

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

Convened July 18, 1975. Recessed July 20, 1975.  
Reconvened August 9, 1975. Recessed August 9, 1975.  
Reconvened September 5, 1975. Recessed September 6, 1975.  
Reconvened January 12, 1976. Adjourned *SINE DIE* March 26, 1976.

Volume III



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

DOROTHY GREELEY  
*Minute and Journal Clerk*

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

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## SENATE CAUCUS OFFICERS

### DEMOCRATIC CAUCUS

ROBERT C. BAILEY, *Chairman*  
GORDON L. WALGREN, *Floor Leader*-  
(Elected December 4, 1975)  
AUGUST P. MARDESICH, *Floor Leader*  
(Resigned December 4, 1975)  
GEORGE FLEMING, *Vice Chairman*  
GORDON L. WALGREN, *Majority Whip*  
(Through December 3, 1975)  
DAN MARSH, *Majority Whip*  
(Elected December 4, 1975)  
REUBEN A. KNOBLAUCH, *Secretary*

### REPUBLICAN CAUCUS

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

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



**JOURNAL OF THE SENATE**

**STATE OF WASHINGTON**

**SECOND EXTRAORDINARY SESSION**

**OF THE**

**FORTY-FOURTH LEGISLATURE**

**FIRST DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Friday, July 18, 1975.

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Francis, Rasmussen and Scott. There being no objection, Senator Rasmussen was excused. On motion of Senator Knoblauch, Senator Francis was excused. On motion of Senator Lewis (R. H. "Bob"), Senator Scott was excused.

The Color Guard, consisting of Pages Jeff Stortini and Allison Mayo, presented the Colors. Father James H. Bluncell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"MOST GRACIOUS FATHER, THE FOUNTAIN OF ALL WISDOM, THE SOURCE OF ALL TRUTH, YOUR SPECIAL GUIDANCE AND BLESSING IS SOUGHT FOR THE MEMBERS OF THE SENATE OF THE STATE OF WASHINGTON HERE ASSEMBLED IN SPECIAL SESSION. ASSIST THEM MIGHTILY TO BRING TO THEIR WORK BRAINS THAT THINK AND HEARTS THAT FEEL. FOSTER AMONG THEM IDEALS, IMAGINATION, WISDOM AND ABOVE ALL ELSE, COURAGE, THAT THEY BE NOT ENSLAVED BY ROUTINE, CONVENTION AND POPULAR OPINION, BUT BE UPHELD BY YOUR SPIRIT IN THE PERFORMANCE OF YOUR WILL TO YOUR GLORY AND TO THE EDIFICATION OF ALL THE PEOPLE, THROUGH THE BOUNDLESS GRACE OF JESUS CHRIST OUR ONLY LORD AND SAVIOR. AMEN."

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

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

**MR. PRESIDENT:**

I, Bruce K. Chapman, Secretary of State of the State of Washington and custodian of the Seal of the said State, do hereby certify that I have carefully compared the at-

tached copy of a proclamation by the Governor calling an extraordinary session of the Legislature to convene on the 18th day of July, 1975, with the original copy of said proclamation now on file in this office, and find the same to be a full, true and correct copy of said original, and the whole thereof, together with all official endorsements thereon.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the state of Washington. Done at the Capitol at Olympia on this 18th day of July, 1975.

BRUCE K. CHAPMAN  
Secretary of State.

#### PROCLAMATION BY THE GOVERNOR

The recently adjourned first extraordinary session of the Forty-fourth Washington State Legislature was confronted in unprecedented manner by major failures of school special levies throughout the state. At one time or other during that session, each house approved sums for special levy relief up to and exceeding \$100 million, but final action by the Legislature produced considerably less.

The \$65 million designated in the operating budget for this biennium was, in my opinion, insufficient to even offer a subsistence level of education and services to the children in our schools. Not only would educational programs be cut back or eliminated, but there would be a great number of schools which would deteriorate physically into unsafe, unclean, and unhealthy facilities. Because I believe that funds are available at this time for adequate emergency relief, and because I could think of no higher priority for the use of those funds, I vetoed the section in the budget bill relating to special levy relief. It is now my intention to call the Legislature to convene in extraordinary session to deal solely with the problem of special levy relief, and it is my hope that the Legislature will act in a prompt and responsive manner on this vital issue.

NOW, THEREFORE, I, Daniel J. Evans, Governor of the State of Washington, by virtue of the authority vested in me by the Constitution, do hereby convene the Legislature of the State of Washington in extraordinary session in the Capitol at Olympia on the 18th day of July, 1975, at the hour of nine o'clock, a.m., for the purpose stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia, this 3rd day of July, A.D. Nineteen hundred and seventy-five.

DANIEL J. EVANS  
Governor of Washington.

(Seal of the State of Washington)

BY THE GOVERNOR:  
BRUCE K. CHAPMAN  
Secretary of State.

#### MOTION

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

#### SENATE RESOLUTION 1975-156

By Senators Bailey and Matson:

WHEREAS, The offices of President Pro Tempore of the Senate, Vice President Pro Tempore, Secretary of the Senate and Sergeant at Arms of the Senate were filled by competent persons during the forty-fourth regular and first extraordinary sessions of the legislature; and

WHEREAS, These officers served in a distinguished and satisfactory manner; and

WHEREAS, The standing committees of the Senate were formed and operated properly and efficiently during the forty-fourth regular and first extraordinary sessions of the legislature;

NOW, THEREFORE, BE IT RESOLVED, That said officers, committee chairmen and committee members of the said regular session and first extraordinary session shall constitute the officers and committees of the second extraordinary session of the forty-fourth legislature.

MOTION

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

SENATE RESOLUTION 1975-157

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

BE IT RESOLVED, That a committee of three members be named by the President of the Senate to inform the House that the Senate is organized and ready to transact the business of the second extraordinary session of the forty-fourth legislature.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Talley, Pullen and Ridder to serve as a committee of three to notify the House that the Senate is organized and ready to transact business.

MOTION

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

COMMITTEE FROM THE HOUSE

A committee from the House consisting of Representatives Curtis, Wojahn and Ceccarelli appeared before the bar of the Senate to notify the Senate that the House was organized and ready to transact business.

The report was received and the committee retired.

MOTION

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

SENATE RESOLUTION 1975-158

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

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

MOTION

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

SENATE RESOLUTION 1975-159

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

BE IT RESOLVED, That the state treasurer and budget director be, and they are hereby, directed to draw their warrants for payment of the members' subsistence allowance and employees' salaries upon subsistence payrolls which shall be certified to by the President and Secretary of the Senate, and they are hereby authorized and directed to deliver the warrants to the Secretary of the Senate, taking their receipt therefor.

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

## JOURNAL OF THE SENATE

## MESSAGE FROM THE HOUSE

July 18, 1975.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 36, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 36, by Representative Charette: Notifying the Governor that the legislature is organized.

## MOTIONS

On motion of Senator Mardesich, the rules were suspended, House Concurrent Resolution No. 36 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended, House Concurrent Resolution No. 36 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Jolly, Buffington and Marsh to serve as three members from the Senate, in accordance with House Concurrent Resolution No. 36, to join with a like committee from the House, to notify the Governor that the legislature is organized and ready to transact business.

## MOTION

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

## REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Talley, Pullen and Ridder appeared before the bar of the Senate and reported that the House had been notified that the Senate was organized and ready to transact business.

The report was received and the committee was discharged.

## MOTION

At 9:28 a.m., on motion of Senator Mardesich, the Senate recessed until 11:05 a.m.

## SECOND MORNING SESSION

The President called the Senate to order at 11:05 a.m.

## MESSAGE FROM THE HOUSE

July 18, 1975.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 36, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE CONCURRENT RESOLUTION NO. 36.

## REPORT OF SPECIAL COMMITTEE

The special committee, consisting of Senators Jolly, Buffington and Marsh, appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of House Concurrent Resolution No. 36, that the legislature was organized and ready to transact business.

The report was received and the committee was discharged.

MOTIONS

On motion of Senator Mardesich, the Senate Committee on Ways and Means was granted use of the Senate Chamber for a hearing with respect to the school funding problem immediately following the Senate being put at ease.

At 11:10 a.m., on motion of Senator Mardesich, the Senate was declared to be at ease.

President Pro Tempore Henry called the Senate to order at 1:30 p.m.

The Senate Committee on Ways and Means continued use of the Senate Chamber for the purpose of a hearing on the school funding problem.

President Pro Tempore Henry called the Senate to order at 2:48 p.m.

The Senate was declared to be at ease.

President Pro Tempore Henry called the Senate to order at 5:00 p.m.

MOTION

At 5:02 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:30 a.m., Saturday, July 19, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## JOURNAL OF THE SENATE

## SECOND DAY

## MORNING SESSION

Senate Chamber, Olympia, Saturday, July 19, 1975.

The Senate was called to order at 10:30 a.m. by President Chierberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming and Scott. On motion of Senator Lewis (R. H. "Bob"), Senator Scott was excused.

The Color Guard, consisting of Pages Tom Francis and Stephanie Gissberg, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, IN WHOSE HANDS RESIDE THE GOVERNANCE OF THE UNIVERSE, GUIDE AND DIRECT THESE YOUR SERVANTS, THE MEMBERS OF THE WASHINGTON STATE SENATE HERE ASSEMBLED IN EXTRAORDINARY SESSION. FILL THEM, O LORD, WITH A SENSE OF PURPOSE AND DISPATCH AS THEY GO ABOUT THEIR WORK. HELP THEM TO TRANSLATE PROBLEMS INTO OPPORTUNITIES. REMIND THEM CONTINUALLY, O LORD, WHOSE MINISTERS AND SERVANTS THEY ARE. AND, ABOVE ALL ELSE, INSTILL IN US ALL THE SPIRIT OF SERVICE WHICH WILL ABOLISH PRIDE OF PLACE AND INEQUALITY OF OPPORTUNITY. THROUGH JESUS CHRIST OUR LORD AND SAVIOR. AMEN."

## MOTION

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

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2971, by Senators Donohue, Day, Sandison, Mardesich, Marsh, Woody, Odegaard, Van Hollebeke, Bottiger, Stortini, Walgren, Herr and McDermott:

Providing emergency financing for the common schools.

## MOTIONS

On motion of Senator Mardesich, the rules were suspended and Senate Bill No. 2971 was advanced to second reading.

On motion of Senator Mardesich, Senate Bill No. 2971 was ordered held on second reading.

## INTRODUCTION AND FIRST READING

SENATE JOINT MEMORIAL NO. 112, by Senators Donohue, Mardesich, Fleming and McDermott:

Memorializing the executive and legislative branches of the federal government concerning the financing of Washington's common schools.

## MOTIONS

On motion of Senator Mardesich, the rules were suspended and Senate Joint Memorial No. 112 was advanced to second reading.

On motion of Senator Mardesich, Senate Joint Memorial No. 112 was ordered held on second reading.

There being no objection, the rules were suspended and additional sponsors were permitted on Senate Bill No. 2971 and Senate Joint Memorial No. 112.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Keefe, Guess, Lewis (R. H. "Bob"), Gould and Day and the members of the press corps to escort John Lemon, to the Senate rostrum.

## PRESIDENT'S PRIVILEGE

The President: "The President somewhat reluctantly would like to call to the attention of the Senate that our good friend, John Lemon, has recently been named associate editor of the Spokane Daily Chronicle. My reluctance is not present because of any lack of desire to share with John the joy of his promotion, but because of the void which his absence will leave in the legislative process.

"John has, for many years, been an integral part of our life and we have come to rely on his presence in a confident manner, knowing that his reporting of legislative events will be not only eloquent and interesting, but also fair and accurate. For these traits, John, we respect and admire you. The closeness which we feel for you and Wanda transcends your professional excellence and has created a close warm and personal friendship which will continue even though your new responsibilities will unfortunately prevent us from seeing you as often as we would like.

"Best of luck to you and Wanda. We are all sure that the reading public in the greater Spokane area has benefited for our loss."

With permission of the Senate, business was suspended to permit Senator Lewis (R. H. "Bob"), Keefe and Guess; Adele Ferguson, representing the press corps; and John Lemon to address the Senate.

The President presented the Distinguished Citizens', Ambassador of Good Will and Washington Brigadier Generals' awards to the honored guest.

The committee of honor escorted John Lemon from the Senate Chamber and the committee was discharged.

## MOTION

At 11:08 a.m., on motion of Senator Mardesich, the Senate recessed until 12:25 p.m.

## NOON SESSION

The President called the Senate to order at 12:25 p.m.

## MOTION

At 12:27 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:30 p.m.

## MOTION

At 1:45 p.m., on motion of Senator Mardesich, the Senate recessed until 3:40 p.m.

## SECOND AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 3:40 p.m.

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

## MESSAGES FROM THE HOUSE

July 19, 1975.

Mr. President: The House has passed: ENGROSSED HOUSE BILL NO. 1233, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

July 19, 1975.

Mr. President: The House has passed HOUSE BILL NO. 1229, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1233, by Representatives Bagnariol, Shinpoch, Chatalas and Perry:

Providing emergency funding for common schools and funding mass transit.

### MOTIONS

On motion of Senator Mardesich, the rules were suspended, Engrossed House Bill No. 1233 was advanced to second reading and read the second time in full.

Senator Donohue moved adoption of the following amendment:

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

"*NEW SECTION.* Section 1. There is hereby appropriated from the state general fund including amounts from motor vehicle excise taxes imposed pursuant to RCW 35.58.273 through 35.58.279 except those amounts which are obligated for bonds and the covenants thereof issued as of the effective date of this 1975 amendatory act to the superintendent of public instruction for the biennium ending June 30, 1977, for distribution appropriate to the purposes of this section during the 1975-76 school year to school districts as hereinafter in this section provided, the sum of sixty-five million dollars or so much thereof as may be necessary: PROVIDED, That not more than three and one-half million dollars of such amount shall be allocated to districts which have submitted but failed to authorize one or more excess levies for maintenance and operations in 1976 and with a relatively high percentage of urban, rural, racial, and disadvantaged children, to continue quality educational programs for the 1975-76 school year at approximately the same student-teacher ratio that existed during the 1974-75 school year for any such districts or schools within such districts.

Allocations under this section for special levy relief shall be made by the superintendent of public instruction to local school districts in accordance with the following procedure:

Those local school districts which have received authorization for collection of an excess levy in 1976 for maintenance and operations or which have submitted one or more excess levies for maintenance and operations in 1976 shall receive an amount in the sum of eighty dollars, or as much as may be available thereof, per full time equivalent pupil enrolled for the 1975-76 school year. The superintendent of public instruction shall determine and notify each local school district of the amount of such funds made available by this section. Each board of directors of a local school district which qualifies for an allotment of funds for special levy relief pursuant to the provisions of this section and has been authorized an excess levy for maintenance and operations for collection in 1976, prior to receiving an allotment of funds hereunder, shall certify to the respective county legislative authority a reduction in the excess levy equal to the amount of funds made available for special levy relief pursuant to this section. Any school district which fails to certify and roll back excess levies in the manner required by this section shall not receive any allotment from the superintendent of public instruction of the funds made available under this section, notwithstanding any other provision of this section, any district receiving authorization for collection of an excess levy in 1976 for maintenance and operations shall not receive an allocation during the last half of fiscal year 1976 in an amount together with the reduced levy collection over the amount which would have been derived from the originally approved levy for such period. Any excess amount of the allocation due any such district as calculated pursuant to this section shall be distributed as the superintendent of public instruction shall direct during the first six months of fiscal year 1977.



Those local school districts which did not submit one or more excess levies for maintenance and operations for collection in 1976 and in addition experience a net per pupil expenditure, excluding transportation costs, of less than the state-wide average per student during the 1974-75 school year, shall receive an amount equal to fifty dollars per full time equivalent pupil during the 1975-76 school year.

The superintendent of public instruction, pursuant to chapter 34.04 RCW, shall promulgate rules and regulations to effect the intent of this section.

Sec. 2. Section 193, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

If any municipality, which shall have pledged the revenue from the special excise tax authorized by RCW 35.58.273 to secure the payment of all or any part of the principal of or interest on any general obligation bonds or revenue bonds issued pursuant to RCW 35.58.279, does not receive state transit assistance sufficient to meet such bond obligations, there is hereby appropriated from the general fund the sum of [\$3,000,000] *four million one hundred eighty thousand dollars*, or so much thereof as shall be necessary, to the state treasurer who shall distribute to each such municipality a sum equal to such bond obligation.

*It is the intent of the legislature that the appropriation contained in this section shall be expended only for debt service on bonds which have been issued as of the effective date of this 1975 amendatory act and no part of this appropriation shall be expended for maintenance and operations of any mass transit system.*

**NEW SECTION.** Sec. 3. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of state government and its existing public institutions, and shall take effect immediately."

Senator McDermott moved adoption of the following amendment by Senators McDermott, Fleming, Ridder and Francis to the amendment by Senator Donohue:

On page 1, line 19 of the amendment strike "three and one-half" and insert "five". Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Bluechel: "I have an amendment on the desk that would change the sixty-five million to eighty million dollars and it may be that some of the members on the floor may vote on the amendment by Senator McDermott in a different manner, depending upon the action if the body adopts eighty million or whether we change it to sixty-five, and should this be considered first?"

#### REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Senator Bluechel, in answering your parliamentary inquiry, I see that there is no particular conflict whether you have sixty-five, unless you think perhaps from a psychological reason if they did get the eighty they might be more interested in going for the five but I think the amendments are in order. Sorry you were not on the floor at the time we started taking these amendments."

#### POINT OF ORDER

Senator Clarke: "I would suggest that the President has already ruled and that his ruling is correct. The amendments should be taken in order. If we start a precedent here of trying to consider amendments based upon how they might influence the voting on some subsequent amendments, we create an entirely new situation which, in my humble opinion, is unworkable and I submit as a point of order that the President already ruled and we should proceed in order."

Further debate ensued.

Senator Ridder demanded a roll call and the demand was sustained by Senators Donohue, Fleming, Washington, von Reichbauer, North, Bluechel, McDermott, Bufington and Woody.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senators McDermott, Fleming, Ridder and Francis to the amendment by Senator Donohue.

## ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 12; nays, 36; excused, 1.

Voting yea: Senators Bluechel, Buffington, Fleming, Francis, Gould, Grant, McDermott, Murray, North, Ridder, von Reichbauer, Washington—12.

Voting nay: Senators Bailey, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Goltz, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Wilson, Woody—36.

Excused: Senator Scott—1.

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

On page 1, section 1, line 17 change "sixty-five million" to "eighty million".

Debate ensued.

## POINT OF INQUIRY

Senator Cunningham: "I wonder if Senator Donohue would yield to a question? Senator Donohue, I have before me, and I have talked to Senator Odegaard, a copy of the Journal of today in the House where Representative Bagnariol is saying there is forty-six million hard dollars and he is referring to thirty-four million shifting dollars. Is that going into a twenty-six month biennium if we use those dollars?"

Senator Donohue: "The shifting that we are talking about, Senator, is the shifting of collection of property tax. The collections amount to about seventeen percent of two hundred million. That is approximately — what was the figure — thirty-four I think you said. The thirty-seven point eight million dollars that you are aware of in the packet that we distributed to you yesterday is hard money. To get to the forty-six million they are assuming passage of the federal contractors sales tax. That puts it up to forty-six million."

Further debate ensued.

Senator North demanded a roll call and the demand was sustained by Senators Washington, Clarke, Talley, Knoblauch, Jones, Buffington, Day, Matson and von Reichbauer.

## MOTION

At 4:55 p.m., on motion of Senator Mardesich, the Senate recessed until 5:25 p.m.

## THIRD AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 5:25 p.m.

Further debate ensued.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senator Bluechel to the amendment by Senator Donohue.

## ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 11; nays, 37; excused, 1.

Voting yea: Senators Bluechel, Buffington, Fleming, Francis, Gould, Grant, McDermott, Murray, North, Ridder, von Reichbauer—11.

Voting nay: Senators Bailey, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Goltz, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—37.

Excused: Senator Scott—1.

There being no objection, the amendment by Senator Bluechel to page 1, line 39, on the Secretary's desk, was withdrawn.

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

On page 3 of the amendment, line 19, after "issued" insert "under RCW 35.58.2731".

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

On motion of Senator Donohue, the following amendment to the title was adopted:

On page 1, line 1 of the title after "An Act relating" strike the remainder of the title and insert "to appropriations; amending section 193, chapter 269, Laws of 1975 1st ex. sess. (uncodified); making appropriations; and declaring an emergency."

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 1233, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1233, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays 15; excused, 1.

Voting yea: Senators Bailey, Benitz, Bottiger, Cunningham, Day, Donohue, Fleming, Goltz, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Mardesich, Marsh, McDermott, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—33.

Voting nay: Senators Beck, Bluechel, Buffington, Clarke, Francis, Gould, Grant, Guess, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Murray, Newschwander, Ridder, von Reichbauer—15.

Excused: Senator Scott—1.

ENGROSSED HOUSE BILL NO. 1233, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 1233, as amended by the Senate, was ordered immediately transmitted to the House.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 112, by Senators Donohue, Mardesich, Fleming and McDermott:

Memorializing the executive and legislative branches of the federal government concerning the financing of Washington's common schools.

The memorial was read the second time in full.

On motion of Senator Odegaard, the following amendment by Senators Donohue and Odegaard was adopted:

On page 1, beginning on line 30, strike all the material down through "and" on page 2, line 6 and insert:

"WHEREAS, The proponents of the measure (Chapter 195, Laws of 1973 First Extraordinary Session) acknowledged that passage of such a measure, which resulted in the collection of property taxes at the state level, could tend to increase property taxes, would take away from the local school districts their last sole source of revenue from the property tax, and would indeed have the effect of substantially discouraging further passage of special levies for schools by the taxpayers within a given school district; and"

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

On page 2, lines 22 and 34 strike "Senate Bill 2971" and insert "Engrossed House Bill No. 1233".

On motion of Senator Mardesich, the rules were suspended, Engrossed Senate

Joint Memorial No. 112 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 112, and the memorial passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Scott—1.

ENGROSSED SENATE JOINT MEMORIAL NO. 112, having received the constitutional majority, was declared passed.

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

#### INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1229, by Representative Randall:

Pertaining to use taxes upon federal and certain other contractors.

On motion of Senator Mardesich, the rules were suspended, House Bill No. 1229 was advanced to second reading and read the second time in full.

#### MOTION

At 5:50 p.m., on motion of Senator Mardesich, the Senate recessed until 6:15 p.m.

#### EVENING SESSION

President Pro Tempore Henry called the Senate to order at 6:15 p.m.

The Senate resumed consideration of House Bill No. 1229 on second reading.

There being no objection, the amendments by Senators Donohue and Lewis (Harry) to page 1, lines 13 and 19 on the Secretary's desk, were withdrawn.

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

On page 4, after line 2, insert new sections to read as follows:

"Sec. 3. Section 4, chapter 90, Laws of 1975 1st ex. sess. is amended to read as follows:

In the event any person has entered into a contract prior to July 1, 1975 or has bid upon a contract prior to July 1, 1975 and has been awarded the contract after July 1, 1975 [and would be required under the terms of the contract to bear the economic burden of the additional taxes imposed by this 1975 amendatory act], the additional taxes imposed by *chapter 90, Laws of 1975 1st ex. sess., section 5, chapter 291, Laws of 1975 1st ex. sess. and this 1975 amendatory act shall not be required to be paid by such person in carrying on activities in the fulfillment of such contract.*"

*NEW SECTION. Sec. 4. If any provision of this 1975 amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.*"

Re-number remaining section consecutively.

On motion of Senator Donohue, the following amendment by Senators Donohue and Lewis (Harry) to the title was adopted:

On line 6 of the title after "82.12.020;" insert "amending section 4, chapter 90, Laws of 1975 1st ex. sess.;"

On motion of Senator Donohue, the rules were suspended, House Bill No. 1229, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1229, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

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

Absent or not voting: Senator Bluechel—1.

Excused: Senator Scott—1.

HOUSE BILL NO. 1229, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Mardesich, House Bill No. 1229, as amended by the Senate, was ordered immediately transmitted to the House.

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

On motion of Senator Mardesich, the Senate commenced consideration of Senate Concurrent Resolution No. 120.

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 120, by Senator Mardesich:

Providing for recess of the Second Extraordinary Session of the Forty-fourth Legislature and authorizing subpoena powers for Rules Committee of the Senate and House.

## MOTIONS

On motion of Senator Mardesich, the rules were suspended, Senate Concurrent Resolution No. 120 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended, Senate Concurrent Resolution No. 120 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 120 and the resolution passed the Senate by the following vote: Yeas, 32; nays, 14; absent or not voting, 2; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Day, Donohue, Goltz, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—32.

Voting nay: Senators Bluechel, Clarke, Cunningham, Fleming, Gould, Jones, Matson, Morrison, Murray, Newschwander, North, Pullen, Sellar, Wanamaker—14.

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

Excused: Senator Scott—1.

SENATE CONCURRENT RESOLUTION NO. 120 having received the constitutional majority, was declared passed.

## MOTION

On motion of Senator Mardesich, Senate Concurrent Resolution No. 120 was ordered immediately transmitted to the House.

## MOTION

On motion of Senator Mardesich, the Senate was declared to be at ease. President Pro Tempore Henry called the Senate to order at 7:00 p.m.

## MOTION

At 7:00 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Sunday, July 20, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**THIRD DAY**

## MORNING SESSION

Senate Chamber, Olympia, Sunday, July 20, 1975.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Guess, Pullen and Scott. On motion of Senator Newschwander, Senators Guess, Scott and Pullen were excused.

The Color Guard, consisting of Pages Rachel Langen and David Grimm, presented the Colors. Doctor Henry S. Rahn, pastor emeritus of the First Baptist Church of Olympia, offered the following prayer:

"ETERNAL GOD AND FATHER, THOU HAST PLACED THE SUN IN THE HEAVENS TO LIGHT AND WARM THE EARTH. THOU HAST PLACED THE MORAL LAW WITHIN THE HEART OF MAN TO GIVE HIS LIFE BALANCE AND MEANING. GRANT THAT WE MAY EVER BE MINDFUL OF THY BENEFITS TO US — THE GIFT OF LIFE, THE GIFT OF BEAUTY IN THE WORLD ABOUT US, THE GIFT OF WORK AND RESPONSIBILITY. AS WE BEGIN ANOTHER WEEK, HELP US TO FILL EACH HOUR WITH ATTITUDES AND UTTERANCES AND ACTIONS THAT WILL BEAR THE STAMP OF THY APPROVAL. THROUGH CHRIST OUR LORD. AMEN."

## MOTION

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

## MOTION

At 10:07 a.m., on motion of Senator Mardesich, the Senate was declared to be at ease.

President Cherberg called the Senate to order at 11:30 a.m.

## MESSAGE FROM THE HOUSE

July 19, 1975.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 1233, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

Senator Mardesich moved the Senate refuse to recede from its amendments to Engrossed House Bill No. 1233, adhere to its position thereon and once again ask the House to concur.

Senator Mardesich demanded a roll call and the demand was sustained by Senators Day, Matson, Sandison, Washington, Jones, Walgren, Knoblauch, Donohue and Lewis (Harry).

The President declared the question before the Senate to be the motion by Senator Mardesich that the Senate refuse to recede from its amendments to Engrossed House Bill No. 1233, adhere to its position and once again ask the House to concur.

## ROLL CALL

The Secretary called the roll and the motion by Senator Mardesich carried by the following vote: Yeas, 33; nays, 11; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Goltz, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—33.

Voting nay: Senators Bluechel, Buffington, Fleming, Francis, Gould, Grant, McDermot, Murray, North, Ridder, von Reichbauer—11.

Absent or not voting: Senators Herr, Sellar—2.

Excused: Senators Guess, Pullen, Scott—3.

## MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 1233, as amended by the Senate, and the Senate Message thereon was immediately transmitted to the House.

## POINT OF ORDER

Senator Murray: "According to the Joint Rules of 1975, page 273, rule number seven states that in every case of difference between the two houses upon any subject of legislation, the house refusing to recede shall request a conference. Does that apply in this case?"

## RULING BY THE PRESIDENT

The President: "Senator Murray, in ruling upon your point of order, the President believes that it is necessary for the House and the Senate to exhaust all possibilities to reach an agreement before a conference is requested and/or granted."

## MOTION

At 11:35 a.m., on motion of Senator Mardesich, the Senate was declared to be at ease.

## AFTERNOON SESSION

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

## MESSAGES FROM THE HOUSE

July 20, 1975.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 1229, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

July 20, 1975.

Mr. President: The Speaker has signed HOUSE BILL NO. 1229, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1229.

## MOTIONS

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

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2971.

## SECOND READING

SENATE BILL NO. 2971, by Senators Donohue, Day, Sandison, Mardesich, Marsh, Woody, Odégaard, Van Hollebeke, Bottiger, Stortini, Walgren, Herr and McDermott:

Providing emergency financing for the common schools.

The bill was read the second time by sections.

Senator Donohue moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

“*NEW SECTION.* Section 1. There is hereby appropriated from the state general fund to the superintendent of public instruction for the biennium ending June 30, 1977, for distribution appropriate to the purposes of this 1975 act during the 1975-76 school year to school districts as hereinafter in this section provided, the sum of forty-six million dollars or so much thereof as may be necessary.

Allocations under this 1975 act for special levy relief shall be made by the superintendent of public instruction to local school districts in accordance with the following procedure:

Those local school districts which have received authorization for collection of an excess levy in 1976 for maintenance and operations or which have submitted one or more excess levies for maintenance and operations in 1976 shall receive an amount in the sum of sixty dollars or as much as may be available therefor per full time equivalent pupil enrolled for the 1975-76 school year. The superintendent of public instruction shall determine and notify each local school district of the amount of such funds made available by this 1975 act. Each board of directors of a local school district which qualifies for an allotment of funds for special levy relief pursuant to the provisions of this 1975 act and has been authorized an excess levy for maintenance and operations for collection in 1976, prior to receiving an allotment of funds hereunder, shall certify to the respective county legislative authority a reduction in the excess levy equal to the amount of funds made available for special levy relief pursuant to this 1975 act. Any school district which fails to certify and roll back excess levies in the manner required by this 1975 act shall not receive any allotment from the superintendent of public instruction of the funds made available under this 1975 act. Notwithstanding any other provision of this 1975 act, any district receiving authorization for collection of an excess



levy in 1976 for maintenance and operations shall not receive an allocation during the last half of fiscal year 1976 in an amount together with the reduced levy collection over the amount which would have been derived from the originally approved levy for such period. Any excess amount of the allocation due any such district as calculated pursuant to this 1975 act shall be distributed as the superintendent of public instruction shall direct during the first six months of fiscal year 1977.

Those local school districts which did not submit one or more excess levies for maintenance and operations for collection in 1976 and in addition experience a net per pupil expenditure, excluding transportation costs, of less than the state-wide average per student during the 1974-75 school year, shall receive an amount equal to fifty dollars per full time equivalent pupil during the 1975-76 school year.

The superintendent of public instruction, pursuant to chapter 34.04 RCW, shall promulgate rules and regulations to effect the intent of this 1975 act.

Notwithstanding any other provision of this 1975 act, this section shall not be effective and shall be null and void and of no effect if House Bill No. 1233 of this forty-fourth session of the legislature becomes law.

*NEW SECTION.* Sec. 2. This 1975 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

#### POINT OF INQUIRY

Senator Beck: "Senator Donohue, I am a little at a loss on this thing. I wonder if you would answer a question to straighten me out? To start with, I think we are all pretty much in agreement that there is thirty-seven million dollars in cash, we know we got that. We anticipate we are going to get ten million dollars from this federal — applying this sales tax to the material of the federal government. Are we still together? Now, when we had that sixty-five million dollar bill here, as I understood it, there was fifteen million dollars that was left over out of that motor vehicle excise tax. Are we still together on that?"

Senator Donohue: "That is right."

Senator Beck: "And then there was five million dollars that was going to be saved from some kind of employee salary or reduction in force or something in the state employees. There is where we are getting that sixty-five million dollars."

Senator Donohue: "That is correct, Senator."

Senator Beck: "Now this bill is for forty-six million. Are these other factors — is that hard money or what happened to that other money?"

Senator Donohue: "In the judgment of the staff and due to the Attorney General's opinion and due to the fact that all we have as far as information is concerned pertaining to the three percent reduction in force which the Governor vetoed out of the bill which he now says he will implement himself, which is five million, we believe that those two issues are in question and we know at this time that the thirty-seven million and that the nine million available for federal contracts is hard cash and to be responsible we feel that that is the way we should go."

Senator Beck: "Yes, I agree with you there, but now that fifteen million dollars in excess, that is in question? Am I correct?"

Senator Donohue: "That is in question. It perhaps is available."

Senator Beck: "Thank you very kindly. I am clear on the issue now."

#### MOTION

At 2:10 p.m., on motion of Senator Mardesich, the Senate recessed until 4:35 p.m.

#### SECOND AFTERNOON SESSION

The President called the Senate to order at 4:35 p.m.

The President declared the Senate to be at ease subject to the Call of the President.

The President called the Senate to order at 5:15 p.m.

The Senate resumed consideration of Senate Bill No. 2971 and the amendment by Senator Donohue.

There being no objection, the amendment by Senator Donohue was withdrawn.

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

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

"**NEW SECTION.** Section 1. There is hereby appropriated from the state general fund including amounts from motor vehicle excise taxes imposed pursuant to RCW 35.58.273 through 35.58.279 except those amounts which are obligated for bonds and the covenants thereof issued as of the effective date of this 1975 amendatory act to the superintendent of public instruction for the biennium ending June 30, 1977, for distribution appropriate to the purposes of this section during the 1975-76 school year to school districts as hereinafter in this section provided, the sum of sixty-five million dollars or so much thereof as may be necessary: PROVIDED, That not more than three and one-half million dollars of such amount shall be allocated to districts which have submitted but failed to authorize one or more excess levies for maintenance and operations in 1976 and with a relatively high percentage of urban, rural, racial, and disadvantaged children, to continue quality educational programs for the 1975-76 school year at approximately the same student-teacher ratio that existed during the 1974-75 school year for any such districts or schools within such districts.

Allocations under this section for special levy relief shall be made by the superintendent of public instruction to local school districts in accordance with the following procedure:

Those local school districts which have received authorization for collection of an excess levy in 1976 for maintenance and operations or which have submitted one or more excess levies for maintenance and operations in 1976 shall receive an amount in the sum of eighty dollars, or as much as may be available thereof, per full time equivalent pupil enrolled for the 1975-76 school year. The superintendent of public instruction shall determine and notify each local school district of the amount of such funds made available by this section. Each board of directors of a local school district which qualifies for an allotment of funds for special levy relief pursuant to the provisions of this section and has been authorized an excess levy for maintenance and operations for collection in 1976, prior to receiving an allotment of funds hereunder, shall certify to the respective county legislative authority a reduction in the excess levy equal to the amount of funds made available for special levy relief pursuant to this section. Any school district which fails to certify and roll back excess levies in the manner required by this section shall not receive any allotment from the superintendent of public instruction of the funds made available under this section. Notwithstanding any other provision of this section, any district receiving authorization for collection of an excess levy in 1976 for maintenance and operations shall not receive an allocation during the last half of fiscal year 1976 in an amount together with the reduced levy collection over the amount which would have been derived from the originally approved levy for such period. Any excess amount of the allocation due any such district as calculated pursuant to this section shall be distributed as the superintendent of public instruction shall direct during the first six months of fiscal year 1977.

Those local school districts which did not submit one or more excess levies for maintenance and operations for collection in 1976 and in addition experience a net per pupil expenditure, excluding transportation costs, of less than the state-wide average per student during the 1974-75 school year, shall receive an amount equal to fifty dollars per full time equivalent pupil during the 1975-76 school year.

The superintendent of public instruction, pursuant to chapter 34.04 RCW, shall promulgate rules and regulations to effect the intent of this section.

Sec. 2. Section 193, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

If any municipality, which shall have pledged the revenue from the special excise tax authorized by RCW 35.58.273 to secure the payment of all or any part of the principal of or interest on any general obligation bonds or revenue bonds issued pursuant to RCW 35.58.279, does not receive state transit assistance sufficient to meet such bond

obligations, there is hereby appropriated from the general fund the sum of [\$3,000,000] *four million one hundred eighty thousand dollars*, or so much thereof as shall be necessary, to the state treasurer who shall distribute to each such municipality a sum equal to such bond obligation.

*It is the intent of the legislature that the appropriation contained in this section shall be expended only for debt service on bonds which have been issued under RCW 35.58.2731 as of the effective date of this 1975 amendatory act and no part of this appropriation shall be expended for maintenance and operations of any mass transit system.*

**NEW SECTION.** Sec. 3. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

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

On page 1, line 1 of the title after "AN ACT Relating" strike the remainder of the title and insert "to appropriations; amending section 193, chapter 269, Laws of 1975 1st ex. sess. (uncodified); making appropriations; and declaring an emergency."

On motion of Senator Mardesich, the rules were suspended, Engrossed Senate Bill No. 2971 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2971, and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Cunningham, Day, Donohue, Fleming, Goltz, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wana-maker, Washington, Wilson, Woody—36.

Voting nay: Senators Bluechel, Buffington, Clarke, Francis, Gould, Grant, Matson, Murray, Newschwander, North, von Reichbauer—11.

Excused: Senators Guess, Scott—2.

ENGROSSED SENATE BILL NO. 2971, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Mardesich, Engrossed Senate Bill No. 2971 was ordered immediately transmitted to the House.

#### MOTION

At 5:20 p.m., on motion of Senator Mardesich, the Senate recessed until 8:30 p.m.

#### EVENING SESSION

The President called the Senate to order at 8:30 p.m.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

July 20, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2971 with the following amendments:

On page 1, line 13, strike "sixty-five" and insert "seventy-two and one half".

On page 2, line 2, strike "eighty" and insert "ninety-two", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

Senator Mardesich moved that the Senate refuse to concur in the House amendments to Engrossed Senate Bill No. 2971, adhere to its position thereon and ask the House to recede from its amendments thereto.

Senator Francis demanded a roll call and the demand was sustained by Senators Francis, von Reichbauer, McDermott, Ridder, Talley, Grant, Bailey, Murray and Lewis (Harry).

#### MOTION

On motion of Senator Lewis (R. H. "Bob"), Senators Gould, North and Pullen were excused.

#### MOTION

Senator Grant moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 2971.

Senator Francis demanded a roll call and the demand was sustained by Senators Bailey, Ridder, Talley, Washington, Clarke, Donohue, Murray, Grant and Cunningham.

The President declared the question before the Senate to be the positive motion by Senator Grant that the Senate do concur in the House amendments to Engrossed Senate Bill No. 2971.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Grant failed by the following vote: Yeas, 14; nays, 28; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Bluechel, Buffington, Cunningham, Fleming, Francis, Goltz, Grant, Herr, McDermott, Murray, Ridder, Van Hollebeke, von Reichbauer—14.

Voting nay: Senators Beck, Benitz, Bottiger, Clarke, Day, Donohue, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, Odegaard, Peterson, Rasmussen, Sellar, Stortini, Talley, Walgren, Wanamaker, Washington, Wilson—28.

Absent or not voting: Senators Sandison, Woody—2.

Excused: Senators Gould, Guess, North, Pullen, Scott—5.

The motion by Senator Mardesich carried and the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 2971, adheres to its position thereon and asks the House to recede from its amendments thereto.

#### MOTION

On motion of Senator Mardesich, Engrossed Senate Bill No. 2971, together with the House amendments was ordered immediately transmitted to the House.

#### MOTION

At 8:40 p.m., on motion of Senator Mardesich, the Senate recessed until 9:47 p.m.

#### SECOND EVENING SESSION

The President called the Senate to order at 9:47 p.m.

#### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 121, by Senator Mardesich:  
Suspending members per diem.

## MOTIONS

On motion of Senator Mardesich, the rules were suspended and Senate Concurrent Resolution No. 121 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended and Senate Concurrent Resolution No. 121 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Would Senator Mardesich yield to a question? Senator Mardesich, this date of September 5, 1975, that is the same date that is in the concurrent resolution that has already been adopted by the House and the Senate and is now awaiting the President's signature?"

Senator Mardesich: "That is correct."

Senator Rasmussen: "Thank you."

## MOTIONS

On motion of Senator Clarke, Senator Newschwander was excused.

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

On motion of Senator Knoblauch, Senators Day, Keefe and Woody were excused.

## POINT OF INQUIRY

Senator Goltz: "I would like Senator Mardesich to yield to a question? Senator Mardesich, if we pass this resolution and if it is amended on the House side and we have left, what is the effect of our inability to react to a change by the House to this resolution?"

Senator Mardesich: "Senator Goltz, also passed out at this time was a Senate resolution which authorized the Senate to suspend payment of per diem unless authorized by the Executive Committee of the Rules Committee so that the Senate may continue to carry on its business and the House will be in a position to pass a similar House resolution which would enable them to cease the drawing of per diem during this period of recess."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 121 and the resolution passed the Senate by the following vote: Yeas, 28; nays, 11; excused, 10.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Clarke, Cunningham, Donohue, Goltz, Henry, Herr, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Odegaard, Peterson, Rasmussen, Sandison, Sellar, Stortini, Talley, Walgren, Washington, Wilson—28.

Voting nay: Senators Bluechel, Buffington, Fleming, Francis, Grant, Knoblauch, McDermott, Murray, Ridder, Van Hollebeke, von Reichbauer—11.

Excused: Senators Day, Gould, Guess, Keefe, Newschwander, North, Pullen, Scott, Wanamaker, Woody—10.

SENATE CONCURRENT RESOLUTION NO. 121, having received the constitutional majority, was declared passed.

## MOTION

On motion of Senator Mardesich, Senate Concurrent Resolution No. 121 was ordered immediately transmitted to the House.

## MOTION

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

Senator Mardesich moved adoption of the following resolution:

## SENATE RESOLUTION 1975-160

By Senator Mardesich:

BE IT RESOLVED, By the Senate, That per diem allowances for members of the Senate be suspended as of 12:00 o'clock midnight July 20, 1975 until Friday, September 5, 1975, unless authorized by the executive committee of the Rules Committee of the Senate.

## POINT OF INQUIRY

Senator Francis: "Will Senator Mardesich yield to a question? Senator Mardesich, I am just looking at the wording there and I maybe would like a little more explanation because I do not understand whether that affects the right to per diem for already authorized interim activities and so forth or are we simply talking about the automatic per diem of us being in session? I think if that is explained and is on the record I think it would clarify it."

Senator Mardesich: "We had considered that and rather than go into a complicated resolution, the Rules Committee will take action such as ordinarily taken in an interim period authorizing the various committees to carry forth their business."

## MOTION

Senator Mardesich requested a roll call on Senate Resolution 1975-160.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Resolution 1975-160 and the resolution was adopted by the following vote: Yeas, 31; nays, 8; excused, 10.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Clarke, Cunningham, Donohue, Francis, Goltz, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Odegaard, Peterson, Rasmussen, Sandison, Sellar, Stortini, Talley, von Reichbauer, Walgren, Washington, Wilson—31.

Voting nay: Senators Bluechel, Buffington, Fleming, Grant, McDermott, Murray, Ridder, Van Hollebeke—8.

Excused: Senators Day, Gould, Guess, Keefe, Newschwander, North, Pullen, Scott, Wanamaker, Woody—10.

SENATE RESOLUTION NO. 160, having received the majority vote, was declared adopted.

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

## MESSAGE FROM THE HOUSE

July 20, 1975.

Mr. President: The House has passed SENATE CONCURRENT RESOLUTION NO. 120, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 120.

## POINT OF INFORMATION

Senator Beck: "Is Senate Concurrent Resolution No. 120 signed by the Speaker of the House?"

## REPLY BY THE PRESIDENT

The President: "Not as yet, Senator Beck. The procedure thus far is that the President shall sign first, Senator. The President has signed Senate Concurrent Resolution 120."

Senator Beck: "Is the resolution effective without the signature of the House Speaker?"

Senator Rasmussen: "Mr. President, in answer to Senator Beck, a partial answer, at one time when I was mayor of the city of Tacoma, the council passed by a majority vote a resolution. The legal advice that I received, I did not want to sign it, I refused to sign it, and the legal advice that I received was that all I was merely was attesting that the council had passed it by a majority vote and it was necessary I do sign it as the presiding officer, so the council action was final and my signature was only a legal necessity to testify to the fact that they had passed it."

#### REMARKS BY THE PRESIDENT

The President: "Thank you, Senator Rasmussen. The President has always believed, and rightly so, that the President's signature merely attests to the fact that Senate Concurrent Resolution 120 passed the Senate. It is up to the Speaker to attest to that if the measure passed the House."

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2972, by Senator Pullen:

An Act relating to winter recreational parking; amending section 6, chapter 209, Laws of 1975 1st ex. sess and RCW . . . ; prescribing penalties; and declaring an emergency.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2973, by Senators Pullen, Sellar, Stortini, Day, Rasmussen, Cunningham, Clarke and Benitz:

An Act relating to the confinement of persons convicted of Class A felonies; adding a new section to Title 9A RCW; and prescribing an effective date.

Referred to Judiciary Committee.

There being no objection, the rules were suspended, and additional sponsors were permitted on Senate Bill No. 2973.

#### POINT OF INQUIRY

Senator Mardesich: "Mr. President, in accordance with the provisions of Senate Concurrent Resolution No. 120, I move that the Senate be recessed until September 5, at nine a.m."

The President: "Senator Mardesich has moved that the Senate be at recess until nine a.m. September 5, 1975."

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "By way of explanation, Mr. President, the resolution as passed by the House and Senate authorized this recess. The Senate, at least I am of the opinion that we have spent many days in session and many more than should be required logically of the members of this legislature. Every member of this body is in a position of having to earn a living. I, for one, and I am sure every other member of this Senate stands ready upon a moment's notice to have its Rules Committee authorize an earlier date for a meeting, should the House consider it possible for us to resolve our differences with respect to the issue of emergency special levy funding for schools. It is my hope that the leadership of the House will consent to meeting with our leadership in an attempt to set the earliest possible date, at the next weekend preferably, so that, as I say, our members can earn a living and that we can address ourselves to that issue."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "Is it in order to say anything on this motion?"

#### REPLY BY THE PRESIDENT

The President: "Yes, Senator Bailey."

## REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President and members of the Senate, I think it should be pointed out that we passed Senate Concurrent Resolution No. 120 a couple of days ago in the Senate after we passed the first sixty-five million dollar bill. That was our hope, that they would pass the bill in the House and that we would then adjourn and come back in September. When they refused to pass the bill in the House, we carried on extensive negotiations. In fact, the first negotiations were that we were to settle on sixty-five million dollars and send it to the House and that they would accept it. The Senate did its part. The House refused to do its part. We met this morning, we met this afternoon with the Speaker. In the first place, they met to discuss possibly meeting between the eighty million and the sixty-five million. That would be seven million five. That would settle on the seventy-two million five hundred thousand. Our side would not go for that. The Republicans would not go for that. We met finally and caucused and we had some negotiations going on whereas if we would change the forty-six million and send it over there at sixty-five, the House would add another million and a half to the URRD funds to satisfy the Seattle legislators, and we would go for that on the Democratic side. Instead it came back at seventy-two million five hundred thousand dollars and we would not go for that amount.

"Now we were going to adjourn. We had agreed between the leadership on both sides here that we are going to recess until Wednesday night on the Senate side and let the House work on this. We were going to come in on Wednesday and come back on Saturday in full session and address ourselves to this problem. The Speaker said he could not go for the resolution as we had it here on September 5. By the time we got to the floor they had passed the seventy-two million five hundred thousand bill — he had not even had time to get over — and they had also passed over here the resolution for the September 5 recess, so the resolution is passed. It is in effect. The Senate had nothing to do with this. We would have much preferred to be back here next week and do this thing and get it over with, next weekend. As it stands now, the ball was taken from our hands in the House of Representatives. The reason we are going to the 5th of September is because the House passed the concurrent resolution in an untimely and I think a very unwise fashion and so we will not be back until September 5 unless some reason prevails on the other side."

Senator Cunningham "Would the clerk please repeat the motion by Senator Mardesich?"

The President: "Senator Mardesich has moved that the Senate recess until nine a.m. September 5, 1975."

