422.
ENGROSSED SENATE BILL NO. 3424.
ENGROSSED SENATE BILL NO. 3427.
ENGROSSED SENATE BILL NO. 3437.
ENGROSSED SENATE BILL NO. 3438
SENATE BILL NO. 3447.
ENGROSSED SENATE BILL NO. 3449.
SUBSTITUTE SENATE BILL NO. 3455.
ENGROSSED SENATE BILL NO. 3475.
SUBSTITUTE SENATE BILL NO. 3504.
ENGROSSED SENATE BILL NO. 3519.
ENGROSSED SENATE BILL NO. 3521.
ENGROSSED SUBSTITUTE SENATE BILL NO. 3524.
ENGROSSED SENATE BILL NO. 3526.
ENGROSSED SENATE BILL NO. 3527.
SENATE BILL NO. 3528.
SENATE BILL NO. 3529.
SENATE BILL NO. 3530.
SUBSTITUTE SENATE BILL NO. 3538.
SUBSTITUTE SENATE BILL NO. 3539.
SENATE BILL NO. 3586.
SUBSTITUTE SENATE BILL NO. 3589.
ENGROSSED SENATE BILL NO. 3605.
ENGROSSED SUBSTITUTE SENATE BILL NO. 3608.
SUBSTITUTE SENATE BILL NO. 3616.
SUBSTITUTE SENATE BILL NO. 3617.
SUBSTITUTE SENATE BILL NO. 3622.
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3624.
SUBSTITUTE SENATE BILL NO. 3628.
ENGROSSED SENATE BILL NO. 3636.
ENGROSSED SENATE BILL NO. 3647.
ENGROSSED SUBSTITUTE SENATE BILL NO. 3660.
SUBSTITUTE SENATE BILL NO. 3694.
ENGROSSED SUBSTITUTE SENATE BILL NO. 3739.
SUBSTITUTE SENATE BILL NO. 3740.
SUBSTITUTE SENATE BILL NO. 3741.
SUBSTITUTE SENATE BILL NO. 3758.
ENGROSSED SENATE BILL NO. 3760.
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3768.
ENGROSSED SENATE BILL NO. 3777.
SENATE BILL NO. 3784.
SUBSTITUTE SENATE BILL NO. 3800.
ENGROSSED SUBSTITUTE SENATE BILL NO. 3814.
ENGROSSED SENATE BILL NO. 3847.
SUBSTITUTE SENATE BILL NO. 3864.
SUBSTITUTE SENATE BILL NO. 3866.
SUBSTITUTE SENATE BILL NO. 3868.
SUBSTITUTE SENATE BILL NO. 3873.
SUBSTITUTE SENATE BILL NO. 3955.
SENATE BILL NO. 3981.
SUBSTITUTE SENATE BILL NO. 3984.

SENATE BILL NO. 3985,
 SENATE BILL NO. 4010,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4015,
 SENATE BILL NO. 4018,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4055,
 ENGROSSED SENATE BILL NO. 4079,
 SUBSTITUTE SENATE BILL NO. 4084,
 ENGROSSED SENATE BILL NO. 4089,
 SUBSTITUTE SENATE BILL NO. 4090,
 ENGROSSED SENATE BILL NO. 4093,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4099,
 ENGROSSED SENATE BILL NO. 4105,
 ENGROSSED SENATE BILL NO. 4110,
 SUBSTITUTE SENATE BILL NO. 4111,
 ENGROSSED SENATE BILL NO. 4145,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4164,
 ENGROSSED SENATE BILL NO. 4174,
 ENGROSSED SENATE BILL NO. 4202,
 SENATE BILL NO. 4237,
 SUBSTITUTE SENATE BILL NO. 4245,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4251,
 SUBSTITUTE SENATE BILL NO. 4259,

SENATE JOINT MEMORIAL NO. 104,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 112,
 SENATE JOINT MEMORIAL NO. 120,
 SENATE JOINT MEMORIAL NO. 121,

SUBSTITUTE SENATE JOINT RESOLUTION NO. 119,

SENATE CONCURRENT RESOLUTION NO. 101,
 ENGROSSED SENATE CONCURRENT RESOLUTION NO. 107,
 SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 112,
 ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 113,
 ENGROSSED SENATE CONCURRENT RESOLUTION NO. 116,
 SENATE CONCURRENT RESOLUTION NO. 119,
 SENATE CONCURRENT RESOLUTION NO. 121,
 SENATE CONCURRENT RESOLUTION NO. 122,
 SENATE CONCURRENT RESOLUTION NO. 123,
 SENATE CONCURRENT RESOLUTION NO. 124,
 SENATE CONCURRENT RESOLUTION NO. 126,

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 127, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 24, 1983

Mr. President:

In accordance with House Concurrent Resolution No. 20, the House herewith transmits the following bill:

SENATE BILL NO. 3525, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

President Pro Tempore Goltz assumed the chair.

REPORT OF SPECIAL COMMITTEE APPOINTED
 TO NOTIFY THE GOVERNOR OF ADJOURNMENT
 SINE DIE

The Sergeant at Arms announced the return of the special committee comprised of Senators Bottiger, Clarke and Vognild who were appointed under the provision of House Concurrent Resolution No. 19. The committee reported they had joined with a like committee from the House and notified the Governor that the Legislature was about to adjourn SINE DIE.

The report was received and the committee was discharged.

MOTIONS

On motion of Senator Bottiger, the Senate Journal of the One Hundred Fifth Day, Forty-eighth Legislature was approved.

At 12:47 a.m., on motion of Senator Bottiger, the Senate of the Forty-eighth Legislature adjourned SINE DIE.

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
SENATE JOURNAL FOR 1983
FIRST, SECOND AND THIRD
SPECIAL SESSIONS—FOR THE
FORTY-EIGHTH LEGISLATURE**