Senator Cunningham: "Mr. President, speaking against that motion . . ."

The President: "Senator Cunningham, the motion is not debatable but the word of explanation on your part will be received."

Senator Cunningham: "May I ask for a roll call?"

The President: "On the adoption of the motion?"

Senator Cunningham: "Yes."

The President: "Yes, Senator."

Senator Cunningham: "I would so request."

The President: "The President will put your request at a later time, Senator."

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, sometimes sitting in silence is considered to be acquiescence in the comments that have previously been made and I cannot do that. The issue before us here was: Is sixty-five million dollars sufficient to provide for the at least emergency aid to the schools? I think we have to go back a little bit and realize that the Governor vetoed that item and, rather than signing the budget bill and providing sixty-five million for all of the schools of this district on which they could rely and on which they could sign contracts, hire back teachers, the Governor chose to make a very partisan political veto, and at this point I have to differ with Senator Bailey and Senator Mardesich and say the issue here is: What is the real object of the people of this state? What is best for every one of the kids of this state? The



best thing to have done was sign that bill and then call us back and say 'that is insufficient; appropriate some more money.' The best thing for us to have done once we got back here was override the veto and then talk about what was sufficient. Now we have not done that and that is a shame because I have to go back to school districts that cannot hire back teachers, that cannot make programs, and that I think is where I must differ with Senator Mardesich and Senator Bailey. I regret that the House did not override the veto and sent it over here. I regret that we did not send them a resolution saying 'Do it,' and get this thing solved.

"Now I could vote for more money. I could sit and argue for more money, but I want those contracts signed now. I want that decision made in my school district right now and I blame the Governor. He started this thing by not signing that budget and I think that it is a mistake for us to blame the House and that is why I rise here to raise my objection, because that is what it is all about. What in the hell are we doing here right now? We are diddly dinking around about seven and one-half million dollars when the real issue is, why don't we get the sixty-five million out where it belongs, and I invite the House to invite us back here next Saturday after they have already overridden the veto, and I assure them that we have over forty-two votes here to join them."

#### REMARKS BY THE PRESIDENT

The President: "Senator Cunningham, the President in his remarks merely meant that it is not debatable. Did you wish to speak upon the subject?"

#### REMARKS BY SENATOR CUNNINGHAM

Senator Cunningham: "Thank you, Mr. President. Yes, I guess I do, because I am just appalled at what has happened here and I do not mean to cast any aspersions at anyone. I just do not feel by walking away from a problem we are solving it. I think we all have the same end result in mind. We want to be responsible and I have all due respect for the Ways and Means Committee in their revenue projections, but I have seen this body and the one across the rotunda spill, literally, seven million dollars in a day in funding what I consider to be some adult sandbox programs, but we are dealing now with children. We are dealing with people, many school administrators who are going to try and be responsible. Now I am not considered a friend of schools because I will not kowtow to the unions, but I am concerned about the children and I am concerned about the administrators of the schools having the tools and the time to do the job that they are hired for, planning, and what we are doing is leaving them dangling out on the end of a limb and I do not think that is responsible.

"Now I voted against the eighty million because I do not really believe it is there, but I accepted the compromise of seventy-two million and I just think that it is not the time to walk away from the problem. Now is the time to stay here, and I know there are many in here who join us in that, and I do not mean to be partisan and I am not going to say it is anybody's fault. I think we are all in this barrel together and we do not do a service to the legislative system to say, 'We are leaving here until the 5th of September, come what may,' and I hope that when you go to vote on this motion that you will just think about some of these things."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "Speaking upon the motion and upon the request for a roll call, it is my position that in reality we are legally at present recessed until September 5, because I think that this was accomplished by the actions of the two bodies. I do not believe that the signature of the Speaker of the House is necessary in order to bring that into effect and I certainly do not believe that if we voted 'no' on Senator Mardesich's present motion that that could possibly have the effect of nullifying the previous action which already was taken. I do not wish at this time to raise the point of order because I am convinced that in its consistency the Senate will vote affirmatively upon Senator Mardesich's motion and we certainly cannot hurt anything by simply reaffirming what we have already done, but in the event that it should happen that Senator Mardesich's motion should fail, it is my intent to raise the point of order and ask for a Ruling by the

President as to whether we had not in effect recessed prior to the putting of the motion."

#### REMARKS BY THE PRESIDENT

The President: "Senator Cunningham has requested a roll call. Do one-sixth of the members present join in the request? Senator Cunningham, Senator von Reichbauer, Senator Buffington, Senator Bailey, Senator Knoblauch, Senator Fleming, Senator Grant, Senator Ridder, Senator Francis, Senator Benitz, Senator Murray. The demand for the roll call is sustained."

#### POINT OF ORDER

Senator Bailey: "I think Senator Clarke is going to raise another point if this motion fails, but I would like you to consider the fact that we have no right to recess beyond seventy-two hours without the concurrence of the other house. Now if we are voting on recessing beyond seventy-two hours, we are accepting the fact, are we not, that the concurrent resolution is in effect? And if we are accepting the fact that the concurrent resolution is in effect, then how can one house vote to suspend the concurrent resolution? Now I ask you that question before we even vote, because I think it could be raised later and I think it should be faced now."

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I suspect that I probably should withdraw my motion. I merely made it to bring the point out that the Senate was complying with a duly passed concurrent resolution of both houses and the Senate stood ready to return as soon as it has an opportunity to confer with the leadership in the House and that we consider next weekend to be a very suitable time for that meeting."

The President: "Did you wish to withdraw your motion? If there are no objections, the motion is withdrawn. (Gavel) An objection has been received. Senator Mardesich?"

Senator Mardesich: "Mr. President, I move that my motion be withdrawn."

The President: "Senator Mardesich has moved that the motion be withdrawn. As many as are in favor will say aye. As many as are opposed will say no. The motion is withdrawn."

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**FOURTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Saturday, August 9, 1975.

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Cunningham and Henry. On motion of Senator Lewis (R. H. "Bob"), Senator Cunningham was excused. There being no objection, Senator Henry was excused.

The Color Guard, consisting of pages Kelley J. Grubb and Tom Francis, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, WE BEGIN THIS DAY WITH A PRAYER OF THANKS THAT A YEAR AGO TODAY OUR COUNTRY SURVIVED A CONSTITUTIONAL CRISIS IN WHAT WE REGARD AS AN EFFORT TO ESTABLISH THE RULE OF LAW AND JUSTICE, WHEN OUR PRESIDENT RESIGNED.

"TODAY WE CALL ON YOU IN OUR PERPLEXITY IN REGARD TO EDUCATION, SOME ARE TROUBLED AND CONCERNED ABOUT THE VALUES WE STRESS OR OMIT IN THE FIELD OF EDUCATION. SOME FEEL INEQUITIES IN REGARD TO TAXATION AND OTHERS IN REGARD TO DISBURSEMENT OF FUNDS IN BOTH THE PUBLIC AND PRIVATE SECTOR. AS THE MEMBERS OF THIS SENATE GRAPPLE WITH THIS ISSUE IN AN EFFORT TO REACH A REASONABLE COMPROMISE FOR THE PUBLIC GOOD OF ALL, WE PRAY THAT THY DIVINE GUIDANCE WILL BE WITH THEM. AMEN."

**MOTION**

On motion of Senator Mardesich the reading of the journal of July 20, 1975 was dispensed with and it was approved.

**MESSAGE FROM THE HOUSE**

July 21, 1975.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 120, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

**MOTION**

At 9:12 a.m., on motion of Senator Mardesich, the Senate recessed until 11:28 a.m.

**SECOND MORNING SESSION**

The President called the Senate to order at 11:28 a.m.

**MESSAGE FROM THE HOUSE**

July 20, 1975.

Mr. President: The House insists on its position regarding ENGROSSED SENATE BILL NO. 2971 and again asks the Senate to concur in the House amendments, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

Senator Mardesich moved that the Senate once again refuse to concur in the House amendments to Engrossed Senate Bill No. 2971, insist on its position and ask the House to recede therefrom.

Debate ensued.

Senator Fleming demanded a roll call and the demand was sustained by Senators Jolly, Donohue, Odegaard, Day, Ridder, von Reichbauer, Sellar, Lewis (R. H. "Bob") and Grant.

Further debate ensued.

## MOTION

Senator Grant moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 2971.

Senator Francis demanded a roll call and the demand was sustained by Senators Day, Washington, Herr, Fleming, Goltz, Rasmussen, Sellar, Lewis (Harry), Murray and Van Hollebeke.

Debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Would Senator Murray yield to a question? Senator Murray, have you heard if the Governor will veto this one?"

Senator Murray: No, I haven't."

The President declared the question before the Senate to be the positive motion by Senator Grant that the Senate do concur in the House amendments to Engrossed Senate Bill No. 2971.

## ROLL CALL

The Secretary called the roll and the motion by Senator Grant failed by the following vote: Yeas, 19; nays, 28; excused, 2.

Voting yea: Senators Bailey, Bluechel, Bottiger, Buffington, Fleming, Francis, Goltz, Gould, Grant, Herr, Knoblauch, McDermott, Murray, North, Ridder, Scott, Van Hollebeke, von Reichbauer, Washington—19.

Voting nay: Senators Beck, Benitz, Clarke, Day, Donohue, Guess, Jolly, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Stortini, Talley, Walgren, Wanamaker, Wilson, Woody—28.

Excused: Senators Cunningham, Henry—2.

The motion by Senator Mardesich carried. The Senate refused to concur in the House amendments to Engrossed Senate Bill No. 2971, insists on its position and asks the House to recede therefrom.

## MOTION

AT 12:22 p.m., on motion of Senator Mardesich, the Senate recessed until 2:07 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:07 p.m.

## MOTION

AT 2:07 p.m., on motion of Senator Mardesich, the Senate was declared to be at ease.

## EVENING SESSION

The President called the Senate to order at 6:10 p.m.

## MOTION

On motion of Senator Jones, Senators Cunningham, Lewis (R. H. "Bob"), Newschwander, North and Wanamaker were excused.

## MESSAGE FROM THE HOUSE

July 20, 1975.

Mr. President: The House has passed ENGROSSED SENATE JOINT MEMORIAL NO. 112 with the following amendment:

On page 2, lines 23 and 35 delete "Engrossed House Bill No. 1233" and insert "Engrossed Senate Bill No. 2971", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Mardesich, the Senate concurred in the House amendment to Engrossed Senate Joint Memorial No. 112.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 112, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—43.

Excused: Senators Cunningham, Henry, Lewis (R. H. "Bob"), Newschwander, North, Wanamaker—6.

ENGROSSED SENATE JOINT MEMORIAL NO. 112, as amended by the House, having received the constitutional majority, was declared passed.

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 122, by Senators Bailey and Lewis (Harry):

Directing the Speaker of the House and President of the Senate to contest, in court, various vetoes of the 1975 legislative session.

## MOTIONS

On motion of Senator Mardesich, the rules were suspended and Senate Concurrent Resolution No. 122 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended, Senate Concurrent Resolution No. 122 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## POINT OF INQUIRY

Senator Grant: "Would Senator Lewis yield to a question? Senator Lewis, the meat of this resolution is line 13 and on, and page 2 which authorizes the President of the Senate and the Speaker of the House to employ counsel. I would like, if you would and if you could, to specify some of the item vetoes other than the appropriations measure which is mentioned in one of the "whereas's" that may be subject to challenge under this resolution."

Senator Lewis (Harry): "Senator Grant, there is a brief that your caucus attorney developed, a copy of which I have in my hand, thanks to Senator Guess, and a copy which I thought perhaps you had seen. This was presented to us early in this weekend

session from Mr. Nicolai. We in the Rules Committee — and I would like to suggest to that this is not just an individual effort on Senator Bailey's part and my part — but the Rules Committee at our last meeting directed Mr. Nicolai as well as the Republican caucus attorney to develop the specific suggestions for veto sections that should be reviewed by the courts and pursued by the legislature in resolving this issue. I suppose if you would like I could review them, but the bulk of the vetoes that were objected to were in the budget, those suggested by Mr. Nicolai, and I would assume that these suggestions which I would be glad to give you would be the ones basically and the parameters which we would be pursuing in the courts, subject perhaps to some changes adopted by the joint Rules Committee, if they felt there was a need to go further, but I would be glad to give you this if you would like, rather than read it here on the floor."

Senator Grant: "Senator Lewis, I think all members of the Senate should have access to that particular brief and I am not prepared to vote for this concurrent resolution until all members of the Senate have an idea of the same information that the members of the Rules Committee have. I was involved too with the constitutional amendment that would limit the Governor's item veto. I fought quite strenuously for that as a member of the House of Representatives and also here in the Senate, and I recall, as a matter of fact, that we left him, to my recollection, with broad veto authority in appropriations measures; but I would think that all members of the Senate should be entitled to all information regarding this resolution before we are asked to vote on it. I am not trying to drag my feet."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, Senator Grant has raised an issue that I am not aware that the Rules Committee itself has been briefed on. We are pursuing the possibility of going to court to find out just where the Governor's power stops and where it goes because he is in many cases — and I think he would welcome this test to find out just what this means. Can he veto one item out of a budget and then utilize the money that he has vetoed for some other purpose? What about the unanticipated receipts? The Governor himself does not know this. Senator Donohue's committee lawyer has done some work on it. Max Nicolai has done some work on it. I think it is very imperative that we proceed today, that we not wait until September. We should find out what powers we have when we adopt the budget and what powers the Governor has. Now this is not a suit where we are challenging the Governor, I do not believe. I think the Governor himself would welcome a clarification of the act and find out just what it is. There is no intention to harm here or anything else and I do not see any loss of morals or your integrity or anything else by voting for the resolution because it is something that we are trying to establish the legislative rights and powers and to find out how much the Governor has in the line of veto power, nothing more than that, and I would urge that you adopt the resolution. In fact, I recall the Governor on unanticipated receipts said that sooner or later this had to go to court to be determined. He himself did not know whether we had the power or not."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 122, and the resolution passed the Senate by the following vote: Yeas, 37; nays, 6; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Washington, Wilson, Woody—37.

Voting nay: Senators Bluechel, Gould, Grant, Murray, Scott, von Reichbauer—6.

Excused: Senators Cunningham, Henry, Lewis (R. H. "Bob"), Newschwander, North, Wanamaker—6.

SENATE CONCURRENT RESOLUTION NO. 122, having received the constitutional majority, was declared passed.

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

MESSAGE FROM THE HOUSE

August 9, 1975.

Mr. President: The House has receded from its amendments to ENGROSSED SENATE BILL NO. 2971 and has passed the bill without the House amendments, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 2971,  
SENATE JOINT MEMORIAL NO. 112.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2974, by Senator Pullen;

An Act relating to public assistance; amending section 4, chapter 269, Laws of 1961 as amended by section 8, chapter 228, Laws of 1963 and RCW 74.04.410; amending section 5, chapter 269, Laws of 1961 as amended by section 9, chapter 228, Laws of 1963 and RCW 74.04.420; adding a new section to Title 74 RCW; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2975, by Senator Bottiger:

An Act relating to appropriations; creating a new section and declaring an emergency.

MOTION

On motion of Senator Bottiger, Senate Bill No. 2975 was indefinitely postponed.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2976, by Senator Morrison:

An Act relating to tankers; amending section 3, chapter 125, Laws of 1975 1st ex. sess. and RCW . . . . .; declaring an emergency, and providing an effective date.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2977, by Senators Grant and Morrison:

An Act relating to public employment labor relations; adding new sections to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW; prescribing an effective date; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 2978, by Senators Bailey, Mardesich, Matson and Lewis (Harry):

An Act relating to elections; amending sections 29.13.020, chapter 9, Laws of 1965 as last amended by section 1, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.13.020; and declaring an emergency.

MOTIONS

On motion of Senator Mardesich, the rules were suspended, Senate Bill No. 2978 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended, Senate Bill No. 2978 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Wilson: "Would Senator Beck yield? I presume this bill, among other things, has been proposed in order to permit, authorize, or compel an election for Secretary of State this fall. Is that correct?"

Senator Beck: "That is the intent of the bill."

Senator Wilson: "Okay. The aspect I want to address is, who pays for the election? Now I think other provisions of the existing law provide that the state pays its share of elections that are conducted and the local government pays a share proportionate to the number of offices or propositions that it may have on the same ballot. Is that correct?"

Senator Beck: "That is right. The agency pays for this just like any general election, whether it be in an odd number year or an even number year. It is just like any other election."

Senator Wilson: "More specifically then, if a primary election, for example, is held for the office of Secretary of State this fall, in some areas where there are no other offices or propositions at stake and the only reason for holding the primary election would be because of the race for the Secretary of State, in such an instance then would the state reimburse the local government entity for the entire cost of the election?"

Senator Beck: "No, Senator Wilson, I do not think that is correct because the counties have to set up a budget to take care of the election and this is a general election. There are general elections all over the state in every county this time. There is no appropriation from the state for this election. I would stand corrected. Mr. Grant, if you would like to correct that statement, that is the way I interpret it. I do not know. There are initiatives, there are referendums, there is everything on the ballot here, Senator Wilson."

Senator Wilson: "The referendums and initiatives, of course, come up at the general election, and I am . . ."

Senator Beck: "This is the general election. That is what this applies to."

Senator Wilson: "But if there is more than one candidate from any party running for Secretary of State, it will also involve a primary election."

Senator Beck: "Senator Wilson, I do not know. I have answered your question as best I know how. If there is anyone else that is more familiar with this than I am, I would stand corrected, but I think it is paid for just like any other election. The counties have to appropriate money for the election."

Senator Wilson: "I am only speaking, Senator Beck, on behalf of local government which far too often is the target of measures passed by the state which heaps upon local government additional financial obligations without our putting up the money, and I am not sure how the costs of elections are distributed at present but I am trying to point out that if there are areas in the state which would not conduct a primary election but will be required to purely by the passage of this bill which can lead to a primary election involving a state office, Secretary of State, it does not seem to me to be right that local government would have to finance that particular aspect of the election."

Senator Beck: "Senator Wilson, I have just been advised by counsel that the Secretary of State will pay for the state's portion of this election."

Senator Wilson: "Okay. Then if the primary for the Secretary of State is the only issue to be voted on in a certain area, the state will finance the entire cost of the election?"

Senator Beck: "That is my understanding, that is the advice of counsel, yes."

There being no objection, the rules were suspended and additional sponsors were permitted on Senate Bill No. 2978.

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Senator, the way I understand it, in those rare instances — and they would be very rare — where there is no primary election of any kind, the state



would have to pay its share of the cost of the election, which, under your hypothetical in those very rare cases, would be the total amount. Now I would suggest that the Secretary of State has discovered apparently in his budget sufficient money to call a constitutional convention; no doubt he could provide enough money to have the people vote on their Secretary of State."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2978, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—43.

Excused: Senators Cunningham, Henry, Lewis (R. H. "Bob"), Newschwander, North, Wanamaker—6.

SENATE BILL NO. 2978, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Mardesich, Senate Bill No. 2978 was ordered immediately transmitted to the House.

#### POINT OF INQUIRY

Senator Talley: "I wonder if Senator Mardesich would yield to a question? Senator Mardesich, is the plan that we will adjourn? Some of us would like to go home if it is all right with you."

Senator Mardesich: "There is nothing further before us, Senator Talley, other than the receipt of messages from the House; the signature of the bills that we have passed today must be done in open session, and the only other vote will be the question of the recess resolution. We had a meeting of the leadership of the four caucuses and agreed to recess until September 5 unless called earlier or later by the Rules Committees of both House and Senate, and that resolution has yet to come before us. It is being transferred from the House after they act with respect to the measures before them. It will be a concurrent resolution."

Senator Talley: "Then you plan to recess until September? Thank you."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "We were going to go to caucus to discuss this and I suppose we can do it right out here while we are waiting. I had hoped that we would not have to come back in September at all — and I think Senator Clarke and some of us are wishing, but the House would not buy it. We went over there and met with them and they finally, I think we kind of generally agreed that we would come back. We were talking about September 5 and trying to confine it to a three day weekend except if both houses agreed we might stay longer if we had some urgent issue before us, and not trying to take care of the long range school problems because they are good for four or five weeks probably, at least, if we are going to do it right, so we were going to try to limit the session.

"That is the way we left the House with the promise it would be limited to over-riding vetoes and things that are connected with vetoes, Senator Bottiger had an issue, I think it was on mass transit or something like that. It would be rather a restricted session with the thought that we would not stay in any length in September. If we stay, we might as well plan to stay for three or four weeks, and if that is what you want, of course, you can do that when you are here. Senator Francis does raise an issue that I do

not know about. That is, on September 5 the Western Council of State Governments is meeting too. We would have laxity in this resolution. We could put it off a week but there is laxity in this that if we do not want to meet at that time we do not have to, and if we want to meet sooner we can meet sooner. We can go to caucus if you wish but I want to tell you this though. We are not the only caucus. We are one of four and the other three have agreed on it, so let's go."

## MOTION

At 6:46 p.m., on motion of Senator Mardesich, the Senate was declared to be at ease.

The President called the Senate to order at 7:46 p.m.

## MOTION

On motion of Senator Jones, Senator Guess was excused.  
There being no objection, the Senate returned to the fourth order of business.

## MESSAGE FROM THE HOUSE

August 9, 1975.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2971,

SENATE JOINT MEMORIAL NO. 112, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MESSAGE FROM THE HOUSE

August 9, 1975.

Mr. President: The House has passed SENATE BILL NO. 2978 with the following amendments:

On page 1, line 23 strike "*or referred to*" and insert "*whose duties are described in*".

On page 1, line 24 after "[10]" and before "17" insert "16", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Mardesich, the Senate concurred in the House amendments to Senate Bill No. 2978.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2978, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; nays, 3; absent or not voting, 9; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Donohue, Fleming, Goltz, Gould, Grant, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Odegaard, Peterson, Ridder, Sandison, Van Hollebeke, Walgren, Wilson, Woody—30.

Voting nay: Senator Francis, von Reichbauer, Washington—3.

Absent or not voting: Senators Bottiger, Day, Keefe, Pullen, Rasmussen, Scott, Sellar, Stortini, Talley—9.

Excused: Senators Cunningham, Guess, Henry, Lewis (R. H. "Bob"), Newschwander, North, Wanamaker—7.

SENATE BILL NO. 2978, as amended by the House, having received the constitu-

tional 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. 2978.

#### MESSAGE FROM THE HOUSE

August 9, 1975.

Mr. President: The House has passed HOUSE CONCURRENT RESOLUTION NO. 39, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 39, by Representative Charette:  
Recess to September 5, 1975.

#### MOTIONS

On motion of Senator Mardesich, the rules were suspended, House Concurrent Resolution No. 39 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended, House Concurrent Resolution No. 39 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 39 and the resolution passed the Senate by the following vote: Yeas, 5; nays, 7; absent or not voting, 10; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Donohue, Goltz, Gould, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Odegaard, Peterson, Sandison, Waigren, Washington, Woody—25.

Voting nay: Senators Fleming, Francis, Grant, Ridder, Van Hollebeke, von Reichbauer, Wilson—7.

Absent or not voting: Senators Bottiger, Day, Herr, Keefe, Pullen, Rasmussen, Scott, Sellar, Stortini, Talley—10.

Excused: Senators Cunningham, Guess, Henry, Lewis (R. H. "Bob"), Newschwander, North, Wanamaker—7.

HOUSE CONCURRENT RESOLUTION NO. 39, having received a majority vote, was declared passed.

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

#### MESSAGES FROM THE HOUSE

August 9, 1975.

Mr. President: The Speaker has signed SENATE BILL NO. 2978, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

August 9, 1975.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 39, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE CONCURRENT RESOLUTION NO. 39.

## MOTION

At 8:10 p.m., on motion of Senator Mardesich, in accordance with House Concurrent Resolution No. 39, the Senate adjourned until 9:00 a.m., Friday, September 5, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Friday, September 5, 1975.

The Senate was called to order at 9:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benitz and Fleming. On motion of Senator Knoblauch, Senator Fleming was excused.

The Color Guard, consisting of Pages David B. Grimm and Kelley Grubb, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"STRONG AND FAITHFUL GOD. WE LOOK TO YOU FOR PURPOSE — MOTIVATION AND DIRECTION IN OUR DAY TO DAY LIVING AND IN OUR SPECIAL CALLING AS THOSE WHO SPEAK FOR AN ACT FOR THE COMMON GOOD OF THE PEOPLE OF THIS GREAT STATE OF WASHINGTON. WE ARE COGNIZANT OF OUR HUMANNES, OUR FALLIBILITY, AND THE EASE WITH WHICH WE FALL PREY TO THE TEMPTATION TO ACT OUT OF VESTED INTERESTS. FORGIVE US FOR THESE FAILURES AND HELP US LOOK ABOVE THE BANAL, THE COMMON AND THE ORDINARY TO THE DIVINE AND THE IDEAL. WE THANK YOU OH GOD FOR CREATING THESE MEN AND WOMEN WITH MINDS TO THINK CLEARLY: WITH HEARTS TO FEEL NEED AND THE ABILITY TO ACT WITH A FUNCTIONAL COMBINATION OF FEELING AND THINKING. HELP THEM TO USE THESE GIFTS IN A WAY THAT WILL BE A CREDIT TO YOU AND A REAL HELP TO THOSE WHOM THEY SERVE. TEMPER OUR REALISM WITH IDEALISM AND OUR IDEALISM WITH REALISM THAT GOOD MAY ACCRUE AND YOUR WILL MAY BE DONE. WE OFFER OUR PRAISE AND THANKS AND SPEAK OUR SUPPLICATIONS IN THE STRONG NAME OF JESUS. AMEN."

## MOTION

On motion of Senator Walgren, the reading of the journal of August 9, 1975 was dispensed with and it was approved.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2979, by Senators Odegaard, Donohue, Day, Marsh, Sandison, Mardesich, Beck, Lewis (Harry), Clarke, Woody, Newschwander and Bottiger:

An Act relating to state government; amending section 43.79.270, chapter 8, Laws of 1965 as amended by section 2, chapter 144, Laws of 1973 and RCW 43.79.270; adding a new section to chapter 43.88 RCW; adding a new section to chapter 44.04 RCW; repealing section 43.79.280; chapter 8, Laws of 1965, section 3, chapter 144, Laws of 1973 and RCW 43.79.280; and providing for submission of this 1975 amendatory act to a vote of the people.

Referred to Committee on Ways and Means.

There being no objection, the rules were suspended and additional sponsors were permitted on Senate Bill No. 2979.

SENATE BILL NO. 2980, by Senators Wilson, Beck and Guess:

An Act relating to elections; amending section 2, chapter 4, Laws of 1973 and RCW 29.13.047; and declaring an emergency.

Referred to Committee on Ways and Means.

## MOTION

At 9:10 a.m., on motion of Senator Mardesich, the Senate recessed until 12:30 p.m.

## NOON SESSION

President Pro Tempore Henry called the Senate to order at 12:30 p.m.

## MOTION

At 12:32 p.m., on motion of Senator Mardesich, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 2:00 p.m.

## MOTIONS

On motion of Senator Knoblauch, Senator Stortini was excused.

On motion of Senator Sellar, Senator Cunningham was excused.

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

## REPORT OF STANDING COMMITTEE

September 5, 1975.

SENATE BILL NO. 2980, authorizing the state to pay election costs for general and primary elections for state officers in odd-numbered years (reported to Committee on Ways and Means):

Majority recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Clarke, Grant, Lewis (Harry), Marsh, Newschwander, Rasmussen, Scott, Washington, Woody.

## MOTIONS

On motion of Senator Mardesich, the rules were suspended and Senate Bill No. 2980 was advanced to second reading and read the second time in full.

Senator Goltz moved adoption of the following amendment:

On line 16, after section 1, insert a new section 2 as follows:

*"NEW SECTION. Sec. 2. Notwithstanding any other provision of law to the contrary, any filings for election to a vacant position in a superior court judgeship created by chapter 49, Laws of 1975 1st ex. sess. and any filings for election to a vacant position in a district court judgeship which would result from the election of a person then serving as a district court judge to the vacant superior court judgeship shall be deemed to be valid, and no election held pursuant to such filings may be challenged on the basis of an alleged impropriety regarding the nature of or timeliness of such filings."*

Remember the following section consecutively.

## POINT OF INQUIRY

Senator Bailey: "Would Senator Goltz yield? Senator Goltz, would this alter the law as relates to superior court judges, nonpartisan races in making them run in the general elections instead of the primaries?"

Senator Goltz: "As far as I can tell, Senator Bailey, the intent of this section would apply only to the judge which was created by the particular act, Chapter 49 of the Laws of 1975 first extraordinary session, and it is only because the timing of the effective date of this act, September 8, 1975, created an untimely situation with regard to filings for the next general election in November. So I would say in answer to your question, it affects only the third superior court judge in Whatcom County for this one election only."

## POINT OF ORDER

Senator Francis: "Mr. President, I raise the question of scope and object on this amendment."

## REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President, may I at least make a comment as to the scope and object. It seems to me that the last four lines of this amendment are potentially much broader than what Senator Goltz intends. It says, 'No election held pursuant to such filings may be challenged on the basis of an alleged impropriety regarding the nature of or timeliness of such filings,' and I do not think we know how broad that may be. I think that something like this is going to need a hearing. What we are doing is anticipating some kind of lawsuit and trying to decide it in advance without hearing from all sides or anything else and I think that by the very fact that there is so much implicit meaning there or effect that we do not know about, we also can see that it is broadening the scope and object."

## POINT OF INQUIRY

Senator Lewis (Harry): "I wonder if Senator Goltz would yield to a question? Senator Goltz, can you tell me, was this position advertised for in the newspapers in Whatcom County as being an opening, so that those interested and qualified could file?"

Senator Goltz: "When you say advertised, do you mean a legal advertisement?"

Senator Lewis (Harry): "I mean any type of public notice to the citizenry of the area so that they were aware that the position was open for filing."

Senator Goltz: "I am not sure of the precise steps that were taken but I do know that there are persons filed and are currently running in the primary campaign for both positions which are covered by this section."

Senator Lewis (Harry): "Senator Goltz, what I am trying to get to is, supposing that there was a person — let us take a mythical situation, it probably is not apparent or realistic — suppose ex-Senator Atwood was aware that there was a position to be open and that he was not aware, however, that there would be a filing. Perhaps he was gone

for a month or so and thought that there would be an appointment made, which is the normal procedure, or any other citizen who was not aware of the filing; what we are really doing, in reading the verbiage that Senator Francis pointed out, is precluding some citizens, as I see it, from that opportunity to file for the position because of improper notice unless you can advise us that there has been proper notice made to the citizens who might be interested. That is the thrust of my question."

Senator Goltz: "Yes, I think it is a very valid question and I am sorry that I am unable to state what steps the county auditor did take to advertise the position. I do not know that."

Debate ensued.

#### RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The President, in ruling on the point as raised by Senator Francis, believes that it does enlarge the scope and object of the bill. Therefore, it will be ruled out of order. I would like to suggest to Senator Goltz if he would take this piece of paper and put a blue back on it and drop it in before five o'clock tonight as a separate bill it might have much kinder treatment."

The amendment by Senator Goltz was ruled out of order.

#### MOTIONS

On motion of Senator Sellar, Senators Benitz, Gould, Lewis (R. H. "Bob"), Matson, North and Pullen were excused.

On motion of Senator Knoblauch, Senators Herr and Ridder were excused.

On motion of Senator Mardesich, the rules were suspended, Senate Bill No. 2980 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2980 and the bill passed the Senate by the following vote: Yeas, 38; excused, 11.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Goltz, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, Odegard, Peterson, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—38.

Excused: Senators Benitz, Cunningham, Fleming, Gould, Herr, Lewis (R. H. "Bob"), Matson, North, Pullen, Ridder, Stortini—11.

SENATE BILL NO. 2980, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Mardesich, Senate Bill No. 2980 was ordered immediately transmitted to the House.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Bailey yield to a question? Senator Bailey, it was the House that felt that we needed this session? It is my understanding that the Senate did not feel that we were far enough along with our committee work to hold a session this weekend?"

Senator Bailey: "I think the vote in the Senate would have been about 48 to 1 not to hold a session. It was not necessary and it is a waste of time and money."

Senator Rasmussen: "So it was the opinion of the House that they were far enough along to process some of this legislation?"

Senator Bailey: "Well, let's put it this way. We said, 'You got us here. Now you

pass the bills you think are necessary or we are going to go home. It is up to you. We do not see anything worth wasting our time on.' If they pass them over we will take care of them."

Senator Rasmussen: "Thank you. Mr. President, it would be my hope that we could set a positive time for recessing this productive session at approximately three o'clock tomorrow."

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2981, by Senators Walgren and Beck:

An Act relating to first class cities; repealing section 1, chapter 56, Laws of 1975 1st ex. sess. and RCW . . . .; repealing section 2, chapter 56, Laws of 1975 1st ex. sess. and RCW . . . .; repealing section 3, chapter 56, Laws of 1975 1st ex. sess. and RCW . . . .; repealing section 4, chapter 56, Laws of 1975 1st ex. sess. and RCW . . . .; and repealing section 5, chapter 56, Laws of 1975 1st ex. sess. and RCW . . . .

Referred to Committee on Local Government.

SENATE BILL NO. 2982, by Senators Woody, Lewis (R. H. "Bob"), Bluechel, Guess, Knoblauch, Peterson and Henry (by request of Select Committee on Education; Subcommittee on Resource Utilization):

An Act relating to school buildings; and amending section 1, chapter 70, Laws of 1972 ex. sess. and RCW 48.48.045.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2983, by Senators Woody, Lewis (R. H. "Bob"), Bluechel, Guess, Knoblauch, Peterson and Henry (by request of Select Committee on Education; Subcommittee on Resource Utilization):

An Act relating to school district transportation; amending section 28A.58.130, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.130; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2984, by Senators Wanamaker and Talley:

An Act relating to appropriations; amending section 1, chapter 2, Laws of 1975 2nd ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Education.

There being no objection, the rules were suspended and additional sponsors were permitted on Senate Bill No. 2982 and Senate Bill No. 2983.

#### MOTION

At 2:25 p.m., on motion of Senator Mardesich, the Senate adjourned until 1:30 p.m., Saturday, September 6, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



## SIXTH DAY

### AFTERNOON SESSION

Senate Chamber, Olympia, Saturday, September 6, 1975.

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Fleming. There being no objection, Senator Fleming was excused.

The Color Guard, consisting of Pages Tom Welsh and Stefanie Gissberg, present the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, DESIGNER, CREATOR AND SUSTAINER OF THE UNIVERSE; WE PRAISE YOU AS THE CREATOR OF THIS LAND — THIS TIME, DISJOINTED AND YET AN OPPORTUNE TIME TO PERCEIVE AND IMPLEMENT YOUR PLAN FOR THIS STATE AND ITS PEOPLE. WE RECOGNIZE THAT WE CANNOT HIDE OUR ABILITY OR OUR INABILITY FROM YOU; NEITHER OUR ENERGY OR OUR SLOTH; NEITHER OUR USE OR OUR ABUSE OF YOUR MANDATE TO SERVE. FOR YOU LORD SEE US AND YOU PLACE A BURDEN OF RESPONSIBILITY UPON US TO ACT AS PEOPLE IN YOUR DIRECT LINE OF VISION.

"WE THANK YOU FOR THE BEAUTY OF THIS DAY; WE THANK YOU FOR THE PRIVILEGE OF BEING AMERICANS — AND WASHINGTONIANS. WE THANK YOU FOR MAKING CONSTITUTIONAL GOVERNMENT A REALITY FOR US. WE THANK YOU FOR THE SPECIAL LEGISLATIVE FUNCTION THESE SENATORS HAVE BEEN EQUIPPED TO FULFILL IN THIS GREAT ENTERPRISE. WE THANK YOU FOR THE DIVERSITY OF TALENT REPRESENTED HERE AND YET THE SINGLENES OF PURPOSE TO SERVE.

"PLEASE HELP US MAKE THIS A WORTHWHILE SESSION FOR THESE MEN AND WOMEN AND FOR THE CONSTITUENCY THEY REPRESENT. HELP RELIEVE THE TENSIONS THAT COME WITH AN HONEST EFFORT TO MAKE DECISIONS AND ENACT LEGISLATION THAT IS HONORABLE AND TRULY IN THE BEST INTEREST OF ALL. INVEST US WITH WISDOM, REFLECTIVE OF YOUR OWN — AND ENTHUSIASM BORN OF OUR SPIRIT TO DO THE RIGHT. IN JESUS' NAME WE PRAY. AMEN."

### MOTION

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

At 1:35 p.m., the Senate was declared to be at ease.

The President called the Senate to order at 2:33 p.m.

### MOTION

On motion of Senator Bailey, at 2:34 p.m., the Senate was declared to be at ease.

The President called the Senate to order at 4:20 p.m.

### MESSAGE FROM THE HOUSE

September 6, 1975.

Mr. President: The House has passed SENATE CONCURRENT RESOLUTION NO. 122 with the following amendments:

On page 1, line 9, after "No. 140" strike "demonstrates clearly" and insert "indicates".

On page 1, beginning on line 25, after "specific" strike all the material down to and including "attached" on line 28 and insert "appropriated amount unless such amount is also vetoed".

On page 2, line 18, strike "constitutionally" and insert "constitutionality", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Mardesich, the Senate concurred in the House amendments to Senate Concurrent Resolution No. 122.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 122, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 40; nays, 7; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Buffington, Clarke, Day, Donohue, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Voting nay: Senators Bluechel, Cunningham, Gould, Newschwander, North, Sellar, von Reichbauer—7.

Absent or not voting: Senator Bottiger—1.

Excused: Senator Fleming—1.

SENATE CONCURRENT RESOLUTION NO. 122, as amended by the House, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE HOUSE

September 6, 1975.

Mr. President: The House has passed:  
ENGROSSED HOUSE BILL NO. 1230,  
HOUSE BILL NO. 1240,  
HOUSE BILL NO. 1242, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

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

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, June 4, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval SUBSTITUTE SENATE BILL NO. 2006 entitled:

"An Act relating to state government; creating the department of veterans affairs."

This bill removes from the Department of Social and Health Services all functions related to veterans affairs and transfers the same to a new and separate Department of Veterans Affairs. The major problem cited by proponents of the bill was dissatisfaction with the performance of the Department of Social and Health Services. I submit that the solution to the problem, assuming the complaints are valid, is to conduct a performance audit of the veterans programs within the department rather than to set up a new agency which would be staffed by essentially the same personnel now working on those programs in the department.

There are at this time a number of state agencies which serve a variety of different interests within each agency. I see no more reason for the creation of a Department of Veterans Affairs than I do the separation of functions from other agencies and creating new departments to serve each such function. If anything, the proliferation of such spe-

cial purpose agencies would diminish the amount of attention each agency would receive from the Governor, the Legislature, and other state elected officials.

I find it also hard to understand how, with its present concern over the rising costs of state government, the Legislature can justify the creation of a new department with a fiscal impact of approximately \$300,000, particularly when the services to be undertaken by such new department are being performed at the present by an existing department. The reasons stated simply do not warrant the additional expenditures.

For the foregoing reasons, I have determined to veto Substitute Senate Bill No. 2007.

Respectfully submitted,  
DANIEL J. EVANS  
Governor

#### MOTION

On motion of Senator Rasmussen, the Senate moved to pass Substitute Senate Bill No. 2006, notwithstanding the Governor's veto.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2006, notwithstanding the Governor's veto, and passed the bill by the following vote: Yeas, 35; nays, 12; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Day, Donohue, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—35.

Voting nay: Senators Bluechel, Clarke, Cunningham, Gould, Jones, Lewis (Harry), Matson, Murray, Newschwander, North, Scott, Wanamaker—12.

Absent or not voting: Senator Sellar—1.

Excused: Senator Fleming—1.

SUBSTITUTE SENATE BILL NO. 2006, having received the constitutional two-thirds majority passed notwithstanding the Governor's veto. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1230, by Representatives King, Newhouse, Bausch and Hendricks:

Creating the public employment relations commission.

#### MOTIONS

On motion of Senator Mardesich, the rules were suspended, Engrossed House Bill No. 1230 was advanced to second reading and read the second time in full.

On motion of Senator Grant, the rules were suspended, Engrossed House Bill No. 1230 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Grant yield to a question? Senator Grant, you said that the bill was just the same except for some boiler plate that you inserted or was inserted, and had to do with employees of Labor and Industries. Can you more specific and point that out to me in the bill please? What does it actually do to those employees, those present employees? Section 3 says 'This act is necessary for the immediate preservation of the public peace.'"

Senator Grant: "I am not sure you have the correct bill in front of you, Senator Lewis."

Senator Lewis (Harry): "I have 1230. Engrossed House Bill? Do we have the engrossed bill on the desks?"

Senator Grant: "Yes, I think it is, Senator. Section 3 does that, Senator."

Senator Lewis (Harry): "What does it actually mean, Senator Grant?"

Senator Grant: "'All employees of the Department of Labor and Industries classified under the provisions of Chapter 41.06 State Civil Service Law, whose positions are entirely concerned with functions transferred to the commission shall be transferred to the jurisdiction of the commission. All such employees shall be assigned to the commission to perform their usual duties on the same terms as formerly without any loss of rights.' It also handles the question of transference of funds and records. Another section of the engrossed bill."

Senator Lewis (Harry): "This new section is a rather unusual section when we create new commissions, Senator Grant. What is the reason behind this? What are you trying to get to? I see what it does, but when we create a new commission or a new agency we normally, to my knowledge, have not specified that those same employees pick up and move, as I read this. What is the purpose behind this section? Can you tell me that?"

Senator Grant: "It was not authored by me, Senator Lewis, and I frankly had some reluctance to go along with this. However, it is not unusual. It is not an unusual procedure at all. We are transferring functions and also in this case, because of the civil service law, transferring certain employees. The commission itself will, of course, be appointed by the Governor. The executive director of the commission will have certain responsibilities that are called for in the original legislation and can conceivably use and add other staff, but those particular people assigned in the Department of Labor and Industries by this section are also transferred. I do not think that is unusual."

Senator Lewis (Harry): "The question that I have in my mind, I recognize apparently we did not have a hearing on this in the Labor Committee or the proper committee, but for example, supposing the commission as I understand, and you have really talked about this more than I have, Senator Grant, but supposing we have a new commission, a new idea to accomplish the same purpose, but a little bit different direction. This specifies that they shall be assigned to the commission to perform their usual duties under the same terms as formerly. Now it also talks about their rights, by this paragraph, are you specifically saying, as I read it, that they will do exactly the same thing that they are presently doing? Does that include all of the executive officers of that present facility in Labor and Industries? Does it include just the employees? Is it everybody connected with it, and can the commission under this language direct them to do something different from their usual duties? That is what is concerning me about this."

Senator Grant: "It would be my intent at least, and I think it was the legislative intent, and we did have a hearing on this question, we had one yesterday morning, the exact same language. Some of us in the Senate Labor Committee felt that some of this language perhaps should have been taken out because of some ambiguities, but in order to establish legislative intent it would just occur to me that the commission could assign them their usual duties plus other responsibilities that the new commission might undertake."

#### MOTIONS

On motion of Senator Guess, the rules were suspended and Engrossed House Bill No. 1230 was returned to second reading.

Senator Guess moved adoption of the following amendment:

On page 3, lines 28 and 29, strike "to perform their usual duties upon the same terms as formerly,".

#### MOTION

At 4:45 p.m., on motion of Senator Matson, the Senate recessed until 5:01 p.m.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 5:01 p.m.

The Senate resumed consideration of Engrossed House Bill No. 1230 and an amendment moved for adoption by Senator Guess prior to recess.

There being no objection, the amendment by Senator Guess was withdrawn.

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

On page 3, beginning on line 28, strike all material down through line 32.

Senator Mardesich moved the rules be suspended and Engrossed House Bill No. 1230, as amended by the Senate, be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

## POINT OF INQUIRY

Senator Bailey: "I would like to ask Senator Morrison a question about his amendment. Isn't there some doubt, Senator Morrison, that your amendment which was adopted amid confusion here probably means that these people will be stripped of their civil service protection when they go across into this other department and the Governor is going to be the almighty father that tells them they are out of work or 'I am going to clean house and put my own people in here.'? I think you have probably done a pretty good knife job. I am just wondering what is your response to that."

Senator Morrison: "Senator Bailey, that was not the intent at all. As I indicated, the Senate Labor Committee approved this particular amendment after listening to discussion with inputs from George Matson and Norm Schut. These people cannot lose their civil service protection. The only way they could lose their jobs is if in fact the new commission set up classifications of employees that had nothing to do with their ability. These people are all currently mediators. There are seven of them and they work in the Labor and Industries Division of Industrial Relationships. That division is being done away with. They will be transferred over. I think the committee, in considering this, did not want to force the new commission to dovetail these people into specifically the same jobs. I think we want to see this new commission with the flexibility to create its own ground rules. The language as continuing to exist here says these people will be transferred over but their job assignments may be changed, and I think that is a message we as a legislature want to give to them. We are not particularly happy with the work that has been done with the mediation service by the state and if we are going to implement 2500 relating to education and 2408 as it related to all other public employees, we want to have this group do a super job so let us not hamstring them by forcing them to accept the particular abilities of the people that are transferred to them. Let us let them restrain those people and do a better job."

Senator Bailey: "Senator Morrison, then it is your intent that these people that are transferred over be fully protected in their civil service status and tenure in state office?"

Senator Morrison: "That is correct."

The motion by Senator Mardesich carried. Engrossed House Bill No. 1230, as amended by the Senate, was advanced to third reading.

## MOTION

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

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1230, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 9; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Buffington, Cunningham, Day, Francis, Goltz, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—36.

Voting nay: Senators Benitz, Bluechel, Clarke, Donohue, Gould, Guess, Jones, Lewis (R. H. "Bob"), Scott—9.

Absent or not voting: Senators Bottiger, Murray—2.

Excused: Senators Fleming, Pullen—2.

ENGROSSED HOUSE BILL NO. 1230, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Grant, Engrossed House Bill No. 1230, as amended by the Senate, was ordered immediately transmitted to the House.

#### INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1240, by Representative Shinpoch:

Making a change in the capital appropriation for the department of social and health services.

#### MOTIONS

On motion of Senator Mardesich, the rules were suspended, House Bill No. 1240 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended, House Bill No. 1240 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Donohue yield? Senator Donohue, in the original draft of this appropriation bill the three hundred thousand was for site development and construction of a community educational facility, and when we passed this I recall that there was an attempt to amend it to this specific area and it was defeated by the committee. Is that correct?"

Senator Donohue: "I do not remember that, Senator. It was in the capital budget and was appropriated. The money was appropriated at the time."

Senator Lewis (Harry): "It was not appropriated for this specific center. It was appropriated for a center to be selected, I assume, by Social and Health Services."

Senator Donohue: "I understand that, Senator, but since that time they have a name and this name of South King County Activities Center is now the name of the facility that will receive the appropriation if we do in fact pass the bill."

Senator Lewis (Harry): "So they selected this facility without the urging of Representative Shinpoch? It was just their independent selection that it happened to fall in his district?"

Senator Donohue: "You will have to talk to Representative Shinpoch, Senator, concerning that. I am not aware . . ."

Senator Lewis (Harry): "Before we pass the bill, do you think, or should we just go ahead with it now? What is your recommendation?"

Senator Donohue: "I have no recommendation, Senator."

Senator Lewis (Harry): "Senator Donohue, I have a further question if I might. The language on lines 25 to 30, is that to get around the AG opinion or can you tell me what . . ."

Senator Donohue: "What page are you on, Senator?"

Senator Lewis (Harry): "I am on page 6. It says, 'Provided further that the facility authorized by this appropriation need not be included in the plans required by section 2, chapter 276 uncodified.' I am wondering what plans are negated and not unnecessary in the expenditure of these three hundred thousand dollars which apparently are normally required, or if there is another purpose for the section I would like to know about it."

Senator Donohue: "In the original appropriation bill there was language in one section which said that all construction plans had to be reviewed. In the bill that came from the House, as you are aware that this bill just came before us, I cannot tell you the reason for the change other than the fact that they are ready to go with the facility and do have the plans. That is my understanding so evidently they feel there is no need to sub-

ject any further proof of whether the plans are valid or not with the Department of Social and Health Services as required in the original capital budget bill."

Senator Lewis (Harry): "Senator Donohue, supposing next session we were to have a facility that we were going to develop in Senator Bottiger's district. Would you, as chairman of Ways and Means, be willing to have this kind of a paragraph inserted in that kind of a facility, or perhaps a facility in Senator Sellar's district where those plans would not have to be reviewed? This is very unusual. I realize the extenuating circumstances but it is also precedent setting and I would like to know what the position of the chairman of the Ways and Means would be in the future."

Senator Donohue: "First of all, Senator, I think that it is in Senator Pullen's district. I do not think it is in Representative Shinpoch's district, whether that has anything to do with your question I am not sure, but at least I think the reason that the language in the original capital budget bill does not apply in this case and they are just stating it, is that it is in fact a private facility. The language that was in the capital bill required that all plans must be reviewed as pertained to state facilities and state plans for that type of construction, so I think that this is the reason for it. I have no other information that would say otherwise."

#### POINT OF INQUIRY

Senator Cunningham: "Would Senator Donohue yield to another question? Senator Donohue, do you have a specific address for where this center is to go? Do you have a specific address or location of this center? Is it on the west hill of Kent?"

Senator Donohue: "I am not that familiar with the area. It is at the old Nike site, wherever that is. People from that area, I am sure maybe Senator Pullen might know where it is. I am not sure."

Senator Cunningham: "The only Nike center that I am aware of in that area is on the west hill. Maybe Senator Grant recalls. It is up on Military Road. But you used the words in your description of a sheltered workshop. Is that what it is going to be, a sheltered workshop?"

Senator Donohue: "I will read you what it says, Senator, in the intent. This is a House definition of the bill or analysis of the bill. It says that it provides an appropriation of three hundred thousand for site development and construction of a community educational facility for the developmentally disabled. The funds appropriated are to be transferred to the South King County Activity Center which will own and operate the facility, and it is at the present time at a Nike site. Now that is all I know about it."

Senator Cunningham: "My main question is, if it is a sheltered workshop and that part of Kent has just redefined its zoning, in fact several light manufacturing areas not too far are going to have to move because of it, I guess I am just curious to see if this is by any chance in conflict with what Kent is trying to do with that whole area in general."

Senator Donohue: "I could not answer that question, Senator."

Senator Cunningham: "Thank you."

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1240 and the bill passed the Senate by the following vote: Yeas, 26; nays, 20; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Goltz, Grant, Henry, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—26.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Francis, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Scott, Sellar, Talley, Wanamaker—20.

Absent or not voting: Senator Keefe—1.

Excused: Senators Fleming, Pullen—2.

HOUSE BILL NO. 1240, having received the 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 CONCURRENT RESOLUTION NO. 122.

## INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1242, by Representatives Fortson, Bagnariol, Charnley, Hansen, North and Wilson:  
Implementing 1975 special school relief measure.

## MOTIONS

On motion of Senator Mardesich, the rules were suspended, House Bill No. 1242 was advanced to second reading and read the second time in full.

On motion of Senator Odegaard, the rules were suspended, House Bill No. 1242 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Odegaard yield to a question please? Senator Odegaard, could you please tell me what this would specifically do in the school districts such as Shoreline? Shoreline was a district that had three votes because one ballot box was lost or something, and on the third vote the levy was reduced from what had been previously tried, as I recall the figures, from seven point three to about six and a quarter million and then two additional maintenance and operation levies were presented at the same time of considerably lesser amounts and those two failed. Now what would be the result in that case under the provisions of this bill?"

Senator Odegaard: "The provisions of this bill then in Shoreline's case would give Shoreline School District an additional ninety-eight thousand four hundred and eighty-eight dollars to the school district. I can you tell you how that is computed if you are interested in that."

Senator Van Hollebeke: "All right. Thank you. Would it then also provide that there would be no tax rebate or reduction of the real property tax to anybody in that district?"

Senator Odegaard: "No, for the levy that passed they would still receive a rebate of nine hundred and forty-six thousand nine hundred and twenty-nine dollars. They would receive the additional because of this bill of nine point four percent of the one levy that failed, nine percent of the six hundred and fifty thousand. They still receive the rollback on the property tax on the levy that passed."

Senator Van Hollebeke: "The rollback would be the nine hundred and forty-six thousand?"

Senator Odegaard: "Right."

Senator Van Hollebeke: "And the amount appropriated to the school district by this bill would be the ninety-eight thousand?"

Senator Odegaard: "Yes."

Senator Van Hollebeke: "Okay, thank you."

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1242, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Fleming, Pullen—2.



HOUSE BILL NO. 1242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### REPORT OF STANDING COMMITTEE

September 5, 1975.

SENATE BILL NO. 2979, changing the laws relating to unanticipated receipts and submitting such changes to a vote of the people (reported by Committee on Ways and Means):

Recommendation: Do pass with the following amendment:

On page 2, line 7, after "in" strike "section 12" and insert "sections 2 and 3".

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

#### MOTIONS

On motion of Senator Odegaard, the rules were suspended and Senate Bill No. 2979 was advanced to second reading and read the second time in full.

On motion of Senator Odegaard, the committee amendment was adopted.

On motion of Senator Odegaard, the following amendment by Senators Rasmussen and Odegaard was adopted:

On page 3, section 3, lines 9 through 14, strike subsection (2) and insert:

"(2) During any period when the legislature is in session, any spending proposal utilizing unanticipated receipts shall be handled in the same manner as a supplemental appropriation request."

#### MOTION

On motion of Senator Odegaard, the rules were suspended, Engrossed Senate Bill No. 2979 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2979 and the bill passed the Senate by the following vote: Yeas, 34; nays, 12; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Goltz, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—34.

Voting nay: Senators Benitz, Bluechel, Cunningham, Gould, Lewis (R. H. "Bob"), Morrison, Murray, Newschwander, North, Scott, Sellar, Wanamaker—12.

Absent or not voting: Senator Grant—1.

Excused: Senators Fleming, Pullen—2.

ENGROSSED SENATE BILL NO. 2979, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Odegaard, Engrossed Senate Bill No. 2979 was ordered immediately transmitted to the House.

## MESSAGE FROM THE HOUSE

September 6, 1975.

Mr. President: The House has passed HOUSE BILL NO. 1243, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1243, by Representatives Bagnariol and Polk:  
Appropriating funds to the department of revenue for distribution resulting from the Valentine v. Johnston case.

## MOTIONS

Senator Mardesich moved that House Bill No. 1243 be referred to the Committee on Ways and Means.

Senator Day moved that the motion by Senator Mardesich be amended and House Bill No. 1243 be referred to the Committee on Social and Health Services.

There being no objection, the motion and the amendment to the motion were withdrawn.

On motion of Senator Bottiger, the rules were suspended, House Bill No. 1243 was advanced to second reading and read the second time in full.

On motion of Senator Bottiger, the rules were suspended, House Bill No. 1243 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Donohue yield to a question? Senator Donohue, is this general fund money?"

Senator Donohue: "That is correct, Senator."

Senator Lewis (Harry): "Where did it come from?"

Senator Donohue: "The money that we are going to appropriate here is going to reduce the present proposed balance that might be available in January for everything else from seven point six nine million, it will be less nine hundred and some thousand dollars here. We have available in January, according to the Senate Ways and Means staff, after the appropriation and back to the old talk about the Governor's revenue projections, we would have available seven point six nine million."

## POINT OF INQUIRY

Senator Clarke: "Would Senator Bottiger yield? Senator Bottiger, are we creating any precedent here which could incur future liability with respect to other rollbacks?"

Senator Bottiger: "Senator Clarke, I do not think we are. I think the State Supreme Court did. What we are doing is paying the money that the court ordered us to pay."

Senator Clarke: "The Court decision was such though that in your opinion in reality we are not making any decision with respect to making this rollback. All we are really doing is appropriating a fund pursuant to the court's direction."

Senator Bottiger: "We are appropriating the schools' share of their regular tax dollars, not their special levies. The schools' share of the regular tax dollars ordered by the court since we would have given them that money anyhow under the state guarantee formula. So the superior court of Pierce County ordered the state to pay and I think the state Tax Commission agreed they should pay that portion of the judgment. Now the other small taxing districts will have to make up the balance, the counties, the fire districts, weed control, whatever, they will have to make up their share of the balance. I might add, Senator Clarke, there is another case that was, I believe it is on appeal, from

Snohomish County. Following this decision the local court there ruled that the Valentine case did not apply to that given set of facts and that was a kind of a follow of the Dore case I do not believe it is going to be precedent anyplace in the state."

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1243, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senators Grant, Jones, Lewis (Harry), Odegaard—4.

Excused: Senators Fleming, Pullen—2.

HOUSE BILL NO. 1243, having received the 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

September 6, 1975.

Mr. President: The House has passed SENATE BILL NO. 2980 with the following amendments:

On page 1, line 2, after "RCW 29.13.047;" insert "amending section 29.80.010, chapter 9, Laws of 1965 as amended by section 8, chapter 4, Laws of 1973;"

On page 1, beginning on line 16, insert the following new section to read as follows:

"Sec. 2. Section 29,80.010, chapter 9, Laws of 1965 as amended by section 8, chapter 4, Laws of 1973 are each amended to read as follows:

As soon as possible prior to each state general election at which federal or state officials are to be elected, the secretary of state shall publish and mail to each individual place of residence of the state a candidates' pamphlet containing photographs and campaign statements of eligible nominees who desire to participate therein: PROVIDED, That in odd-numbered years no candidates' pamphlet shall be published, *unless an election is to be held to fill a vacancy in one or more of the following statewide elective offices: United States senator, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner and justice of the supreme court.*"

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

DEAN R. FOSTER, Chief Clerk.

#### MOTION

Senator Wilson moved the Senate concur in the House amendment to Senate Bill No. 2980.

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Wilson yield to a question? Senator Wilson, as I read the amendment by the House, it says that in the event that there is a candidate it then will be necessary that a voters' pamphlet be put out. Is this correct?"

Senator Wilson: "Correct."

Senator Rasmussen: "All right. Then could you tell me what the total cost of the voters' pamphlet is?"

Senator Wilson: "No, I cannot. I would say that I am sure the amendment is based on the assumption that there will be at least one ballot measure in every odd year elec-

tion and that therefore information on a statewide office would simply be added to the same pamphlet that will carry information on the initiatives, amendments or referendums."

Senator Rasmussen: "That is on the assumption."

Senator Wilson: "Yes."

Senator Rasmussen: "But there have been years when we had no initiatives or referendums. This would make sure that if we had one candidate that we would probably be saddled with the cost in the odd year elections of a hundred thousand, hundred and fifty thousand, whatever it costs to prepare the candidate's pamphlet for that one candidate."

Senator Wilson: "With respect to your first statement, Senator, I believe that every year since we passed the annual elections bill we have had referendums and other ballot propositions on the ballot in odd numbered years, which was the purpose of that bill. With respect to the second part of your statement, however, I think that technically you are correct. I would suggest that this bill, of course, can be further perfected and amended in our January session if you are worried about that point."

Senator Rasmussen: "I think it should be, because that would be a ridiculous cost to insist than in an odd year election when we had no referendums or initiative measures on the ballot and we should have a resignation or a death or something where there would be one candidate we would be required to spend that much money."

Senator Wilson: "Senator, I agree with you. Since the immediate need pertains to shifting the fair portion of the cost of this coming fall's elections to the state rather than causing local governments to assume it, I think it might be a reasonable approach to pass the bill with this amendment and trust our very competent and able chairman of the Constitution Committee to perfect the measure at our January session to avoid what you have suggested."

Senator Rasmussen: "Senator Wilson, a further question. It is then the intent of the Senate, you would say, or of this legislative body, that the candidate's statement be included in the voters' pamphlet rather than in a candidate's pamphlet?"

Senator Wilson: "Very definitely."

Senator Rasmussen: "Because in the RCW they speak of the candidate's pamphlet and the voters' pamphlet, and as you recall last time we did have the two of them. There was the candidate pamphlet and a separate voters' pamphlet."

Senator Wilson: "Right. The whole thing got so large that they were put into two pamphlets but it is certainly the intent with respect to this House amendment to Senate Bill No. 2980 that two separate pamphlets not be issued in odd numbered year elections and that if there are statewide offices at stake in odd numbered years, the information on the candidates be included in the same pamphlet as carries information on the ballot propositions."

Senator Rasmussen: "Thank you, Senator Wilson."

The motion by Senator Wilson carried and the Senate concurred in the House amendment to Senate Bill No. 2980.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2980, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

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

Voting nay: Senators Clarke, Cunningham—2.

Excused: Senators Fleming, Pullen—2.

SENATE BILL NO. 2980, as amended by the House, having received the constitu-

tional 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 6:05 p.m., on motion of Senator Mardesich, the Senate recessed until 8:00 p.m.

## EVENING SESSION

The President called the Senate to order at 8:00 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 8:50 p.m.

## MESSAGES FROM THE HOUSE

September 6, 1975.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 122, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 6, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 1240,

HOUSE BILL NO. 1242, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 6, 1975.

Mr. President: The Speaker has signed HOUSE BILL NO. 1243, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 6, 1975.

Mr. President: The House has concurred in the Senate amendment to EN-GROSSED HOUSE BILL NO. 1230 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

September 6, 1975.

Mr. President: The Speaker has signed HOUSE BILL NO. 1230, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1230,

HOUSE BILL NO. 1240,

HOUSE BILL NO. 1242,

HOUSE BILL NO. 1243.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2980.

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

## REPORT OF STANDING COMMITTEE

September 5, 1975.

SUBSTITUTE SENATE BILL NO. 2977, creating the public employment relations commission (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 2977 be substituted therefor and the substitute bill do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

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

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2985, by Senators Jones and Beck:

An Act relating to initiatives and referendums; amending section 29.79.090, chapter 9, Laws of 1965 and RCW 29.79.090; amending section 29.79.100, chapter 9, Laws of 1965 and RCW 29.79.200; and amending section 29.79.110, chapter 9, Laws of 1965 and RCW 29.79.110.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2986, by Senators Talley and Marsh:

An Act relating to elections; amending section 10, chapter 175, Laws of 1959 as amended by section 5, chapter 51, Laws of 1965 and RCW 53.12.055; amending section 4, chapter 1, Laws of 1931 as last amended by section 1, chapter 106, Laws of 1969 and RCW 54.12.010; and declaring an emergency.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2987, by Senators Pullen, Clarke, Benitz, Donohue and Rasmussen:

An Act relating to crimes; creating new sections; adding a new section to chapter 9A RCW; defining crimes; prescribing penalties; and prescribing an effective date.

Referred to Judiciary Committee.

SENATE JOINT MEMORIAL NO. 113, by Senators von Reichbauer, Bailey, Day, Lewis (R. H. "Bob"), Murray, Henry, Goltz, Van Hollebeke, Talley, Walgren, Donohue, Ridder, Beck, Rasmussen, Stortini, Keefe, Peterson and Odegaard:

Recommending a 200 mile fishing limit.

There being no objection, the rules were suspended and additional sponsors were permitted on Senate Joint Memorial No. 113.

## MOTIONS

On motion of Senator von Reichbauer, the rules were suspended, Senate Joint Memorial No. 113 was advanced to second reading and read the second time in full.

On motion of Senator von Reichbauer, the rules were suspended, Senate Joint Memorial No. 113 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 113 and the memorial passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ras-

mussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Fleming, Pullen—2.

SENATE JOINT MEMORIAL NO. 113, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator von Reichbauer, Senate Joint Memorial No. 113 was ordered immediately transmitted to the House.

#### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 123, by Senators Lewis (Harry), Beck, Murray, Matson, Donohue, Day, Scott, Wanamaker, Sellar, Jones, Buffington, Clarke, Newschwander, Lewis (R. H. "Bob"), Bluechel, Benitz, Gould, Cunningham and Guess:

Setting forth legislative declaration urging defeat of Initiative 314.

There being no objection, the rules were suspended and additional sponsors were permitted on Senate Concurrent Resolution No. 123.

#### MOTION

Senator Lewis (Harry) moved the rules be suspended and Senate Concurrent Resolution No. 123 be advanced to second reading.

Senator Washington raised an objection to the motion by Senator Lewis (Harry).

#### POINT OF ORDER

Senator Lewis (Harry): "Senator Washington is out of order. There has been no motion made at this time. He is objecting to something that has not been done. We are just reading the last line. If he wants to object to reading the last line, perhaps he would rather read it himself."

#### RULING BY THE PRESIDENT

The President: "No one has made the motion to advance. The President, however, realizes that the measure must be on second reading in order to read the second line so therefore will put the motion that you have moved that the rules be suspended and that Senate Concurrent Resolution No. 123 be advanced to second reading and read the second time in full. Senator Washington has offered an objection to advancing it, therefore it will be put to a vote."

Senator Lewis (Harry) demanded a roll call and the demand was sustained by Senators Jones, Murray, Guess, Scott, Cunningham, Mardesich, Washington, Ridder and Wanamaker.

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Rasmussen: "It is necessary for it to be advanced to second reading in order to even consider that amendment that is on the desk, is it not?"

#### REPLY BY THE PRESIDENT

The President: "That is true, Senator Rasmussen."

#### REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "And I think this is not debatable but with all the sponsors that are on there I think the amendment should be considered and probably adopted."

#### PARLIAMENTARY INQUIRY

Senator Bailey: "If this measure should go to second reading and pass, then it is true that we would have to stay here another week or so and work on some form of school financing?"

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Lewis (Harry) that the rules be suspended and Senate Concurrent Resolution No. 123 be advanced to second reading.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Lewis (Harry) failed by the following vote: Yeas, 19; nays, 27; absent or not voting, 1; excused, 2.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Scott, Sellar, Wanamaker—19.

Voting nay: Senators Bailey, Beck, Bottiger, Day, Francis, Goltz, Grant, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—27.

Absent or not voting: Senator Henry—1.

Excused: Senators Fleming, Pullen—2.

SENATE CONCURRENT RESOLUTION NO. 123 was referred to the Committee on Ways and Means.

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

#### MOTION

Senator Bailey moved adoption of the following resolution:

#### SENATE RESOLUTION 1975-163

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

WHEREAS, The continuing problems relating to education in this state have necessitated the formation of seven select subcommittees on education by this body; and

WHEREAS, Each of these select subcommittees has been assigned specific areas of responsibility; and

WHEREAS, Several members of the Senate are serving on joint education committees with members from the House of Representatives;

NOW, THEREFORE, BE IT RESOLVED, By the Senate that the chairpersons of the seven select subcommittees on education are hereby directed to convene their respective committees on the first day of each regularly scheduled legislative weekend, or on such other occasions as needed, on such matters as may pertain to their particular fields of study;

BE IT FURTHER RESOLVED, That each select subcommittee present the results of its studies and any recommendations to the Senate, in bill form, by the second Monday in January, 1976;

BE IT FURTHER RESOLVED, That the Senate members of the joint select education committee refer and direct any matters or information which they deem necessary to the existing Senate select education subcommittees for their consideration and assessment.

#### POINT OF INQUIRY

Senator Talley: "I wonder if Senator Mardesich would yield? Senator Mardesich, if I read this right you want the select committees to meet on each Saturday of each week. Is that correct?"

Senator Mardesich: "No, it is on the monthly meeting that we have, Senator Talley. That is to be sure that this school problem . . ."

Senator Talley: "On the first day of each regularly scheduled legislative weekend."

Senator Mardesich: "That is the monthly meeting."

Senator Talley: "That would be the monthly meetings?"

Senator Mardesich: "Right. And in addition to that, however, we have authorized, in effect, we have asked them to hold whatever other meetings are necessary to finish the work so the issue can be before us in January."



Senator Talley: "Any other meetings to be held over the state or just in Olympia?"  
 Senator Mardesich: "It is our hope that you would schedule all these meetings in Olympia. As a matter of fact, it may be difficult to get travel money if you do not."

Senator Talley: "That is a good answer."

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

#### MOTION

Senator Gould moved adoption of the following resolution:

#### SENATE RESOLUTION 1975-161

By Senators Gould, Woody and Mardesich:

WHEREAS, During the past decade, population has grown rapidly in the Southwest Snohomish area; and

WHEREAS, Increased population, commercial and industrial activity has resulted in increased automobile and truck traffic; and

WHEREAS, The increased vehicle activity in the future will more severely strain already congested roads in the area; and

WHEREAS, The completion of Interstate 405, including adequate interchange with Interstate 5 and State Route 525 in the Swamp Creek area, is a vital element to this state's overall highway system; and

WHEREAS, The completion of an adequate interchange at the Swamp Creek location is vital to lessen traffic congestion at nearby Interstate 5 interchanges at the 44th Street Southwest Interchange and the Martha Lake Interchange; and

WHEREAS, The present interchanges of Interstate 5 at 244th Street Southwest and at 220th Street Southwest provide inadequate access into Southwest Snohomish County;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the full interchange at the intersection of Interstate 5 and Interstate 405 be added to the completion program of Interstate 405, and that improved direct access to Southwest Snohomish County from Interstate 5 at 244th Street Southwest, and a full interchange at 220th Street Southwest, be added to the Interstate System; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the President of the United States, the Congressional Committees on Public Works, the members of the Washington State Congressional Delegation, and the Federal Highway Administration.

#### POINT OF INQUIRY

Senator Bailey: "Would Senator Gould yield? It has been a long time, Senator Gould, since I have been on the Highways Committee, but a few years ago when I was on the Highways Committee you never petitioned the Congress nor the federal Highways Administration for a state highway, even an interstate highway. All of the work had to be done, had to come through the state Highways Department when it came to construction and the federal government never instituted the construction of various off ramps and overpasses and interchanges like that. It was a necessity that the state Highway Department had to do this. Now, is there some change in the present procedures?"

Senator Gould: "I would yield to Senator Bottiger if he would answer."

Senator Bottiger: "Senator Bailey, this resolution was drafted by the Highway Department itself. It does not say it in it, but the problem we have is that once the federal government determines that the project has been completed, then changes in pattern, traffic pattern, population patterns, other state, county, local highway programs in a particular area can cause a new need, and if the project is 'completed' then we can no longer qualify for 90-10 federal matching money. I would suggest that you support Senator Gould and Woody and Mardesich on this measure because I am sure that each of you will be shortly back asking for a similar resolution when you have had that kind of change that they have had in South Snohomish, North King County area on the freeway. If we cannot get these things qualified under the interstate program, they they have got

to be financed one hundred percent by state funds. It is a simple matter of asking them to reopen the consideration of whether the interstate is meeting the interstate design needs in that particular area in order to qualify for the 90-10 money. The Highway Department brought this to our attention. As a courtesy the Transportation Committee gave it to the legislators from that particular area to introduce to the Senate. A similar measure is introduced in the House. Rather than running a joint memorial, we are using floor resolutions which we think would be sufficient."

The motion by Senator Gould carried and the resolution was adopted on a rising vote.

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

#### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 124, by Senator Mardesich:  
Recessing the legislature until January 12, 1976.

#### MOTIONS

On motion of Senator Mardesich, the rules were suspended, Senate Concurrent Resolution No. 124 was advanced to second reading and read the second time in full.

Senator Mardesich moved the rules be suspended, Senate Concurrent Resolution No. 124 be advanced to third reading, the second reading considered the third, and the resolution be adopted.

#### POINT OF INQUIRY

Senator Talley: "Will Senator Mardesich yield? If I read this resolution right, Senator, one house or one Rules Committee cannot call this Senate back into session as it has at this time. It takes joint action."

Senator Mardesich: "No single house can delay the action. I do not think under the Constitution you can do that. It has a seventy-two hour rule under the Constitution which requires that you cannot have a recess for more than seventy-two hours without the concurrence of both houses."

Senator Talley: "But if I read it right it takes joint action to reconvene us though."

Senator Mardesich: "Oh no. That is if the dates were to be changed from January 12, either earlier or later, then it would take action of both of the Rules Committees."

Senator Talley: "Affirmative action?"

Senator Mardesich: "Affirmative action of both Rules Committees would be necessary."

#### POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Mardesich yield to a question? Senator Mardesich, I was present at a meeting in the other house at which there was an understanding as to what the procedures would be when we came in on January 12 and at the request of the Speaker we took some language out of a resolution prior to the adoption of this one. I wonder if you could explain for the record what that agreement was, what your understanding of it was?"

Senator Mardesich: "Mr. President, ladies and gentlemen of the Senate, we had discussed the question of keeping the January session to a specific time and had reached an agreement where there would be a definite attempt to restrict the issues to be brought before the next session in January primarily to the school matters, and secondly, that that session should not run in excess of forty days from the date of convening. It is our hope to attempt to do it in thirty, but we had reached agreement that it would not run over forty unless there was agreement from both sides and all parties included in on the negotiations that there was something of such importance that we should stay longer."

Senator Lewis (Harry): "I have a further question, Senator Mardesich. Could you discuss what your understanding was of the agreement on cutoffs for introduction and so forth? It was my understanding that we would establish a procedure in the early, or prior to the session, to try to meet the forty-day cutoff if at all possible. Is that correct?"

Senator Mardesich: "We had agreed to meet earlier, before the convening of the session, to begin to establish cutoff dates and to definitely program the work so that we could finish. And also, in addition to that, we had agreed that it was not our intention to split session and come back at a later date."

#### POINT OF INQUIRY

Senator Grant: "Would Senator Mardesich yield? I appreciate all that folderol for the record, but what significance does it really have? This legislature is not bound by any understanding that the leadership has relative to duration of session, cutoff dates or anything else for the next session. Is that correct?"

Senator Mardesich: "Senator Grant is absolutely correct. He know the rules as well as anyone, that a majority can do what they want unless it is a situation where two-thirds is required by rule."

#### POINT OF INQUIRY

Senator Lewis (Harry): "I do not mean to belabor this but one final question, Senator Mardesich. Was it your understanding that providing the legislature, as Senator Grant indicated, agreed that we would adjourn at the end of the January session sine die?"

Senator Mardesich: "That is correct."

The motion by Senator Mardesich carried. Senate Concurrent Resolution No. 124 was advanced to third reading, under suspension of the rules, the second reading considered the third, and the resolution was adopted.

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

#### MOTION

Senator von Reichbauer moved adoption of the following resolution:

#### SENATE RESOLUTION 1975-162

By Senators von Reichbauer, Walgren Peterson, Beck, Sandison and Wanamaker:

WHEREAS, The Washington State Ferry System is a vital link in this state's overall transportation system; and

WHEREAS, The Washington State Ferry System is a valuable asset to the citizens as well as visitors to this state; and

WHEREAS, The vitality of the Washington State Ferry System has been treated by rapid cost increases occurring during the past several years; and

WHEREAS, Toll increases on the Washington State Ferry System work a hardship on those exclusively dependent on system service, and in other cases may cause a diversion of traffic to other modes of travel; and

WHEREAS, Such diversion is not in the best interests of the people of the State of Washington; and

WHEREAS, Sufficient monies have been appropriated by the legislature to support the Washington State Ferry System without a toll increase; and

WHEREAS, The Highway Appropriations Act (Ch. 279, Laws of 1975 1st. Ex. Sess.) and the variable gas tax bill (SSB 2159) clearly stated legislative intent to stabilize Washington State Ferry System tolls;

NOW, THEREFORE, BE IT RESOLVED, That it is the intent of the Washington State Senate to stabilize ferry tolls at rates existing on September 1, 1975.

BE IT FURTHER RESOLVED, That the Washington State Senate hereby requests that the Washington State Toll Bridge Authority take such actions necessary to maintain tolls at September 1, 1975 levels;

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the Washington State Toll Bridge Authority, the Washington State Highway Commission, and the Governor of the State of Washington.

Debate ensued.

## POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Walgren yield to a question? Senator Walgren, how many dollars are we committing by this resolution in holding the tolls?"

Senator Walgren: ". . . about four million dollars, as I recall, the toll increase."

Senator Lewis (Harry): "This resolution came through rather rapidly. Did this resolution have a hearing in your committee, Senator Walgren?"

Senator Walgren: "No, but the bill that supports the appropriation for the ferry system had numerous hearings in the committee, and of course was argued in great detail here on the floor of the Senate."

Senator Lewis (Harry): "I wonder if Senator Guess or somebody could respond to this. In reading this it appears to me that we are committing millions of dollars to the ferry system or could be? Is that correct, Senator Guess?"

Senator Guess: "Senator Lewis, if the rate which the Toll Bridge Authority in its last committee meeting or last action raised the ferry fares, this would roll back the fares to what they were on September 1 and would require an additional four million dollars in a subsidy, and I think I am right on that, am I not, Senator Walgren?"

Senator Walgren: "That is correct, but that is a subsidy that has been appropriated by this legislature already in the House Bill 427."

Senator Guess: "But the action of the bill, Senator Walgren, which we took today on 1241, I believe it is, the Y chart which they showed us this morning shows that the total subsidy of the fares will be something in the order of about twenty-one million. That will require now an additional four million on top of the twenty-one million so that will make it a twenty-five million dollar . . . ."

Senator Walgren: "Senator Guess, I think that the situation was that we were anticipating approximately an eleven million dollar deficit. Part of that, about three point five million dollars, was covered by the one-tenth of a cent subsidization measure in the ferry operations account, so there was about an eight million dollar deficit that was anticipated at the time that we passed the variable gas tax last session. That variable gas tax, of course, provided for the additional revenue that would be necessary to handle that particular deficit. But our appropriation bill, 427, addressed itself to the variable gas tax if it went into effect and provided that the money to take care of that deficit would come out of the variable gas tax. However, if that was not signed into law, and of course it was not signed into law, it provided that the particular amount of money would come from an additional appropriation from the motor vehicle account. That is the law now, Senator Guess, and of course the Toll Bridge Authority chose to ignore that appropriation."

Senator Guess: "That is quite true, Senator, but I think that in all fairness that the body ought to be told that there has not been a fare increase in the ferries and that the ferry command or the Toll Bridge Authority spent a considerable amount of time in coming up with a rate which for the first time in many, many years — I understand it, we inherited a number of inequities in the ferry fare schedules from the old Black Ball Line and they never had really addressed the program of coming up with a fair tax for everybody and for every user, so I was, in our meeting at Rosario, very pleased to learn from the committee people up there that for the first time in history we did have now a leveling out of the responsibility and that those people, although there was a serious set-back to them and a higher rate of increase than they wanted, after this in the future we could then say that the fares would go up on a percentage basis and everybody would be treated alike."

Senator Walgren: "Yes, that is certainly some of the comments that were made in the San Juan Islands, Senator Guess, and of course those people up there were particularly hard hit by these fare increases."

"I am sure you are well aware that when we did pass the tenth of a cent measure that created the ferry operations account we set up a procedure, a procedure by statute. Again, I think that these statutes do carry the intent of the legislature, albeit the fact that very often the administration or the agency involved chooses to ignore it, it sets up a procedure whereby these tolls could be increased, and of course that procedure calls for certain activity during the month of February, some action by the Toll Bridge Authority

to take place and affect fare rate increases about May, I believe. As a result of their failure to carry out the intent of the legislature in that statute, and of course the court, as you well know, has enjoined the action of the Toll Bridge Authority effective now."

Senator Guess: "But I believe that it would be grossly inequitable for us now to interfere into the process which has been begun, although belatedly, by the Toll Bridge Authority and to interfere with that. It is only equity that demands that we leave the thing in the hands of the Toll Bridge Authority and certainly this is going to cause more of a subsidy to the ferries in the future years. You will take the situation here at this time, but you remember that the cost of fuel, the cost of manpower, the wage settlements that have been made, the cost of replacement of the ferries, the subsidy that is going on, is constantly increasing. Unless we come back and make a proper adjustment at this time, those people are going to be hit even harder in the future. So the commission has done a very creditable job in my opinion and we are going to destroy that, and I really think that we ought to take a good hard look before we mandate something to the commission."

Senator Walgren: "Of course what we are asking for here, Senator Guess, is just a reiteration of the policies that have been established by this legislature, and I might say, Senator Guess, that I am surprised the comments of you when you were extolling me and the members of the committee to work on that variable gas tax and get it passed to provide for these very things that were done and were passed by this legislature."

Senator Guess: "Senator, I can also remember the instructions that we gave to the Toll Bridge Authority."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "This is a strange type of a debate at this hour of the night, one person talking across to another and no question being asked, but if he would address the Chair and give a speech I would listen to it."

Further debate ensued.

#### POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Walgren yield to one more question? Senator Walgren; is there a lawsuit at the present time? Has this been brought by a citizen to try to force the Toll Bridge Authority not to raise the rates in some manner?"

Senator Walgren: "I believe that there is a lawsuit that has been filed by a very large number of citizens of this state who are vitally affected by this outrageous toll increase."

Senator Lewis (Harry): "Mr. President, one final question. Would not this action by the Senate have some effect, or could it not have some potential affect on the position of the Senate at least in relation to the maintaining of tolls at the September 1, 1971 levels in relation to that lawsuit? I am concerned that we are getting in the middle of a court action with this to hold the rates down."

Senator Walgren: "I do not believe that we are, Senator Lewis, and it has been noted before that when the legislature or this Senate has deliberately attempted to interject itself in a lawsuit situation that the court has remonstrated somewhat violently."

#### POINT OF INQUIRY

Senator Bailey: "Will Senator Walgren yield? Senator Walgren, it is going to cost us four million dollars to do this. Where does the four million come from? Does it come from the highway budget that we have appropriated?"

Senator Walgren: "The four million dollars would come from the highway budget, Senator Bailey. Additional revenue had been hoped for from the variable gas tax that was vetoed by the Governor."

Further debate ensued.

#### MOTION

Senator Mardesich moved that Senate Resolution No. 1975-162 be made a special order of business on the next working day.

There being no objection, the motion by Senator Mardesich was withdrawn.

## POINT OF INQUIRY

Senator Cunningham: "Would Senator von Reichbauer yield to some questions?"

Senator von Reichbauer: "I have not yielded, Senator. Did he say question or questions?"

Senator Cunningham: "That was plural."

Senator von Reichbauer: "I yield to a question."

Senator Cunningham: "With the Chair's permission, I will phrase the question in various parts. I would like to know, Senator von Reichbauer, what the present ferry rate for a foot passenger from Bremerton to Seattle is?"

Senator von Reichbauer: "One dollar and five cents."

Senator Cunningham: "And how many miles is that?"

Senator von Reichbauer: "Approximately fifteen point eight miles."

Senator Cunningham: "Mr. President, I can hear the esteemed Senate C. W. "Red" Beck's answer, but I asked the question of Senator von Reichbauer."

Senator von Reichbauer: "Mr. President, Senator Cunningham can phrase his question. I can phrase my answer with the help I have."

Senator Cunningham: "I guess what I really want to ask Senator von Reichbauer is, do you feel that the ferries should subsidize foot passengers to a greater rate than bus passengers on mass transit on existing systems are presently receiving?"

Senator von Reichbauer: "I will answer that at the next working day. Yes. In fact, I was quite concerned about the situation on Vashon Island where we who have tried to encourage more foot passengers, where our rate increase for foot passengers was higher than our increase for car passengers and we expressed that at the Toll Bridge Authority meeting."

Senator Cunningham: "Then you are telling me that you feel that the citizens of the state of Washington should subsidize every foot passenger who chooses to ride a ferry boat in a greater degree than they are subsidized in any other mode of transportation, especially mass transit?"

Senator von Reichbauer: "I believe we passed, in 1974, and Senator Walgren can challenge me on this, we included the ferry system as part of mass transit in 1974."

Senator Cunningham: "Are you aware, Senator von Reichbauer, that presently Metro bus rates run about fifteen cents a mile and it appears that the ferry boat rates are around seven cents a mile? Do you consider that equitable?"

Senator von Reichbauer: "I am not exactly familiar with all the figures, Senator."

Senator Cunningham: "Well, assume the figures I gave you are correct, and to the best of my knowledge they are, do you consider it equitable that ferry passengers pay half the fare per mile of travel?"

Senator von Reichbauer: "I think we are talking about apples and oranges when we are talking about the ferry fare as opposed to the bus fare. I do not think you can draw a parallel exactly."

Senator Cunningham: "Mr. President, to continue and not to belabor the point because it is late and I know many are tired, I just cannot understand why we are looking here. We heard from Senator Walgren that these funds do come from the highway fund. I think it is unfair and inequitable to have different subsidy levels for different modes of public transportation. With all due respect for those who do travel on the ferries. I would agree with Senator Bailey that this is an eleventh hour grab bag."

## MOTION

On motion of Senator Mardesich, Senate Resolution 1975-162 was referred to the Committee on Transportation and Utilities.

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

## MESSAGES FROM THE HOUSE

September 6, 1975.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 124, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

September 6, 1975.

Mr. President: The Speaker has signed SENATE BILL NO. 2980, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 124.

MESSAGE FROM THE HOUSE

September 6, 1975.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 124, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

POINT OF PERSONAL PRIVILEGE

September 6, 1975.

TO BE ENTERED IN THE SENATE JOURNAL:

"I would like to point out that it was the intention of the Legislature to reconvene in September to arrive at a long term solution to the school financing problem. I am extremely disappointed that this most important issue of school financing has taken a back seat to other issues.

I would hope that the members of the Legislature would put politics aside in January and immediately address themselves to the education problems facing the state."

Signed by: Senator Nancy Buffington.

MOTION

At 9:50 p.m., on motion of Senator Mardesich, the Senate recessed until 12:00 o'clock noon, Monday, January 12, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SEVENTH DAY

## NOON SESSION

Senate Chamber, Olympia, Monday, January 12, 1976.

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

The Color Guard, consisting of Pages Irene Hamilton and Jean Simonton, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"IN A MOMENT OF TIME A STRAW SHOWS HOW THE WIND BLOWS, WE PAUSE FOR A MOMENT TO ACKNOWLEDGE OUR DEPENDENCE ON YOU, OUR GOD, AT THE OPENING OF THIS SENATE.

"FORGIVE US FOR ANY APATHY AND ROUTINE ACCEPTANCE OF THIS MOMENT OF PRAYER. WE MAKE BOLD TO SAY THAT A MOMENT OF PRAYER IS A CHARACTERISTIC OF OUR DEMOCRATIC SOCIETY. SOLZHENITSYN, WHO SUFFERED FOR FREEDOM UNDER ATHEISM GOVERNMENT, REMINDS US THAT THE FLOOD WATERS ARE CONSTANTLY SEEKING TO ENGULF THE DEMOCRATIC SOCIETIES FLOOD WATERS OF INDIFFERENCE AND APATHY.

"GRANT THEN, O LORD, TO THE ELECTED MEMBERS OF THIS SENATE IN THIS BICENTENNIAL YEAR A RENEWED APPRECIATION FOR OUR INSTITUTIONS OF GOVERNMENT, WHEN THE CLOUDS OF CIVIL WAR, OF HUNGER HOVER OVER SO MANY. GRANT THESE SENATORS WISDOM AND COURAGE TO USE THEIR OFFICE FOR THE GOOD OF THOSE THEY REPRESENT SO THAT THE PROPHECY OF ISAIAH CAN BE TRUE OF OUR NATION WHEN HE SPOKE THESE WORDS: 'RISE UP IN SPLENDOR, JERUSALEM; YOUR LIGHT HAS COME, THE GLORY OF THE LORD SHINES UPON YOU. SEE, DARKNESS COVERS THE EARTH, AND THICK CLOUDS COVER THE PEOPLES; BUT UPON YOU THE LORD SHINES, AND OVER YOU APPEARS HIS GLORY. NATIONS SHALL WALK BY YOUR LIGHT, AND KINGS BY YOUR SHINING RADIANCE.' (ISAIAH 60).

"BY YOUR GRACE, LORD, MAY THIS PROPHECY BE FULFILLED BY OUR NATION AND THIS STATE. AMEN."

## MOTION

On motion of Senator Walgren, the reading of the journal of September 6, 1975 was dispensed with and it was approved.

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 125, by Senators Bailey, Walgren, Lewis (Harry) and Matson:  
Prescribing cut-off dates.

## MOTIONS

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 125 was advanced to second reading and read the second time in full.

Senator Mardesich moved adoption of the following amendment:

On page 1, lines 17 and 21, after "transportation," insert "pension reform,"  
Debate ensued.



## POINT OF INQUIRY

Senator Rasmussen: "Will Senator Bailey yield to a question? Senator Bailey, I can agree with what you said, but let me ask this. In the event that the House does finally take some action, wouldn't you want the privilege of then acting? Senator Mardesich's amendment does not say that we would have to, it says that we would have the privilege of considering it at least. Now the press is going to be on the House. I agree with you that they haven't moved at all as of yet. But any move on that pension bill will be at the last few days or hours."

Senator Bailey: "Senator Rasmussen, where Senator Mardesich has placed this is in the place where the Senate will only consider House bills and the House will only consider Senate bills. I think that we have not precluded acting on any general legislation in this session but if we keep on opening this, as I say, I'm going to propose shortly after this then, if this is adopted, and this was a vote of our caucus on December 4th that this, our priorities were such and I thought that we had presented that as a voice of the caucus. I think that if this is true then I have to propose in fairness that we consider state employees' pay raises at the same time."

## PARLIAMENTARY INQUIRY

Senator Mardesich: "I would only raise the question then, if under the language of lines 18 through 21, or 22, it would be possible to consider the matter even though the House had considered it. I think that that ruling would follow. If the President would address himself to that question and give us a ruling at this time, then it might make a difference as to whether the amendment were adopted."

## REPLY BY THE PRESIDENT

The President: "Senator Mardesich, in reply to your inquiry, the President believes that under the provisions of Senate Concurrent Resolution 125 it would be necessary for the House to have forwarded to the Senate the pension measure by January 30. The Senate would consider it no later than February 6th. After February 6th, there is a possibility that it could be considered, if the differences existed between the two Houses or if the measure were in conference."

## PARLIAMENTARY INQUIRY

Senator Mardesich: "To clarify further, Mr. President, then if the House were to propose a new measure, a House bill with relation to the subject and the Senate were not to consider it before Friday, January 30th, then the matter could not be brought before the Senate."

## REPLY BY THE PRESIDENT

The President: "That is the President's understanding, Senator Mardesich."  
Debate ensued.

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

## POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Walgren yield to a question? Senator Walgren, we are down here to deal with primarily, from our point of view, with the problems of school funding and school reform. Those issues that were brought out of the various subcommittees on education that we had and have worked on for the last year. On line 16 and further down in the resolution, I read language that we can deal with proposals with school funding and matters related thereto. For the record, is it your understanding that matters related thereto goes beyond straight funding and would include those reform issues and other issues that came out of the education committee and so forth so we could consider those?"

Senator Walgren: "Yes, Senator Lewis, that certainly is my intent and the intent of the Democratic caucus, as you well know, the Senate has bipartisan status, labored very hard on many of these so-called money management bills and I think that there is no question but that they relate certainly to school funding, and are included in the language and matters related thereto and will be under consideration as set forth in Senate Concurrent Resolution 125."

Senator Bailey moved adoption of the following amendment:

On page 1, lines 16 and 21, after "thereto," insert "state employees' salary adjustments,"

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Bailey yield to a question? Senator Bailey, as I read the resolution, this is why I didn't argue the point with you previously, appropriations and revenue, now, I would assume that state employees' salaries would come under appropriations and also would be under consideration that the governor is going to present to us a supplemental appropriations or anything like that. There isn't enough money in the budget appropriations for their salary increase so it would have to have an additional appropriation."

Senator Bailey: "Senator Rasmussen, I think that it is important enough that it have a priority status and when you talk about school funding, that, too, is an appropriation matter and wouldn't be necessary to list unless you want to give priority to the issue. But I think that maybe we made a commitment to these people a year ago and maybe we ought to be looking at that, too, in line with our own salary study and I just think it ought to be in the bill."

The motion by Senator Bailey carried and the amendment was adopted on a rising vote.

On motion of Senator Walgren, the rules were suspended, Engrossed Senate Concurrent Resolution No. 125 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

#### PARLIAMENTARY INQUIRY

Senator Walgren: "Yes, Mr. President, I would like to address the question to you with regard to parliamentary inquiry. With regard to the last paragraph on the resolution on page 2 in lines 1 through 4, the question is, what would be the feeling of the President with regard to a measure that is set for special consideration at, just prior to say 4 p.m., and we have under consideration a bill that is requiring substantial debate and apparently will not be resolved until after that particular time. How would that problem be handled?"

#### REPLY BY THE PRESIDENT

The President: "Senator Walgren, the President believes that the Senate traditionally has followed the procedure of completing consideration of a bill and then if there were a special order of business scheduled for, say 3:59 p.m., the Senate would then consider that bill even though consideration might start after 4 p.m., the cutoff time, but the President believes that the Senate traditionally is also permitted only one special order of business to be considered in that manner."

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 125, having received the constitutional majority, was adopted.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

January 12, 1976.

Mr. President: The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 42,

HOUSE CONCURRENT RESOLUTION NO. 43, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 42, by Representative Charette:  
Joint session to receive message from governor.

## MOTIONS

On motion of Senator Bailey, the rules were suspended, House Concurrent Resolution No. 42 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, House Concurrent Resolution No. 42 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1976-164.

Senator Talley moved adoption of the following resolution:

## SENATE RESOLUTION 1976-164

By Senators Talley, Marsh, Henry, Odegaard and Lewis (Harry):

WHEREAS, In the State of Washington there is represented the type of great diversity of geography, industry, agriculture, ethnic background, and cultural identity that has made the United States the greatest nation of the world; and

WHEREAS, The role of the men and women who fought to keep America the hope of the brave and the land of the free has always been one of honor and importance; and

WHEREAS, The city of Vancouver, Washington, resting on the shoulder of the powerful Columbia, has long played an important role in the history of the United States, the Pacific Northwest, and the State of Washington; and

WHEREAS, The steady growth and contributions of Vancouver can continue only if her economic base continues to prosper; and

WHEREAS, In this Bicentennial year of thought and reflection on the origins of our nation, it seems most appropriate that the spirit of communities such as Vancouver, Washington, and the needs of the veterans of such places for a Veteran's Administration Hospital able to serve the community in a direct and personal manner, should be recognized and supported; and

WHEREAS, The Veteran's Administration has indicated it is considering the moving of the Barnes Veteran's Administration Hospital in Vancouver to another state, thereby forcing the state's veterans to go out of state to receive medical and hospital services which for so long have been provided so well so close to home; and

WHEREAS, The consultant's report shows that the Barnes Veteran's Administration Hospital serves the less acutely ill patient "who requires 24-hour care but not the complex equipment or highly skilled staff available at Portland. . ."; and

WHEREAS, Land is currently available in Vancouver for a new facility obviating the unnecessary and severe inconvenience of traveling out of state in order to receive proper medical attention;

NOW, THEREFORE, The members of the Senate respectfully pray that the United States Veteran's Administration be directed to permit the city of Vancouver to retain its veteran's hospital facilities to serve the veterans of the state, saving them and the state the serious hardships which would result from the removal out of state of the facilities; and

BE IT RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to each member of Congress from the State of Washington, to the Administrator of Veteran's Affairs, and to the Superintendent of Barnes Veteran's Hospital.

## POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Talley yield to a question? Senator Talley, I notice that you don't have Republicans on this resolution and I am sure that there are many that would have been interested in helping sponsor this resolution. I wonder if, can you tell me, are all four Senators on this resolution up for election this time or is there, would you have some . . . ."

Senator Talley: "Senator Lewis, all four Senators on this are from that area imme-

diately involved. We would be more than glad to have any Republican legislator who would like to join, especially you, Senator Lewis, as I know many of your people go down there and enjoy the facilities and take advantage of it."

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

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

#### MESSAGE FROM THE HOUSE

January 12, 1976.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 42, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 42.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2988, by Senators Bottiger, Newschwander and Morrison:

An Act relating to minimum wages; and amending section 3, chapter 289, Laws of 1975 1st ex. sess. and RCW (\_\_\_\_\_).

Referred to Committee on Labor.

SENATE BILL NO. 2989, by Senators Beck, Wilson and Guess:

An Act relating to elections; amending section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 3, Laws of 1975 2nd ex. sess. and RCW 29.13.010; and amending section 29.13.020, chapter 9, Laws of 1965 as amended by section 3, chapter 123, Laws of 1965 and RCW 29.13.020.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2990, by Senators Wanamaker, Henry and Sellar:

An Act relating to revenue and taxation; adding a new section to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2991, by Senator Goltz:

An Act relating to traffic violations; and amending section 46.64.020, chapter 12, Laws of 1961 and RCW 46.64.020.

Referred to Judiciary Committee.

SENATE BILL NO. 2992, by Senators Goltz, Beck and Bailey:

An Act relating to real property tax exemptions; and amending section 1, chapter 182, Laws of 1974 ex. sess. as amended by section 14, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.381.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2993, by Senator Lewis (Harry):

An Act relating to revenue and taxation; and 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.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2994, by Committee on Select Education; Subcommittee on Resource Utilization (endorsed by Senators Woody, Lewis (R. H. "Bob"), Peterson, Knoblauch, Henry and Bluechel):

An Act relating to associations established by school districts pursuant to the Inter-local Cooperation Act; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Rules.

SENATE BILL NO. 2995, by Select Committee on Education, Subcommittee on Students (endorsed by Senators North, Francis, Beck and von Reichbauer):

An Act relating to achievement level surveys of children in the public school system; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; and making an appropriation.

Referred to Committee on Rules.

SENATE BILL NO. 2996, by Senators Knoblauch and North:

An Act relating to holidays; and amending section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 194, Laws of 1975 1st ex. sess. and RCW 1.16.050.

Referred to Committee on State Government.

SENATE BILL NO. 2997, by Senator Peterson:

An Act relating to education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW; and providing penalties.

Referred to Committee on Education.

SENATE BILL NO. 2998, by Senator Odegaard:

An Act relating to hairstyling; amending section 10, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.200; amending section 11, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.210; amending 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; amending section 13, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.230; and amending section 14, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.240.

Referred to Committee on Commerce.

SENATE BILL NO. 2999, by Senators McDermott, Day, Wanamaker, Goltz and Cunningham:

An Act relating to senior citizens; adding new sections to chapter 74.36 RCW; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3000, by Senator Odegaard:

An Act relating to rewards by counties; and amending section 1, page 124, Laws of 1886 and RCW 10.85.030.

Referred to Committee on Local Government.

SENATE BILL NO. 3001, by Senators Odegaard and Talley:

An Act relating to firemen's relief and pensions; amending section 2, chapter 91, Laws of 1947 as last amended by section 1, chapter 19, Laws of 1973 1st ex. sess. and RCW 41.16.020; and amending section 11, chapter 255, Laws of 1961 and RCW 41.18.015.

Referred to Committee on Local Government.

SENATE BILL NO. 3002, by Select Committee on Education; Subcommittee on Certificated and Classified Employees (endorsed by Senators Stortini, Donohue, Matson, Newschwander, Scott and Mardesich):

An Act relating to education; amending section 28A.58.450, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 49, Laws of 1973 and RCW

28A.58.450; amending section 28A.58.480, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.480; amending section 28A.58.490, chapter 223, Laws of 1969 ex. sess. as amended by section 16, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.490; amending section 22, chapter 34, Laws of 1969 ex. sess. as amended by section 22, chapter 288, Laws of 1975 1st ex. sess. and RCW 28A.67.065; amending section 16, chapter 15, Laws of 1970 ex. sess. as last amended by section 133, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.67.070; amending and reenacting section 28A.58.137, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 137, Laws of 1975 1st ex. sess. and section 2, chapter 254, Laws of 1975 1st ex. sess. and RCW 28A.58.137; repealing section 18, chapter 34, Laws of 1969 ex. sess., section 3, chapter 49, Laws of 1973 and RCW 28A.58.515; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW; and declaring an emergency.

Referred to Committee on Rules.

**SENATE BILL NO. 3003**, by Senators Washington and Wilson (by Parks and Recreation Commission request):

An Act relating to archaeological resources; amending section 2, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.020; amending section 6, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.060; amending section 7, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.070; amending section 9, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.090; amending section 31, chapter 1, Laws of 1973 as amended by section 17, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.310; and adding a new section to chapter 27.53 RCW.

Referred to Committee on Parks and Recreation.

**SENATE BILL NO. 3004**, by Senators Fleming, Gould and Cunningham (by Parks and Recreation Commission request):

An Act relating to historic properties; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Local Government.

**SENATE BILL NO. 3005**, by Senators Odegaard and Bailey (by Parks and Recreation Commission request):

An Act relating to revenue and taxation; and amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3006**, by Senators Odegaard and Bailey (by Parks and Recreation Commission request):

An Act relating to revenue and taxation; and adding new sections to chapter 15, Laws of 1961 and to chapter 84.36 RCW.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3007**, by Senators Benitz, Sellar and Talley:

An Act relating to industrial insurance; amending section 2, chapter 261, Laws of 1945 and RCW 41.24.020; amending section 3, chapter 261, Laws of 1945 as last amended by section 1, chapter 170, Laws of 1973 1st ex. sess. and RCW 41.24.030; amending section 4, chapter 86, Laws of 1965 as amended by section 20, chapter 6, Laws of 1970 ex. sess. and RCW 41.24.031; amending section 8, chapter 261, Laws of 1945 as last amended by section 2, chapter 118, Laws of 1969 and RCW 41.24.080; amending section 11, chapter 261, Laws of 1945 as last amended by section 6, chapter 253, Laws of 1953 and RCW 41.24.110; amending section 15, chapter 261, Laws of 1945 as last amended by section 4, chapter 118, Laws of 1969 and RCW 41.24.150; amending section 16, chapter 261, Laws of 1945 as last amended by section 74, chapter 154, Laws of 1973 1st ex. sess. and RCW 41.24.160; amending section 22, chapter 261,

Laws of 1945 as last amended by section 3, chapter 86, Laws of 1965 and RCW 41.24.220; amending section 23, chapter 261. Laws of 1945 as last amended by section 6, chapter 57, Laws of 1961 and RCW 41.24.230; amending section 1, chapter 20, Laws of 1971 as last amended by section 1, chapter 79; Laws of 1975 1st ex. sess. and RCW 51.12.035; amending section 51.12.110, chapter 23, Laws of 1961 as amended by section 85, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.110; amending section 82, chapter 289, Laws of 1971 ex. sess. as amended by section 12, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.120; amending section 51.16.140, chapter 23, Laws of 1961 as last amended by section 2, chapter 110, Laws of 1973 and RCW 51.16.140; amending section 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 51.32.010, chapter 23, Laws of 1961 as last amended by section 7, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.32.010; amending section 11, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.32.025; amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 1, chapter 179, Laws of 1975 1st ex. sess. and RCW 51.32.050; amending section 51.32.060, chapter 23, Laws of 1961 as last amended by section 9, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.32.060; amending section 1, chapter . . . (HB . . .), Laws of 1976 1st ex. sess. and RCW 51.32.073; amending section 51.32.080, chapter 23, Laws of 1961 as last amended by section 21, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.080; amending section 51.32.090, chapter 23, Laws of 1961 as last amended by section 1, chapter 235, Laws of 1975 1st ex. sess. and RCW 51.32.090; amending section 12, chapter 289, Laws of 1971 ex. sess. as amended by section 23, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.095; amending section 51.32.100, chapter 23, Laws of 1961 as amended by section 44, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.100; amending section 51.32.110, chapter 23, Laws of 1961 as amended by section 13, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.110; amending section 51.32.120, chapter 23, Laws of 1961 and RCW 51.32.120; amending section 65, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.110; adding new sections to chapter 23, Laws of 1961 and to chapter 51.12 RCW; and adding a new section to chapter 23, Laws of 1961 and to chapter 51.32 RCW.

Referred to Committee on Labor.

**SENATE BILL NO. 3008.** by Select Committee on Education; Subcommittee on Apportionment Formula Revision (endorsed by Senators Odegaard, Lewis (Harry), Buffington, Morrison and Bailey):

An Act relating to the apportionment of school funds; amending section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 211, Laws of 1975 1st ex. sess. and RCW 28A.41.130; amending section 4, chapter 217, Laws of 1969 ex. sess. as amended by section 1, chapter 14, Laws of 1972 ex. sess. and RCW 28A.41.145; amending section 28A.44.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.040; amending section 2, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.801; amending section 3, chapter 244, Laws of 1969 ex. sess. as amended by section 2, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.802; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; repealing section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140; and making effective dates.

Referred to Committee on Rules.

**SENATE BILL NO. 3009.** by Select Committee on Education; Subcommittee on Resource Utilization (endorsed by Senators Woody, Lewis (R. H. "Bob"), Henry, Knoblauch, Guess and Bluechel):

An Act relating to education; and amending section 28A.58.135, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 49, Laws of 1969 ex. sess. and RCW 28A.58.135.

Referred to Committee on Rules.

**SENATE BILL NO. 3010, by Senator Scott:**

An Act relating to motor vehicles; amending section 46.37.420, chapter 12, Laws of 1961 as last amended by section 1, chapter 32, Laws of 1971 ex. sess. and RCW 46.37.420; and amending section 2, chapter 7, Laws of 1969 ex. sess. as amended by section 1, chapter 255, Laws of 1975 1st ex. sess. and RCW 47.36.250.

Referred to Committee on Transportation and Utilities.

**SENATE BILL NO. 3011, by Senator North:**

An Act relating to public employment; and amending section 5, chapter 1, Laws of 1959 and RCW 41.14.050.

Referred to Committee on Local Government.

**SENATE BILL NO. 3012, by Senators Jones and Beck:**

An Act relating to initiatives and referendums; amending section 29.79.090, chapter 9, Laws of 1965 and RCW 29.79.090; amending section 29.79.100, chapter 9, Laws of 1965 and RCW 29.79.100; and amending section 29.79.110, chapter 9, Laws of 1965 and RCW 29.79.110.

Referred to Committee on Constitution and Elections.

**SENATE BILL NO. 3013, by Senators Grant, Talley and Woody:**

An Act relating to workmen's compensation; reenacting and amending section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 10, chapter 224, Laws of 1975 1st ex. sess. and section 1, chapter 286, Laws of 1975 1st ex. sess. and RCW 51.32. . . . ; amending section 2, chapter 286, Laws of 1975 1st ex. sess. and RCW 51.32.075; and declaring an emergency.

Referred to Committee on Labor.

**SENATE BILL NO. 3014, by Senator Guess:**

An Act relating to rules of the road; and amending section 5, chapter 155, Laws of 1965 ex. sess. as amended by section 1, chapter 76, Laws of 1969 and RCW 46.61.030.

Referred to Committee on Transportation and Utilities.

**SENATE BILL NO. 3015, by Senator Guess:**

An Act relating to highway projects; and amending section 47.28.050, chapter 13, Laws of 1961 as last amended by section 2, chapter 116, Laws of 1973 and RCW 47.28.050.

Referred to Committee on Transportation and Utilities.

**SENATE BILL NO. 3016, by Senator Odegaard:**

An Act relating to crimes; adding a new section to chapter 9A.76 RCW; prescribing penalties; and providing an effective date.

Referred to Judiciary Committee.

**SENATE BILL NO. 3017, by Senators McDermott and Donohue:**

An Act relating to appropriations; making an appropriation to the department of social and health services; and declaring an emergency.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3018, by Senators Day, Lewis (Harry), McDermott and Bufington:**

An Act relating to senior citizens; adding a new chapter to Title 74 RCW; and making an appropriation.

Referred to Committee on Social and Health Services.



SENATE BILL NO. 3019, by Senators Day, Lewis (Harry), McDermott and Bufington:

An Act relating to the public health, safety, and welfare; creating a new chapter in Title 74 RCW; and prescribing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3020, by Senators Lewis (Harry), Day, McDermott and Bufington:

An Act relating to geriatric health screening; adding a new chapter to Title 74 RCW; making an appropriation; and providing an effective date and a termination date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3021, by Senators Fleming, Talley, Lewis (Harry) and von Reichbauer:

An Act relating to fire protection; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3022, by Senators Lewis (Harry), Day, McDermott and Bufington:

An Act relating to senior citizens; making an appropriation; and adding a new chapter to Title 74 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3023, by Select Committee on Education (endorsed by Senators Donohue, Odegaard, Newschwander, Gould, Jones and Wanamaker):

An Act relating to education; and amending section 2, chapter 45, Laws of 1973 as last amended by section 1, chapter 211, Laws of 1975 1st ex. sess. and RCW 28A.41.130.

Referred to Committee on Rules.

SENATE BILL NO. 3024, by Select Committee on Education (endorsed by Senators Donohue, Newschwander, Ridder, Gould, Jones, Stortini, Odegaard and Wanamaker):

An Act relating to education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Rules.

SENATE BILL NO. 3025, by Select Committee on Education (endorsed by Senators Stortini, Gould, Odegaard, Ridder, Donohue, Newschwander, Jones and Wanamaker):

An Act relating to education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Rules.

SENATE BILL NO. 3026, by Select Committee on Education (endorsed by Senators Gould, Stortini, Odegaard, Ridder, Jones, Donohue, Newschwander and Wanamaker):

An Act relating to education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and providing penalties.

Referred to Committee on Rules.

SENATE JOINT RESOLUTION NO. 135, by Senators Odegaard and Gould (by Parks and Recreation Commission request):

Amending the Constitution to permit current use assessment of designated historic sites and improvements thereon.

Referred to Committee on Parks and Recreation.

SENATE JOINT RESOLUTION NO. 136, by Senator Clarke:

Amending the Constitution to authorize additional property tax support for the common schools and equalizing school excess levies.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 137, by Select Committee on Education (endorsed by Senators Donohue, Newschwander, Ridder, Gould, Jones, Stortini and Odegaard):

Allowing excess levies for school district purposes to be for two year period.

Referred to Committee on Rules.

#### MOTION

On motion of Senator Day, the rules were suspended and Senator Day was permitted as an additional sponsor to Senate Bill No. 2999.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2999, 3018, 3019, 3020, 3021 and 3022.

#### MOTION

At 12:40 p.m., on motion of Senator Walgren, the Senate recessed until 1:15 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

At 1:20 p.m., the Senate retired to the House Chamber to meet in Joint Session for the purpose of hearing a message by Governor Daniel J. Evans.

#### JOINT SESSION

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

The Speaker (Mr. O'Brien presiding) instructed the Sergeants at Arms of the Senate and the House to escort the President of the Senate, John A. Cherberg, the President Pro Tempore of the Senate, Al Henry, and the Vice President Pro Tempore of the Senate, James E. Keefe, to seats on the rostrum beside the Speaker.

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort the Senators to seats within the House.

The Speaker (Mr. O'Brien presiding) presented the gavel to President Cherberg.

The President called the Joint Session to order.

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

The Clerk of the House called the roll of the House, and all members were present except Representatives Laughlin and Nelson, who were excused.

The President of the Senate appointed Senators Frances, Clarke, Bottiger and Bufington and Representatives Knowles, Eikenberry, Hayner and Maxie as a joint committee to escort the Justices of the Supreme Court to seats within the House.

The President of the Senate appointed Senators Rasmussen, Cunningham and Knoblauch and Representatives Conner, Erickson and Curtis to escort the elected state officials from the Reception Room to seats within the House.

The President of the Senate appointed Senators Ridder, Benitz and Woody and Representatives Charette, Wojahn and Newhouse to escort Governor Daniel J. Evans to a seat upon the rostrum.

The President: "Honored members of the Senate and House, ladies and gentlemen, this is a Joint Session to receive a message from His Excellency, the Honorable Daniel J. Evans, Governor of the State of Washington."

#### MESSAGE BY GOVERNOR DANIEL J. EVANS

Governor Daniel J. Evans: "Mr. President, Mr. Speaker, ladies and gentlemen of the Legislature, my fellow citizens: We meet this January on the dawn of this nation's bicentennial. If you are an avid reader of history as I am, you probably will remember that January of 1776, the eve of the Declaration of Independence was not a time of na-

tional unity, not a time when the colonies or their leaders had decided precisely what to do. It was after that January that the first vote for independence was taken, and the colonies responded seven to six, Hardly a mandate for revolution, but a few leaders, not many, but a few of that day knew precisely what it was they sought. They had a dedication and a willingness to advocate the unpopular, to advocate bold action, and eventually in the course of a few months gathered together those recalcitrant colonies and finally by unanimity we declared independence in July of 1776.

We meet here today at a time of fearful dissatisfaction of our citizens. Unemployment, inflation, the problems of national recession have robbed all of us of our traditional confidence. And yet this state perhaps unlike the rest of the nation is strong and it is able. Personal income in Washington is rising both in current terms and in real terms and rose during 1975 while the nation's income in real-terms dropped. Unemployment is high and it will continue high. But prospects at the same time are good for new job creation, Our difficulty is going to be to create not only the jobs necessary for those new young people coming into the labor force, some 40,000 each year, but also for the many who remain unemployed.

In spite of unemployment, we, again, are proceeding at substantially above the national average. Today more people are at work than at anytime in Washington's history. More participation in our labor force and our difficulties arise out of the inescapable fact that the young people born after World War II are now young adults. In massive numbers they are entering the labor force seeking additional higher education and unfortunately providing rapidly escalating problems in terms of violent crime, a particular trait of young adults.

The rate of tax growth in this state for state purposes over the past ten years has grown slower than that of any other state in the nation. Recent reports show Washington as fiftieth out of the fifty states in terms of state tax growth. The percent of income, personal income, spent in state and local taxes for citizens of this state has not only dropped in each of the past two years, but is today below the national average.

This yearly message then should come at a time of hope. A time to renew our confidence in ourselves, in our ability and in each other.

I present to you today three fundamental proposals. The first relates to the continuing budget revisions necessary to run a modern, large, and urbanized state in a fashion we could not accomplish through simple, sixty-day biennial sessions. You have recognized the need for more frequent meetings in your continuing legislative sessions. We must reflect the same concerns in an approach to the second year of our budget and to the current problems we could not have anticipated a year ago.

Many of the factors which do affect our budget have changed markedly during the course of 1975. Budget proposals I will make reflect these changes and provide the major elements I felt were necessary in January of 1975 which we have not yet adopted. Changes during the year include enrollments in higher education exceeding predictions by more than 10,000 students. We still have young adults and those in the middle of their work-force years coming back to our educational institutions seeking to better themselves in far greater numbers than we anticipated.

Common school enrollments will exceed expectations during the remainder of the biennium by more than 7,000 students, a reflection of the fact that immigration to Washington State has once again begun. People find that this state is an appealing state in which to live and make progress and to a much greater degree than we anticipated a year ago, citizens are arriving here — most of them relatively young and with young families. The impacts are going to be felt particularly in the kindergarten and early grades of our common school systems.

Caseloads in public assistance do reflect continuing high unemployment. They are higher in some categories than predicted. Changed sentencing practices and the fact that we do have so many young adults have helped jam our correctional institutions. The numbers in our adult correctional institutions today are significantly higher than we predicted just a year ago.

Postage rate increases, increases in social security payments, increases in utility payments and in fuel costs beyond those anticipated a year ago cause additional problems for our state agencies.

I am first requesting that agencies absorb virtually all of the increased costs I have just mentioned. Increased enrollment in higher education, caseload increases, postage, OASI, fuel and telephone cost hikes, all will be absorbed in existing budgets by savings of those agencies. The resulting savings will total \$39.7 million.

In addition I am asking agencies to institute further cost reduction programs totaling another \$16 million. This total savings of \$56.5 million will require tight administrative management and unquestionably result in some deterioration of our ability to respond promptly and fully to citizen service requests.

As an example of problems we face, this requested absorption of additional costs to higher education will result in a lowering of our response to our educational formula — the ratio of students to teachers from eighty-seven percent of that formula five years ago to less than sixty-nine percent of the formula today — either a substantial increase in productivity of those institutions or a serious erosion of our educational quality.

Further cuts than these suggested, I believe, would have accumulative and an erosive effect on state services from which we could not easily or readily recover.

On the spending side of our state budget the first item is one no longer in question — the allocation of \$29.5 million to respond to the recent supreme court decision regarding mass transit and its funding. Eleven and a half million dollars will be required to maintain the current \$495 per student guarantee for this year and for next year. This comes from the additional students we must support, and the money to support it will come totally from the increased property tax income which we are now enjoying. The two almost exactly equal one another.

Caseload excess costs of twenty-two million dollars are going to be required but I will not ask for extra money but rather ask that this legislature give greater administrative flexibility for the department to transfer between programs, and in so doing, absorb these additional caseload increases. I suggest that the Department of Social and Health Services ought to be given the same flexibility we give our institutions of higher education, that of transferring five percent of their total budget from program to program in order to meet rapidly changing and virtually unpredictable needs.

Higher education support has eroded to such an extent that I do not believe that additional saving targets can readily be applied. In order to maintain a fundamental quality in our higher educational system I believe it necessary to ask for increased tuitions to recognize at least a portion of the inflationary costs since the last increase in 1971. The choices are not broad in higher education. We are educating more students than we anticipated. I am asking that it be done without extra money. I believe that the tuition fee increases which will allow us some flexibility in our total budget can be and must be higher education's share of the total burden we must all assume.

At the same time I ask that we double the six percent, the amount of tuition money available for student aid programs. No student should be turned away for lack of funds. I hope that this will be adopted in a form flexible enough to provide aid in the best and most responsive fashion to needy students and one which will attract the maximum amount of matching money to broaden that student aid.

State employees and others we serve directly are suffering the problems of inflation to an increased degree. As a partial response, and only a partial response to that increased cost of living, I am asking for a salary increase for state employees and for members of our higher education faculties and staffs of five percent effective July 1, 1976. On that same date, I will ask that public assistance recipients grants be increased by seventy percent and that vendor rate increases be upped by another two point four percent. These varying rates of increase will mean that all employees, recipients and vendors will have received a seventeen percent increase in their compensation or payments during the current biennium. I would point out in passing that it is not sufficient to match the increased cost of living in that same period of time.

Along with changes in compensation, I believe pension reform is a continuing top priority for this Legislature. I commend the work which has been done by this Legislature and particularly the job done by the Senate in the passage of at least a first major step toward needed pension reform. I suggest that active work be undertaken during this legislative session and that a first major step be adopted by both houses so that all citi-

zens and particularly those potentially involved in a pension program have before them a plan in being for discussion and for possible amendment before its implementation a year from now.

Turning to the capital side of our budget requests, I have asked for a total of eighty-five million dollars in capital projects. Twenty-seven million dollars in the Department of Social and Health Services to provide for the first four of badly needed and overdue adult correctional facilities. We sit on a tinderbox in each of our two major adult correction facilities. Jamming up to a thousand or more men into antiquated facilities with little opportunity for them to engage in either educational or vocational activity can only lead to escalating trouble. The four institutions we have asked for have been undergoing significant planning during the past year. They are now ready for your analysis. They are ready for final working drawings. They are ready to go under construction yet this calendar year. I would ask as a first element for two maximum security prisons, each for one hundred fifty inmates and two moderate security institutions for fifty apiece. With these institutions we can begin the job of removing the fuse from the current institutions we now manage. We will create greater safety for personnel, greater safety for those who are now in the correctional institutions, and most of all, greater safety for our society.

In the field of the developmentally disabled, I will ask that we initiate during this biennium a major program of community centers, residential and training, to aid those who are developmentally disabled, to insure that more of our young people and adults have an opportunity to live in or close to their home communities, to be trained for a greater degree of independence in or close to their home communities. We ask for the development of thirty-three residential training centers and eleven training centers with the clustering of three residential training centers to each training center. In this development we will be able to reduce the residential pressures on Rainier School and on Lakeland Village in order to give us the better opportunity to serve the remaining needs of those who are less able and those who must continue to have state institutionalization.

I am asking for thirty-eight million dollars for continuing capital projects at our various institutions of higher education. These quite generally respond to the legislatively authorized working drawings of last session, virtually every one of these projects will be available for construction during calendar year 1976. They will allow us to repair and rehabilitate old facilities and to provide new facilities where we have rapid growth potential.

These moneys, both capital and operational, will allow us to continue to provide reasonable services to our taxpayers and respond to changes occurring in 1975 without resorting to major general tax increases.

In summary I have asked that we fund on a continuing basis the transit moneys which now must be distributed with an increase in the motor vehicle excise tax from 2 percent to 2.72 percent, to increase tuitions to engage in a program of cost savings of fifty-six million dollars. And the combination of those will allow an increase in salaries, an increase in public assistance benefits, an increase in vendor payments — all of which are badly needed — as well as a smaller response to the various other continuing problems of state government.

I have kept separate, because of its unique importance, the problems of funding our common schools. It is a second major issue of the three I will present today. The discussions of the next few weeks are likely to surround the terms 'formulas,' 'FTE's,' 'weighted students,' and the other esoteric terms which are used legislatively to attempt to provide distribution of badly needed school moneys. But the real issues ought not to be forgotten. The real issues are the children who cannot vote and the children who cannot sit in these halls. The real issues are the questions of quality education, quality education that leads to great communities and leads to economic prosperity.

It was no mistake that a recent survey of the Midwest Research Institute, in measuring the quality of life of the fifty states of this nation with more than a hundred different elements, ranked Washington third and a fraction of one point from first. It was no mistake that a similar survey by Harper's Magazine of the fifty largest cities of this nation in similar measurements of quality of life, ranked Seattle as first. If they had

gone beyond the top fifty, those same measurements I am confident would have brought other Washington communities into an equally high ranking. And why? Much of it revolved around the quality of an educational system, both the common school system and the availability and access to higher education which has been the attribute of Washington for more than a generation. We cannot this year allow indecision and timidity to keep us from maintaining that quality of education which is so important to a generation before us.

Many ideas have been developed. Legislative committees have worked and have worked hard during the course of the last few months to examine ideas both for funding and management of our common school system. And I commend their activity. Individual ideas are being brought forth almost daily by individual legislators, and many of them have a great deal of promise. The Superintendent of Public Instruction, the House of Representatives, joined with me in a cooperative citizen effort that tested ideas from more than twenty-five hundred citizens over the past two months in nineteen communities across this state. The overwhelming response, whether from these public meetings, from legislative committees, from mailback surveys, or from public opinion polls, all showed three overwhelming issues as being the ones we ought to face in terms of common school education.

The first — accountability. Accountability of each element of this educational system to the system itself. Secondly, an emphasis on basic education and insuring that each student end their school career with a set of basic skills enabling him or her to cope with the outside world. And third, a secure funding base which will allow educators to educate, administrators to administer, parents to be involved in the educational quality of their school systems rather than all being forced to spend an inordinate amount of their time seeking yearly special levies just to survive. I believe we can and we have within our capability the chance of assuring all three — and assuring all three today.

Now I do not intend to produce a comprehensive set of executive requests that cover each of these areas that I will mention. Many bills are already produced. You have done much of the work in many of them. I just pledge to work with you in the development and the support of a comprehensive response to these three major issues.

Accountability, fiscal accountability, perhaps comes first. It is time to adopt some standard accounting procedures in school districts across this state to equate with the standard accounting procedures we have long since demanded from local governments, to insure that a legislature, a superintendent, a governor, and citizens can understand clearly what is being done in each of our school districts and collectively what that all means when you add school district expenditures together. It is time to initiate some simplified budget reporting procedures so that citizens and parents in a school community can understand easily how much money is going into each element of education so that they can make more informed decisions on support of special levies or even on their support of administrative decisions made by school boards and by school administrators.

It is time to expand the opportunities for cooperative purchasing, joint use of data processing facilities, other ways in which school districts can join together and in doing so, save money rather than each holding unto themselves the ability to carry on a particular function, not sharing with anyone else and in doing so adding to the taxpayer costs without any corresponding benefit.

Administrative accountability, another element in the accountability system. I believe it is important to consider the certification of those who administer our school systems, to consider recertification every five years and to produce a system of administrative evaluation that will lead us to effective decisions on the continuing qualifications of those in administration.

Now many of these are programs you, yourself, have proposed. I endorse them and I believe others might be suggested. In teacher accountability, I think that it is important to initiate a probationary period on an initial hiring to allow school districts to measure the capabilities of new teachers before granting permanent or long-term tenure. Much as we do in our higher educational systems, we ought to do in our common school systems. We ought to consider recertification every five years along with teacher evaluation

to measure recertification. It is time to modernize the continuing contract law to reflect some of these above-mentioned changes.

Students have an accountability also for the educational system. Basic skill testing to insure that students are receiving adequately the information they need is an important element which I suggest the Superintendent of Public Instruction ought to have prime responsibility for and I understand is giving some considerable attention to at this time. It is also important to insure through whatever laws we pass and whatever administrative decisions are made by the school districts that school discipline responds to a level of conduct and a standard of conduct we expect in order to let the learning process proceed.

The community itself has a responsibility or accountability to the system. I think that it is important to seek out and receive and hopefully get business and professional assistance to school management. There is a community responsibility of those who live in the community to provide their expertise as part of their giving to the community and to the school system. And I believe much could be done if the techniques and the talents of those who are leaders of a community could be applied to our school management functions. I think that it is important to consider schools as community centers more than we ever have to see whether some elements of needed day care or of feeding for senior citizens or other elements could be accommodated within our common school system, and in doing so both save money and provide broader support for these other needed services.

Now the second of the elements is that of basic education. I have listened to many of these citizen groups. I have spent evenings moving from table to table to listen to small groups talk — citizens talk about what constitutes basic education and almost invariably at the beginning of the evening there is quick agreement that basic education is desirable and that's where we ought to concentrate until someone tentatively suggests that perhaps music or physical education or something else be included as part of education, basic education, and then the arguments begin. And while all agree on the end goal, few agree on precisely what makes up, or ought to make up, basic education. I am not sure that any of us are capable enough of defining basic education strictly by course content or perhaps even by course objectives. That may very well be a subject left primarily to the decision making at the local school level with the aid and assistance of the Superintendent's office. The best potential may be in a dollar measurement coupled with testing for student achievement and remedial education to insure that basic skills are really provided.

With all of these suggestions and with all of the turmoil of the last year, let us not forget one important element — that our school system in Washington is a good school system today. It is better than most of us now believe. We consistently outrank other states in educational attainment both in test scores and in the number of years our students complete in our educational system. While these proposals will build an even better system, let us have some pride in the system we have already built.

The third major area is that of funding. Failure to act now will have an increasingly harsh reaction throughout Washington's economy. Our economic and social systems will suffer blows which will delay the economic recovery and cheat new generations of opportunities enjoyed in past years. These funding proposals will not enrich schools but will insure the continuance of basic educational opportunity. Now, many have proposed funding solutions, and I commend the work which has been done by individual legislators in attacking this problem. I hope that we can all continue to work together to seek first a temporary and ultimately a permanent solution to the funding of our common school system. Perhaps it would be easier if we could agree on a set of criteria on which to measure individual funding plans. I suggest that there are at least seven criteria which ought to be considered. That financing should be a joint responsibility of state and local taxpayers. Local control can best be maintained through a moderate use of local levies. Secondly, the state share ought to be increased so that a local levy loss does not equate with educational disaster. Three, we should not force people in any one district to bear a disproportionate share of basic education. Fourth, any increase in state support should be accompanied by a corresponding decrease in local levies. I believe we have tradition-

ally provided sufficient moneys for our school systems up until about a year ago when the first massive levy failures struck us. But collectively the combination of special levies and regular levies, of state support and other special support provided enough money and today our need is not so much for massive new dollars as to provide for assured dollars to replace property taxes and to lead us to substantial further property tax reductions.

The next element or criteria, when special levies are voted, they should be voted on at a time when state support is known and preferably all special levies should be voted on at the same time. If this legislature were to set two dates in late spring for special levy elections for a first and a second opportunity, we would get more efficient elections. It would be easier on our county auditors; we would have the focus of public attention on school levy elections with all of them happening at the same time. The level of awareness of our citizens would rise and I think the end result would be significantly better.

Next, a factor must be built into our school formula which recognizes the higher costs of large and particularly urban districts just as we now recognize the higher costs of small and remote districts.

And lastly, neither drastic reductions nor large windfalls should result from any changes we make in our school funding system. With that base, I suggest the following specific funding proposals:

First, a sliding scale of extra weighting for school district size to reflect the higher costs of larger districts as we now recognize small district costs. Whether we speak of school districts or cities or counties, we can draw an easy graph of costs per resident or costs per student against the size of those units of government. The same curve will result in each case, with the very large having higher per resident or student costs and the very small having higher resident or per student costs. The very smallest counties and the very smallest cities and the very smallest school districts do not have the economy of size. The very largest for a much different reason have the extra problems of urbanization, the difficulties they bring both in the education process and in the problems of crime and the control of the massive congestion of those urban centers. This weighting change I propose will add thirty-five million dollars to the present school formula.

Secondly, I propose an increase in the basic guarantee of fifty million dollars which will raise the current guarantee from four hundred ninety-five dollars per weighted student to five hundred forty-one dollars per weighted student, thus giving some additional sustenance to each school district of our state.

A number have suggested already the third element in this temporary funding proposal. An incentive special levy which will allow each district to raise three hundred dollars per student for a two dollar per thousand special levy. This equalization program insures that for an equal tax effort there will be an equal reward. The costs of state moneys necessary to fund this proposal will be sixty-six million dollars during the remaining months of the 1975-77 biennium — more accurately for the first six months of the 1977 calendar year.

School districts, in addition to these proposals, should be allowed a limited additional levy to handle additional local problems. I believe that this extra levy lid should be limited to three dollars per thousand dollar assessed evaluation. And with that virtually every district could effectively fund its basic educational program.

The total of five dollars equates with the present average special levy of over eight dollars in the districts of our state. We can reduce property tax payments dramatically with the adoption of a program such as this. I advocate specifically that special levy elections under this program be scheduled for two specific dates in late spring so that the districts can know the levels of state support for the ensuing year.

Expenditure limits will be instituted to prevent windfall gains and to insure basic support for some who might be short-changed.

The decrease in needed priority tax levies for 1976 vote in 1977 collections will be at least two hundred million dollars — two hundred million dollars in property tax decreases. The benefits of those decreases will be assumed about fifty percent by individuals and fifty percent by business and industry.



To finance this program, I believe we should have an integrated temporary catch program that maintains this fifty-fifty balance to insure that the total balance of taxes shifts neither from business to the individual or vice versa. Raising the state sales tax from 4.5 percent to 5 percent and raising the state's business and occupation tax from 0.44 percent to 0.52 percent or 18 percent for basic industry and from 1.0 percent to 1.18 percent for services will fund this proposal.

Let me reemphasize the decreases in property tax burdens equal or exceed the new state revenues to be collected. This plan will help assure the support of basic education while a permanent solution is sought. Some school districts under this plan will no longer need to run any special levy. Most school districts under this plan will be able to fund their activities within the two dollar incentive levy and some will require a portion or perhaps all of the additional three dollars. None will require going beyond that and the property tax lid will have finally and permanently, I hope, be shut.

The third major area I wish to speak to responds to our nation's bicentennial. I have been as concerned as some of you that the only celebration of our bicentennial may be in the trinkets and the toys for sale that are colored red, white and blue — the celebrations which may be effective but temporary as we move through this bicentennial year. I hope we have the boldness and the willingness to give ourselves a permanent bicentennial present, a memorial which will last for generations. I suggest a bicentennial bond issue of one hundred million dollars as an authorization for a six-year period. No moneys would be actually spent pending specific project or category authorization by the legislature. The proceeds would be divided to provide ten million dollars for historic preservation, to insure that we in a young state have the ability and the intelligence to preserve a young history for generations yet to come. Daily we see destroyed the vestiges of our early days, many of those remembrances deserve to be saved but today there is no resource to do that job. Thirty million dollars would be set aside for art and cultural facilities, including particularly, those to recognize the strong ethnic cultures which have helped build our state. Basic education, fundamental services, are badly needed, but life is grim unless it contains some portion of art or cultural opportunity to our citizens. Sixty million dollars would be set aside for a continuing response to the recreational needs, outdoor recreational needs, and to insure continuing match of federal outdoor recreational funds. If we have no continuing source, if we fail to provide on a continuing basis for the rapidly expanding outdoor recreational needs, we will shortly run dry and be unable to match and thus lose significant federal moneys for outdoor recreation.

All shares of this issue would be divided equally between state agencies and local communities — the state agency support aimed primarily at those items of statewide or regional significance and local communities left with the opportunity to deal more effectively with their local needs. No tax increase for this bond issue is proposed. I believe none is needed. This bond issue will not increase the percentage of our total state budget required for debt service. Economic benefits from new job opportunities in construction and support trades will return tax money to help support over the years these bonds.

In the next thirty days or perhaps a few more, we will all be tested — tested for courage, tested for imagination, for boldness, and for our ability to respond to the needs of our citizens. Our conventional political wisdom says no new taxes. Conventional political wisdom says don't rock the boat in an election year. Conventional political wisdom says let the schools stew in their own juice, they got themselves into trouble. But conventional political wisdom more often than not has failed us in the past and will not serve us well now. Two hundred years ago conventional wisdom was set aside and as a result a new nation was born and a system of government created which has served us well for the ensuing years and has acted as a model for millions of people on this planet.

At the beginning of the constitutional convention in 1787, George Washington perhaps said it as well as anyone:

'It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterward defend our work?

'Let us raise a standard to which the wise and the honest can repair.'

I say let us this session raise a standard for our children which will provide for them the opportunities our parents provided for us and let us not forget that. In doing so we can secure the future of this state and its citizens and will ultimately earn the accolade 'well done.' I pledge to work with each of you during the upcoming days to reach this goal.

Thank you."

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

The President of the Senate directed the special committee to escort the Supreme Court Justices to the State Reception Room.

The President of the Senate directed the special committee to escort the state elected officials to the State Reception Room.

#### MOTION

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

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

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

The Speaker directed the Sergeants at Arms of the Senate and the House to escort the Senators from the House Chamber.

The President called the Senate to order at 2:40 p.m.

#### INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 43, by Representative Charette:

Reintroducing bills from the first extraordinary session of the forty-fourth legislature.

#### MOTIONS

On motion of Senator Walgren, the rules were suspended, House Concurrent Resolution No. 43 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, House Concurrent Resolution No. 43 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

#### COMMITTEE APPOINTMENT CHANGES

President Cherberg announced the following changes on Senate Standing Committees: Senator Al Henry, Chairman, Transportation and Utilities; Senator R. Ted Bottiger, Vice Chairman, Transportation and Utilities; Senator Gordon Walgren, Rules.

There being no objection, the appointments were confirmed.

#### MOTION

At 2:45 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Tuesday, January 13, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**EIGHTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Tuesday, January 13, 1976.

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

The Color Guard, consisting of Pages Jeff Gauger and Shannon Doyle, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"GOD OF OUR FATHERS, OUR GOD WE PAUSE DURING THIS 200TH ANNIVERSARY YEAR TO RECALL A STRUGGLE BETWEEN A MOTHER COUNTRY AND A DAUGHTER. MINDFUL OF THE MESSAGE OF OUR FIRST PRESIDENT THAT 'AS THE SWORD WAS THE LAST RESORT FOR THE PRESERVATION OF OUR LIBERTIES, SO IT OUGHT TO BE THE FIRST THING LAID ASIDE, WHEN THESE LIBERTIES ARE FIRMLY ESTABLISHED'. WE HAVE PUT THE SWORD ASIDE AND MOTHER AND DAUGHTER COUNTRY RECONCILED, HAVE TOGETHER ON MANY AN OCCASION FOUGHT SIDE BY SIDE FOR FREEDOM. FOR THIS HEALING WE GIVE THANKS.

"THE FRAMERS OF OUR CONSTITUTION DECLARED THEIR INTENTION TO FORM 'A MORE PERFECT UNION'. THEY DID NOT CLAIM THEY WERE CREATING A PERFECT GOVERNMENT ANY MORE THAN THE MEN WHO SIGNED THE DECLARATION OF INDEPENDENCE GUARANTEED HAPPINESS TO ALL WHO HEEDED THEIR CALL. IT IS TO THE PURSUIT OF A MORE PERFECT AMERICA THAT WE ARE SUMMONED ON THIS 200TH ANNIVERSARY OF OUR NATIONAL BIRTH. MAY THE MEMBERS OF THE WASHINGTON STATE SENATE HAVE THY BLESSING ON THEIR EFFORTS TO UPHOLD THE PUBLIC INTEREST OVER COMPETING PRIVATE CLAIMS.

"WE ASK THY BLESSING ON ALL WHO SERVE IN STATE GOVERNMENT, ON OUR SPECIAL GUESTS AND ON ALL WHO ARE PRESENT. AMEN."

**MOTION**

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

**MESSAGE FROM THE HOUSE**

January 12, 1976.

Mr. President: The House has passed:  
HOUSE BILL NO. 38,  
SUBSTITUTE HOUSE BILL NO. 75,  
ENGROSSED HOUSE BILL NO. 76,  
SUBSTITUTE HOUSE BILL NO. 77,  
ENGROSSED HOUSE BILL NO. 140,  
ENGROSSED HOUSE BILL NO. 156,  
ENGROSSED HOUSE BILL NO. 187,  
ENGROSSED HOUSE BILL NO. 231,  
ENGROSSED HOUSE BILL NO. 245,  
ENGROSSED HOUSE BILL NO. 281,  
SUBSTITUTE HOUSE BILL NO. 296,

ENGROSSED HOUSE BILL NO. 304,  
 ENGROSSED HOUSE BILL NO. 331,  
 SUBSTITUTE HOUSE BILL NO. 342,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 401,  
 ENGROSSED HOUSE BILL NO. 430,  
 ENGROSSED HOUSE BILL NO. 441,, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 3027, by Senators Day, Walgren, North, Buffington, McDermott, Marsh and Donohue:

An Act relating to community mental health and drug abuse; amending section 1, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.010; amending section 2, chapter 111, Laws of 1967 ex. sess. as amended by section 6, chapter 304, Laws of 1971 ex. sess. and RCW 71.24.020; amending section 3, chapter 111, Laws of 1967 ex. sess. as last amended by section 5, chapter 155, Laws of 1973 1st ex. sess. and RCW 71.24.030; amending section 4, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.040; amending section 5, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.050; amending section 6, chapter 111, Laws of 1967 ex. sess. as amended by section 1, chapter 204, Laws of 1971 ex. sess. and RCW 71.24.060; amending section 7, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.070; amending section 8, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.080; amending section 9, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.090; amending section 10, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.100; amending section 11, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.110; amending section 12, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.120; amending section 13, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.130; amending section 14, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.140; amending section 15, chapter 111, Laws of 1967 ex. sess. as amended by section 2, chapter 204, Laws of 1971 ex. sess. and RCW 71.24.150; amending section 16, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.160; amending section 1, chapter 61, Laws of 1969 and RCW 71.24.165; amending section 19, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.190; amending section 21, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.210; amending section 22, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.220; amending section 24, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.240; amending section 25, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.250; adding new sections to chapter 111, Laws of 1967 ex. sess. and to chapter 71.24 RCW; and providing an effective date.

Referred to Committee on Social and Health Services.

### MOTION

On motion of Senator Day, the rules were suspended and Senators Odegaard and Lewis (Harry) were permitted as additional sponsors to Senate Bill No. 3027.

SENATE BILL NO. 3028, by Senators Stortini and Newschwander:

An Act relating to education; and the professional development and evaluation of school district certificated employees; amending section 22, chapter 34, Laws of 1969 ex. sess. as amended by section 22, chapter 288, Laws of 1975 1st ex. sess. and RCW 28A.67.065; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW; and providing penalties.

Referred to Committee on Education.

SENATE BILL NO. 3029, by Senators Donohue, Odegaard and Lewis (Harry):

An Act relating to education; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW; making an appropriation and providing for the reimbursement thereof.

Referred to Committee on Education.

**SENATE BILL NO. 3030, by Senator Guess:**

An Act relating to public transportation; and amending section 4, chapter 111, Laws of 1965 ex. sess. as amended by section 4, chapter 270, Laws of 1975 1st ex. sess. and RCW 35.95.040.

Referred to Committee on Transportation and Utilities.

**SENATE BILL NO. 3031, by Senators Woody, Henry and Morrison:**

An Act relating to education; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

**SENATE BILL NO. 3032, by Senators Day, Matson and Goltz:**

An Act relating to public hospital districts; and adding a new section to chapter 70.44 RCW.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 3033, by Senators Day, Matson and Goltz:**

An Act relating to hospitals; and amending section .01.05, chapter 79, Laws of 1947 and RCW 48.01.050.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 3034, by Senators North and McDermott:**

An Act relating to autopsies and post mortems; amending section 237, chapter 249, Laws of 1909 as last amended by section 2, chapter 178, Laws of 1963 and RCW 68.08.100; and amending section 11, chapter 188, Laws of 1953 and RCW 68.08.101.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 3035, by Senators North and McDermott:**

An Act relating to autopsies and post mortems; and amending section 9, chapter 188, Laws of 1953 and RCW 68.08.105.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 3036, by Committee on Transportation and Utilities: (endorsed by Senators Walgren, Henry, Peterson, Benitz, Sellar, Lewis (R. H. "Bob"), Wanamaker, Morrison, Bottiger, Keefe and Knoblauch):**

An Act relating to certificates of ownership and registration; adding new sections to chapter 12, Laws of 1961 and to chapter 46.12 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Rules.

**SENATE BILL NO. 3037, by Senators Rasmussen, Stortini, Henry, Bailey, Goltz, Buffington, Knoblauch, Guess, Walgren, Benitz and Woody (by State Treasurer's request):**

An Act relating to veterans benefits; amending section 2, chapter 154, Laws of 1972 ex. sess. as amended by section 1, chapter 273, Laws of 1975 1st ex. sess. and RCW 73.34.020; and amending section 13, chapter 154, Laws of 1972 ex. sess. as last amended by section 3, chapter 273, Laws of 1975 1st ex. sess. and RCW 73.34.120.

Referred to Committee on State Government.

**SENATE BILL NO. 3038, by Senators von Reichbauer, Rasmussen and Gould:**

An Act relating to education; amending section 1, page 85, Laws of 1875 as last amended by section 29, chapter 122, Laws of 1972 ex. sess. and RCW 9.87.010; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.87 RCW; providing for the expiration of a section hereof; and providing penalties.

Referred to Committee on Education.

SENATE BILL NO. 3039, by Senators Day, Walgren, McDermott, Donohue, North, Lewis (Harry), Newschwander, Marsh, Matson, Henry, Buffington and Sellar:

An Act relating to health care injuries; creating a new chapter in Title 7 RCW; repealing section 1, chapter 80, Laws of 1971 and RCW 4.16.350; repealing section 1, chapter 35, Laws of 1975 1st ex. sess. and RCW 4.24.290; repealing section 3, chapter 305, Laws of 1971 ex. sess. and RCW 18.71.210; repealing section 4, chapter 305, Laws of 1971 ex. sess. and RCW 18.71.220; and declaring an emergency.

#### MOTION

On motion of Senator Woody, pursuant to Rule 47, Senate Bill No. 3039 was referred to the Select Committee on Medical Malpractice.

SENATE BILL NO. 3040, by Senators Odegaard, Newschwander, Donohue, Woody, Lewis (Harry), Clarke, and Scott (by Legislative Budget Committee request):

An Act relating to budget and accounting; amending section 43.88.020, chapter 8, Laws of 1965 as last amended by section 2, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.020; adding new sections to chapter 43.88 RCW; repealing section 43.86.090, chapter 8, Laws of 1965 and RCW 43.86.090; repealing section 43.86.100, chapter 8, Laws of 1965 and RCW 43.86.100; repealing section 43.86.130, chapter 8, Laws of 1965 and RCW 43.86.130; repealing section 43.86.140, chapter 8, Laws of 1965 and RCW 43.86.140; defining crimes; and providing penalties.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3041, by Senator Francis:

An Act relating to revenue and taxation; and 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.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3042, by Senator Francis:

An Act relating to driver's 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 3, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.161.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3043, by Senator Francis:

An Act relating to notaries public; and amending section 1, page 473, Laws of 1890 as last amended by section 1, chapter 6, Laws of 1937 and RCW 42.28.010.

Referred to Judiciary Committee.

SENATE BILL NO. 3044, by Senators Woody, Clarke, Odegaard, Donohue, Scott, Newschwander, Stortini, Gould and Lewis (Harry) (by Legislative Budget Committee request):

An Act relating to traffic safety education courses; amending section 2, chapter 39, Laws of 1963 as amended by section 1, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.010; amending section 3, chapter 39, Laws of 1963 as amended by section 2, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.020; amending section 8, chapter 39, Laws of 1963 as last amended by section 6, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.070; and creating a new section.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3045, by Senator Pullen:

An Act relating to property; amending section 3, chapter 11, Laws of 1893 and RCW 7.28.070; and amending section 4, chapter 11, Laws of 1893 and RCW 7.28.80.

Referred to Committee on Ways and Means.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 3027, 3028, 3037, 3039, 3040 and 3044.

HOUSE BILL NO. 38, by Representatives King, Bender, Erickson and Gaines (by Committee on Constitution and Elections of the 43rd Legislature request):  
Implementing law relating to recall of public officials.  
Referred to Committee on Constitution and Elections.

SUBSTITUTE HOUSE BILL NO. 75, by Committee on Constitution and Elections (originally sponsored by Representatives King, Chandler, Fortson and Lysen):  
Making changes in the laws relating to voter registration.  
Referred to Committee on Constitution and Elections.

ENGROSSED HOUSE BILL NO. 76, by Representatives Fortson, Lysen, Chandler and Erickson:  
Providing a deputy registrar in each public school.  
Referred to Committee on Constitution and Elections.

SUBSTITUTE HOUSE BILL NO. 77, by Committee on Constitution and Elections (originally sponsored by Representatives King, Brown and Chandler):  
Implementing the law relating to elections generally.  
Referred to Committee on Constitution and Elections.

ENGROSSED HOUSE BILL NO. 140, by Representatives Bagnariol, Becker, Charnley, Cochrane, Fischer, Hayner, Laughlin, Martinis, McCormick and McKibbin:  
Abolishing pay toilets and requiring certain places of public accommodation to have free public toilet facilities.  
Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 156, by Representatives Laughlin, Zimmerman, Bauer, Martinis, Thompson, McKibbin, O'Brien, Newhouse, Kilbury, Luders, Hansen and Boldt:  
Authorizing a compact among Washington, Oregon and Idaho relating to fish in the waters of the Columbia and Snake rivers.  
Referred to Committee on Natural Resources.

ENGROSSED HOUSE BILL NO. 187, by Representatives Tilly, Haussler, Hansen, Curtis and Flanagan:  
Changing designation of first class PUD to five commissioner PUD, and second class PUD to three commissioner PUD.  
Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 231, by Representatives Wojahn, Brown, Bender, King, Erickson, Ehlers, Hawkins and Parker (by Superintendent of Public Instruction request):  
Mandating certain school districts to divide into director districts and providing for election to directors thereunder.  
Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 245, by Representatives Charette, Moon, Smith (Edward) and Randall:  
Prohibiting county assessors from engaging in private appraising.  
Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 281, by Representatives Parker, Kuehnle, Adams and Barnes (by Department of Social and Health Services request):  
Authorizing continuation of child welfare services to age twenty-one.  
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 296, by Committee on Social and Health Services (originally sponsored by Representative Sommers) (by Department of Social and Health Services request):

Increasing petty cash account limit.  
Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 304, by Representatives Ceccarelli and Pardini:

Prohibiting certain mortgage reserve accounts.  
Referred to Committee on Financial Institutions.

ENGROSSED HOUSE BILL NO. 331, by Representatives Sommers, Nelson, Randall, Erickson, Smith (Rick) and Kraabel:

Defining the term adopted child for inheritance tax purposes.  
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 342, by Committee on Labor (originally sponsored by Representatives Savage, North and Gilleland) (by Department of Labor and Industries request):

Revising laws relating to boiler inspections.  
Referred to Committee on Labor.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 401, by Committee on Social and Health Services (originally sponsored by Representatives Paris, Shinpoch, Chandler, Adams, Parker, Fortson, Bond and Deccio):

Adding new provisions to laws relating to burial.  
Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 430, by Representatives Wojahn and Pardini:  
Prescribing requirements and procedures for award of professional services contracts.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 441, by Representatives Thompson and Zimmerman:

Amending the Environmental Coordination Procedures Act of 1973.  
Referred to Committee on Local Government.

#### MOTIONS

On motion of Senator Walgren, the Committee on Ways and Means was relieved from further consideration of Senate Bill No. 3045.

On motion of Senator Walgren, Senate Bill No. 3045 was referred to the Judiciary Committee.

On motion of Senator Walgren, the Committee on Parks and Recreation was relieved from further consideration of Senate Bill No. 3003.

On motion of Senator Walgren, Senate Bill No. 3003 was referred to the Committee on Ecology.

On motion of Senator Walgren, the Committee on Parks and Recreation was relieved from further consideration of Senate Joint Resolution No. 135.

On motion of Senator Walgren, Senate Joint Resolution No. 135 was referred to the Committee on Ways and Means.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence of Her Britannic Majesty's Consul-General Mr. Laurence F. Hope and wife, Doris, also Her Majesty's Vice-Consul Mr. Ray Jones and wife, Maurag in the Senate Chamber. The President appointed Senators Guess,



Mardesich, Sandison and Scott to escort the distinguished visitors to a place of honor upon the rostrum.

With permission of the Senate, business was suspended to permit the Consul-General to address the Senate.

The committee of honor escorted the honored guests to the office of the Lieutenant Governor and the committee was discharged.

#### MOTION

At 11:35 a.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Wednesday, January 14, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## NINTH DAY

### MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 14, 1976.

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

The Colors were presented by Petty Officer James Alexander and Petty Officer Stanley Moore of the United States Navy.

Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, WE ARE GRATEFUL FOR YOUR PRESENCE, HERE, IN THESE CHAMBERS, AND AMONG YOUR PEOPLE. AS WE GO ABOUT OUR INDIVIDUAL ACTIVITIES TODAY, KEEP US AWARE OF YOUR SPIRIT AND YOUR GUIDANCE.

"LORD, WE ARE KEENLY AWARE OF THE GREAT ECONOMIC AND POLITICAL ISSUES BEFORE US. WE DO NOT KNOW HOW WE WILL PROVIDE SERVICES FOR THE POOR, THE SICK, THE ELDERLY AND FOR ALL THOSE IN NEED IN OUR COMMUNITIES. NOR DO WE KNOW HOW WE WILL PROVIDE FUNDS TO EDUCATE OUR CHILDREN, OR HOW WE WILL DESIGN ADEQUATE TRANSPORTATION AND ENERGY RESPONSES.

"WE ARE CONSCIOUS OF THE NEED TO CREATE NEW SOLUTIONS TO THESE PROBLEMS AND TO THE MANY OTHER ISSUES BEFORE THIS BODY, IN ORDER TO SERVE THE MORE THAN THREE MILLION CITIZENS

OF OUR STATE. RELYING ON YOUR HELP, LORD, WE REDEDICATE OURSELVES TO THE TASKS OF THIS DAY.

"WE PRAY THAT YOU WILL GIVE THESE MEN AND WOMEN, ELECTED TO REPRESENT THE PEOPLE, UNDERSTANDING AND COMPASSION. GRANT THEM WISDOM TO DISCERN RIGHT SOLUTIONS, AN ENDURING LOVE FOR JUSTICE, AND THE COURAGE TO ACT.

"ABOVE ALL, WE PRAY THAT YOUR PRESENCE WILL BE KNOWN TO THEM, SO THAT ACTING IN YOU, THEY WILL EXERCISE CREATIVE LEADERSHIP, AND THUS SERVE THE PEOPLE OF WASHINGTON.

"WE RECOMMEND TO YOUR MERCY REPRESENTATIVE CHARLES SAVAGE OF THE TWENTY-FOURTH DISTRICT WHO HAS GIVEN THIRTY-EIGHT YEARS OF FAITHFUL SERVICE TO GOVERNMENT.

"WE ASK YOUR BLESSING FOR THESE LEGISLATORS, FOR ALL WHO SERVE IN STATE GOVERNMENT AND THOSE WHO SERVE OUR COUNTRY IN THE UNITED STATES NAVY, AND FOR THOSE PRESENT THIS MORNING. AMEN."

#### MOTION

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

#### REMARKS BY SENATOR KNOBLAUCH

Senator Knoblauch: "Charles Savage, Member of Congress, State Legislator, Proud Citizen. A fellow member when I served in the House and a man greatly respected by all. He was a long-time public servant. Now he is a part of history. Gallant and brave. Even though terribly ill with cancer, Charles Savage placed duty to his people first. And each day of his illness and unbearable pain, he sat at his desk while in session and proudly and ably represented his district to the end. He knew he was going to die. Still, duty came first. Sometimes I get the feeling that the general public has lost faith in public servants. Then along come people like Charles Savage. Thirty-eight years of dedicated service to his country and to his state. Charles Savage restores faith in those who serve. Though his death brings a sadness to all of us, in a way it was most fitting that Charley Savage died in harness. I am sure that it was the way that he would want to go. Charles Savage, Member of Congress, State Legislator, and Proud Citizen. You have earned a tribute. Well done, thou good and faithful servant!"

#### REMARKS BY SENATOR GRANT

Senator Grant: "Mr. President and members of the Senate, he was with us on Monday at the Joint Session of this Legislature. He will not be with us again. Senator Knoblauch noted him a former member of Congress, long-time State Representative, logger, working man, friend. I watched Charley Monday as he made his way slowly to his desk in the House of Representatives, his head held high with the assistance of a heavy brace. His shirt sleeves were open revealing plastic tubes that sustained him. As he sat at his desk, I watched a massive heart pounding within his breast, a heart that stopped this morning, a heart that was an example for all of us for love for fellow man. He was a logger, a noble workman, and a legislator. Whether we agreed with Charley or not, on any issue, we always knew him to be honest and sincere in his conviction and we could be assured that his motives were not for personal gain. He won several elections by razor-thin margins, and he lost elections by those same kinds of margins. He took hard stands on hundreds of issues and was always willing to defend his position and face the consequences of unpopular decisions when his convictions told him he was right. He ended his career serving as Chairman of the House Labor Committee, a committee he loved. His special interest was in legislation which affected injured workmen because he had worked in a hazardous industry and because he knew the human sufferings of workmen and their families that could and have resulted from unsafe conditions or accidents that often occur. He was a strong, happy man whose life and works made his

community in the state a better place in which to live. I knew him for fourteen years and above all I remember Charley Savage as a friend."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "I am not going to add to Senator Knoblauch's or Senator Grant's statements, but the loss of Charley Savage does leave us all saddened, and I would like to see that these remarks are spread on the record and a copy of them sent to his widow, Helen Savage, because I think that they are very well put and very well said on behalf of every member of the Senate."

#### REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President, ladies and gentlemen of the Senate, I had the pleasure of serving with Charley on several committees, both in the House and in the Senate during our concerns both in the area of labor and nuclear energy. I particularly enjoyed the year when Charley came back to the House of Representatives when I was serving as Chairman of the House Labor Committee. Periodically, when we would get into a little dispute, he would remind me that he was chairman of that committee the year I was born. I think Representative Savage displayed for all of us a love and compassion for his fellow man that has never been equaled in my experience in these halls. And maybe I disagreed with him more than most members of this legislature, but I had an intense respect for him. We traveled together occasionally. Almost everything he did related back to virtually everyone. He enjoyed kidding his wife, which I think is a virtue. He always introduced her as that Savage woman. And she was a beautiful addition to his life. I think Charley was certainly specialized in these halls and had a concern for the health and welfare of working men. His expertise in the area of collective bargaining, workmen's compensation, unemployment insurance — as Senator Grant indicated — had much to do with the Washington Industrial Safety and Health Act program, a safety program for the State of Washington that we feel excels that in all other states, and that should go down in history as a special tribute to him. Charley Savage was a people's legislator. And today I think we will all remember him as a legislator's legislator."

#### REMARKS BY SENATOR SANDISON

Senator Sandison: "A great deal has been said about Charley Savage today that I couldn't repeat any more simply than has been done by the members on the floor. We have all lost a good friend. We have lost a man who has been thoroughly dedicated to the legislature, and I know that the only time I have ever seen him really mad is against those members who were members of the legislature who would try to cannibalize this legislature for their own political gain. He showed what his dedication was when he sat there last Monday with that brace on his neck, obviously feeling very bad but felt he should be there. I suppose if one memorial could be said about Charley Savage—there was a logger who spoke his mind. He always knew where he was."

#### REMARKS BY SENATOR HARRY LEWIS

Senator Lewis: "Mr. President, members of the Senate, we have had a lot of remarks about Charley, all of which have been beautiful, particularly Senator Knoblauch's remarks. I, from the minority side, would like to join with Senator Sandison. I served with Charley in the House. His district abuts mine and after knowing him for many years, I have admired his courage and his position and deeply regret his passing."

#### MOTION

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

#### SENATE RESOLUTION NO. 1976-167

By Senator Sandison; President Cherberg; Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray,

Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, -Walgren, Wanamaker, Washington, Wilson and Woody; Secretary of the Senate Snyder and Sergeant at Arms Johnson

WHEREAS, At 4:00 a.m. this morning, our beloved friend and legislative associate, Charles R. Savage, passed away; and

WHEREAS, The news of the death of this respected friend brings sorrow to all of us; and

WHEREAS, Charles Savage was the last remaining legislator who was elected to serve the people as a legislator during the 1930's; and

WHEREAS, In addition to his service in the House of Representatives, Charles Savage served his country in the United States Congress; and

WHEREAS, Throughout his illustrious career, Charles Savage was chairman of the Labor and Industrial Insurance Committee, the Election and Redistricting Committee, the Public Utilities Committee, the Education Committee, the Parks Committee, the Appropriations Committee, the Subcommittee on Education, and the Subcommittee on Education, Health and Institutions, as well as various interim committees and the Advisory Council on Public Higher Education; and

WHEREAS, Representative Savage served on all of these committees with distinction and honor; and

WHEREAS, The 38 years of public service to his fellow man, to the United States, and to the State of Washington are most sincerely appreciated by all who had the pleasure of knowing him; and

WHEREAS, Charles Savage was a logger who knew the resources of this state very well and used this knowledge in the legislature to help preserve this resource and help foster programs to insure the future of the logging industry; and

WHEREAS, Representative Savage's keen dedicated interest in the legislative process was always evident even as recently as this Monday last past when Charles was here with us working on the problems which we now meet; and

WHEREAS, Charles Savage was an excellent parliamentarian willing to pass his knowledge on to young legislators by holding classes so that the new members could better understand the process; and

WHEREAS, His knowledge gained as a union official and active member and leader of the Grange was invaluable to the members who were fortunate to serve with him; and

WHEREAS, His tireless dedicated efforts on behalf of his ideals made a lasting and significant contribution to the well-being of this state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate mourns the loss of this outstanding citizen and extends its deep and most sincere sympathy to his family; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the family of Representative Charles R. Savage.

The Senate observed a moment of silence in tribute to Representative Charles Savage.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Matson, Clarke, Talley, McDermott, Bailey, Beck and Peterson as a committee of honor to escort Admiral Landon W. Zech and his wife and mother to a place of honor upon the rostrum.

#### REMARKS BY THE PRESIDENT

The President: "As an integral part of our bicentennial program, it is appropriate that we celebrate this occasion throughout the year by becoming acquainted with some of those who have contributed to the success of the nation of which we are all so proud.

"Today, members of the Senate, we are honored to have with us a Naval hero who contributed in many ways, and on many fronts, to the heritage we now consider with reverence. Moreover, Rear Admiral Lando William Zech, Jr., provides us with additional reason for pride in that he was educated at Roosevelt High School and the Lake-

side School in Seattle before attending the U.S. Naval Academy, at Annapolis, Maryland.

"Admiral Zech has served our country with distinction throughout the world and has brought credit to himself and his country as an officer throughout the Pacific where he served in the Caroline Islands, the Philippines, Iwo Jima and Okinawa.

"Our respected guest has received campaign ribbons and awards for gallantry too numerous to recite, but it should be said that he has, throughout his life career proven to be a leader of men who has consistently provided our nation with the security and protection so vital to us all. Having twice been awarded the Legion of Merit, Admiral Zech brings to his men and to us the capability to maintain honor and respectful stability which we need to survive.

"As the present 13th Naval District Commandant, he now renders to his country his service and leadership which has been a characteristic of his entire life. We are all appreciative of his contributions.

"Members of the Senate, Admiral Zech."

#### REMARKS BY REAR ADMIRAL LANDO WILLIAM ZECH, JR.

"Thank you Mr. President. Members of the Senate and distinguished guests, it is an honor to be here today—I thank you for the privilege of addressing this august body during this, the nation's bicentennial year.

"I thank you also for inviting my mother, Mrs. Lando W. Zech Sr., and my wife—to accompany me.

"It has been my privilege to serve our nation as a commissioned officer in the United States Navy for the past 32 years.

"My home town is Seattle, Washington. I attended Roosevelt High School in Seattle with Governor Evans. Lieutenant Governor Cherberg was then coaching football at Queen Anne High School where my youngest daughter is now a senior.

"I was appointed to the United States Naval Academy at Annapolis—by the late U. S. Senator and Governor Mon C. Walgren. I will always be grateful to Mon Walgren for the opportunity he gave me to serve our great nation.

"I have seen many changes in our navy during my career. It has been my privilege to be part of our nuclear navy. I was the third skipper of the USS Nautilus, the world's first nuclear powered ship.

"I also commanded a polaris submarine, the USS John Adams. My last dive on that nuclear powered, missile submarine was on a polaris patrol. We remained submerged for one long dive—for more than 60 days.

"I later commanded the guided missile cruiser USS Springfield. So I have seen many changes in our navy.

"In our lifetime we all, you and I, we have seen many changes in our nation and in the world. I believe our navy and all of our armed forces have contributed to the strength of our nation and to the freedom we enjoy today.

"In our imperfect world we see many problems today. We see an energy crisis, economic problems, we see political and domestic difficulties throughout the world. The goal of our nation, peace with freedom, is constantly threatened. If we Americans look realistically at our imperfect world, not through rose colored glasses, but at the world as it really is, the only conclusion we can come to is the same conclusion our forefathers reached 200 years ago — if our nation is to attain the goal of peace — with freedom — we must remain strong. In our world today strength is the backbone of freedom.

"Your armed forces — all of them — the army, navy, marine corps, air force and coast guard — are all a very real part of the strength of our nation.

"Today the fleet of the U.S. Navy is the smallest it has been since 1940 before Pearl Harbor. The Soviet Union on the other hand has increased the size of its navy. The Soviet navy is no longer a coastal defensive navy. They are a 'blue water' navy and they are operating missile equipped ships on all the oceans of the world.

"I believe that strong armed forces, in being, are vital to our national interests. I believe we simply must maintain sufficient armed forces at all times to ensure the safety and security of our Nation. Concerning our navy, I believe we must rebuild our navy to

provide that seapower which is so necessary to the defense of our nation and to the survival of freedom in our world today.

"I believe, that our Nation seeks peace with freedom, not peace at any price, not peace in slavery. America is indeed the land of the free. Americans have always known that freedom is not free. The American people throughout our history have clearly demonstrated that they are willing to work hard and to sacrifice if necessary, for freedom.

"To you, the leaders of this great state, as you resume your important deliberations, I offer you my deepest respect and my sincere good wishes and I ask for your continued support for your navy.

"I am confident that with the continued support of the citizens of the United States of America, the seapower provided by your navy and that total strength provided by all of your armed forces, will keep on contributing to the security of our nation and to freedom."

"Thank you."

#### MOTION

On motion of Senator Beck, the following resolution was unanimously adopted:

#### SENATE RESOLUTION 1976-166

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

WHEREAS, On July 15, 1775, from headquarters in Cambridge, Massachusetts, a general order directed all commanding officers to report the names of men in their respective corps who were experts in the management of whaleboats; and

WHEREAS, The order was signed by General George Washington, whose name this state proudly bears; and

WHEREAS, This may have been the first official United States military order indicating the need for a United States Navy; and

WHEREAS, On October 13, 1775, Congress created the Continental Navy of the American Revolution; and

WHEREAS, For more than two hundred years the United States Navy has served its country proudly and well as its first line of defense; and

WHEREAS, On this date, January 14, 1976, the Senate of the State of Washington is the proud host of Rear Admiral Lando W. Zech, Commandant of the 13th Naval District, Seattle, in the Senate's first Bicentennial commemoration of the nation's founding; and

WHEREAS, Admiral Zech, a graduate of Roosevelt High School in Seattle, and of the United States Naval Academy at Annapolis, is a former commander of the Nuclear Submarine USS John Adams; and

WHEREAS, Admiral Zech is a guest of the Washington State Senate as an official representative of the United States Navy;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington, through Admiral Zech, does declare its pride in and respect for the Navy of the United States of America, and does convey a heartfelt well done to all personnel of our Navy during this Bicentennial Year; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to Admiral Zech, Commandant, 13th Naval District, Seattle, and to all other interested groups and individuals.

The President presented a Bicentennial Flag to the honored guest.

#### MOTION

Senator Lewis (Harry) moved that permission be granted for use of the Senate Chamber on the afternoons of January 21, 22 and 23 for a discussion of legislative programs.

Debate ensued.

## PERSONAL PRIVILEGE

Senator Bailey: "The House of Representatives might be run by the Democrats but the Governor participated and I don't know who Buster Brouillet belongs to but he went along with him."

Further debate ensued.

There being no objection, the motion by Senator Lewis (Harry) was withdrawn.

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

## REPORT OF STANDING COMMITTEE

January 14, 1976.

SENATE BILL NO. 2990, imposing a tax on coin operated gaming devices (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators, Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Clarke, Fleming, Jones, Lewis (Harry), Mardesich, Marsh, Murray, Rasmussen, Scott, Woody.

Passed to Committee on Rules for second reading.

## MESSAGE FROM THE HOUSE

January 14, 1976.

Mr. President: The Speaker has signed: HOUSE CONCURRENT RESOLUTION NO. 43, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 43.

The committee of honor escorted Admiral Zech, his wife and mother from the Senate Chamber and the committee was discharged.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 3046, by Senators Guess, Jolly, Benitz, Donohue and Matson:

An Act relating to state government; adding a new chapter to Title 39 RCW; and prescribing penalties.

Referred to Committee on State Government.

SENATE BILL NO. 3047, by Senators Ridder, Marsh and Morrison:

An Act relating to industrial insurance; amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 1, chapter 179, Laws of 1975 1st ex. sess. and RCW 51.32.050; and creating a new section.

Referred to Committee on Labor.

SENATE BILL NO. 3048, by Senators Knoblauch, Wanamaker, Gould and Odegaard:

An Act relating to the interagency committee for outdoor recreation; amending section 11, chapter 5, Laws of 1965 as last amended by section 1, chapter 60, Laws of 1971 and RCW 43.99.110; amending section 13, chapter 5, Laws of 1965 as amended by section 3, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.130; and repealing section 9, chapter 5, Laws of 1965, section 2, chapter 140, Laws of 1971 ex. sess. and RCW 43.99.090.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 3049, by Senator North:

An Act relating to fiscal years; amending section 13, chapter 76, Laws of 1909 and RCW 1.16.030; and adding a new section to chapter 7, Laws of 1967 and to chapter 35.32A RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3050, by Senators Wilson, Odegaard and Clarke:

An Act relating to mobile homes; amending section 20, chapter 231, Laws of 1971 ex. sess. as amended by section 6, chapter 103, Laws of 1973 and RCW 46.16.104; amending section 21, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.105; amending section 68, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.530; amending section 84.60.020, chapter 15, Laws of 1961 and RCW 84.60.020; creating new sections; and repealing section 73, chapter 299, Laws of 1971 ex. sess., section 5, chapter 103, Laws of 1973 and RCW 82.50.902.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3051, by Senators Woody, Wilson and Clarke:

An Act relating to filing fees in justice courts; amending section 110, chapter 299, Laws of 1961 as last amended by section 1, chapter 25, Laws of 1969 and RCW 3.62.060; amending section 111, chapter 299, Laws of 1961 as amended by section 2, chapter 10, Laws of 1973 1st ex. sess. and RCW 3.62.070; amending section 70, page 235, Laws of 1854 as last amended by section 1, page 118, Laws of 1888 and RCW 12.12.030; and declaring an emergency.

#### MOTION

On motion of Senator Woody, Senate Bill No. 3051 was referred to Committee on Financial Institutions.

SENATE BILL NO. 3052, by Senators Francis, Bottiger and Clarke:

An Act relating to filing fees in justice courts; amending section 110, chapter 299, Laws of 1961 as last amended by section 1, chapter 25, Laws of 1969 and RCW 3.62.060; amending section 111, chapter 299, Laws of 1961 as amended by section 2, chapter 10, Laws of 1973 1st ex. sess. and RCW 3.62.070; amending section 70, page 235, Laws of 1854 as last amended by section 1, page 118, Laws of 1888 and RCW 12.12.030; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 3053, by Senators Francis, Day and Goltz:

An Act relating to professional review committees; creating a new chapter in Title 18 RCW; repealing section 1, chapter 157, Laws of 1969 ex. sess., section 1, chapter 114, Laws of 1975 1st ex. sess. and RCW 4.24.240; repealing section 1, chapter 144, Laws of 1971 ex. sess., section 2, chapter 114, Laws of 1975 1st ex. sess. and RCW 4.24.250; and repealing section 2, chapter 144, Laws of 1971 ex. sess., section 3, chapter 114, Laws of 1975 1st ex. sess. and RCW 4.24.260.

Referred to Judiciary Committee.

SENATE BILL NO. 3054, by Senators Bottiger, Woody and Guess (by Department of Motor Vehicles request):

An Act relating to motor vehicles; adding new sections to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3055, by Senators Wilson, Jolly and Benitz:

An Act relating to agriculture and providing for the regulation of agricultural water rights.

Referred to Committee on Agriculture.



SENATE BILL NO. 3056, by Senators Lewis (R. H. "Bob") and Beck:

An Act relating to elections; and amending section 29.33.220, chapter 9, Laws of 1965 as last amended by section 1, chapter 102, Laws of 1973 and RCW 29.33.220.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3057, by Senators Stortini and Sellar:

An Act relating to education.

Referred to Committee on Education.

SENATE BILL NO. 3058, by Senators Day, North and Buffington:

An Act relating to new born infants; and amending section 2, chapter 82, Laws of 1967 and RCW 70.83.020.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3059, by Senators Marsh, Lewis (Harry), Woody, Scott, Jones, von Reichbauer, Wilson, Ridder, Buffington and Washington:

An Act relating to the public employees' retirement system; amending section 13, chapter 274, Laws of 1947 as last amended by section 6, chapter 33, Laws of 1975 and RCW 41.40.120; 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; amending section 20, chapter 274, Laws of 1947 as last amended by section 9, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.190; adding new sections to chapter 41.40 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Marsh, the rules were suspended and additional sponsors were permitted on Senate Bill No. 3059.

SENATE BILL NO. 3060, by Senators North and Morrison:

An Act relating to public employees' collective bargaining; and amending section 2, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.150.

Referred to Committee on Labor.

SENATE BILL NO. 3061, by Senators North, Ridder and Grant:

An Act relating to public employees' collective bargaining; amending section 3, chapter 131, Laws of 1973 and RCW 41.56.440; and amending section 4, chapter 131, Laws of 1973 as amended by section 29, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.450.

Referred to Committee on Labor.

#### MOTION

On motion of Senator Lewis (Harry), the following Senate Bills were ordered held on the Secretary of the Senate's desk for twenty-four hours before introduction: 3062, 3063, 3064 and 3065.

SENATE BILL NO. 3066, by Senators Day, Buffington and McDermott:

An Act relating to human remains; and amending section 10, chapter 188, Laws of 1953 and RCW 68.08.106.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3067, by Senators Bottiger, Woody and Guess (by Department of Motor Vehicles request):

An Act relating to motor vehicles; adding new sections to chapter 121, Laws of 1965 ex. sess. and to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3068, by Senators Bottiger, Woody and Wanamaker (by Department of Motor Vehicles request):

An Act relating to driving records; amending section 46.52.100, chapter 12, Laws of 1961 as amended by section 60, chapter 32, Laws of 1967 and RCW 46.52.100; and amending section 46.52.120, chapter 12, Laws of 1961 as amended by section 62, chapter 32, Laws of 1967 and RCW 46.52.120.

Referred to Committee on Transportation and Utilities.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 3046 and 3048.

#### MOTION

Under Rule 47, Senator Woody moved that the Committee on Social and Health Services be relieved from further consideration of Senate Bill No. 3033 and the bill be referred to the Select Committee on Medical Malpractice.

Debate ensued.

The motion by Senator Woody failed.

#### MOTIONS

On motion of Senator Donohue, the Committee on Ways and Means was relieved from further consideration of Senate Bill No. 2982 and Senate Bill No. 2983.

On motion of Senator Donohue, Senate Bill No. 2982 and Senate Bill No. 2983 were referred to the Committee on Rules.

#### NOTICE OF PROPOSED RULES CHANGE

Senator Walgren: "I just want to call the attention of the membership to the fact that we have placed on the desk now a proposed rule change. The rules require that this be on the desk, I think seven days in advance of any action to be taken and simply to emphasize that the notice has now been given as of this date."

#### MOTION

At 12:35 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Thursday, January 15, 1976.

JOHN A. CHERBERG, President of the Senate

SIDNEY R. SNYDER, Secretary of the Senate.

**TENTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Thursday, January 15, 1976.

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

The President declared the Senate to be at ease.

The President called the Senate to order at 11:25 a.m.

The Secretary called the roll and announced to the President that all Senators were present except Senators Francis and Keefe. On motion of Senator Knoblauch, Senators Francis and Keefe were excused.

The Color Guard consisting of Pages Sam Pavel and Karen Salo presented the Colors. Father Blaise Feeney of St. Michael's Church of Olympia, offered the following prayer:

"MAY EACH OF THE ASSEMBLED SENATORS, ELECTED BY THE PEOPLE TO GOVERN WISELY, REALIZE THEIR GREAT PRIVILEGE AND DEEP RESPONSIBILITY TO FASHION LEGISLATION TO MEET NOT ONLY PRESENT NEEDS, BUT ALSO FUTURE PROBLEMS. MAY YOU USE YOUR POWER TO COMPLETE AND MAKE MORE SERVICEABLE THE GOOD WORK BEGUN BY YOUR PREDECESSORS. AMEN."

**MOTION**

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

**REPORT OF STANDING COMMITTEE**

January 14, 1976.

SENATE BILL NO. 3058, Requiring PKU tests for newborn infants (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, McDermott, North, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

**MOTION**

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

**SECOND READING**

SENATE BILL NO. 2982, by Senators Woody, Lewis (R. H. "Bob"), Bluechel, Guess, Knoblauch, Peterson and Henry:

Permitting the state fire marshal to preempt local codes with approval by the advisory board.

The bill was read the second time by sections.

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

On page 2, line 2, after "appropriate" insert "state".

**MOTION**

On motion of Senator Pullen, as amended by Senator Walgren, Senate Bill No. 2982, as amended by Senator Woody, was ordered placed on today's second reading calendar following consideration of Senate Bill No. 2995.

## SECOND READING

SENATE BILL NO. 2983, by Senators Woody, Lewis (R. H. "Bob"), Bluechel, Guess, Knoblauch, Peterson and Henry:

Permitting school transportation contracts to cover periods of up to five years.

The bill was read the second time by sections.

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

On page 1, line 20, after "*exceed*" and before "*years*" strike "*five*" and insert "*four*"

On motion of Senator Woody the rules were suspended, Engrossed Senate Bill No. 2983 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2983, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Francis, Keefe—2.

ENGROSSED SENATE BILL NO. 2983, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, Senate Bill No. 2994 was ordered to hold its place on the second reading calendar for Friday, January 16, 1976.

## SECOND READING

SENATE BILL NO. 2995, by Select Committee on Education; Subcommittee on Students: (endorsed by Senators North, Francis, Beck and von Reichbauer):

Mandating school achievement surveys for grades 4, 8, and 11 directed by office of superintendent of public instruction and making appropriation therefor.

The bill was read the second time by sections.

Senator Marsh moved adoption of the following amendment:

On page 2, line 17, strike "some form of" and after "testing" insert "developed by the office of superintendent of public instruction".

## POINT OF INQUIRY

Senator Stortini: "Will Senator Marsh yield to a question? Senator, do you mean then that the SPI office will develop a test each year or will there be two tests that will be given? What will be the procedure?"

Senator Marsh: "We have left this in the discretion of the SPI's office deliberately. I would anticipate that the SPI's office would develop several tests. Perhaps an east side test, perhaps a west side test, perhaps a different kind of test for a heavily urbanized area as compared to rural districts. I think they would come up with some basic tests to be administered. They would try those out and if they prove to be good tests they would probably continue them from year to year. After they had developed it the first year and if they found that there were some bugs in the testing, I would certainly hope that they would revise them and improve their testing procedures."

Senator Stortini: "Do you see a problem in teachers teaching that test during the process of that semester or quarter in school?"

Senator Marsh: "Not unless there were collusion (sic) between the superintendent's

office and the local school district. I would certainly hope that the superintendent's office would develop a test and administer it without collusion with the local school district so that there would not be teaching for the test."

Debate ensued.

#### POINT OF INQUIRY

Senator Talley: "Would Senator Marsh yield to a question? Senator Marsh, I can see the intent of your amendment and your thinking but don't you think it would be much better if the superintendent's office handed down to our school boards some suggestions and some guidelines that they could follow, not just dictate to them the testing that they should do?"

Senator Marsh: "No, I am very concerned about standardized testing. I want us to be able to qualify the results once the testing is completed. I think the only way we are going to be able to qualify the results will be for the superintendent's office to develop some standardized tests and to have them administered at the local level. In addition, I point out this has an advantage of putting the cost at the state level rather than at the local level. If it is developed by the SPI's office it is not going to be a local district cost and I think this is to the advantage of the local district."

Senator Talley: "Will Senator Marsh yield to further question? Are you inferring then that you are perfectly satisfied with the action of the superintendent of schools?"

Senator Marsh: "No, I'm certainly not."

Further debate ensued.

#### POINT OF INQUIRY

Senator Wilson: "Thank you, Mr. President. Would Senator North yield to a question? Senator North, I would like to inquire into the philosophy established by the subcommittee which developed this bill and more specifically into the question of, what purpose is it, it intends the testing program to serve? One of the most frequently heard expressions by the people with respect to the school system today is that they would like a better opportunity to evaluate it. To see if their billion and a half dollars per biennium is being spent in the wisest possible way.

"Now, logically, one would assume then that the best way to get at that objective would be to give at least a sampling of Washington State students the same test that students in many other states take and if the cultural and social and economic background of the students in Washington taking that test were comparable to those of students taking it in other states, we might begin to get some kind of a valid means of evaluating our educational program as compared to those in other states at least in those areas covered by the tests. Now, of course tests developed by local school districts or even a test that is developed by the SPI would bear no necessary relationship to tests given in other states and the objective of trying to reach a partial evaluation of our school system as compared to those elsewhere and as far as I can see would be lost entirely. Let's get back to my question, what purpose did this subcommittee wish to achieve in developing a bill related to a state-wide testing?"

Senator North: "There are two purposes here and perhaps that is what is confusing the body. The first section deals with selected random sampling. There are roughly sixty thousand students at any given grade level. Grade two, grade three, over the state of Washington. And we have put in the bill about two thousand because you can get a true profile of the state using that proportion. You are going to use the standardized test in this first section. You are never going to teach to the test because the computer will select those children. A teacher has no idea whether any student in his or her class will be selected for this standard state-wide testing. But it will give us a true state-wide profile of how our kids are performing at the fourth grade level in the basic skills. We are talking about the three R's at this particular point.

"Now that is one purpose of this bill. The SPI is to report to the legislature so that we will know, it says at least every four years, and the first report is due by July of 1977, so that we know how our kids actually compare to the national average and, there are about thirty other states that do go through this standard testing performance. I think

one of the most telling remarks in the Wally Miller report was, you know that we have no way of gauging our own product of the educational system in this state because we have no state-wide testing program. And that was the missing element in that huge report. We don't really know how our kids are performing in comparison to the other states or the national average. OK. That is section one and that is the reason for this amendment that Senator Odegaard spoke to. The word 'standardize', so that we are very clear what we are discussing there.

"The second section is a different kind of testing. And we really asked SPI to encourage, and I am coming back to that word again. Please realize it is encourage. It doesn't say shall, must or any of that strong language. The reason for, I believe that this is correct that Senator Marsh has offered these words, is to make clear the other aspect of this. As each district tests, we need some way of comparing between districts. How the kids are actually doing at the fourth grade level in basic arithmetic. And if you don't use the same test, how do you know what Tenino is doing compared to Twisp. And you can't know unless you use the same test. Now this doesn't in any way preclude a particular kind of test at Seattle or Shoreline or Bellevue or Vancouver wants to use in addition as a teaching mechanism in conference with the student and his parents for his own individual development. When you do testing of every student it is an entirely different purpose. You are not trying to get a state-wide profile so that you are comparing with other states. You are using it as a truly, if you want to use the word 'diagnostic' or 'educational', part of that child's career and his development. And so you need in this array at the local level some standardized tests, so that we can look at the input variables. Does the size of the library in the district have a bearing on how the child's testing comes out in terms of spelling? Does the athletic program have an input into how well he does in arithmetic? I'm using some rather hypothetical examples. But this allows us to analyze the input variables so we have two goals in mind here. And I see nothing, I see that these two amendments that are offered are not in combat at all but that they mutually complement each other."

Further debate ensued.

#### POINT OF INQUIRY

Senator Washington: "Would Senator North yield to a question? In listening to your explanation, it seemed to me that section one, if we had a standardized test there, that we were going to achieve some standards by which we could have state-wide testing and would get what Senator Marsh is talking about. I got a different impression from your discussion of section two than I did listening to Senator Marsh. I got the idea when I listened to you that it probably wasn't as necessary to have a standardized test developed by the Superintendent of Public Instruction for section two. Now did I misunderstand your point there?"

Senator North: "It is crucial for section one to have a standardized test. That is obvious because there is not any way we can compare with other states or national level. I am trying to get prospective in section two because we are doing a different kind of testing. And when you are doing every student testing, you can really do a comparison between districts if you are using the same test. Now, obviously on section one, there is no way in the world we are really going to be able to compare one school district in this state against another. The sampling is too small. That is giving you a statewide profile. But if you really and truly want to know how your students are doing in Ephrata as compared with Bellevue, on the same test at the fourth grade level, in what their spelling ability is, how are you going to compare unless you both use the same test? So this is to encourage districts to use some standard test for the purpose of comparison but leaving them totally free to do their own thing for the kind of tests they feel are important for their particular school district and that local control is very important. Does that help?"

Senator Washington: "Yes it does. Thank you very much."

Further debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Would Senator North yield to a question? Senator North, would there be any reason why if the second section test were not also standardized that a

school district might not add to that as Senator McDermott has suggested, for local skills, the agriculture, the fishing if it is a fishing area, would there be any reason why they couldn't add to determine the survival skills he mentioned?"

Senator North: "None at all. That is the point of the second section which I seemed to have failed in making clear. That we recognize strongly individual districts and their different personalities and they feel that for their particular community there are certain areas where obviously there is going to be an agricultural emphasis. Perhaps there will be forest production in another area and the whole point is to allow just that type of thing. But, at the same time to encourage a few, now I'm not talking about a lot, but just a few, in the basic skills, while I am again going back to reading, writing and arithmetic so that we can compare district upon district."

Further debate ensued.

Senator Goltz moved adoption of the following oral amendment to the amendment by Senator Marsh:

Strike all of new section 2.

There being no objection, the amendment to the amendment was withdrawn.

#### POINT OF INQUIRY

Senator Bottiger: "I wonder if Senator North would yield again. Perhaps Sue Gould, would you yield? I am sitting here and I have to admit that I wasn't on this committee so I don't purport to be an expert on this but I am wondering if we sample two thousand students we would get a cross section of what the entire education organization is achieving through an examination of their product, the student. Though we would have nothing to evaluate what a particular school district is doing by a sampling of two thousand, we would virtually eliminate the probability of any small districts having students included within the sample. Two thousand divided by the students would eliminate a lot of little districts from probably being represented."

Senator Gould: "In listening to the testimony, it was the position of Dr. Rasp that two thousand was a good number and it could be well used to get a cross section of the state and that he would not need to go into every district in order to get that. Now that is taken as a professional judgment on statistics."

Senator Bottiger: "Now, without using the same standardized test, we would have nothing in the school district where my children go to evaluate how that district did as opposed to the state-wide average."

Senator Gould: "Right, and that frankly in section one, that is not the purpose of section one and I think if you used it for that purpose it would be an invalid result. The purpose of section one as has been said two or three times, is entirely to see how the state of Washington is doing compared nationally, compared to other states and that is all that purpose is. If you want to compare districts, then you go into section two but when you go into section two and compare districts, you are comparing so many variables that you really get no valid comparison."

Senator Bottiger: "I have never understood how reading changes from Seattle to Franklin Pierce or Bethel but it may. But if we required that a portion of that local test be the standardized test, then we would have an opportunity. They could add all the variables they want to standardized test, but we would be at least able to evaluate the reading, or the basic skills, one district as against the other so that the taxpayer of that district would know whether he is getting his money's worth or not."

Senator Gould: "The only problem I see with that, Senator, is that districts, most districts currently have a series of testing. They use one of the national tests. These tests are used from year to year in a certain succession so that the districts themselves can compare. Now if you are telling them that is invalid, and you have to go this other route, then they have to start from ground zero again to develop their basis for comparison within their own district."

Senator Bottiger: "You mean it would hurt that much if they all went back to book one and started together down the scale?"

Senator Gould: "Take, say for instance mathematics . . . that is one area that very many people are concerned about, the new math, you know, and many scales show dis-

tricts going down. In your particular district they have a test they have been using for ten years. They can say, okay back in 1965 our kids were doing this, in 1968 they were doing this, and this and this, but if you have to start with a new test, it is no longer a valid comparison with the old test, then you have got to start again."

Senator North moved adoption of the following oral amendment to the amendment by Senator Marsh:

Amend the Marsh amendment to page 2, line 17 as follows: After "public instruction" insert "to encourage all local districts to utilize some form of standardized testing for all students"

#### MOTION

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

#### MOTION

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

#### SENATE RESOLUTION 1976-165

By Select Committee on Education (endorsed by Senators Donohue, Gould, Ridder, Stortini, Jones, Odegaard, Newschwander and Wanamaker):

WHEREAS, Under the authority and direction of Senate Resolutions 1975-141 and 1975-163, the Senate undertook a comprehensive review of the common schools in Washington state; and

WHEREAS, The Senate Special Education Subcommittee on Local vs. State Control concluded that a strong measure of local control of schools is desirable but also found that the legislature from time to time has approved educational measures without fully appreciating their impact on local control; and

WHEREAS, It was also concluded that a system should be established designed to alert members of the Senate to potential impacts on local control inherent in various measures related to the common schools before they are exposed to final passage;

NOW, THEREFORE, BE IT RESOLVED, That the Secretary of the Senate shall designate a person or persons from the Senate staff to prepare a brief analysis of the impact any bill approved by any select or standing committee affecting the common schools might have on the ability of local school districts to manage their own affairs, such designation to be subject to the approval of the chairman of the committee which originated the bill: PROVIDED, That the failure to provide such an analysis shall not be considered a procedural defect in the consideration and/or passage of a bill; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to distribute a copy of each such analysis to each member's desk at such time as any bill falling within the scope of this resolution takes its place on the Senate second reading calendar.

#### MOTION

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

#### SENATE RESOLUTION 1976-168

By Senators Fleming, Grant, Ridder, McDermott, Goltz, Scott, Murray and Stortini:

WHEREAS, We, the members of the Senate congregated here this fifteenth day of January to carry out the responsibilities delegated to us by the citizens of this state, reflect for a moment that there still is among us the spirit of a beautiful person, a person who transcends the petty wants and jealousies of mankind; and

WHEREAS, The Reverend Dr. Martin Luther King, Jr., was a remarkable individual whose actions gave hope to millions by calling for a world free of prejudice, discrimination, poverty and hunger; and

WHEREAS, This God-fearing man, this Nobel laureate, endured unconscionable



abuse while espousing his principles of pacifism, in order to open our eyes to a double standard of justice, one for the poor and minorities and one for all others; and

WHEREAS, This champion of the oppressed preached love not hate, trust not suspicion, cooperation not conflict, the dignity of the individual not the artificiality of inherited superiority, and in so doing exposed the hypocrisy surrounding our most cherished ideal, that of "all men are created equal";

NOW, THEREFORE, BE IT RESOLVED, That on this day, we, the Senate of the State of Washington, pause to pay homage to a great American, the Reverend Dr. Martin Luther King, Jr., in order to call to the attention of the residents of this State Dr. King's wisdom and accomplishments and to rededicate ourselves to the pursuance of his principles of love and equality for all;

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

#### REMARKS BY SENATOR FLEMING

Senator Fleming: "I rise to remind the body and the state and nation of the debt we owe the late Doctor Martin Luther King who was born forty-seven years ago. This champion of the oppressed, preached love not hate, trust not suspicion, cooperation not conflict. He was a great noble teacher as well as a moving speaker. Let us not forget the lessons that he taught us. For over seven years after his death we are still engaged in the violent destruction of human life in which he opposed. For over seven years after his death we have yet to reach the goals of human equality and human dignity for which he strove. And yet we are much richer for that leadership. His leadership led to the dramatic and widespread, although long overdue, enjoyment of the Bill of Rights for all Americans. It is appropriate that we remember the birth of this Nobel Peace Prize winner today, but we must continue to remember his birth each and every day of our lives. For it is only him that we, as a nation, shall overcome. And, it would do me a great honor if the President of this Senate and the members of this body would stand for one moment of silence to the Reverend Doctor Martin Luther King."

A moment of silence was observed by the Senate in memory of Doctor Martin Luther King, Jr.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Robert C. Cummings and appointed Senators Ridder, Buffington, Gould, North, Lewis (R. H. "Bob"), also members of the Press to escort Mr. Cummings to a place of honor upon the rostrum.

#### SENATE RESOLUTION 1976-169

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

WHEREAS, Robert C. Cummings, respected and noted journalist today celebrates his birthday; and

WHEREAS, This auspicious occasion is of such importance to the members of the Senate that special recognition should be made; and

WHEREAS, Bob, the dean of the Fourth Estate at the Legislature, has earned the admiration and respect of members of the Legislature for high principles and accurate reporting of matters pertaining to state government; and

WHEREAS, His eloquent pen and witty observations have not only been informative but also entertaining; and

WHEREAS, The Newsletter, published by Bob, is unquestionably the finest, most accurate and entertaining publication of its kind; and

WHEREAS, His columns containing articulate analyses of current events are most informative to the public and to the members of the Legislature about whom the columns are frequently written;

NOW, THEREFORE, BE IT RESOLVED, That the Senate does hereby extend its most sincere congratulations to Bob on this anniversary of his birth and extend to him the members' wishes for many more such occasions in the future; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to Mr. Robert C. Cummings.

There being no objection, all members were permitted as additional sponsors to Senate Resolution 1976-169.

Senator Morrison moved adoption of the following amendment:

On line 20, after "this" and before "anniversary" insert "bicentennial"

Senator Rasmussen moved the amendment by Senator Morrison be laid upon the table.

The motion by Senator Rasmussen failed and the amendment by Senator Morrison was adopted.

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

With permission of the Senate, business was suspended to permit Mr. Cummings to address the Senate.

The committee of honor escorted Mr. Cummings from the Senate rostrum and the committee was discharged.

#### MOTION

At 12:55 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Friday, January 16, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**ELEVENTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Friday, January 16, 1976.

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

The President declared the Senate to be at ease.

The President called the Senate to order at 11:15 a.m.

The Secretary called the roll and announced to the President that all Senators were present except Senators Francis, Keefe and Mardesich. On motion of Senator Knoblauch, Senators Francis, Keefe and Mardesich were excused.

The Color Guard consisting of Pages Scott Johnson and Christy Jensen presented the Colors. Father Jean Chapman, assistant pastor of St. Michael's Church of Olympia, offered the following prayer:

"LORD, ONCE YOU SPOKE IN A VISION AND TO YOUR FAITHFUL ONES YOU SAID: 'ON A CHAMPION I HAVE PLACED A CROWN; OVER THE PEOPLE I HAVE SET A YOUTH. I HAVE FOUND DAVID, MY SERVANT: WITH MY HOLY OIL I HAVE ANOINTED HIM, THAT MY HAND AND THAT MY ARM MAY MAKE HIM STRONG. MY FAITHFULNESS AND MY KINDNESS SHALL BE WITH HIM AND THROUGH MY NAME SHALL HIS HORN BE EXALTED.'

"LORD, FOR THE PEOPLE OF WASHINGTON, THESE MEN AND WOMEN ARE DAVID. HELP THEM SO THAT THEY WILL NOT BE BLINDED BY BRILLIANCE OF THE CROWN THEY WEAR BUT RATHER USE IT FOR THE GOOD OF THEIR PEOPLE. BE A PART OF THEIR DELIBERATIONS GUIDING THEM WITH YOUR STRONG ARM. THEY NEED YOUR HELP, LORD: WE ALL DO. PLEASE BE WITH US. AMEN."

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

January 15, 1976.

SENATE BILL NO. 2999, establishing a senior citizens' enrichment program (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass and that the bill be referred to committee on ways and means.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, McDermott, North, Ridder.

Referred to Committee on Ways and Means.

January 15, 1976.

SENATE BILL NO. 3012, prohibiting filing of certain petitions for initiatives and referendums (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Beck, Chairman; Lewis (R. H. "Bob"), Pullen, Stortini.

Passed to Committee on Rules for second reading.

January 15, 1976.

SENATE BILL NO. 3018, expanding the foster grandparent and senior companion programs (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended and that the bill be referred to committee on ways and means.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, McDermott, North, Ridder.

Referred to Committee on Ways and Means.

January 15, 1976.

SENATE BILL NO. 3019, establishing geriatric day service program (reported by Committee on Social and Health Services).

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, McDermott, North, Pullen, Ridder.

Passed to Committee on Rules for second reading.

January 15, 1976.

SENATE BILL NO. 3020, establishing a geriatric health screening program (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass and that the bill be referred to committee on ways and means.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, McDermott, North, Ridder.

Referred to Committee on Ways and Means.

January 15, 1976.

SENATE BILL NO. 3022, expanding the senior citizen's nutrition program (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass and that the bill be referred to committee on ways and means.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, McDermott, North, Ridder.

Referred to Committee on Ways and Means.

January 15, 1976.

SENATE BILL NO. 3027, relating to community mental health and drug abuse, (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, Gould, McDermott, North, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 15, 1976.

SENATE BILL NO. 3032, authorizing public hospital districts broader powers to make contracts, (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Buffington, Goltz, Gould, McDermott, North, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 15, 1976.

SENATE BILL NO. 3033, deleting mutual corporations of hospitals insuring against liability from definition as "insurer", (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Buffington, Goltz, Gould, McDermott, North, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 15, 1976.

SENATE BILL NO. 3056, waiving instructional requirements for previously qualified election officers (reported by Committee on Constitution and Elections):

Recommendation: Do pass as amended.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Storini, Washington.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR

GUBERNATORIAL APPOINTMENTS

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Robert Arkell, appointed October 22, 1975 for a term ending September 8, 1979 as a member of the Public Employee Relations Commission.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Labor.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Ray Baca, appointed July 24, 1975 for a term ending July 1, 1979, succeeding Adan Farias Tijerina as a member of the Mexican-American Affairs Commission.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Vincent Barrios, appointed July 11, 1975 for a term ending July 1, 1978, succeeding himself as a member of the Commission on Asian-American Affairs.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON:

LADIES AND GENTLEMEN:

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

Gordon Bass, appointed July 2, 1975 for a term ending July 1, 1981, succeeding himself as a member of the Gambling Commission.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Michael H. Beck, appointed October 22, 1975 for a term ending September 8, 1978 as a member of the Public Employee Relations Commission.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Labor.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Bernard Calfee, appointed May 6, 1975 for a term ending April 3, 1980, succeeding O. Conway Adams as a member of the Board of Trustees of Community College District No. 19, Columbia Basin Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Patrick M. Callan, appointed July 11, 1975 for a term ending June 9, 1979, succeeding James M. Furman as a member of the Western Interstate Commission for Higher Education.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Keo J. Capestany, appointed September 19, 1975 for a term ending July 1, 1979, succeeding himself as a member of the Mexican-American Affairs Commission.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Michael A. Castellano, appointed May 12, 1975 for a term ending June 30, 1978, succeeding Rick Ancheta as a member of the Commission on Asian-American Affairs.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Tomas Cerna, appointed July 24, 1975 for a term ending July 1, 1979, succeeding himself as a member of the Mexican-American Affairs Commission.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Dr. William H. Cleaver, appointed June 17, 1975 for a term ending December 31, 1979, succeeding George Corley as a member of the Aeronautics Commission.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Transportation and Utilities.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Alfred Diaz, appointed July 24, 1975 for a term ending July 1, 1979, succeeding Dr. Zenaido Camacho as a member of the Mexican-American Affairs Commission.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Betty Fletcher, appointed July 17, 1975 for a term ending June 30, 1981 as a member of the Council on Post-Secondary Education.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Mary Gates, appointed May 6, 1975 for a term ending March 10, 1981, succeeding Harold S. Shefelman as a member of the University of Washington Board of Regents.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Reid E. Hale, appointed May 1, 1975 for a term ending April 3, 1980, succeeding himself as a member of the Board of Trustees of Community College District No. 9, Highline Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Alfred Harsch, appointed June 9, 1975 for a term ending December 31, 1977, succeeding Stuart G. Oles as a member of the Public Disclosure Commission.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Constitution and Elections.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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



Melvin D. Henderson, appointed May 1, 1975 for a term ending April 3, 1980, succeeding himself as a member of the Board of Trustees of Community College District No. 12, Centralia Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Gilbert Hirabayashi, appointed July 11, 1975 for a term ending July 1, 1978, succeeding himself as a member of the Commission on Asian-American Affairs.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

John B. Hughes, appointed April 4, 1975 for a term ending April 3, 1980, succeeding himself as a member of the Board of Trustees of Community College District No. 7, Shoreline Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Robert M. Humphrey, appointed July 8, 1975 for a term ending June 30, 1981 as a member of the Council on Post-Secondary Education.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Thomas Hyslop, appointed July 29, 1975 for a term ending July 1, 1978 as a member of the Commission on Vocational Education.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Diane Jackson, appointed July 29, 1975 for a term ending July 1, 1979 as a member of the Commission on Vocational Education.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Bruce Johnson, appointed June 12, 1975 for a term ending April 15, 1980, succeeding himself as Chairman of the Board of Prison Terms and Paroles.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Dennis S. Johnson, appointed May 5, 1975 for a term ending April 3, 1980, succeeding Dr. Robert M. Kintner as a member of the Board of Trustees of Community College District No. 15, Wenatchee Valley Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Professor Philip K. Kienast, appointed October 22, 1975 for a term ending September 8, 1980 as Chairman for the Public Employee Relations Commission.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Labor.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

John Larsen, appointed July 29, 1975 for a term ending July 1, 1980 as a member of the Commission on Vocational Education.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Gordon Lien, appointed July 9, 1975 for a term ending April 3, 1980, succeeding Richard M. Hoag as a member of the Board of Trustees of Community College District No. 4, Skagit Valley Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Doris L. Lock, appointed May 12, 1975 for a term ending June 30, 1976, succeeding Cheryl Chow as a member of the Commission on Asian-American Affairs.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Andre Loh, appointed July 11, 1975 for a term ending July 1, 1978, succeeding Ben Woo as a member of the Commission on Asian-American Affairs.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Harold E. Lokken, appointed June 12, 1975 for a term ending June 12, 1979, succeeding himself as a member of the Pacific Marine Fisheries Commission.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Natural Resources.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Dr. Barry M. Mar, appointed May 12, 1975 for a term ending June 30, 1977, succeeding Dr. Isabella Yen as a member of the Commission on Asian-American Affairs.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Representative John Martinis, appointed June 12, 1975 for a term ending June 12, 1979, succeeding Senator Ted Peterson as a member of the Pacific Marine Fisheries Commission.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Natural Resources.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Eugene Matsusaka, appointed July 11, 1975 for a term ending July 1, 1978, succeeding Reverend Bob Yamashita as a member of the Commission on Asian-American Affairs.

DANIEL J. EVANS  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Reverend Samuel B. McKinney, appointed July 29, 1975 for a term ending July 1, 1976 as a member of the Commission on Vocational Education.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

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

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

Dr. Mendal B. Miller, appointed July 2, 1975 for a term ending July 1, 1981, succeeding Frank Cleary as a member of the Higher Education Personnel Board.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

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

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

Theodore H. Muncaster, appointed May 2, 1975 for a term ending April 3, 1980, succeeding himself as a member of the Board of Trustees of Community College District No. 5, Everett-Edmonds Community Colleges.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

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

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

Gary Olson, appointed April 21, 1975 for a term ending April 3, 1980, succeeding Richard E. Lawton as a member of the Board of Trustees of Community College District No. 14, Clark Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

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

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

Pat Richardson, appointed June 2, 1975 for a term ending April 3, 1980, succeeding Leslie James as a member of the Board of Trustee of Community College District No. 20, Walla Walla Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Jane Romano, appointed May 1, 1975 for a term ending April 3, 1980, succeeding Dick Ludeman as a member of the Board of Trustees of Community College District No. 18, Big Bend Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Leonardo Ruiz, appointed July 24, 1975 for a term ending July 1, 1977, succeeding Rod Sanchez as a member of the Mexican-American Affairs Commission.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Floyd Sexton, appointed July 29, 1975 for a term ending July 1, 1977 as a member of the Commission on Vocational Education.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Dr. Spencer W. Shaw, appointed April 30, 1975 for a term ending April 3, 1980, succeeding himself as a member of the Board of Trustees of Community College District No. 10, Green River Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Paull H. Shin, appointed May 12, 1975 for a term ending June 30, 1976, succeeding Dr. Hae Soung Kim as a member of the Commission on Asian-American Affairs.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Shirley Smith, appointed May 1, 1975 for a term ending April 3, 1980, succeeding herself as a member of the Board of Trustees of Community College District No. 13, Lower Columbia Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Dr. Glenn Terrell, appointed August 1, 1975 for a term ending June 9, 1979, succeeding himself as a member of the Western Interstate Commission for Higher Education.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Claire Thomas, appointed July 3, 1975 for a term ending April 3, 1980, succeeding Harriet Jaquette as a member of the Board of Trustees of Community College District No. 8, Bellevue Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

John L. VanAelstyn, appointed August 13, 1975 for a term ending June 30, 1978 as a member of the Council on Post-Secondary Education.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Dr. James M. Watanabe, appointed July 11, 1975 for a term ending July 1, 1978, succeeding himself as a member of the Commission on Asian-American Affairs.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Kate Webster, appointed May 6, 1975 for a term ending March 9, 1981, succeeding H. Dewayne Kreager as a member of the Washington State University Board of Regents.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Edith D. Williams, appointed May 6, 1975 for a term ending March 9, 1981, succeeding Frances Owen as a member of the Washington State University Board of Regents.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education.



Office of the Governor, January 7, 1976.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

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

Margaret Zamudio, appointed September 19, 1975 for a term ending July 1, 1979, succeeding herself as a member of the Mexican-American Affairs Commission.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on State Government.

## MESSAGES FROM THE HOUSE

January 14, 1976.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 58,  
SUBSTITUTE HOUSE BILL NO. 91,  
HOUSE BILL NO. 284,  
HOUSE BILL NO. 523,  
ENGROSSED HOUSE BILL NO. 575,  
SUBSTITUTE HOUSE BILL NO. 593,  
SUBSTITUTE HOUSE BILL NO. 594,  
SUBSTITUTE HOUSE BILL NO. 631,  
SUBSTITUTE HOUSE BILL NO. 656,  
HOUSE BILL NO. 683,  
ENGROSSED HOUSE BILL NO. 778,  
SUBSTITUTE HOUSE BILL NO. 780, and the same are herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

January 15, 1976.

Mr. President: The House has passed:

REENGROSSED HOUSE BILL NO. 271,  
REENGROSSED SUBSTITUTE HOUSE BILL NO. 496,  
REENGROSSED SUBSTITUTE HOUSE BILL NO. 659,  
REENGROSSED HOUSE BILL NO. 687,  
REENGROSSED HOUSE BILL NO. 1037, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 3062, by Senators Newschwander, Lewis (Harry), Matson, Jones, Lewis (R. H. "Bob"), Murray, Cunningham, Scott, Gould, Morrison, Bluechel, Buffington and Wanamaker:

An Act relating to the apportionment of school funds; amending section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 211, Laws of 1975 1st ex. sess. and RCW 28A.41.130; amending section 4, chapter 217, Laws of 1969 ex. sess. as amended by section 1, chapter 14, Laws of 1972 ex. sess. and RCW 28A.41.145; amending section 28A.44.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.040; amending section 2, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.801; amending section 3, chapter 244, Laws of 1969 ex. sess. as amended by section 2, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.802; adding new sections to chapter 223, Laws of 1969 ex.

sess. and to chapter 28A.41 RCW; repealing section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140; and making effective dates.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3063, by Senators Newschwander, Matson, Lewis (Harry), Jones, Lewis (R. H. "Bob"), Murray, Cunningham, Scott, Gould, Sellar, North, Morrison, Bluechel, Buffington and Wanamaker:

An Act relating to appropriations; adding a new section to chapter 269, Laws of 1975 1st ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3064, by Senators Newschwander, Matson, Lewis (Harry), Jones, Lewis (R. H. "Bob"), Murray, Scott, Gould, Sellar, North, Morrison, Bluechel, Buffington and Wanamaker:

An Act relating to revenue and taxation; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 9, chapter 281, Laws of 1971 ex. sess. and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 1, Laws of 1975 2nd ex. sess. and RCW 82.12.020; and amending section 84.52.052, chapter 15, Laws of 1961 as last amended by section 102, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.052.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3065, by Senators Newschwander, Lewis (Harry), Matson, Lewis (R. H. "Bob"), Murray, Scott, Cunningham, Gould, Wanamaker, Bluechel, North, Morrison, Buffington, Jones and Sellar:

An Act relating to the teachers' retirement system; adding a new section to chapter 41.32 RCW; repealing section 11, chapter 14, Laws of 1963 ex. sess. and RCW 41.32.401; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3069, by Senators Cunningham, Rasmussen and Guess:

An Act relating to engineers and land surveyors; amending section 1, chapter 283, Laws of 1947 and RCW 18.43.010; amending section 2, chapter 283, Laws of 1947 and RCW 18.43.020; amending section 3, chapter 283, Laws of 1947 and RCW 18.43.030; amending section 1, chapter 297, Laws of 1959 as amended by section 1, chapter 142, Laws of 1961 and RCW 18.43.035; amending section 7, chapter 283, Laws of 1947 and RCW 18.43.040; amending section 8, chapter 283, Laws of 1947 as amended by section 46, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.050; amending section 9, chapter 283, Laws of 1947 as amended by section 2, chapter 142, Laws of 1961 and RCW 18.43.060; amending section 10, chapter 283, Laws of 1947 as amended by section 4, chapter 297, Laws of 1959 and RCW 18.43.070; amending section 11, chapter 283, Laws of 1947 as last amended by section 1, chapter 23, Laws of 1975 and RCW 18.43.080; amending section 13, chapter 283, Laws of 1947 as last amended by section 48, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.100; amending section 2, chapter 297, Laws of 1959 as amended by section 4, chapter 142, Laws of 1961 and RCW 18.43.105; amending section 14, chapter 283, Laws of 1947 as amended by section 49, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.110; amending section 15, chapter 283, Laws of 1947 and RCW 18.43.120; amending section 16, chapter 283, Laws of 1947 as last amended by section 50, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.130; amending section 3, chapter 297, Laws of 1959 and RCW 18.43.140; amending section 3, chapter 126, Laws of 1965 ex. sess. and RCW 18.43.150; amending section 19, chapter 283, Laws of 1947 and RCW 18.43.900; adding new sections to chapter 18.43 RCW; and prescribing penalties.

Referred to Committee on Commerce.

SENATE BILL NO. 3070, by Senators Guess, Henry and Lewis (Harry):

An Act relating to motor vehicles; amending section 46.16.070, chapter 12, Laws of 1961 as last amended by section 54, chapter 281, Laws of 1969 ex. sess. and RCW

46.16.070; amending section 15, chapter 170, Laws of 1969 ex. sess. as amended by section 4, chapter 150, Laws of 1973 1st ex. sess. and RCW 46.16.115; amending section 46.16.135, chapter 12, Laws of 1961 as last amended by section 6, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.135; amending section 46.16.137, chapter 12, Laws of 1961 as last amended by section 7, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.137; amending section 46.16.145, chapter 12, Laws of 1961 and RCW 46.16.145; amending section 46.16.160, chapter 12, Laws of 1961 as last amended by section 8, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.160; amending section 46.44.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 248, Laws of 1971 ex. sess. and RCW 46.44.020; amending section 46.44.036, chapter 12, Laws of 1961 and RCW 46.44.036; amending section 46.44.037, chapter 12, Laws of 1961 as last amended by section 37, chapter 170, Laws of 1965 ex. sess. and RCW 46.44.037; amending section 46.44.042, chapter 12, Laws of 1961 and RCW 46.44.042; amending section 46.44.047, chapter 12, Laws of 1961 as last amended by section 2, chapter 150, Laws of 1973 1st ex. sess. and RCW 46.44.047; amending section 46.44.050, chapter 12, Laws of 1961 and RCW 46.44.050; amending section 46.44.090, chapter 12, Laws of 1961 and RCW 46.44.090; amending section 46.44.091, chapter 12, Laws of 1961 as last amended by section 1, chapter 168, Laws of 1975 1st ex. sess. and RCW 46.44.091; amending section 46.44.092, chapter 12, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1970 ex. sess. and RCW 46.44.092; amending section 2, chapter 137, Laws of 1965 as last amended by section 2, chapter 168, Laws of 1975 1st ex. sess. and RCW 46.44.0941; amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 1, chapter 76, Laws of 1974 ex. sess. and RCW 46.44.095; amending section 46.44.096, chapter 12, Laws of 1961 as last amended by section 4, chapter 248, Laws of 1971 ex. sess. and RCW 46.44.096; amending section 1, chapter 38, Laws of 1965 and RCW 46.44.098; amending section 1, chapter 1, Laws of 1973 1st ex. sess. as amended by section 3, chapter 168, Laws of 1975 1st ex. sess. and RCW 46.44.130; amending section 1, chapter 196, Laws of 1975 1st ex. sess. and RCW 46.44.160; adding new sections to chapter 12, Laws of 1961 and to chapter 46.44 RCW; repealing section 46.16.100, chapter 12, Laws of 1961, section 5, chapter 170, Laws of 1969 ex. sess., section 10, chapter 231, Laws of 1971 ex. sess., section 18, chapter 25, Laws of 1975 and RCW 46.16.100; repealing section 46.44.040, chapter 12, Laws of 1961, section 1, chapter 244, Laws of 1971 ex. sess., section 1, chapter 150, Laws of 1973 1st ex. sess., section 1, chapter 86, Laws of 1974 ex. sess. and RCW 46.44.040; repealing section 46.44.044, chapter 12, Laws of 1961 and RCW 46.44.044; repealing section 46.44.045, chapter 12, Laws of 1961, section 34, chapter 21, Laws of 1961 ex. sess., section 50, chapter 32, Laws of 1967, section 22, chapter 199, Laws of 1969 ex. sess., section 1, chapter 17, Laws of 1971 and RCW 46.44.045; repealing section 46.44.046, chapter 12, Laws of 1961 and RCW 46.44.046; repealing section 46.44.097, chapter 12, Laws of 1961, section 1, chapter 249, Laws of 1971 ex. sess. and RCW 46.44.097; repealing section 2, chapter 38, Laws of 1965 and RCW 46.44.099; providing effective dates; and prescribing penalties.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3071, by Senator Talley:

An Act relating to motor vehicles; and adding a new section to chapter 46.64 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3072, by Senators Henry, Murray and Stortini (by Department of Motor Vehicles request):

An Act relating to motor vehicles; amending section 46.20.270; chapter 12, Laws of 1961 as last amended by section 55, chapter 145, Laws of 1967 ex. sess. and RCW 46.20.270; and amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 2, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.61.515.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3073, by Senators Morrison and Gould:

An Act relating to nonpartisan elections; amending section 1, chapter 10, Laws of 1970 ex. sess. and RCW 29.21.150; amending section 29.21.160, chapter 9, Laws of 1965 and RCW 29.21.160; and repealing section 29.21.230, chapter 9, Laws of 1965, section 3, chapter 131, Laws of 1969, section 9, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.230.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3074, by Senators Beck, Peterson and Talley:

An Act relating to county ferries; adding a new section to chapter 13, Laws of 1961 and to chapter 47.04 RCW; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3076, by Senators Van Hollebeke and Scott:

An Act relating to civil procedure; amending section 85, page 237, Laws of 1854 as last amended by section 1, chapter 43, Laws of 1915 and RCW 12.20.060; and amending section 374, page 202, Laws of 1854 as last amended by section 512, Code of 1881 and RCW 4.84.080.

Referred to Judiciary Committee.

SENATE BILL NO. 3077, by Senator Talley (by Board of Pilotage Commissioners request):

An Act relating to pilotage; and amending section 8, chapter 18, Laws of 1935 as amended by section 5, chapter 15, Laws of 1967 and RCW 88.16.090.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3078, by Senators Ridder and Fleming (by Superintendent of Public Instruction request):

An Act relating to education; amending section 28A.67.035, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.035; repealing section 28A.67.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.020; and prescribing penalties.

Referred to Committee on Education.

SENATE BILL NO. 3079, by Senators Bailey, McDermott and Matson:

An Act relating to education; authorizing the funding of demonstration or model projects for the improvement of instruction and curriculum development; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Education.

SENATE BILL NO. 3080, by Senators Day, Rasmussen, Cunningham, Van Hollebeke and Pullen:

An Act relating to state government; creating a new department of corrections; amending section 1, chapter 11, Laws of 1971 and RCW 43.17.010; amending section 2, chapter 11, Laws of 1971 and RCW 43.17.020; amending section 3, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.030; amending section 72.01.010; chapter 28, Laws of 1959 as amended by section 56, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.010; amending section 1, chapter 169, Laws of 1953 as amended by section 60, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.042; amending section 2, chapter 169, Laws of 1953 as amended by section 61, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.043; amending section 72.02.040, chapter 28, Laws of 1959 as amended by section 57, chapter 18, Laws of 1970 ex. sess. and RCW 72.02.040; amending section 72.05.020, chapter 28, Laws of 1959 as amended by section 58, chapter 18, Laws of 1970 ex. sess. and RCW 72.05.020; amending section 72.06.010, chapter 28, Laws of 1959 as amended by section 59, chapter 18, Laws of 1970 ex. sess. and RCW 72.06.010; amending section 2, chapter 58, Laws of 1971 ex. sess. as amended by section 2, chapter 20, Laws of 1973 and RCW 72.66.010; amending section 3, chapter 20, Laws of 1973

and RCW 72.66.012; amending section 4, chapter 20, Laws of 1973 and RCW 72.66.014; amending section 7, chapter 20, Laws of 1973 and RCW 72.66.022; amending section 8, chapter 20, Laws of 1973 and RCW 72.66.024; amending section 10, chapter 20, Laws of 1973 and RCW 72.66.028; amending section 11, chapter 20, Laws of 1973 and RCW 72.66.032; amending section 12, chapter 20, Laws of 1973 and RCW 72.66.034; amending section 14, chapter 20, Laws of 1973 and RCW 72.66.038; amending section 15, chapter 20, Laws of 1973 and RCW 72.66.042; amending section 6, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.050; amending section 9, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.080; amending section 10, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.090; adding new sections to chapter 72.01 RCW; adding a new section to chapter 72.04A RCW; repealing section 28, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.210; and repealing section 29, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.220.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3081, by Senators Donohue, Benitz, Jolly, Marsh, Day, Wilson, Guess and Sellars:

An Act relating to agriculture; amending section 1, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.010; amending section 2, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.020; amending section 4, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.040; adding new sections to chapter 225, Laws of 1971 ex. sess. and to chapter 90.54 RCW; repealing section 5, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.050; and declaring an emergency.

Referred to Committee on Agriculture.

SENATE BILL NO. 3082, by Senators Walgren, Murray and von Reichbauer:

An Act relating to education; providing for intensive in-service training of certificated employees for the improvement of instruction; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.71 RCW; and making an appropriation.

Referred to Committee on Education.

SENATE BILL NO. 3083, by Senators Walgren, Murray and Donohue:

An Act relating to education; providing in-service training for school administrators and supervisors; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.71 RCW; and making an appropriation.

Referred to Committee on Education.

SENATE BILL NO. 3084, by Senators North and Donohue:

An Act relating to education; establishing fiscal support for a performance review and evaluation of school district certificated employees leading to salary adjustments in accordance therewith; amending section 1, chapter 283, Laws of 1969 ex. sess. and RCW 28A.67.066; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW; making an appropriation; and making an effective date.

Referred to Committee on Education.

SENATE BILL NO. 3085, by Senators Herr and Day:

An Act relating to victims of hemophilia; adding a new chapter to Title 70 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3086, by Senators Wilson, Mardesich, Jones and Woody:

An Act relating to criminal procedure; and adding new sections to chapter 10.01 RCW.

Referred to Judiciary Committee.

## MOTION

On motion of Senator Wilson, the rules were suspended and Senator Woody was permitted as an additional sponsor to Senate Bill No. 3086.

**SENATE BILL NO. 3087**, by Senator Day:

An Act relating to physical therapists; and amending section 3, chapter 64, Laws of 1961 and RCW 18.74.035.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 3088**, by Senator Talley:

An Act relating to superior courts; amending section 4, chapter 125, Laws of 1951 as last amended by section 4, chapter 83, Laws of 1971 ex. sess. and RCW 2.08.062; amending section 6, chapter 125, Laws of 1951 as last amended by section 1, chapter 192, Laws of 1974 ex. sess. and RCW 2.08.064; and amending section 7, chapter 125, Laws of 1951 as last amended by section 3, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.065.

Referred to Judiciary Committee.

**SENATE BILL NO. 3089**, by Senator Woody and Clarke:

An Act relating to court reporters' compensation; and amending section 1, chapter 210, Laws of 1951 as last amended by section 1, chapter 128, Laws of 1975 1st ex. sess. and RCW 2.32.210.

Referred to Judiciary Committee.

**SENATE BILL NO. 3090**, by Senators Wilson, Knoblauch and Wanamaker (by request of State Parks and Recreation Commission):

An Act relating to state park concessions and leases; and amending section 43.51.040, chapter 8, Laws of 1965 as amended by section 1, chapter 90, Laws of 1967 ex. sess. and RCW 43.51.040.

Referred to Committee on Parks and Recreation.

**SENATE BILL NO. 3091**, by Senator Goltz (by Superintendent of Public Instruction request):

An Act relating to education; amending section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 50, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.04.120; amending section 28A.70.005, chapter 223, Laws of 1969 ex. sess. and RCW 28A.70.005; amending section 28A.70.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 135, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.130; amending section 28A.70.140, chapter 223, Laws of 1969 ex. sess. as last amended by section 136, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.140; creating a new section; and reenacting section 28A.70.110, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 192, Laws of 1975 1st ex. sess. and section 134, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.110.

Referred to Committee on Education.

**SENATE BILL NO. 3092**, by Senators Bottiger and Walgren:

An Act relating to pilotage; amending section 1, chapter 18, Laws of 1935 as amended by section 58, chapter 292, Laws of 1971 ex. sess. and RCW 88.16.010; amending section 9, chapter 18, Laws of 1935 as last amended by section 1, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.030; amending section 8, chapter 18, Laws of 1935 as amended by section 5, chapter 15, Laws of 1967 and RCW 88.16.090; adding a new section to chapter 41.06 RCW; adding new sections to chapter 88.16 RCW; and prescribing an effective date.

Referred to Committee on Transportation and Utilities.

**SENATE BILL NO. 3093**, by Senators Walgren and Beck:

An Act relating to community colleges; amending section 28B.50.040, chapter 223,

Laws of 1969 ex. sess. as amended by section 7, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.50.040; amending section 28B.50.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 16, chapter 62, Laws of 1973 and RCW 28B.50.090; and creating a new section.

Referred to Committee on Higher Education.

SENATE BILL NO. 3094, by Senators Wilson, Walgren, North, McDermott, Bluechel, Jolly and Morrison:

An Act relating to libraries; and adding a new chapter to Title 27 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 3095, by Senators Rasmussen and Knoblauch:

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

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3096, by Senators Rasmussen and Cunningham:

An Act relating to state government; creating a new department of institutions; amending section 1, chapter 11, Laws of 1971 and RCW 43.17.010; amending section 2, chapter 11, Laws of 1971 and RCW 43.17.020; amending section 3, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.030; amending section 13, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.180; amending section 72.01.010, chapter 28, Laws of 1959 as amended by section 56, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.010; amending section 1, chapter 169, Laws of 1953 as amended by section 60, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.042; amending section 2, chapter 169, Laws of 1953 as amended by section 61, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.043; amending section 72.02.040, chapter 28, Laws of 1959 as amended by section 57, chapter 18, Laws of 1970 ex. sess. and RCW 72.02.040; amending section 72.05.020, chapter 28, Laws of 1959 as amended by section 58, chapter 18, Laws of 1970 ex. sess. and RCW 72.05.020; amending section 72.06.010, chapter 28, Laws of 1959 as amended by section 59, chapter 18, Laws of 1970 ex. sess. and RCW 72.06.010; amending section 2, chapter 58, Laws of 1971 ex. sess. as amended by section 2, chapter 20, Laws of 1973 and RCW 72.66.010; amending section 3, chapter 20, Laws of 1973 and RCW 72.66.012; amending section 7, chapter 20, Laws of 1973 and RCW 72.66.022; amending section 4, chapter 20, Laws of 1973 and RCW 72.66.014; amending section 8, chapter 20, Laws of 1973 and RCW 72.66.024; amending section 9, chapter 20, Laws of 1973 and RCW 72.66.026; amending section 10, chapter 20, Laws of 1973 and RCW 72.66.028; amending section 11, chapter 20, Laws of 1973 and RCW 72.66.032; amending section 12, chapter 20, Laws of 1973 and RCW 72.66.034; amending section 14, chapter 20, Laws of 1973 and RCW 72.66.038; amending section 15, chapter 20, Laws of 1973 and RCW 72.66.042; amending section 6, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.050; amending section 9, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.080; amending section 10, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.090; adding new sections to chapter 72.01 RCW; adding a new section to chapter 72.04A RCW; repealing section 28, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.210; repealing section 29, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.220; and repealing section 30, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.230.

Referred to Committee on State Government.

SENATE BILL NO. 3097, by Senators Lewis (Harry), Donohue, Guess, Lewis (R. H. "Bob"), Wanamaker, Clarke, Day, Beck, Matson, Jones, Rasmussen and Mardesich: An Act relating to state economic policy; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3098, by Senators Rasmussen and Lewis (Harry):

An Act relating to public employment; amending section 1, chapter 208, Laws of 1957 and RCW 41.04.035; and amending section 2, chapter 208, Laws of 1957 as amended by section 16, chapter 106, Laws of 1973 and RCW 41.04.036.

Referred to Committee on State Government.

SENATE BILL NO. 3099, by Senators Donohue, Lewis (Harry), Jolly, Benitz and Beck:

An Act relating to business and occupation taxes; amending section 82.04.260, chapter 15, Laws of 1961 as last amended by section 7, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.260; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3100, by Senators Jones, Mardesich, Matson, North, Stortini, Donohue, Bluechel, Lewis (R. H. "Bob"), Wanamaker, Buffington, Clarke, Woody, Jolly, Cunningham, Morrison, Lewis (Harry), Gould and Sandison:

An Act relating to public employment as such employment relates to public retirement systems authorized by the general laws of this state; adding a new section to chapter 41.04 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3101, by Senators Benitz, Jolly and Morrison:

An Act relating to the judicial retirement system; amending section 14, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.140; and amending section 16, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.160.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3102, by Senator Bailey:

An Act relating to candidates for elective office; and adding new sections to chapter 29.04 RCW.

Referred to Committee on Constitution and Elections.

#### MOTIONS

Senator Day moved that Senate Bill No. 3075 be referred to the Judiciary Committee.

Senator Woody moved that Senate Bill No. 3075 be referred to the Select Committee on Medical Malpractice.

Senator Day opposed the motion by Senator Woody and asked that Senate Bill No. 3075 be held for introduction and referral pending the presence of Senator Francis.

The President reminded Senator Woody that it would require a suspension of the rules to insert "Select Committee on Medical Malpractice".

The motion by Senator Day carried. Senate Bill No. 3075 was ordered held for Monday, January 19, 1976.

#### MOTIONS

Senator Walgren moved that all bills on the Introduction and First Reading calendar be referred as indicated on the referral sheet.

Senator Cunningham moved that Engrossed House Bill No. 575 be held for introduction on Monday, January 19, 1976.

Debate ensued.

The motion by Senator Cunningham failed.

The motion by Senator Walgren carried. All bills were referred as indicated on the referral sheet.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 3062, 3063, 3064, 3065, 3080, 3081, 3094, 3097, 3099, 3100.



SENATE JOINT MEMORIAL NO. 114, by Senators Rasmussen, Guess and Woody:

Canal Zone, United States rights.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 58, by Committee on Commerce (originally sponsored by Representatives Ehlers, Gallagher and Smith (Rick):

Requiring emergency exits for mobile homes.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 91, by Committee on Commerce (originally sponsored by Representatives Fischer, Jastad and Wojahn):

Enacting a hazardous substance act.

Referred to Committee on Commerce.

REENGROSSED HOUSE BILL NO. 271, by Representatives Sommers and Erickson (by Department of Revenue request):

Altering the assessment procedures for telegraph company property.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 284, by Representatives Hanna and Adams (by Department of Social and Health Services request):

Authorizing increased payment for juvenile probation supervision.

Referred to Committee on Social and Health Services.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 496, by Judiciary Committee (originally sponsored by Representatives Knowles, Seeberger, Gaspard, Newhouse and Hanna (by Executive request):

Enacting the Juvenile Justice Act of 1975.

Referred to Judiciary Committee.

HOUSE BILL NO. 523, by Representatives Hayner and Kilbury:

Requiring counties to pay salary and expenses of stream patrolmen.

Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 575, by Representatives Wojahn, Curtis and Warnke:

Permitting embargo of hazardous household substances.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 593, by Committee on Constitution and Elections (originally sponsored by Representatives King, Brown and Charette):

Permitting vote by absentee ballot for persons not making their original registration before 30 days prior to an election or primary.

Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 594, by Committee on Constitution and Elections (originally sponsored by Representatives King, Brown and Moon):

Authorizing punch card ballots to be sent to center at University of Washington for utilization of election statistical data.

Referred to Committee on Constitution and Elections.

SUBSTITUTE HOUSE BILL NO. 631, by Committee on Constitution and Elections (originally sponsored by Representatives King, Brown, Fortson, Sherman and Erickson):

Providing for date absentee ballots considered voted when postmark missing or illegible.

Referred to Committee on Constitution and Elections.

**SUBSTITUTE HOUSE BILL NO. 656**, by Committee on State Government (originally sponsored by Representatives O'Brien, Williams, Polk, Charnley, Paris, Sommers, Ceccarelli, and North) (by Executive request):

Authorizing a task force on cultural resources.

Referred to Committee on State Government.

**REENGROSSED SUBSTITUTE HOUSE BILL NO. 659**, by Judiciary Committee (originally sponsored by Representatives Newhouse, Knowles, Curtis, Bond, Eikenberry, Greengo, Hayner, Hendricks, Leckenby, Matthews, Nelson and Wilson):

Prescribing changes to the law against discrimination.

Referred to Judiciary Committee.

**HOUSE BILL NO. 683**, by Representatives Ceccarelli, Pardini and Chatalas:

Providing new regulations for banks and banking relating to illegal or unsound practices.

Referred to Committee on Rules.

**ENGROSSED HOUSE BILL NO. 687**, by Representatives Hansen, Flanagan, Bauer, Kilbury and Lysen:

Providing for exemption of irrigation equipment from sales and use tax.

Referred to Committee on Rules.

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

Increasing certain benefits to retirees under teachers' retirement act.

Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 780**, by Committee on Social and Health Services (originally sponsored by Representatives Fischer and Wojahn):

Establishing sickle cell disease testing and counseling program in the department of health.

Referred to Committee on Social and Health Services.

**ENGROSSED HOUSE BILL NO. 1037**, by Representatives Bagnariol, Pardini, Erickson, Sommers and Randall:

Imposing a special tax on coin-operated gambling devices.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Walgren, the Senate resumed consideration of Senate Bill No. 2995.

#### SECOND READING

**SENATE BILL NO. 2995**, by Select Committee on Education; Subcommittee on Students (endorsed by Senators North, Francis, Beck and von Reichbauer):

Mandating school achievement surveys for grades 4, 8 and 11 directed by office of superintendent of public instruction and making appropriation therefor.

The Senate resumed consideration of Senate Bill No. 2995. On January 15, 1976, an amendment by Senator Marsh had been moved for adoption and an amendment by Senator North to the amendment had been moved for adoption.

There being no objection, the amendment to the amendment and the amendment were withdrawn.

Senator Odegaard moved adoption of the following amendment by Senators Odegaard, North, Marsh and Goltz:

On page 1, line 11, after "conduct" insert "standardized"

Senator Washington moved adoption of the following amendment to the amendment by Senators Odegaard, North, Marsh and Goltz:

Amend the amendment to page 1, line 11, after "standardized" add "reading and mathematics"

Debate ensued.

#### POINT OF INQUIRY

Senator Odegaard: "I wonder if Senator Sandison would yield to a question since he is chairman of the higher education committee and has been involved in and aware of the assessment program, I believe."

Senator Sandison: "I yield, Mr. President."

Senator Odegaard: "Senator Sandison, could you tell us a little bit what is going on in the other states in their assessment, what kinds of subjects are being included in it?"

Senator Sandison: "Well, I do not have the document with me now, Mr. President. However, I do recall that one of the criticisms of the school systems almost in all fifty states was the lack of proficiency in spelling and that that was one of the things that the national assessment looked at. Also, of course, the language arts is something else that they included. It was very strong in mathematics, of course, and the ability to read but spelling was equally a concomitant subject."

Further debate ensued.

Senator Marsh moved adoption of the following oral amendment to the amendment by Senator Washington to the amendment by Senator Marsh:

Following "reading and mathematics" in the Washington amendment, insert ", writing and language arts"

#### POINT OF INQUIRY

Senator Bailey: "Would Senator Marsh yield to a question? Where do you put the comma in that phrase?"

Senator Marsh: "You would have 'reading, writing, mathematical skill, and language arts'."

Senator Bailey: "Mr. President, the only question I have is we are getting on to basic education, and if we are going to get into arts, music and things, I wanted to be sure that was not separated by a comma, and as the Governor said in his speech, the definition of basic education can expand rather rapidly if you do not put the proper . . . maybe I have to ask another question of Senator Marsh in what his definition of language arts is?"

Senator Marsh: "It would include speech. Certainly I think it includes spelling."

Senator Gould: "Mr. President, in response to Senator Bailey's question, it is my understanding that the area of language arts includes all those things that we used to call writing, including writing, composition, grammar, spelling, all the basics of how we communicate with other people."

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

The amendment by Senator Washington as amended by Senator Marsh to the amendment by Senators Odegaard, North, Marsh and Goltz was not adopted.

The motion by Senator Odegaard carried and the amendment by Senators Odegaard, North, Marsh and Goltz was adopted.

On motion of Senator Wilson, the following amendment by Senators Wilson and Odegaard was adopted:

On page 1, starting on line 21, after "surveys." strike all the material down through "within the state." on line 23.

On motion of Senator North, the following amendment by Senators North, Goltz and Marsh was adopted:

On page 2, line 17, after "utilize" strike "some form of testing" and insert "standardized tests from a list approved by the office of the Superintendent of Public Instruction for testing"

On motion of Senator Goltz, the following amendments by Senators Goltz, North and Marsh were adopted:

On page 2, line 19, after "levels" and before "." insert "in the areas of basic skills of reading, writing, mathematics, and language arts"

On page 2, line 22, after "(2)" strike "provide" and insert "make available to"

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

On page 2, strike all of new section 3.

On motion of Senator Washington, the following amendment was adopted on a rising vote:

On page 1, line 11, after "standardized", as added by the Odegaard, North, Marsh and Goltz amendment, insert "reading, writing and mathematics and language arts"

On motion of Senator Donohue, the following amendment to the title was adopted:

On page 1, line 3 of the title, strike "; and making an appropriation"

On motion of Senator Walgren, the rules were suspended, Engrossed Senate Bill No. 2995 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Wilson: "Will Senator North yield please? Senator North, in section two the SPI has instructed to encourage local school districts to participate in this second phase of the testing program. In the interest of local control of schools, I submit that in some instances state agencies have been known to apply various forms of pressure, implied or otherwise, in order to induce lower levels of government to participate in a program which is not statutorily mandatory. And my question is, does the word 'encourage' in truth mean that a local district will feel free to participate in this program or not without fear of penalties, reprisals or any other source of pressures which might infringe upon their ability to decide the matter for themselves?"

Senator North: "That is the intent exactly, that this is a matter for local control. Actually the members here will be interested that at present ninety percent of our school districts throughout the state do test at least two grade levels between kindergarten and the eighth grade so they are already pretty well into this. There are only a few districts which have chosen not to test at all. But that is their prerogative because the word says 'encourage' and I would imagine that with the districts not testing, if they move to this, it will be because the parents, the students, asked that this be done."

Debate ensued.

#### POINT OF INQUIRY

Senator Cunningham: "Would Senator Marsh yield to a question? Senator Marsh, in this so much effort has been spent deciding standardize, I would assume, and I would appreciate your correcting, that the testing in addition to being standardized so will the grading."

Senator Marsh: "Yes."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 2995, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Francis, Keefe, Mardesich—3.

ENGROSSED SENATE BILL NO. 2995, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:15 p.m., on motion of Senator Walgren, the Senate recessed until 1:15 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

## MOTIONS

On motion of Senator Knoblauch, Senators Goltz, Henry and Washington were excused.

On motion of Senator Sellar, Senators Matson and Newschwander were excused.

## SECOND READING

SENATE BILL NO. 2994, by Select Committee on Education; Subcommittee on Resource Utilization (endorsed by Senators Woody, Lewis (R. H. "Bob"), Peterson, Knoblauch, Henry and Bluechel):

Permitting association formed by schools under Interlocal Cooperation Act for purchases of school supplies and equipment to mortgage property.

The bill was read the second time by sections.

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

On page 1, section 1, line 12, after "authorized" strike the remainder of the paragraph and insert the following: "for school district purposes to purchase personal or real property, is hereby authorized to acquire by purchase, exchange, lease, grant, gift, or other conveyance, and to hold, own, construct, improve, manage, operate, to let as lessor, lease as lessee, to sell, convey, mortgage, or encumber otherwise, real or personal property of such association of every kind, character or description whatsoever, or any interest in such personal or real property: PROVIDED, That any such association shall be prohibited from causing any creditor of the association to acquire any rights against the property, properties or assets of any of its constituent school districts and any creditor of such association shall be entitled to look for payment of any obligation incurred by such association solely to the assets and properties of such association."

On motion of Senator Woody, the rules were suspended, Engrossed Senate Bill No. 2994 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 Cunningham: "Would Senator Woody yield to a question? Senator Woody, I hope I know the answer but for the record, this bill does not give schools authority to go out and to mortgage existing properties that they have, only simply to acquire new properties and mortgage?"

Senator Woody: "This does not allow either one of the instances that you addressed yourself to. Your question was framed, would a school district be permitted to do these things? The answer is, this bill does not allow school districts to do anything. This merely allows the association referred to in the bill and the measure to do those things. The association is distinguished from the school districts. It is just like another corporation or non-profit association."

## POINT OF INQUIRY

Senator Grant: "Would Senator Woody yield? Senator Woody, would you describe under the terms of this measure proposed the liability of local school boards in the event that they enter into an association as is described?"

Senator Woody: "You are asking a question as to any liability, not just the liability for the common school property we are talking about?"

Senator Grant: "Let's take the mortgage of property as an example. Assume the association determines that they are going to build a warehouse for storage of supplies. What is the liability as far as the local school districts are concerned? Or does the liability just lie with the association?"

Senator Woody: "If the association orders materials from a supplier, for example, and then does not pay for them, then the association is liable and not the school district. Now, if on the other hand an order is placed by the school district and the association

jointly to a supplier for materials and payment is not made, then both the association and the school district would be jointly and severally liable."

Senator Grant: "And the property itself, not the supplies that you are concerned with, as an example the warehouse that I gave you as an example, supposing that the association determines they are going to build a large warehouse. The association found later that they didn't have funds for completion of that or any number of things might occur. How is that problem handled, or is it?"

Senator Woody: "Under the proviso in the amendment that we adopted, the creditor would not be able to go after anyone in the school district, would not be able to go against the school district itself but would rather be able to go only against the assets and property of the association. In that instance, if there were either a materialman's lien for example or a mortgage foreclosure, the creditor in either instance would be able to sue the association only and once they got judgment, if they obtained judgment, would be able to foreclose against the assets and properties of the association only."

Senator Grant: "Well, one further question then, and I will sit down. Assume that the local school districts in combination with one another formed such an association, deeded over property or purchased property as an association. All of the property of that school district. They gave it all over to an association of the kind that is established here. Could the association mortgage that property, or could they obtain loans on that property for school purposes such as payment of salaries?"

Senator Woody: "The limitation, and the only limitation that I have been able to discover here, is in the inclusion of the words 'for school purposes' that was placed in there in the amendment. I am sure that the state auditor would look at any function of the association and the school district and would have to see whether any expenditures or other activity is within the limitation of 'for school district purposes'. Now the activity of the association if they were to take over — let's say the Lower Falls School itself, the building — and use it as an industrial park, that would not be for school district purposes. There is no authority for the association itself within the perimeters of Chapter 39.34 to teach school. They cannot employ school teachers per se. Under your example, I have been able to take over capital assets of a school district. They could not then use the funds in order to hire school employees, certified teachers. They could only use those things that would be for school district purposes, not association purposes, but for school district purposes. After that I really cannot answer your question. I think what you are asking me is if somehow . . ."

Senator Grant: "If we had a combination of districts and in an association of this form, could they take property by consent of boards and use the value of that property to obtain loans for payment of salaries?"

Senator Woody: "Salaries of whom?"

Senator Grant: "Of teachers."

Senator Woody: "No."

Senator Grant: "Why not?"

Senator Woody: "Well, because they do not hire teachers and they are a governmental agency. They would be making a gift of state property."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Woody yield to a question? Senator Woody, under other statutes at the present time, any municipality including school districts can purchase from any purchasing agreement that they have; state, county, city. They can join in and purchase cooperatively at the same bid price. Is this correct?"

Senator Woody: "Yes, it is."

Senator Rasmussen: "Okay. What difference will there be in this as far as purchasing? What advantages?"

Senator Woody: "Well, as I mentioned a bit ago, since 1941 the only association that I am aware of that existed in this regard is in King County. They have been doing precisely what you have been talking about since 1941."

Senator Rasmussen: "I am not speaking of associations. They can do it without an association."

Senator Woody: "I understand. They have been doing it since 1941, a group of them as an association, because their purchasing power is better when they are ordering huge amounts — for a variety of districts. Now, if you are suggesting that the association be disbanded and that the school districts sort of hit and miss get together with each other to make their acquisitions, that is one of the same things that we went through with the legislative budget committee when we were talking about our general administration. And when we were I think that Senator Lewis was very excited about the general administration and their ability to find out what we have got in stock. LBC went through that in a great detail. We discovered that if you do it on a large basis with one management unit you can arrive at a lot better prices and you have a lot less overhead."

Senator Rasmussen: "I think you missed my question. This is available at the present time. For instance, if King County, Pierce County or the state of Washington gets an attractive bid for gasoline, it is not warehoused in any of the districts, it is warehoused by the distributor and is sold at the same price. The same thing goes for any other stationery such as — they already have this power, they do not warehouse — they use the seller's warehouse for a distribution point. You want 'x' number thousand of tablets. You get them at the price that is submitted and they circulate these prices to other public agencies. Now what advantage is this going to give that they do not already have as to purchasing?"

Senator Woody: "Senator, you have asked me to assume certain things that are fact which are not. You have asked me to assume that there is no warehousing done by this association, which is simply not true. That is primarily what they are doing. There are certain items such as gasoline that they do not deal with because they do not have a warehouse for gasoline. They do get those things from a prime wholesaler and the districts get those directly. But there are many other things that they obtain and they warehouse themselves. They distribute these things out to the district because the districts will be buying these, by and large, on a small item, per week, per month, and they cannot afford to send a truck down or even a car for the size of some of these orders, down to such and such place or have the wholesaler deliver a hundred pounds or a two-foot by two-foot box of stuff from a wholesaler's place. They keep these things at the central warehouse in King County and they routinely go up there and pick those things up."

Senator Rasmussen: "This is correct. This is what they already have. I am saying, why do we need this additional law. And I have one further question. Provided that this authority shall be in addition to and shall not in any way limit the existing authority of the associations, what is the existing authority?"

Senator Woody: "If you want me to, someone has a copy of the association's article of associations and their bylaws and I frankly have not memorized their bylaws or their articles of association. That was not the purpose of the subcommittee's investigation into this area. We did not go into it to see whether they had too much or too little authority in any other areas in this purchasing ability."

Senator Rasmussen: "Thank you."

Further debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "I wonder if somebody could answer a question for me. Maybe Senator Bluechel can. I never supported the concept of intermediate school districts because I could not figure out what they were going to do and now it seems we are setting up another layer. Is there any reason why the intermediate school district could not handle this function?"

Senator Bluechel: "Senator Bottiger, I will attempt to answer this and Senator Gould says if I fail she will answer it. At the present time in the King County area, there is formed a directors' association which does mass purchasing for all of the school districts in that area. By this mass purchasing a substantial — a very substantial — amount of money is saved. Now that is the only association I know of at the present time that does that state-wide. In a particular case with this association they wanted to buy the building. They were prevented from doing so because the statutes would not allow it. The intent and purpose here was to let them buy the building and save money."

Senator Gould: "Mr. President, thank you. This will add further. The King County school district school directors' association which does this purchasing, services districts throughout the state. I do not know the percentage but it includes practically every district in the Puget Sound area and they do sell to them. So it is not just for King County. It is for the whole area."

#### POINT OF INQUIRY

Senator Mardesich: "Would Senator Bluechel yield to a question? Thank you. Were you occupied with something else when Senator Grant asked his question? Do you recall what it was?"

Senator Bluechel: "Yes."

Senator Mardesich: "Would it be possible for a school district or a number of school districts or all who were in such an association or interlocking group to be able to turn all of their property over to the interlocking group and be able to mortgage all of their property for whatever purpose they desired so long as it was school oriented? Could that money further be used for operational uses as distinguished from purchasing uses?"

Senator Bluechel: "You are getting into a very legal area here that I do not think I am competent to answer. But in regard to the broad answer which I think is correct — is I would say — no, it is not. But that is a legal area and it would have to be looked at. I do not think it could be done. The intent of the bill was not to even approach that. If it does, we have made a mistake in the bill. But the bill was designed to, I believe, save sixty thousand dollars on a one-shot situation. Senator Mardesich, I think you will have to ask an attorney whether that is possible."

#### POINT OF INQUIRY

Senator Mardesich: "Mr. President, Senator Woody, I think what Senator Rasmussen has raised a question about and the question Senator Grant referred to and which I referred to is that the bill is now drafted with the amendment allows this interlocking district or whatever it is called to mortgage property, does it not? That is a power not heretofore granted to school districts. That is an extension of the power they now have. A direct question is, and which still concerns me and others, would a school district be allowed to turn its property over to an interlocking district and would that interlocking district then be able to mortgage the property and would those funds be possibly used for current operating purposes as well as for operational capital purposes? And I think that is the question that is bothering a lot of us."

Senator Woody: "Mr. President, Senator Mardesich, it is answered very simply. A mortgaging is only the ability to put up real estate for security. Mortgaging is not the ability to borrow money. They can borrow money, correct. There is a distinction between borrowing and mortgaging. Your note is the borrowing. Mortgage is giving real estate for security. Right now this association can borrow. Under the existing act it can borrow. Whether it can borrow and use the funds, as Senator Grant suggests, I do not know. That is under the existing interlocal cooperation act. I suggest only that it cannot but I do not know what they can do under the existing law. I am suggesting, however, that with this amendment that we are asking for, the change in the law, this association can now mortgage real estate. Put it up for security to a bank. That is all it does. Right now they can borrow money. They cannot put up real estate as security."

#### POINT OF INQUIRY

Senator Lewis (Harry): "Mr. President, I wonder if I might ask a question of Senator Woody before Senator Bottiger's motion? Senator Woody, in listening to Senator Guess's remarks concerning the building of skill centers, it appears — as I understand what he said — that this would permit local districts or joint districts — for example Tumwater, Lacey, Olympia — to build a skill center next to Olympia Vocational Technical Institute for the purpose of educating in the skill area the K through twelve students.

"We have debated that subject over a number of years but assuming that that is what the bill does — if Senator Guess is correct — do we grant that authority under the



bill without any requirements as far as funding for those skill centers in the years ahead or even the immediate year? What is the involvement or potential in this area is a question that I think we should be aware of."

Senator Woody: "On page one, line ten, it sets forth the purposes. 'For the purposes of jointly and cooperatively purchasing school supplies, materials and equipment.' And it goes on, 'if otherwise authorized,' then it can do the following things. For those purposes however, if whatever you are doing in the way of capital acquisition of a building — if that is for the purpose of jointly and cooperatively purchasing school supplies, materials and equipment — you can do it. However, if it is not for one of those purposes, you cannot."

#### MOTION

On motion of Senator Bottiger, Engrossed Senate Bill No. 2994 was ordered placed on the third reading calendar for Monday, January 19, 1976.

#### MOTIONS

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

On motion of Senator Walgren, the following bills were re-referred to the Committee on Rules pursuant to House Concurrent Resolution No. 43: House Bill No. 38, Engrossed House Bill No. 76, Substitute House Bill No. 77, Engrossed House Bill No. 156, Engrossed House Bill No. 231, Substitute House Bill No. 296 and Substitute House Bill No. 342.

At 1:58 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, January 19, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FOURTEENTH DAY

### MORNING SESSION

Senate Chamber, Olympia, Monday, January 19, 1976.

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

The President declared the Senate to be at ease.

The President called the Senate to order at 11:32 a.m.

The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Francis, Keefe and Murray. On motion of Senator Knoblauch, Senators Fleming, Francis and Keefe were excused. On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused.

The Color Guard, consisting of Pages Greg Ostolaza and Lori Munson, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ETERNAL GOD AND LOVING HEAVENLY FATHER, AS THESE SENATORS COME TOGETHER TO BEGIN ANOTHER WEEK, WE JOIN OUR HEARTS IN PRAYER, ASKING FOR WISDOM, FOR UNDERSTANDING, FOR KNOWLEDGE BEYOND OUR OWN, AND FOR GUIDANCE IN DEALING WITH PROBLEMS BEYOND THE MEASURE OF OUR BEST WISDOM.

"IN THIS MOMENT MAY WE FIND THAT YOU ARE REACHING OUT TO US AS WE REACH OUT TO YOU, AND MAY WE DISCOVER THAT WHEN WE ARE WILLING TO LISTEN, THEN YOU WILL SPEAK WITHIN US.

"MAY YOUR PRESENCE THEREFORE BE WITH EACH MEMBER OF THIS ASSEMBLY, AND MAY YOUR WILL FIND ITS FULFILLMENT IN EVERYTHING THEY DO. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 16, 1976.

SENATE BILL NO. 3004, modifying the building code as applied to historic buildings (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3004 be substituted therefor and the substitute bill do pass.

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

Passed to Committee on Rules for second reading.

January 19, 1976.

SENATE BILL NO. 3034, authorizing individuals with authority to give permission for autopsies and post mortems (reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, Gould, McDermott, North, Ridder.

Passed to Committee on Rules for second reading.

January 19, 1976.

SENATE BILL NO. 3066, authorizing disposition of human remains from autop-

sies under certain conditions (reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Buffington, Goltz, Gould, McDermott, North, Ridder.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

January 16, 1976.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 44, and the same is herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 3075, by Senators Francis, Clarke and Buffington:

An Act relating to agreements, contracts, and promises regarding the results or cure to be obtained from health care; and amending section 1, chapter 58, Laws of 1905 and RCW 19.36.010.

On January 16, 1976, Senator Day moved that Senate Bill No. 3075 be referred to the Judiciary Committee. At that time, Senator Woody moved that the bill be referred to the Select Committee on Medical Malpractice.

#### PARLIAMENTARY INQUIRY

Senator Day: "Don't we already have a motion pending relative to this bill?"

#### REPLY BY THE PRESIDENT

The President: "Yes, Senator Day had made a previous motion, Senator Woody, to refer the measure to the Senate Committee on Judiciary."

Debate ensued.

There being no objection, the motion by Senator Day was withdrawn.

#### MOTION

Pursuant to Rule 47, Senator Woody moved that Senate Bill No. 3075 be referred to the Select Committee on Medical Malpractice.

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Day: "Wouldn't that require suspension of the rules?"

#### REPLY BY THE PRESIDENT

The President: "The President believes that such a motion would require suspension of the rules, Senator Day."

Debate ensued.

#### POINT OF ORDER

Senator Day: "If I heard the President correctly, he said it would take a suspension of the rules."

#### RULING BY THE PRESIDENT

The President: "In order to clarify the particular situation that exists at the present time, the President calls attention to the members to rule fifty nine, which states, 'after the first reading bills shall be referred to an appropriate standing committee.' The President believes that in order for the matter to come under the provisions of rule forty-seven that a suspension of fifty-nine is necessary, and then the matter would come in the order outlined in rule forty-seven. Namely, first a committee of the whole Senate; a standing committee; third, a select committee."

## MOTION

Senator Woody moved the rules be suspended and that Senate Bill No. 3075 be referred to the Select Committee on Medical Malpractice.

The motion by Senator Woody failed. Senate Bill No. 3075 was referred to the Committee on Social and Health Services.

## INTRODUCTION AND FIRST READING

**SENATE BILL NO. 3103, by Senator Grant:**

An Act relating to industrial welfare; amending section 6, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.091; amending section 8, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.105; amending section 17, chapter 174, Laws of 1913 as amended by section 16, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.170; adding new sections to chapter 49.12 RCW; repealing section 9, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.161; repealing section 17, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.185; defining crimes; and prescribing penalties.

Referred to Committee on Labor.

**SENATE BILL NO. 3104, by Senators Grant and Ridder:**

An Act relating to the industrial welfare committee; and amending section 43.22.280, chapter 8, Laws of 1965 as last amended by section 4, chapter 16, Laws of 1973 2nd ex. sess. and RCW 43.22.280.

Referred to Committee on Labor.

**SENATE BILL NO. 3105, by Senators Day and Herr:**

An Act relating to nursing homes; and amending section 74.09.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 213, Laws of 1975 1st ex. sess. and RCW 74.09.120.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 3106, by Senator Grant:**

An Act relating to the hours of employment; adding new sections to chapter 49.28 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Labor.

**SENATE BILL NO. 3107, by Senators Bottiger, Herr and Bluechel:**

An Act relating to mutual savings banks; amending section 32.12.090, chapter 13, Laws of 1955 as last amended by section 3, chapter 55, Laws of 1969 and RCW 32.12.090; amending section 19, chapter 176, Laws of 1963 as amended by section 10, chapter 55, Laws of 1969 and RCW 32.20.410; amending section 11, chapter 145, Laws of 1967 as amended by section 11, chapter 55, Laws of 1969 and RCW 32.20.420; and amending section 2, chapter 31, Laws of 1973 1st ex. sess. and RCW 32.20.460.

Referred to Committee on Financial Institutions.

**SENATE BILL NO. 3108, by Senators Ridder and von Reichbauer:**

An Act relating to industrial insurance; and amending section 51.08.160, chapter 23, Laws of 1961 and RCW 51.08.160.

Referred to Committee on Labor.

**SENATE BILL NO. 3109, by Senator Rasmussen:**

An Act relating to revenue and taxation; amending section 5, chapter 44, Laws of 1971 ex. sess. and RCW 84.40.380; amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020; and prescribing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3110, by Senators Fleming, Ridder and McDermott:

An Act relating to financial institutions; providing for fairness in lending in real estate mortgages by financial institutions operating in this state; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 3111, by Senators Fleming, Ridder and McDermott;

An Act relating to financial institutions; requiring the reporting of investments in real estate mortgages by financial institutions; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 3112, by Senators Woody, Lewis (Harry), Day, Sellar, Wanamaker and Newschwander:

An Act relating to public employment as such employment relates to public retirement systems authorized by the general laws of this state; amending section 13, chapter 274, Laws of 1947 as last amended by section 6, chapter 33, Laws of 1975 and RCW 41.40.120; adding a new section to chapter 41.04 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

There being no objection, the rules were suspended and additional sponsors were permitted on Senate Bill No. 3112.

SENATE BILL NO. 3113, by Senator Guess:

An Act relating to travel promoters; adding a new chapter to Title 18 RCW; defining crimes; prescribing penalties; and prescribing a compliance date.

Referred to Committee on Commerce.

SENATE BILL NO. 3114, by Senator Guess:

An Act relating to the department of motor vehicles; and adding new sections to chapter 156, Laws of 1965 and to chapter 46.01 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3115, by Senators Beck, Guess and Wanamaker:

An Act relating to counties; adding a new chapter to Title 36 RCW; repealing section 17, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.272; repealing section 18, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.274; repealing section 19, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.276; repealing section 20, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.278; repealing section 36.82.220, chapter 4, Laws of 1963 and RCW 36.82.220; and repealing section 1, chapter 25, Laws of 1965 ex. sess. and RCW 36.82.230.

Referred to Committee on Local Government.

SENATE JOINT MEMORIAL NO. 115, by Senators Guess, Pullen, Knoblauch and Buffington:

Republic of China, freedom.

Referred to Committee on State Government.

There being no objection, the rules were suspended and additional sponsors were permitted on Senate Joint Memorial No. 115.

SENATE JOINT RESOLUTION NO. 138, by Senator Rasmussen:

Judges, removal procedures.

Referred to Judiciary Committee.

HOUSE CONCURRENT RESOLUTION NO. 44, by Representative Charette:

Joint session for purpose of canvassing vote for Secretary of State and receiving message from the Governor.

## MOTIONS

On motion of Senator Walgren, the rules were suspended and House Concurrent Resolution No. 44 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended and House Concurrent Resolution No. 44 was advanced to third reading, the second reading considered the third and the resolution was adopted.

## THIRD READING

ENGROSSED SENATE BILL NO. 2994, by Select Committee on Education; Subcommittee on Resource Utilization: (Endorsed by Senators Woody, Lewis (R. H. "Bob"), Peterson, Knoblauch, Henry and Bluechel):

Permitting association formed by schools under Interlocal Cooperation Act for purchases of school supplies and equipment to mortgage property.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2994.

## POINT OF INQUIRY

Senator Rasmussen: "Would Senator Woody yield? There were several questions raised on the floor regarding this bill the other day. Did you get any clarification?"

Senator Woody: "Yes I did, Senator Rasmussen. As a result of several of the questions that were asked, I had Jim Bricker, our staff director contact Thomas L. Anderson, assistant attorney general, and he replied by memorandum, which I have in my hand dated January 19, 1976. The first question that was raised, 'May districts form an association and sell property and use the receipts from such sale for teachers' salaries?'. And the answer to that was 'Senate Bill 2994 merely authorizes these associations to mortgage property and contains no new authority to implement teachers' salaries'. The second question raised was, 'Would Senate Bill No. 2994 authorize a school district to form an association for the purposes of jointly operating a skills center?' And the answer, 'No. Senate Bill No. 2994 does not authorize the formation of joint skill centers.'"

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2994, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

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

Absent or not voting: Senators Guess, Scott, Sellar—3.

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

ENGROSSED SENATE BILL NO. 2994, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2982, by Senators Woody, Lewis (R. H. "Bob"), Bluechel, Guess, Knoblauch, Peterson and Henry:

Permitting the state fire marshal to preempt local codes with approval by the advisory board.

The Senate resumed consideration of Senate Bill No. 2982. On January 15, 1976, an amendment by Senator Woody was adopted.

Senator Pullen moved adoption of the following amendment:

On page 2, following section 1, add a new section as follows:

"NEW SECTION. Sec. 2. There is added to chapter 48.48 RCW a new section to read as follows:

At least once every four years the state fire marshal shall conduct an electrical inspection of every public school building in which K-12 students attend classes. The inspection shall determine whether or not a building meets the minimum inspection standards required by chapter 19.28 RCW as such chapter has been and may from time to time be amended or chapter 204, Laws of 1919 or chapter 169, Laws of 1935, whichever was in existence at the time the electrical wiring was installed. The state fire marshal shall notify the school district board having jurisdiction over the building of the results of the inspection. Such notification shall be in writing in a manner to be prescribed by the state fire marshal: PROVIDED, That the provisions of this section shall not become effective until the funding necessary for the implementation thereof shall have been appropriated by the legislature."

#### POINT OF INQUIRY

Senator Bottiger: "Would Senator Pullen yield to a question: Senator Pullen, I talked to you about this yesterday and I just want to make sure that it is in the journal, that the inspection would be made as to the electrical code in existence as of the time of construction or last remodeling of the building. Is that correct?"

Senator Pullen: "That is absolutely correct."

#### POINT OF INQUIRY

Senator Donohue: "Mr. President, would Senator Pullen yield to a question? Are you telling us that the fire marshal in his inspections today, do not in any way inspect the electrical systems of the schools?"

Senator Pullen: "The fire marshal's office is knowledgeable to a certain extent about electrically related fires. It does work closely with the Department of Labor and Industries on this matter, and, in fact, they contract with one another dealing with this particular subject. But right now, there is no mandatory periodic inspection of our schools and that is exactly the problem. Right now the fire marshal's office does have the authority to make inspections. In fact, the Department of Labor and Industries also can make inspections. But there is no mandatory requirement that these inspections be made over a certain period of time. And with the electrical connections, it is a particularly sensitive subject because custodians and others may be tampering with the fuse boxes and so on. Although the fire marshal's office does have the authority to make inspections, it is not required to do so at any particular time. And, so a lot of electrically related problems are going undetected at this particular time."

Debate ensued.

#### POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Mr. President, would Senator Pullen yield please: Senator Pullen, in the line where it says that 'the state fire marshal shall conduct an electrical inspection of every public school building which K to twelve students attend classes', does provision exist for elimination of duplication in those cities in which the city fire inspector already is making such inspections or can they continue to make such inspections at the local level as an agent of the fire marshal?"

Senator Pullen: "No, there is nothing in this amendment that would prevent inspections also at the local level but I would assume that some of the people at the local level would want to continue making inspections independently and others might feel that it is no longer necessary. This, of course, addresses itself primarily to the electrical inspections and how that relates to the fire hazards. Some of the local fire district personnel are concerned with the overall fire problem but are not well trained with regard to the electrical problems."

Senator Lewis (R. H. "Bob"): "Mr. President. To continue, Senator Pullen, in at least some of the larger cities, I am aware that the cities do make electrical inspections of the schools and my concern is, is there a necessity for duplication? In other words, do

the people have to pay taxes to have a city inspector make the inspection and also the state fire marshal if those cities are already doing the job that is generally considered up to all of the codes and all of the specifications of inspection of electrical facilities? I am just trying to concern myself about duplication of effort. Would it be possible, do you believe, in your discussion with the fire marshal, is it possible for the fire marshal to delegate such inspection authority to the cities and let the one city inspection that is already occurring be the sufficient inspection? I don't see anything but two inspections in Spokane or Seattle or Tacoma for example, Yakima, etcetera, Bellevue."

Senator Pullen: "I do not know of anything that would prevent what you are suggesting and as I already pointed out, in fact the fire marshal's office already contracts with the Department of Labor and Industries to get better technical expertise when it comes to the electrical problems so if there were adequate inspections at the local level, I do not see why that would not suffice, but that would be up to the state fire marshal to determine, I assume."

Senator Guess moved adoption of the following amendment to the amendment by Senator Pullen:

Amend the first sentence of the Pullen amendment as follows: After "attend classes" and before the period insert ": PROVIDED, That in those jurisdictions where the building inspection division has the capability of conducting such inspections the fire marshal shall delegate the authority for making the required inspections"

Debate ensued.

The motion by Senator Guess carried and the amendment to the amendment was adopted.

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

On motion of Senator Pullen, the following amendment to the title was adopted:

On page 1, line 2 of the title, after "RCW 48.48.045" insert "; and adding a new section to chapter 48.48 RCW"

#### MOTIONS

On motion of Senator Odegaard, Senator Donohue was excused.

On motion of Senator Woody, the rules were suspended, Engrossed Senate Bill No. 2982 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2982 and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; excused, 4.

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

Voting nay: Senators Jones, Sellar, von Reichbauer—3.

Excused: Senators Donohue, Fleming, Francis, Keefe—4.

ENGROSSED SENATE BILL NO. 2982, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:25 p.m., on motion of Senator Walgren, the Senate recessed until 1:15 p.m.



## AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

## MOTION

At 1:25 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Tuesday, January 20, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTEENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 20, 1976.

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

The President declared the Senate to be at ease.

The President called the Senate to order at 11:12 a.m.

The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Jones, Keefe and Wanamaker. On motion of Senator Knoblauch, Senators Fleming and Keefe were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Jones and Wanamaker were excused.

The Color Guard, consisting of Pages Warren Kennett and Tracy Conway, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ETERNAL GOD AND CREATOR OF US ALL, WE COME TO YOU JUST NOW, ASKING YOU TO HELP US TO EXAMINE OURSELVES THIS DAY, TO DETERMINE OUR OWN REAL MOTIVES AND GOALS. SAVE US FROM OUR OWN SELF-DEFEATING ATTEMPTS TO PLEASE OTHERS TO THE NEGLECT OF FOLLOWING OUR OWN CONVICTIONS ABOUT WHAT WE MUST DO ABOUT THE NEEDS WHICH CONFRONT US.

"GIVE EACH SENATOR AN UNDERSTANDING NOT ONLY OF THE WISHES OF THE PEOPLE OF THIS STATE, BUT ALSO A VISION OF WHAT MUST BE DONE TO MEET THE VERY REAL NEEDS OF ALL OF US. GIVE THEM THE COURAGE TO WITHSTAND THE PRESSURES OF THE SELFISH, AND GIVE TO THE PEOPLE THE VISION TO SEE THE NEEDS OF ALL, AND TO ACCEPT THE SACRIFICES WHICH MUST BE SHARED BY ALL. AMEN."

## MOTION

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

## REPORTS OF STANDING COMMITTEES

January 19, 1976.

SENATE BILL NO. 3037, amending veterans' bonus requirements (reported by Committee on State Government);

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

January 19, 1976.

SENATE BILL NO. 3038, supplementing loitering statute as formerly applicable to public and private schools (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

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

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

January 19, 1976.

MARY WILSON, to the position of member of the Board of Trustees of Eastern Washington State College, appointed by the Governor on March 2, 1975 for the term ending March 1, 1981, succeeding herself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

January 19, 1976.

PATRICK M. CALLAN, to the position of member of the Western Interstate Commission for Higher Education, appointed by the Governor on July 11, 1975 for the term ending June 9, 1979, succeeding James M. Furman (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

January 19, 1976.

ROBERT M. HUMPHREY, to the position of member of the Council on Post-Secondary Education, appointed by the Governor on July 8, 1975 for the term ending June 30, 1981 (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

January 19, 1976.

THOMAS HYSLOP, to the position of member of the Commission on Vocational Education, appointed by the Governor on July 29, 1975 for the term ending July 1, 1979 (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

January 19, 1976.

DIANE JACKSON, to the position of member of the Commission on Vocational Education, appointed by the Governor on July 29, 1975 for the term ending July 1, 1979 (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

January 19, 1976.

JOHN LARSEN, to the position of member of the Commission on Vocational Education, appointed by the Governor on July 29, 1975 for the term ending July 1, 1980 (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

January 19, 1976.

REVEREND SAMUEL B. MCKINNEY, to the position of member of the Commission on Vocational Education, appointed by the Governor on July 29, 1975 for the term ending July 1, 1976 (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

January 19, 1976.

DR. GLENN TERRELL, to the position of member of the Western Interstate Commission for Higher Education, appointed by the Governor on August 1, 1975 for the term ending June 9, 1979, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

#### MESSAGES FROM THE HOUSE

January 19, 1976.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE HOUSE BILL NO. 1100, and the same is herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

January 20, 1976.

Mr. President: The Speaker has signed: HOUSE CONCURRENT RESOLUTION NO. 44, and the same is herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 44.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 3116, by Senators Francis, Van Hollebeke and Jones:

An Act relating to juveniles; amending section 6, chapter 302, Laws of 1961 as amended by section 1, chapter 137, Laws of 1967 and RCW 13.04.095; amending section 3, chapter 30, Laws of 1965 as amended by section 66, chapter 292, Laws of 1971 ex. sess. and RCW 74.13.020; amending section 17, chapter 172, Laws of 1967 as amended by section 2, chapter 101, Laws of 1973 1st ex. sess. and RCW 74.13.031; adding a new section to chapter 13.04 RCW; and creating a new section.

Referred to Judiciary Committee.

SENATE BILL NO. 3117, by Senators Guess, Matson and Morrison (by Department of Highways request):

An Act relating to prevailing wages on public works; and amending section 4, chapter 63, Laws of 1945 as amended by section 3, chapter 133, Laws of 1965 ex. sess. and RCW 39.12.040.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3118, by Senators Henry, Guess and Matson (by Department of Highways request):

An Act relating to the department of highways; and amending section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3119, by Senators Day, Donohue and von Reichbauer:

An Act relating to public assistance; and amending section 74.09.160, chapter 26, Laws of 1959 as amended by section 1, chapter 48, Laws of 1973 1st ex. sess. and RCW 74.09.160.

Referred to Committee on Social and Health Services.

## MOTION

On motion of Senator Day, the rules were suspended and Senator von Reichbauer was permitted as an additional sponsor to Senate Bill No. 3119.

SENATE BILL NO. 3120, by Committee on Transportation and Utilities: (Endorsed by Senators Henry, Jolly, Bottiger, Knoblauch, Beck, Guess, Wanamaker, Lewis (R. H. "Bob"), Benitz, Sellar and Morrison:

An Act relating to transportation taxation; amending section 13, chapter 255, Laws of 1969 ex. sess. as last amended by section 2, chapter 270, Laws of 1975 1st ex. sess. and RCW 35.58.278; amending section 35.77.010, chapter 7, Laws of 1965 as last amended by section 1, chapter 215, Laws of 1975 1st ex. sess. and RCW 35.77.010; amending section 46.68.090, chapter 12, Laws of 1961 as last amended by section 74, chapter 32, Laws of 1967 and RCW 46.68.090; amending section 46.68.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 124, Laws of 1973 1st ex. sess. and RCW 46.68.100; amending section 9, chapter 83, Laws of 1967 ex. sess. and RCW 46.68.150; amending section 10, chapter 83, Laws of 1967 ex. sess. as amended by section 1, chapter 253, Laws of 1975 1st ex. sess. and RCW 47.26.040; amending section 24, chapter 83, Laws of 1967 ex. sess. as amended by section 2, chapter 253, Laws of 1975 ex. sess. as amended by section 2, chapter 253, Laws of 1975 1st ex. sess. and RCW 47.26.180; amending section 30, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.240; amending section 41, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.405; amending section 45, chapter 83, Laws of 1967 ex. sess. as amended by section 4, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.420; amending section 49, chapter 83, Laws of 1967 ex. sess. as amended by section 6, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.424; amending section 50, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.425; amending section 3, chapter 246, Laws of 1959 and RCW 19.90.160; amending section 28A.47.480; chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.480 amending section 28A.47.760, chapter 223, Laws of 1969 ex. sess. and

RCW 28A.47.760; amending section 28A.47.764, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.764; amending section 7, chapter 255, Laws of 1969 ex. sess. as amended by section 1, chapter 270, Laws of 1975 1st ex. sess. and RCW 35.58.272; amending section 8, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.273; amending section 9, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.274; amending section 10, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.275; amending section 11, chapter 255, Laws of 1969 ex. sess. as amended by section 1, chapter 199, Laws of 1971 ex. sess. and RCW 35.58.276; amending section 12, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.277; amending section 35A.11.020, chapter 119, Laws of 1967 ex. sess. as amended by section 1, chapter 29, Laws of 1969 ex. sess. and RCW 35A.11.020; 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 17, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.070; amending section 2, chapter 5, Laws of 1965 as amended by section 1, chapter 56, Laws of 1972 ex. sess. and RCW 43.99.020; amending section 4, chapter 5, Laws of 1965 and RCW 43.99.040; amending section 5, chapter 5, Laws of 1965 and RCW 43.99.050; amending section 7, chapter 5, Laws of 1965 and RCW 43.99.070; amending section 4, chapter 156, Laws of 1965 and RCW 46.01.040; amending section 20, chapter 47, Laws of 1971 ex. sess. as last amended by section 1, chapter 144, Laws of 1974 ex. sess. and RCW 46.09.150; amending section 16, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.160; amending section 46.16.320, chapter 12, Laws of 1961 as last amended by section 10, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.320; amending section 13, chapter 74, Laws of 1967 ex. sess. as amended by section 7, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.061; amending section 12, chapter 106, Laws of 1963 as last amended by section 1, chapter 115, Laws of 1973 and RCW 46.85.120; amending section 23, chapter 106, Laws of 1963 as amended by section 115, chapter 32, Laws of 1967 and RCW 46.85.230; amending section 24, chapter 106, Laws of 1963 and RCW 46.85.240; amending section 32, chapter 281, Laws of 1969 ex. sess. and RCW 46.88.010; amending section 7, chapter 167, Laws of 1965 ex. sess. and RCW 47.02.070; amending section 47.10.040, chapter 13, Laws of 1961 and RCW 47.10.040; amending section 47.10.180, chapter 13, Laws of 1961 and RCW 47.10.180; amending section 47.10.310, chapter 13, Laws of 1961 and RCW 47.10.310; amending section 47.10.440, chapter 13, Laws of 1961 and RCW 47.10.440; amending section 47.10.714, chapter 13, Laws of 1961 and RCW 47.10.714; amending section 4, chapter 121, Laws of 1965 and RCW 47.10.729; amending section 8, chapter 7, Laws of 1967 ex. sess. and RCW 47.10.756; amending section 18, chapter 7, Laws of 1967 ex. sess. and RCW 47.10.766; amending section 34, chapter 83, Laws of 1967 ex. sess. as amended by section 5, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.280; amending section 40, chapter 83 Laws of 1967 ex. sess. as amended by section 3, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.404; amending section 21, chapter 7, Laws of 1961 ex. sess. and RCW 47.60.380; amending section 7, chapter 56, Laws of 1965 ex. sess. and RCW 47.61.070; amending section 81.80.300, chapter 14, Laws of 1961 as last amended by section 4, chapter 143, Laws of 1971 ex. sess. and RCW 81.80.300; amending section 81.80.318, chapter 14, Laws of 1961 as last amended by section 3, chapter 170, Laws of 1967 and RCW 81.80.318; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030; amending section 2, chapter 296, Laws of 1971 ex. sess. as amended by section 6, chapter 270, Laws of 1975 1st ex. sess. and RCW 82.14.045; amending section 4, chapter 10, Laws of 1967 ex. sess. as amended by section 3, chapter 254, Laws of 1969 ex. sess. and RCW 82.42.040; amending section 6, chapter 10, Laws of 1967 ex. sess. as last amended by section 5, chapter 254, Laws of 1969 ex. sess. and RCW 82.42.060; amending section 59, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.250; amending section 57, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.420; amending section 58, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.430; amending section 63, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.480;

amending section 67, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.520; amending section 82.98.030, chapter 15, Laws of 1961 and RCW 82.98.030; amending section 84.12.290, chapter 15, Laws of 1961 and RCW 84.12.290; amending section 84.44.050, chapter 15, Laws of 1961 and RCW 84.44.050; amending section 10, chapter 133, Laws of 1969 ex. sess. as last amended by section 1, chapter 180, Laws of 1971 ex. sess. and RCW 90.48.315; amending section 2, chapter 180, Laws of 1971 ex. sess. and RCW 90.48.370; amending section 3, chapter 180, Laws of 1971 ex. sess. and RCW 90.48.380; amending section 4, chapter 180, Laws of 1971 ex. sess. and RCW 90.48.390; amending section 5, chapter 180, Laws of 1971 ex. sess. and RCW 90.48.400; adding a new section to chapter 46.68 RCW; adding a new section to chapter 47.26 RCW; adding a new section to chapter 47.26 RCW to be codified as RCW 47.26.4251; creating a new chapter in Title 82 RCW to be designated as chapter 82.45 RCW; creating new sections; repealing section 82.36.010, chapter 15, Laws of 1961, section 1, chapter 79, Laws of 1965 ex. sess., section 1, chapter 153, Laws of 1967, section 1, chapter 156, Laws of 1971 ex. sess. and RCW 82.36.010; repealing section 1, chapter 28, Laws of 1974 ex. sess. and RCW 82.36.020; repealing section 82.36.030, chapter 15, Laws of 1961 and RCW 82.36.030; repealing section 82.36.040, chapter 15, Laws of 1961 and RCW 82.36.040; repealing section 82.36.050, chapter 15, Laws of 1961 and RCW 82.36.050; repealing section 82.36.060, chapter 15, Laws of 1961, section 1, chapter 96, Laws of 1973 and RCW 82.36.060; repealing section 82.36.070, chapter 15, Laws of 1961, section 3, chapter 79, Laws of 1965 ex. sess., section 2, chapter 96, Laws of 1973 and RCW 82.36.070; repealing section 82.36.080, chapter 15, Laws of 1961 and RCW 82.36.080; repealing section 82.36.090, chapter 15, Laws of 1961, section 4, chapter 79, Laws of 1965 ex. sess., section 2, chapter 153, Laws of 1967 and RCW 82.36.090; repealing section 82.36.100, chapter 15, Laws of 1961, section 2, chapter 7, Laws of 1961 ex. sess., section 3, chapter 83, Laws of 1967 ex. sess. and RCW 82.36.100; repealing section 82.36.110, chapter 15, Laws of 1961 and RCW 82.36.110; repealing section 82.36.120, chapter 15, Laws of 1961 and RCW 82.36.120; repealing section 82.36.130, chapter 15, Laws of 1961 and RCW 82.36.130; repealing section 82.36.140, chapter 15, Laws of 1961 and RCW 82.36.140; repealing section 82.36.150, chapter 15, Laws of 1961, section 5, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.150; repealing section 82.36.160, chapter 15, Laws of 1961 and RCW 82.36.160; repealing section 82.36.170, chapter 15, Laws of 1961 and RCW 82.36.170; repealing section 82.36.180, chapter 15, Laws of 1961, section 6, chapter 79, Laws of 1965 ex. sess., section 6, chapter 89, Laws of 1967 ex. sess. and RCW 82.36.180; repealing section 82.36.190, chapter 15, Laws of 1961 and RCW 82.36.190; repealing section 82.36.200, chapter 15, Laws of 1961, section 7, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.200; repealing section 82.36.210, chapter 15, Laws of 1961, section 30, chapter 21, Laws of 1961 ex. sess., section 8, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.210; repealing section 82.36.220, chapter 15, Laws of 1961, section 31, chapter 21, Laws of 1961 ex. sess., section 20, chapter 22, Laws of 1963 ex. sess. and RCW 82.36.220; repealing section 82.36.230, chapter 15, Laws of 1961, section 9, chapter 79, Laws of 1965 ex. sess., section 3, chapter 153, Laws of 1967, section 2, chapter 156, Laws of 1971 ex. sess. and RCW 82.36.230; repealing section 82.36.240, chapter 15, Laws of 1961 and RCW 82.36.240; repealing section 82.36.250, chapter 15, Laws of 1961 and RCW 82.36.250; repealing section 82.36.260, chapter 15, Laws of 1961, section 11, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.260; repealing section 82.36.270, chapter 15, Laws of 1961, section 4, chapter 153, Laws of 1967, section 3, chapter 96, Laws of 1973 and RCW 82.36.270; repealing section 82.36.275, chapter 15, Laws of 1961, section 1, chapter 117, Laws of 1961, section 1, chapter 187, Laws of 1963, section 1, chapter 135, Laws of 1965, section 1, chapter 86, Laws of 1967, section 27, chapter 281, Laws of 1969 ex. sess. and RCW 82.36.275; repealing section 82.36.280, chapter 15, Laws of 1961, section 23, chapter 281, Laws of 1969 ex. sess., section 1, chapter 36, Laws of 1971 ex. sess., section 1, chapter 138, Laws of 1972 ex. sess. and RCW 82.36.280; repealing section 82.36.290, chapter 15, Laws of 1961 and RCW 82.36.290; repealing section 82.36.300, chapter 15, Laws of 1961, section 21, chapter 22, Laws of 1963 ex. sess. and RCW 82.36.300; repealing section 59, chapter 145, Laws of 1967 ex. sess. and

RCW 82.36.302; repealing section 82.36.305, chapter 15, Laws of 1961, section 12, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.305; repealing section 82.36.306, chapter 15, Laws of 1961, section 4, chapter 96, Laws of 1973 and RCW 82.36.306; repealing section 82.36.310, chapter 15, Laws of 1961, section 13, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.310; repealing section 82.36.320, chapter 15, Laws of 1961 and RCW 82.36.320; repealing section 82.36.330, chapter 15, Laws of 1961, section 14, chapter 79, Laws of 1965 ex. sess., section 9, chapter 180, Laws of 1971 ex. sess. and RCW 82.36.330; repealing section 82.36.335, chapter 15, Laws of 1961 and RCW 82.36.335; repealing section 82.36.340, chapter 15, Laws of 1961 and RCW 82.36.340; repealing section 82.36.350, chapter 15, Laws of 1961 and RCW 82.36.350; repealing section 82.36.360, chapter 15, Laws of 1961 and RCW 82.36.360; repealing section 82.36.370, chapter 15, Laws of 1961, section 15, chapter 79, Laws of 1965 ex. sess., section 5, chapter 153, Laws of 1967 and RCW 82.36.370; repealing section 16, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.375; repealing section 82.36.380, chapter 15, Laws of 1961 and RCW 82.36.380; repealing section 82.36.390, chapter 15, Laws of 1961 and RCW 82.36.390; repealing section 82.36.400, chapter 15, Laws of 1961, section 6, chapter 153, Laws of 1967, section 3, chapter 156, Laws of 1971 ex. sess. and RCW 82.36.400; repealing section 410, chapter 15, Laws of 1961, section 5, chapter 95, Laws of 1973 and RCW 82.36.410; repealing section 82.36.420, chapter 15, Laws of 1961, section 40, chapter 199, Laws of 1969 ex. sess. and RCW 82.36.420; repealing section 82.36.430, chapter 15, Laws of 1961 and RCW 82.36.430; repealing section 82.36.440, chapter 15, Laws of 1961 and RCW 82.36.440; repealing section 1, chapter 22, Laws of 1963 and RCW 82.37.010; repealing section 2, chapter 22, Laws of 1963 ex. sess., section 1, chapter 67, Laws of 1965 and RCW 82.37.020; repealing section 3, chapter 22, Laws of 1963 ex. sess., section 4, chapter 83, Laws of 1967 ex. sess. and RCW 82.37.030; repealing section 4, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.040; repealing section 5, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.050; repealing section 6, chapter 22, Laws of 1963 ex. sess., section 2, chapter 67, Laws of 1965 and RCW 82.37.060; repealing section 7, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.070; repealing section 8, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.080; repealing section 9, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.090; repealing section 10, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.100; repealing section 11, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.110; repealing section 12, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.120; repealing section 13, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.130; repealing section 14, chapter 22, Laws of 1963 ex. sess., section 3, chapter 67, Laws of 1965 and RCW 82.37.140; repealing section 5, chapter 67, Laws of 1965 and RCW 82.37.145; repealing section 15, chapter 22, Laws of 1963 ex. sess., section 4, chapter 67, Laws of 1965 and RCW 82.37.150; repealing section 16, chapter 22, Laws of 1963 ex. sess., section 7, chapter 89, Laws of 1967 ex. sess. and RCW 82.37.160; repealing section 17, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.170; repealing section 18, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.180; repealing section 2, chapter 28, Laws of 1974 ex. sess. and RCW 82.37.190; repealing section 22, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.900; repealing section 23, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.910; repealing section 24, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.920; repealing section 2, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.010; repealing section 3, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.020; repealing section 4, chapter 175, Laws of 1971 ex. sess., section 2, chapter 135, Laws of 1972 ex. sess., section 1, chapter 156, Laws of 1973 1st ex. sess., section 1, chapter 62, Laws of 1975 1st ex. sess. and RCW 82.38.030; repealing section 5, chapter 175, Laws of 1971 ex. sess., section 2, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.040; repealing section 6, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.050; repealing section 7, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.060; repealing section 8, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.070; repealing section 1, chapter 42, Laws of 1973 and RCW 82.38.080; repealing section 10, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.090; repealing section 11, chapter 175, Laws of 1971 ex. sess., section 3, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.100; repealing section 12, chapter 175,

Laws of 1971 ex. sess., section 4, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.110; repealing section 13, chapter 175, Laws of 1971 ex. sess., section 5, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.120; repealing section 14, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.130; repealing section 15, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.140; repealing section 16, chapter 175, Laws of 1971 ex. sess., section 6, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.150; repealing section 17, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.160; repealing section 18, chapter 175, Laws of 1971 ex. sess., section 3, chapter 138, Laws of 1972 ex. sess., section 7, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.170; repealing section 19, chapter 175, Laws of 1971 ex. sess., section 4, chapter 138, Laws of 1972 ex. sess. and RCW 82.38.180; repealing section 20, chapter 175, Laws of 1971 ex. sess., section 5, chapter 138, Laws of 1972 ex. sess., section 8, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.190; repealing section 21, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.200; repealing section 22, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.210; repealing section 23, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.220; repealing section 24, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.230; repealing section 25, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.240; repealing section 26, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.250; repealing section 27, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.260; repealing section 28, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.270; repealing section 29, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.280; repealing section 30, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.290; repealing section 31, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.300; repealing section 32, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.900; repealing section 1, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.910; repealing section 34, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.920; repealing section 36, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.930; repealing section 82.44.010, chapter 15, Laws of 1961, section 1, chapter 199, Laws of 1963, section 4, chapter 121, Laws of 1967, section 54, chapter 299, Laws of 1971 ex. sess. and RCW 82.44.010; repealing section 82.44.020, chapter 15, Laws of 1961, section 2, chapter 199, Laws of 1963 and RCW 82.44.020; repealing section 82.44.030, chapter 15, Laws of 1961, section 51, chapter 299, Laws of 1971 ex. sess. and RCW 82.44.030; repealing section 82.44.040, chapter 15, Laws of 1961, section 12, chapter 118, Laws of 1975 1st ex. sess., section 94, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.44.040; repealing section 52, chapter 299, Laws of 1971 ex. sess., section 13, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.44.045; repealing section 82.44.050, chapter 15, Laws of 1961, section 3, chapter 199, Laws of 1963 and RCW 82.44.050; repealing section 82.44.060, chapter 15, Laws of 1961, section 4, chapter 199, Laws of 1963, section 14, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.44.060; repealing section 82.44.070, chapter 15, Laws of 1961, section 5, chapter 139, Laws of 1969, section 2, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.070; repealing section 82.44.080, chapter 15, Laws of 1961 and RCW 82.44.080; repealing section 82.44.090, chapter 15, Laws of 1961 and RCW 82.44.090; repealing section 82.44.100, chapter 15, Laws of 1961 and RCW 82.44.100; repealing section 82.44.110, chapter 15, Laws of 1961, section 1, chapter 121, Laws of 1967, section 3, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.110; repealing section 82.44.120, chapter 15, Laws of 1961, section 5, chapter 199, Laws of 1963, section 2, chapter 121, Laws of 1967, section 4, chapter 54, Laws of 1974 ex. sess., section 95, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.44.120; repealing section 82.44.130, chapter 15, Laws of 1961 and RCW 82.44.130; repealing section 82.44.140, chapter 15, Laws of 1961, section 3, chapter 121, Laws of 1967 and RCW 82.44.140; repealing section 1, chapter 87, Laws of 1972 ex. sess., section 5, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.150; repealing section 82.44.160, chapter 15, Laws of 1961, section 1, chapter 115, Laws of 1961, section 1, chapter 108, Laws of 1969, section 7, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.160; repealing section 82.44.900, chapter 15, Laws of 1961 and RCW 82.44.900; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation and Utilities.



SENATE BILL NO. 3121, by Senators Walgren, Francis and Washington:

An Act relating to motor vehicles; amending section 3, chapter 1, Laws of 1969 as amended by section 1, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.61.506; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 2, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.61.515; amending section 3, chapter 130, Laws of 1974 ex. sess. and RCW 46.61.518; and adding new sections to chapter 46.61 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3122, by Senators Benitz, Jolly and Morrison:

An Act relating to antique motor vehicles; and amending section 3, chapter 114, Laws of 1971 ex. sess. and RCW 46.16.315.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3123, by Senators Day, Herr, Cunningham and Guess:

An Act relating to mental illness; and amending section 7, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.020.

Referred to Committee on Social and Health Services.

#### MOTION

On motion of Senator Day, the rules were suspended and Senator Guess was permitted as an additional sponsor on Senate Bill No. 3123.

SENATE BILL NO. 3124, by Senator Bailey:

An Act relating to state economic policy; creating a new section; and making an appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3125, by Senators Henry and Guess:

An Act relating to transportation appropriations; amending section 2, chapter 279, Laws of 1975 1st ex. sess. (uncodified); creating new sections; repealing section 193, chapter 269, Laws of 1975 1st ex. sess., section 2, chapter 2, Laws of 1975 2nd ex. sess. (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3126, by Senators North and Wilson:

An Act relating to fees of county officers; and amending section 36.18.010, chapter 4, Laws of 1963 as amended by section 8, chapter 26, Laws of 1967 and RCW 36.18.010.

Referred to Committee on Local Government.

SENATE BILL NO. 3127, by Senators Gould, Wilson, and Mardesich:

An Act relating to education; providing for school district budgets; amending section 13, chapter 76, Laws of 1909 and RCW 1.16.030; amending section 28A.01.020; chapter 223, Laws of 1969 ex. sess. and RCW 28A.01.020; amending section 1, chapter 5, Laws of 1975 1st ex. sess. and RCW 28A.03.350; amending section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 63, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.080; amending section 2, chapter 124, Laws of 1972 ex. sess. as amended by section 64, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.085; amending section 28A.44.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 65, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.090; amending section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 67, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.48.010; amending section 28A.48.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 73, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.48.100; amending section 28A.58.150,

chapter 223, Laws of 1969 ex. sess. as last amended by section 110, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.150; amending section 28A.66.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.070; amending section 28A.66.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 130, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.66.100; amending section 84.52.020, chapter 15, Laws of 1961 as amended by section 33, chapter 43, Laws of 1975 and RCW 84.52.020; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW as a new chapter thereof; repealing section 28A.58.130, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.130; repealing section 28A.65.010, chapter 223, Laws of 1969 ex. sess., section 20, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.010; repealing section 28A.65.020, chapter 223, Laws of 1969 ex. sess., section 21, chapter 119, Laws of 1969 ex. sess., section 1, chapter 115, Laws of 1972 ex. sess., section 1, chapter 202, Laws of 1975 1st ex. sess. and RCW 28A.65.020; repealing section 28A.65.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.65.030; repealing section 28A.65.040, chapter 223, Laws of 1969 ex. sess., section 23, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.040; repealing section 28A.65.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.65.050; repealing section 28A.65.060, chapter 223, Laws of 1969 ex. sess., section 24, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.060; repealing section 28A.65.070, chapter 223, Laws of 1969 ex. sess., section 1, chapter 53, Laws of 1975 1st ex. sess. and RCW 28A.65.070; repealing section 1, chapter 93, Laws of 1971 ex. sess. and RCW 28A.65.075; repealing section 28A.65.080, chapter 223, Laws of 1969 ex. sess., section 25, chapter 119, Laws of 1969 ex. sess., section 38, chapter 48, Laws of 1971, section 2, chapter 93, Laws of 1971 ex. sess., section 2, chapter 26, Laws of 1972 ex. sess., section 22, chapter 43, Laws of 1975, section 122, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.080; repealing section 28A.65.090, chapter 223, Laws of 1969 ex. sess., section 26, chapter 119, Laws of 1969 ex. sess., section 23, chapter 43, Laws of 1975 and RCW 28A.65.090; repealing section 22, chapter 119, Laws of 1969 ex. sess., section 2, chapter 115, Laws of 1972 ex. sess. and RCW 28A.65.095; repealing section 28A.65.100, chapter 223, Laws of 1969 ex. sess., section 27, chapter 119, Laws of 1969 ex. sess., section 39, chapter 48, Laws of 1971, section 24, chapter 43, Laws of 1975, section 123, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.100; repealing section 28A.65.110, chapter 223, Laws of 1969 ex. sess., section 28, chapter 119, Laws of 1969 ex. sess., section 40, chapter 48, Laws of 1971, section 124, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.110; repealing section 28A.65.120, chapter 223, Laws of 1969 ex. sess., section 29, chapter 119, Laws of 1969 ex. sess., section 41, chapter 48, Laws of 1971, section 25, chapter 43, Laws of 1975, section 125, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.120; repealing section 31, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.141; repealing section 32, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.142; repealing section 28A.65.150, chapter 223, Laws of 1969 ex. sess., section 33, chapter 119, Laws of 1969 ex. sess., section 42, chapter 48, Laws of 1971, section 26, chapter 43, Laws of 1975, section 126, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.150; repealing section 34, chapter 119, Laws of 1969 ex. sess., section 43, chapter 48, Laws of 1971, section 127, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.153; repealing section 35, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.155; repealing section 28A.65.160, chapter 223, Laws of 1969 ex. sess. and RCW 28A.65.160; repealing section 28A.65.170, chapter 223, Laws of 1969 ex. sess., section 36, chapter 119, Laws of 1969 ex. sess., section 3, chapter 93, Laws of 1971 ex. sess., section 1, chapter 26, Laws of 1972 ex. sess., section 1, chapter 151, Laws of 1975 1st ex. sess. and RCW 28A.65.170; repealing section 2, chapter 151, Laws of 1975 1st ex. sess. and RCW 28A.65.175; repealing section 30, chapter 119, Laws of 1969 ex. sess., section 44, chapter 48, Laws of 1971, section 128, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.180; repealing section 6, chapter 91, Laws of 1974 ex. sess. and RCW 28A.65.190; declaring an emergency; and making an effective date.

Referred to Committee on Education.

SENATE BILL NO. 3128, by Senators Talley, Day and Bluechel:

An Act relating to acupuncture; creating a new chapter in Title 18 RCW; defining crimes; and prescribing an effective date for certain sections.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3129, by Senators Bottiger, Jolly and Lewis (R. H. "Bob"):

An Act relating to electric utilities; amending section 1, chapter 159, Laws of 1967 as amended by section 1, chapter 7, Laws of 1974 1st ex. sess. and RCW 54.44.010; and amending section 2, chapter 159, Laws of 1967 as last amended by section 1, chapter 72, Laws of 1974 ex. sess. and RCW 54.44.020.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3130, by Senators Talley and Peterson:

An Act relating to game; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3131, by Senators Matson, Rasmussen, Donohue, Benitz and Morrison:

An Act relating to state government; transferring certain powers, duties, and functions from the department of ecology to the department of natural resources; adding new sections to chapter 43.30 RCW; and prescribing an effective date.

#### MOTION

Senator Washington moved that Senate Bill No. 3131 be referred to the Committee on Ecology.

Debate ensued.

Senator Washington demanded a roll call and the demand was sustained by Senators Talley, Knoblauch, Donohue, Grant, Rasmussen, Goltz, Sellar, Pullen and Gould.

The President declared the question before the Senate to be the roll call on the motion by Senator Washington that Senate Bill No. 3131 be referred to the Committee on Ecology.

#### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 9; nays, 34; absent or not voting, 3; excused, 3.

Voting yea: Senators Francis, Gould, Grant, Murray, North, Ridder, Talley, Van Hollebeke, Washington—9.

Voting nay: Senators Bailey, Beck, Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, von Reichbauer, Walgren, Wilson, Woody—34.

Absent or not voting: Senators Bluechel, Bottiger, Herr—3.

Excused: Senators Fleming, Keefe, Wanamaker—3.

SENATE BILL NO. 3131 was referred to the Committee on State Government.

#### MOTION

On motion of Senator Knoblauch, Senator Bottiger was excused.

SENATE BILL NO. 3132, by Senators Lewis (Harry) and Jolly:

An Act relating to cruelty to animals; amending section 5, chapter 146, Laws of 1901 as amended by section 1, chapter 12, Laws of 1974 ex. sess. and RCW 16.52.080; and repealing section 2, chapter 12, Laws of 1974 ex. sess. and RCW 16.52.085.

Referred to Committee on Agriculture.

SENATE BILL NO. 3133, by Senators Rasmussen, Guess, Mardesich, Stortini, Cunningham, Herr, Pullen and Lewis (Harry):

An Act relating to education; defining the rights of parents of school children and the responsibilities of schools, their officials and personnel, as to curriculum, testing,

pupil records, methods of instruction and pupil academic progress; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW; and prescribing penalties.  
Referred to Committee on Education.

## MOTION

On motion of Senator Rasmussen, the rules were suspended and Senators Pullen and Lewis (Harry) were permitted as additional sponsors to Senate Bill No. 3133.

SENATE BILL NO. 3134, by Senators Rasmussen and Bailey:

An Act relating to the state fire marshal; and adding a new section to chapter 79, Laws of 1947 and to chapter 48.48 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3135, by Senators Washington and Talley:

An Act relating to transportation; authorizing the state to encourage rail passenger service; and adding a new chapter to Title 81 RCW.

Referred to Committee on Transportation and Utilities.

## MOTION

On motion of Senator Washington, Senator Talley was permitted as an additional sponsor to Senate Bill No. 3135.

SENATE BILL NO. 3136, by Senators Wanamaker, Mardesich, Odegaard, Woody and Bailey (by Office of Program Planning and Fiscal Management request):

An Act relating to the support of state government; making an appropriation for the department of emergency services; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3137, by Senators Walgren and Beck:

An Act relating to revenue and taxation; amending section 10, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.820; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3138, by Senators Stortini and Gould (by Superintendent of Public Instruction request):

An Act relating to education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Education.

SENATE CONCURRENT RESOLUTION NO. 126, by Senators Bluechel, Jolly, Morrison, Matson and Donohue:

Declaring the policy of conserving and protecting agricultural lands for the production of food and other agricultural products.

Referred to Committee on Agriculture.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1100, by Committee on Transportation and Utilities (originally sponsored by Representatives Gaspard and North):

Permitting local governments greater latitude in establishing utility rates.

Referred to Committee on Transportation and Utilities.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 3127, 3131, 3133, 3136 also Senate Concurrent Resolution No. 126.

## SECOND READING

SENATE BILL NO. 3002, by Select Committee on Education; Subcommittee on Certificated and Classified Employees: (Endorsed by Senators Stortini, Donohue, Matson, Newschwander, Scott and Mardesich):

Implementing law relating to contracts of school district certificated employees.

The bill was read the second time by sections.

On motion of Senator Clarke, the Senate commenced consideration of the following amendment moved for adoption by Senator Clarke:

On page 11, following section 9, insert a new section as follows:

"NEW SECTION. Sec. 10. There is added to chapter 28A.58 RCW a new section to read as follows:

Subsequent to any determination of probable cause by the superintendent as provided in RCW 28A.58.450 or RCW 28A.67.070, both as amended by this 1976 act, all proceedings, including notice, shall be as provided in chapter 34.04 RCW for a "contested case".

Renumber remaining sections consecutively.

## POINT OF INQUIRY

Senator Grant: "Mr. President. I just wondered if Senator Clarke would yield? Senator Clarke, not being an attorney, you say all attorneys are familiar with the proceedings and notices in the administrative procedures act. Could you describe the proceedings in the event that the superintendent, in this case, determine probable cause?"

Senator Clarke: "Well, if you will note the amendment, it provides that after probable cause has been ascertained, then the procedure shall be as set forth in the administrative procedures act. Now, the administrative procedures act is a very lengthy and comprehensive act and with respect to contested cases, RCW 34.04.090 has substantially a page of exactly what needs to be done by way of giving notice. It protects the rights of all parties with great detail, so that in reality it is spelled out exactly as to how all of these proceedings shall be conducted and the present law, nor the bill as presently written, does not in reality give the answers to all these methods of procedure. So if you are referring, I would call your attention to 34.04.090 with respect to contested cases."

## MOTION

Senator Washington moved that the amendments by Senator Walgren to Senate Bill No. 3002 be considered before the amendment moved for adoption by Senator Clarke.

Debate ensued.

There being no objection, the motion by Senator Washington was withdrawn.

The Senate resumed consideration of the amendment by Senator Clarke.

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Mardesich: "Mr. President. It is my understanding that Senator Bottiger is preparing an amendment which is in effect a substitution for the application of the administrative procedures act that Senator Clarke is now seeking to impose by amendment. Would an amendment by Senator Bottiger be in order in view of the fact that it does deal with this particular matter but is a different theory of application to the solution of the problem. Would the President rule that such an amendment setting up a separate board or commission which would handle this problem be in order subsequent to the adoption of this amendment, or rejection of it?"

## MOTION

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

## AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 1:15 p.m.

The President made the following reply to the Parliamentary Inquiry by Senator Mardesich prior to the noon recess:

## REPLY BY THE PRESIDENT

The President: "In response to the inquiry made by Senator Mardesich, the President has had the opportunity to review the proposed amendment by Senator Bottiger and believes that the proposed amendment by Senator Bottiger would be in order even though the amendment by Senator Clarke may be adopted. Even though the proposed amendment by Senator Bottiger does strike the language of the Senator Clarke amendment, the Senator Bottiger amendment containing a new proposal does not fall within the prohibition of rule 136 of Reed's, but rather is within the exception to the prohibition of rule 136."

The Senate resumed consideration of the amendment moved for adoption by Senator Clarke.

Further debate ensued.

## POINT OF INQUIRY

Senator McDermott: "Would Senator Clarke yield to a question? Senator Clarke, if a teacher was involved in a strike and was then terminated by the board for that, on that basis, how would this change in the law effect that? What rights would they have? How would that be handled? Could the board set up its own criteria as to the reasons for firing, and so forth?"

Senator Clarke: "I do not believe that there would be any more of a change on that particular question than there would be on any other question. In other words, if that were a probable cause for discharge, then in either event, I would expect the discharge to be upheld. The purport of this amendment, with respect to a change in the concept of the bill as originally introduced, is primarily procedural. Now, if you are asking as to what effect the enactment of the bill, either with my amendment or without it, would have upon the question of strike, then that perhaps is a more persuasive type question. Because it is conceivable. I suppose, that the determination of probable cause either under the bill as introduced or with my amendment, replace perhaps more discretionary power of determination in the school board. Certainly it would as to a *de novo* trial by the court. So, your question really has two concepts. One, as to the effect of my amendment as against the bill as introduced and secondly, the effect that the bill in either event would have on that particular question."

Senator McDermott: "Thank you."

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

There being no objection, the amendment by Senator Woody to page 2, beginning with line 2, on the Secretary's desk, was withdrawn.

There being no objection, the amendment by Senator Stortini to page 2, line 34, on the Secretary's desk, was withdrawn.

Senator Walgren moved adoption of the following amendment:

On page 3, section 2, beginning on line 28, strike "[de novo]" and insert "de novo"

Debate ensued.

The motion by Senator Walgren failed and the amendment was not adopted on a rising vote.

Senator Stortini moved adoption of the following amendment:

On page 3, line 28, after "court" strike "*without a jury*"

Debate ensued.

There being no objection, the amendment by Senator Stortini was withdrawn.

There being no objection, the amendment by Senators Grant and Bailey to page 3, beginning with line 27, on the Secretary's desk, was withdrawn.

There being no objection, the amendment by Senator Walgren to page 3, beginning on line 29, on the Secretary's desk, was withdrawn.

Senator Francis moved adoption of the following amendment:

On page 4, line 4, after "employee," and before "or" insert "or had the effect of diminishing academic freedom,"

Debate ensued.

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

Senator Clarke moved adoption of the following amendment:

On page 3, beginning on line 29 after the period, strike all material through line 7 on page 4.

Senator Walgren demanded a roll call and the demand was sustained by Senators Talley, Bailey, Ridder, Washington, Pullen, Rasmussen, Lewis (Harry), McDermott and Grant.

The President declared the question before the Senate to be the roll call on the amendment by Senator Clarke.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 26; nays, 19; excused, 4.

Voting yea: Senators Bailey, Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Gould, Guess, Henry, Herr, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Stortini, Woody—26.

Voting nay: Senators Beck, Day, Francis, Goltz, Grant, Jolly, Knoblauch, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson—19.

Excused: Senators Bottiger, Donohue, Keefe, Wanamaker—4.

There being no objection, the amendment by Senators McDermott and Bottiger to page 4, beginning on line 11, on the Secretary's desk, was withdrawn by Senator McDermott.

There being no objection, the amendment by Senators Grant and Stortini to page 4, line 17, on the Secretary's desk, was withdrawn by Senator Grant.

Senator Woody moved adoption of the following amendment:

On page 4, beginning with line 11, strike all of the material down to and including line 17 and insert "If the court enters judgment for the employee, and if the court finds that the probable cause determination was made in bad faith or upon insufficient legal grounds, the court in its discretion may award to [an] the employee a reasonable attorney's fee for the preparation and trial of his or her appeal together with his taxable costs in the superior court. If the court enters judgment for the employee, in addition to ordering the school board to reinstate or issue a new contract to the employee, the court may award damages for loss of compensation incurred by the employee by reason of the action of the school district."

Debate ensued.

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

There being no objection, the amendment by Senators Walgren, McDermott and Grant to page 4, beginning on line 18 striking all of section 4, on the Secretary's desk, was withdrawn.

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

On page 4, beginning on line 29, after "annual" strike the remainder of the sentence and insert "[evaluation of all employees] written evaluation of each employee which shall become part of the employee's permanent record"

Senator Grant moved the following amendments be considered and adopted simultaneously:

On page 7, beginning on line 15, strike all material through line 20.

On page 9, beginning on line 22, strike all of section 9.

Debate ensued.

## POINT OF INQUIRY

Senator Francis: "Would Senator North yield to a question? Senator North, by your anecdote are you saying that had there been no probationary period in California, the department chairman would not have helped or is it that without any probationary period you would not have listened and tried to improve?"

Senator North: "I think I am going to be as bad no matter how I answer that. No, the point is that if I were a permanent employee, it would be so much more difficult to dismiss me. And I felt, by the very nature of the three-year trial period, that I was on point, that I had much to learn. I was willing to listen to the advice and the suggestions of others. And that in itself, I think is a helpful, a good attitude to go into the teaching profession with."

## POINT OF INQUIRY

Senator Marsh: "Thank you Mr. President, ladies and gentlemen. I wonder if Senator Stortini, as chairman of the committee on certificated and classified employees, would yield to a question? Senator Stortini, what was the rationale of the subcommittee on certificated and classified employees and including this section in the bill?"

Senator Stortini: "Well, Senator Marsh the general opinion of the committee was that it felt that a probationary period, a change from one to three years, was necessary to identify persons, teachers, that were unfit for teaching. It was the general feeling that such things as academic records, student teaching just was not an indicator of long range success in teaching. I might also mention that in a recent survey, and I do not really know the validity of the survey, it was shown that thirty-eight percent of the teachers during their first three years, quit teaching. And, I am inclined to think that the basic reason why is they realize that they are just not capable, or maybe for other reasons, whether it be discipline in the classroom or whatever it might be, that they simply dropped out. But it was the feeling that each new employee in teaching, should be required to prove his or her competence during the initial years of performance."

Further debate ensued.

## POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Stortini yield to a question? Senator Stortini, if Senator Grant's amendment fails, and then we would have the three year probationary period, what happens to the teacher who is now, let's say in his first, second or third year of teaching, at the present time and if this bill were to pass and were signed by the Governor, where is that teacher? Does he start, would this be his first year of teaching under the probationary period, or . . ."

Senator Stortini: "No, it is impossible to impair one's contract, Senator."

Senator Odegaard: "So he would be under the continuing contract?"

Senator Stortini: "Yes, that is true."

The motion by Senator Grant failed and the amendments were not adopted.

Senator Woody moved adoption of the following amendment:

On page 9, beginning on line 4, strike all of section 8.

## POINT OF INQUIRY

Senator Bailey: "Mr. President. Would Senator Woody yield? Senator Woody, it was explained to me that the reason this was out of this section was because the superintendents had been put into the section relating to principals and I am asking the question, do you find that they are covered under the situation of administrators and principals, so that they would all be treated equally rather than in a separate category?"

Senator Woody: "When I talked with the people who had drafted this particular section, their response to me was that the only reason they were taking this language out was that it seemed like a good idea at the time and it rather struck me that I thought they were rather overreaching in their drafting. And that they had not really thought about what our reaction would be if we put the superintendent back into a direct responsibility position, as far as the board is concerned. Now you are asking whether or not the school superintendents have any further protection in this act? Is that your question?"



Senator Bailey: "No, Senator Woody, I am asking whether or not the superintendents are not already included in being excluded from the continuing contract by including them in the section that relates to principals. And, it was my understanding they were and that would make all administrators equal rather than having a separate section on superintendents. And, I just wanted to verify if that were true or not."

Senator Woody: "That is my impression but that is only my impression. I cannot speak for . . ."

Senator Bailey: "So then it would be unnecessary though to restore this language is the point . . ."

Senator Woody: "It perhaps could be, would be unnecessary, but to make it crystal clear, if we put this language back in, there would be no issue in courts to have to determine later."

#### POINT OF INQUIRY

Senator Goltz: "Would Senator Woody yield to a question? I still am not clear, Senator Woody, as to the effect of the answer to Senator Bailey's question. It seems to me that if the superintendent is covered under section seven along with assistant superintendents, directors and so on, and you are also going to cover him again by removing section eight, by keeping that provision of the law, is there a conflict between the way in which a superintendent would be handled under the then two provisions of the law?"

Senator Woody: "Section seven deals with transfers or reduction to a subordinate position, does it not? And if so, then I am speaking in section eight of them restoring the language of letting the board just out and out dismiss the superintendent."

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

#### MOTION

At 2:55 p.m., on motion of Senator Walgren, the Senate adjourned until 9:30 a.m., Wednesday, January 21, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**SIXTEENTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Wednesday, January 21, 1976.

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

The President announced the following flag bearers from Fort Lewis: Sgt. Victor Morales, Sgt. David Moyer, Sgt. Daniel Hergonroder, Pvt. William Ball and Drummer, Staff Sgt. Willie Lawrence. The Colors were presented by the visiting Color Guard.

Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"IN PRAYER WE COME TO YOU JUST NOW, O GOD, KNOWING THAT YOU ARE, AND HAVE BEEN, WITH US CONTINUOUSLY, EVEN WHEN WE HAVE NOT RECOGNIZED YOUR PRESENCE. AND SO WE SEEK YOUR SPECIAL BLESSING UPON EACH OF THESE SENATORS AS THEY DELIBERATE TOGETHER HERE IN THIS CHAMBER, IN COMMITTEE MEETINGS, AND IN THEIR OFFICES. HELP THEM TO CONFRONT AND OVERCOME THE STRAIN OF THE ENDLESS DEMANDS PLACED UPON THEM BY CONSTITUENTS AND PRESSURE GROUPS, AND TO SEEK SOLUTIONS WHICH MEET THE NEEDS OF THE MANY RATHER THAN OF THE FEW. LOOK WITH COMPASSION UPON OUR HUMAN FRAILTIES, O GOD, BUT DELIVER US FROM OUR OWN SELF-PITY. THROUGH CHRIST WE PRAY. AMEN."

**MOTION**

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

**APPOINTMENT OF SPECIAL COMMITTEE**

The President announced the presence in the Senate Chamber of Major General Volney F. Warner, Commander of Fort Lewis, Washington and his wife. The President appointed Senators Day, von Reichbauer, Guess, Lewis (R. H. "Bob"), Henry, Morrison, Von Hollebeke and Mardesich to escort the honored guests to a place of honor upon the rostrum.

**REMARKS BY THE PRESIDENT**

The President: "In keeping with the spirit and the continuing program of commemorating our nation's 200th birthday, the President is fortunate, today, to have the distinct privilege of introducing to the members of the Senate a present-day American military hero.

"Our guest of honor, today, is Major General Volney F. Warner, the commanding officer of the 9th Infantry Division and Fort Lewis.

"General Warner brings to us an unparalleled record of achievements and experience as a military leader. Having served in both the Navy and the Army, General Warner entered the United States Military Academy in 1946. Since his graduation in 1950, our distinguished guest has served in leadership capacities in Korea, the free territory of Trieste, Austria, Germany, Italy and Vietnam. Incredible as it seems, even with this intensive service, the General has found the time to serve as special assistant to the President on Vietnam affairs at the White House and in the meantime has earned a masters degree in psychology from Vanderbilt University, Nashville, Tennessee, and a masters degree in internal affairs from George Washington University.

"General Warner also had the distinction of being the executive officer and senior aide to General Westmoreland.

"The somewhat different gait which the General demonstrates, today, is as a result of a recent parachute jump in Utah with the Ranger Battalion from Fort Lewis, in which he suffered a broken leg, however, the injury does not slow the General down. He is, as always, prepared to fight. Also, I am advised, that he holds the record at Fort Lewis for the fastest one-half mile run while in a cast.

"Would the members of the Senate please rise to give General Warner the warm reception which he so richly deserves."

#### REMARKS BY GENERAL WARNER

General Warner: "Thank you, Mr. President, distinguished members of the Senate. Today, I bring to you a fine greeting from the some twenty-four thousand soldiers at Fort Lewis, the five thousand civilians, and the some thirty-seven thousand dependents that reside at Fort Lewis and the immediate area. A total population whose economic impact on the area is three hundred and forty million dollars annually in salaries and contracts alone.

"As we were thinking of that this morning, we concluded that is a pretty good return on the Pierce County investment of the two million dollar bond drive that took place back in 1916 that produced the money of course then that permitted the tract where Fort Lewis now stands to be purchased and donated to the Federal Government. Also in reviewing that this morning, I noticed that it said that there is a sort of a reverter clause, a reversion clause in the deed, and it says that if Fort Lewis should stop training soldiers in any fashion, then immediately that tract reverts back to Pierce County. Now, I can assure you that I am truly dedicated to the purpose of insuring that Pierce County never gets Fort Lewis back. There is nothing that I like to do better than to train soldiers, and there is certainly no better setting for it than here in the state of Washington. Our relationship with the surrounding community is the best that I have seen it in all my service, and we really enjoy it. The physical setting here in the state of Washington is just ideal for training soldiers how to defend their country.

"Well, so much for the accolades, and perhaps the statistics, but I did want to mention also that of course the Army, the fourteenth of June last year, celebrated its bi-centennial, and in the two hundred years since its inception the mission of the Army really has not changed appreciably at all. Basically, that of being prepared to look like, act like, train like, and if decided by political authority, to fight like an army in defense of its country, that remains the same. The 9th Division at Fort Lewis and the other units that are currently at Fort Lewis are fully committed to maintain the kind of combat readiness that those units need to have in order to execute that mission.

"We do not look for it, but if it should come, we certainly consider ourselves capable of accomplishing anything we may be asked to do. We have all the people that we need to do our mission, in fact, three thousand of those people call the state of Washington home. If you add to the state of Washington, the Pacific Northwest, and toss in California for good measure, then fifty-one percent of the military population at Fort Lewis come from the Pacific Northwest. That is one sort of accident of not having a draft. By unit of choice, station of choice, we have created a tremendous attraction of Fort Lewis for the residents of this area to serve their country, and at the same time, come home and be in pretty much the same community in which they were born and raised.

"So we have our people. We have, as do all large organizations, some problems with respect to money and materiel, and I am sure that is no news to you. But, I would ask you only one thing in the way of support for the Army and the military services, and that would be this: to not permit this country to substitute in war the courage of its soldiers for the shortcomings in equipment and dollars that it needs, that the Army needs, during peace time in order to insure that if we have to defend we can do it well.

"I really do appreciate the privilege of being here today and have a chance to say a few words and to look upon this body for the first time, and Mrs. Warner and I thank you very much."

## MOTIONS

On motion of Senator Walgren, all members were permitted as additional sponsors to Senate Resolution 1976-171.

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

## SENATE RESOLUTION 1976-171

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

WHEREAS, The Army of the United States had its inception in the action of the Continental Congress which on June 14, 1775, created the Continental Army; and

WHEREAS, That Continental Army was under the command of General George Washington; and

WHEREAS, This state proudly bears the name of that first great general, who also became the first President of these United States; and

WHEREAS, The customs and traditions of the Army of the United States have for the past two centuries honored that date of June 14, 1775, as the birth of the United States Army; and

WHEREAS, For more than two hundred years the Army of the United States has protected and defended the citizens and shores of the United States; and

WHEREAS, On this date, January 21, 1976, the Senate of the State of Washington in its Bicentennial commemoration of our nation's founding is the proud host of Major General Volney F. Warner, Commander of Fort Lewis, Washington, and of the Ninth Infantry Division; and

WHEREAS, General Warner enjoys the unique distinction of having served as an enlisted man in both the United States Army and the United States Navy, is a graduate of the United States Military Academy at West Point, and has served our country in World War II and in the Korean and Vietnam conflicts; and

WHEREAS, General Warner is a guest of the Washington State Senate as an official representative of the United States Army;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington, through General Warner, does declare its pride in and respect for the Army of the United States of America, and does convey heartfelt good wishes to all personnel of our Army during this Bicentennial Year; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to General Warner, Commander of Fort Lewis, Washington, and to all other interested groups and individuals.

The committee of honor escorted the distinguished guests from the Senate Chamber and the committee was discharged.

At 10:00 a.m., the Senate retired to the House Chamber to meet in Joint Session for the purpose of canvassing the votes for the office of Secretary of State and to hear the Honorable Governor Daniel J. Evans address the Legislature.

## JOINT SESSION

The Sergeants at Arms of the Senate and the House announced the arrival of the Senate at the bar of the House.

The Speaker requested the Sergeants at Arms of the Senate and the House to escort Lieutenant Governor John Cherberg and President Pro Tempore Al Henry to seats on the rostrum beside the Speaker.

The Secretary of the Senate called the roll of the Senate, and all members were present except Senators Keefe and McDermott, who were excused.

The Clerk of the House called the roll of the House, and all members were present, except Representative Wojahn, who was excused.

The Speaker appointed Senators Wilson, North, Morrison and Goltz and Representatives O'Brien, Haussler, May, Berentson and Zimmerman to escort the state elected officials to seats within the House Chamber.

The Speaker appointed Senators Jolly, Pullen and Ridder and Representatives Charette, Bauer and Deccio to escort the Governor to a seat upon the rostrum.

The Speaker: "This Joint Session is called for the purpose of canvassing the vote for and against initiative measures, referendums, and joint resolutions; and for Secretary of State for the State of Washington; and for Judge of the Court of Appeals, Division II, State of Washington, and to receive a message from the Governor."

MESSAGE FROM THE SECRETARY OF STATE

TO THE HONORABLE,  
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES  
THE LEGISLATURE OF THE STATE OF WASHINGTON

SIR:

I have the honor of herewith submitting a summary of the returns of the votes cast at the State General Election held in the several counties of the state on the fourth day of November, nineteen hundred seventy-five for and against the initiatives, referendum bill, and proposed amendments to the State Constitution, which were submitted to the vote of the people at said General Election and for the several candidates for the positions of Secretary of State, one year unexpired term, and Judge of the Court of Appeals, Division II, one-year unexpired term. The total number of ballots cast at such election was 1,000,427 and the total number of votes cast for and against such measures and for such candidates is as follows:

*Initiative Measure 314*

"Shall corporations pay a 12% excise tax measured by income so that special school levies may be reduced or eliminated?"

YES . . . . .	323,831
NO . . . . .	652,178

*Initiative Measure 316*

"Shall the death penalty be mandatory in the case of aggravated murder in the first degree?"

YES . . . . .	662,535
NO . . . . .	296,257

*Referendum Bill 35*

"Shall the Governor, in filling U.S. Senate vacancies, be limited to the same political party as the former incumbent?"

YES . . . . .	430,642
NO . . . . .	501,894

*Senate Joint Resolution 101*

"Shall the existing constitutional provisions relating to the judiciary be replaced by a new and revised judicial article?"

YES . . . . .	408,832
NO . . . . .	427,361

*Senate Joint Resolution 127*

"Shall a commission be created to fix all legislative salaries and legislators' eligibility for election to other offices be expanded?"

YES . . . . .	355,399
NO . . . . .	539,289.

*House Joint Resolution 19.*

"Shall Washington's Constitution be amended to permit governmental assistance for students of all educational institutions — limited by the federal Constitution?"

YES . . . . .	369,775
NO . . . . .	565,444

*Secretary of State (One-year Unexpired Term)*

Bruce K. Chapman . . . . .	473,158
Kay D. Anderson . . . . .	431,674

*Judge of the Court of Appeals (One-year Unexpired Term)*

Edward P. Reed . . . . .	40,226
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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington, at Olympia, this twenty-first day of January, nineteen hundred and seventy-six.

BRUCE K. CHAPMAN  
Secretary of State.  
By: Duane C. Woods,  
Assistant Secretary of State.

Seal of the State of Washington.

The Speaker: "In view of the election results just read, certified by the Secretary of State, and to which there have been no protests, this Joint Session now declares Bruce Chapman to be the constitutionally elected Secretary of State for the State of Washington.

"The Speaker is about to sign the election certificate of Secretary of State Bruce Chapman."

The Speaker turned the gavel over to Lieutenant Governor Cherberg.

Lieutenant Governor Cherberg: "The Lieutenant Governor is about to sign the election certificate of Secretary of State Bruce Chapman."

The President of the Senate then introduced Governor Daniel J. Evans.

### ENERGY AND TRANSPORTATION MESSAGE

Governor Evans: "Mr. President, Mr. Speaker, ladies and gentlemen of the Legislature:

I heard to my surprise as I waited outside and I am sure you heard to your surprise this morning the announced decision of Representative Luders to step down from the legislature. I know I speak for members of the legislature as well as for the people of the state in saying that our relationships have been excellent ones. I have looked to Representative Luders for his considerable leadership in the field of ecology and environmental protection. He will be sorely missed from this legislature and as you leave I know I join with all others in saying, 'A job well done and best wishes in whatever future endeavors you choose to undertake.'

Three years ago this nation awoke to the harsh reality that it no longer was fully independent of others. Tiny principalities and kingdoms, many with names we could not pronounce, embargoed oil deliveries to this nation and created economic and personal havoc which continued for months. Intense national interest and concern over our energy independence followed. You will remember as well as I the announcement of Project Independence by President Nixon, the debates which raged for weeks, actually now for years, in Congress over the important legislation needed to create energy independence for this nation. It appeared at least temporarily that this nation would move decisively to recapture its energy independence.

Today, unfortunately, the public has forgotten the long gas lines of a few years ago. The relaxation of public interest in energy policy is hardly surprising. The lights are on, the tanks are full, the lines have disappeared and the memories of embargo are fading. But we would be deceiving ourselves and our citizens today if we did not recognize the urgency of energy shortage and the steps we can take to better manage potential shortages as well as to insure greater supply in future years.

Many of the issues I will present today were presented a year ago. Much work and

research has been carried on in the intervening months. And I am pleased that action is being taken in this legislative session to move decisively in the energy field. I am particularly pleased with actions taken by the House of Representatives on three of the major energy-related matters — action taken within the past few days.

Significant among these actions is the establishment of an energy office. While I have acted by executive order to bring together the existing elements, the rather fractured elements of energy management, I have done so with the recognition that it was only temporary and would await legislative action to expand and to detail the actions of what I hope will be a more important element in state government in future years. An energy office is needed to give us the ability to coordinate research. A good deal of research is going on in this state and across the nation in energy, but much of it is uncorrelated, uncoordinated, and some of it is perhaps even unknown to those of us in the state of Washington who must act and must make decisions based on research already done, that we may have to, or, we may if not careful, attempt to duplicate. It is important that an energy office compile information for the use of industry and for individual people, for those engaged in construction, all of those who can utilize energy information to do a job better. An energy office can give us the best focal point to encourage conservation, energy conservation, which very likely can give us most quickly and most cheaply some answers to current shortages. I congratulate the House of Representatives on the actions it has taken. I believe the bill that you are working on is not only adequate but is a major step forward, one which will put us in the forefront of other states in terms of coordinated energy management.

If we do a good job of energy management, we hope we can at least minimize if not eliminate the necessity for emergency cutbacks. The vagaries of weather and the decisions of foreign potentates may bring us to a point where we will have temporary shortages either in electrical supply or natural gas or oil or a combination of these energy sources. I have talked with enough of those engaged in the supply of these essential energy elements to know that when they speak of shortages and when they talk of allocations and cutbacks and rationing they don't look at each other, but they turn and look to me and in essence to you, to government in other words, to make the decisions that they do not want to make nor perhaps should they make in terms of the priorities and the allocations during periods of shortages.

We need to have legislation that sets forth as clearly as we can through legislative guidelines the priorities that we must set. We should do the job beforehand so that all people who use energy supplies have a clear idea of the priorities they will be under if there is a period of temporary shortage. I believe that it is important to have, through an advisory committee, both the technical assistance from those who are experienced in the field of energy supply, as well as the feelings of people, the consumers if you will, of those same energy supplies. The urgency of action required, given the potential of shortages, particularly electrical shortages, in the next few years or electrical shortages occurring from weather conditions, mandate action, I believe, at this session. The House bill you have passed is, I think, an excellent response to the needs in emergency authority. The third of the bills which you have worked upon is the key additional element in energy management.

We were the first state in the nation through legislative action in 1970 to establish a Thermal Siting Council to give us a one-stop management for the application of those who would build nuclear power plants or other major thermal energy plants. It has worked well. The process is an extensive one, but the end result is a single permit, an opportunity for a sponsor to build, knowing that they have all of the necessary authority once the final permit is signed. We are underway with several nuclear plants as a result of that Nuclear Siting Council. I believe its success indicates its desirability for other major energy installations. We are likely to face, in the next few years, the applications for a variety of other major energy installations, all of which deserve the same consideration, the same one-stop service, the same single permit, and the same comprehensive review that comes out of our present Thermal Siting Council. The House action on the Energy Siting Council bill again, I believe, is a responsible and an effective one for broadening this authority.

Turning now to two major energy sources and the problems we face with those sources. Natural gas: The supply is critical. It is critical to continued economic development as well as to the continued well-being of thousands of households across this state who utilize natural gas for their heating and cooking needs. We, as you know, have been subjected to severe cutbacks in Canadian supplies. We have also been subjected to rapid price escalations. The current price at the border for natural gas, Canadian natural gas, is almost six times the level of three years ago. We need additional supply and through the North Slope discoveries in Alaska, additional natural gas is potentially available.

There are two major proposals to bring that gas to the United States. One, a so-called all-American or trans-Alaskan pipeline which would deliver gas to southeastern Alaska, then liquify it and then ship it by special tanker to southern California where it would be regasified and fed into a transcontinental or national network of pipelines. The other would bring that gas across Canada to the American midwest by pipeline with a branch line leading to the northwest. Neither of these proposals as yet have insured any additional gas supply for this area. Except for a very small allocation, neither of these proposals in and of themselves will produce additional gas for the state of Washington. I believe, therefore, that it is to our best interests to remain uncommitted as a state for the moment on these alternative proposals until we can best determine which will provide the economic advantage and the assurance of supply for the state of Washington.

I think it is also important and I intend to instigate direct contact with the state of Alaska, to attempt to get from them some indication of the use of their so-called 'royalty' gas, the portion of the gas from the North Slopes that will be under the ownership of the state of Alaska. But independent of North Slope discovery most of the new discoveries of natural gas across the world are in remote areas where there can be no direct pipeline delivery from source to market. This will emphasize the need for liquification and shipment by tanker to ultimate markets. We should move promptly in this state to investigate the feasibility of a liquid natural gas gasification facility. I pledge to work with industry and with technical experts across this state and with those of you in the legislature to determine the economic and practical feasibility of such a facility. We then potentially could have the ability to not only receive liquid gas from Alaska if that is the direction to be chosen, but also from a multitude of other sources across the world.

Such a plant might well open up the potential of associated petrochemical industries with particular emphasis on the feed stocks for fertilizers which is going to be increasingly necessary as we expand the agricultural potential of the state of Washington.

Conservation is a very important element in energy supply — vastly underrated in my view, nationally and probably even here in the state of Washington. We showed what could be done through conservation a few years ago when we had temporary electrical shortages. We proved that industry and government and citizens alike could join together in significantly reducing their energy use without much more than minor inconvenience to both people and industry.

I think it is increasingly important that we engage in whatever kind of conservation activities we can to insure that we use our resources wisely and we avoid the enormous costs to the degree we can, the enormous costs of new facilities whether they be for electricity or for the extraction of our nonrenewable resources — all of which tend to escalate the overall price of those limited energy resources. Specifically there are several bills in front of you which could help us in the energy conservation activity. A year ago I vetoed a Thermal Standards Act. I vetoed it because I believed at that time that imminently the national building code would in essence adopt the thermal standards which were being suggested by legislative action. I felt then that we would be better off with national standards which could apply to all. That has not occurred. It is obvious that it will be some time before we move on a national basis. I, therefore, believe that it would be wise for us to take action at the state level and, therefore, I endorse and hope you will repass an excellent act but one now which will apply just to the state of Washington rather than having us join in a national endeavor.

You also have before you, and some action has been taken by both houses, on a Resource Recovery Act — a Resource Recovery Act to encourage leadership of the



state of Washington in recycling essential materials. This is a particularly important element of conservation. I hope that there will be conclusive legislative action on that Resource Recovery Act where you have already spent a good deal of time and effort. I believe the remaining needed time will be short.

A number of bills, at least several, are in front of you, sponsored by individual legislators to encourage the use of solar heating through a variety of tax rebates. Several other states have adopted this procedure. Some have done it through an elimination of property tax payments on the extra costs of solar heating. There are other ways to accomplish the same goal, which is to encourage the use of solar heating, which, of course, uses an energy source which is inexhaustible and one which does not compete in terms of needs.

Oil: The other major nonrenewable resource with which we have a great deal of difficulty. Many studies have been conducted over the past few years, a significant number within the past few months, regarding the delivery of oil, crude oil, to serve the oil refineries of the state of Washington. We are at a point again where Canadian policies are going to eliminate in a very short period of time the delivery of crude oil by pipeline to our four refineries. The only alternatives are to either shut down the refineries or to ship crude oil to those refineries by tanker. The thought of shutting down those refineries, considering that almost all of our energy resources come from those refineries, is unthinkable. We, therefore, must deal with the question of tanker delivery in the most comprehensive way we can. You have taken action already in terms of a tug escort bill, but there is no question that if feasible a single point delivery at or west of Port Angeles would not only minimize, but would eliminate environmental hazard in the inner waters of the state of Washington. If crude oil tankers do not come east of Port Angeles then there can be no additional hazards from spill east of Port Angeles and in the restricted waters, particularly around Anacortes and the San Juan Islands.

The cost of such a facility could be as much as \$400 million. I think we must translate that cost into the additional cost of product between one cent and one cent and a half of cost for each gallon of gasoline or heating oil, and translate it further into the hazards of spill and the cost of spill. Our Department of Ecology has put together in quite a detailed fashion the locations of the various environmental hazards and the value of those various environmental hazards, or environmental resources. I think that it is important for us to attempt as best we can to put some dollar figures to the risks involved, the potential frequency of spill, and in so doing, get a better idea of just precisely what the economic values and economic deficiencies are of a single point oil delivery source. I am unwilling as a result to support the present applications for separate facility expansions at the individual refineries which would allow the bringing in of significantly larger tankers to those individual refineries until such time as we have exhausted all efforts to join in a single point delivery.

The United States government has a role to play in this decision, for, after all, it was their decision to favor midwest refineries at the expense of those in the Pacific Northwest, which is going to accelerate our problem and to magnify our problem. If they have chosen to allow the remaining Canadian crude oil to be delivered to midwest refineries and as a result cut off the delivery to the Pacific Northwest. I believe they have a responsibility to join with us in eliminating or reducing our environmental hazards by participating in a single point terminal. I have sent such a letter to the Federal Energy Administration and have talked with top members of the administration and will continue to move toward that goal which may make a single point terminal economically more feasible.

There is another element in our crude oil delivery which has occurred only recently. You have read of the proposal and there are several for crude oil delivery by pipeline from the Pacific Northwest to the markets of the midwest. The so-called Northern Tier Pipeline Proposal is designed to provide crude oil for the refineries of Montana, of the Dakotas, and of Minnesota who desperately need crude oil in order to serve their needs and who might very well be cut off from their Canadian sources as the needs grow further east.

I received a telephone call a couple of weeks ago from Governor Judge of Mon-

tana. He has a significant interest in a Northern Tier Pipeline to serve the energy needs of the state of Montana. I suggested that we didn't see in the state of Washington any great benefit from oil tankers coming in to serve a transcontinental pipeline, that the jobs were few, the environmental hazards were large. He was quick to point out to me that neither did Montana see any great benefits in the construction of the electrical generating plants at Coalstrip. Those electrical generating plants use Montana's coal resources, they create air pollution in Montana, and the electricity generated goes to the states of Oregon and Washington to serve our increasing needs.

These examples point out, I think, an important element we all must keep in mind — that no state, no region of the country, can feel so independent and so selfish that we fail to look at the broader regional and national needs. Just as the United States is no longer independent, neither is the state of Washington independent of the other states of this nation. We must, and I believe should, examine promptly and to the fullest, this proposal to see if it may represent Washington's share of a national responsibility to insure that there is ample energy availability of all kinds to all of the people of this nation, not just to those who happen to be fortunate enough to live in a blessed geographic position.

There may be some benefits that we do not now see in a Northern Tier Proposal. For instance, it may make more practical and more economically feasible a single point delivery for crude oil to serve the four refineries of the state of Washington and in doing so add substantially to the environmental quality and protection of the inner waters of our state.

Accompanying these concerns over natural gas supply and oil supply are the continuing concerns we must all have over our oil spill prevention program to prevent the hazard of oil spill we all abhor and a significantly increased oil spill clean-up capacity if the unthinkable occurs and a major spill affects us. I believe the major share of oil spill prevention and oil spill clean-up capacity should be borne, the financial share should be borne, by the companies involved in bringing in the crude oil. Bills to accomplish these purposes are now in front of the legislature. I hope they receive your consideration.

Let me turn now to transportation, somewhat associated to energy needs because the largest individual use of petroleum resources is in transportation, particularly automobile transportation. I don't think there is much question that as the next few years go by we will see increased emphasis at a national level, and I believe at a local level, on public transportation. The need to insure that there is broadened availability of public transportation as a substitute for increasingly expensive and difficult private automobile transportation, especially in the cities both large and small of our state.

The recent court decision of the Supreme Court does give continuity to limited transit funding. The transit systems of this state now are assured of that funding. A consideration of a state resource, a fiscal resource for the long-term, simply does not affect their funding and their ability to gain funding but it does have a large role in the fiscal integrity of our state's general fund. In my message a week ago I asked that the motor vehicle excise tax be increased by 0.72 percent to provide against that fiscal drain. If we were to do that and continue it, it would represent a long-term resource for public transportation. Federal actions already are leading inevitably to a unified transportation fund at the federal level. Inevitably they are leading to a greater emphasis on public transportation. The bills of the past several years and the one now under consideration by a federal conference committee adds substantially with each passing year to the emphasis on public transportation.

I believe we should and must respond to that increasing national emphasis and the increasing statewide needs and provide a significant long-term dependable resource for public transportation just as we have attempted to do for a generation or more with our protected gasoline tax.

Recent statistics indicate a small but a steady increase in gas tax revenues, but they are simply going to be insufficient to keep up with inflation — the increasing cost of maintenance of our highway system, as well as the needed new construction in many parts of our state. I am prepared to support, at this session, a change in the base of our state's gasoline tax from nine cents per gallon to a twenty percent base. I believe that is

sufficient to allow necessary construction and maintenance to proceed. It allows for long-range planning by the State Highway Department but any such change, which would then respond to the inflationary problems of both the Highway Department and of the state as a whole, should include a lid in case there is a significant and unusual increase in the price of motor vehicle fuel. I believe that lid — the equivalent of eleven cents per gallon — is sufficient and I do not believe that we will reach that lid for some period of time.

I still believe strongly that a sales tax on gasoline as a substitute — not an addition — but as a substitute for a portion of the gas tax would cost taxpayers no more money and would give far greater flexibility to individual cities and counties, as well as the state, to deal with transportation rather than just highway needs. I believe this change to a percentage base is an important first step and one I believe I can endorse.

A comprehensive Department of Transportation is a continuing need. While I believe strongly in an integrated executive branch, able to effectively respond to legislative policy and budget setting, I am willing to further compromise and allow a sharing of that responsibility between a Transportation Commission and a Governor, both in the hiring and in the firing of a Secretary of Transportation. There is no question that the day-to-day management of a Department of Transportation or Highways or any other department must report to someone. Commissions which meet once a month simply cannot provide that day-to-day management direction. This sharing of responsibility is one which I believe represents a suitable, and, I hope, an acceptable compromise.

We can make great strides in transportation management and in the funding and in the construction of needed highway and mass transportation facilities, not only for the remainder of this biennium but for some time to come, if these proposals are adopted.

Lastly, the major transportation project of this state at the current time, certainly in terms of investment, is I-90. I commend the four communities of Seattle, King County, Bellevue, and Mercer Island for joining together and agreeing on the next step to be taken in the completion of a transportation plan in the I-90 corridor. I endorse the findings of those four communities and will urge the Highway Commission to listen carefully to the testimony, especially by the governmental officials of those four communities, and then move with dispatch to select the best particular combination for crossing Lake Washington and for producing a comprehensive transit and highway network for the region. The ultimate technical response as to how we proceed under federal law ought to be one that merely provides for us the best financial assistance for the combination of projects we believe are the most important for that area.

The endorsement of continuation of an interstate project with emphasis on the removal of safety hazards in the existing crossing is a first step, and transit lanes as an immediate second step is, I believe, the direction we ought to take.

Other needed interstate projects I have asked to be pursued with all possible speed, particularly those new links between Yakima and the Tri-Cities as well as the links to join with the Oregon interstate system at the Columbia River represent the last major stretches of interstate construction in the state of Washington — ones we should proceed with with whatever haste we could muster.

While I still consider school funding as the top priority of this legislative session, and school management joining with it as a top priority, these key issues are important. They do deserve legislative attention and most of them are well known to all of us. They represent legislative proposals which have been under consideration and study for a year or more in most cases. I believe action can be taken in the short legislative session I know we all look forward to. I do want to work with you to plan our future. A future of energy independence and of energy conservation, of environmental concern and of a comprehensive transportation system that will help us to reach the Washington we all hope to build.

Thank you."

The President of the Senate requested the committee to escort Governor Evans from the House Chamber to his office.

The President of the Senate requested the committee to escort the state elected officials from the House Chamber to the State Reception Room.

## MOTION

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

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

The Speaker requested the Sergeants at Arms of the Senate and the House to escort Lieutenant Governor Cherberg and President Pro Tempore Al Henry from the House Chamber.

The Speaker requested the Sergeants at Arms of the Senate and the House to escort the Senators from the House Chamber.

The President called the Senate to order at 11:00 a.m.

## REPORTS OF STANDING COMMITTEES

January 20, 1976.

SENATE BILL NO. 2753, revising minimum qualifications for public health officers (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2753 be substituted therefor and the substitute bill do pass.

Signed by: Senators Day, Chairman; Buffington, Francis, Goltz, Gould, Herr, McDermott, Pullen, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 20, 1976.

SENATE BILL NO. 3003, adding new provisions to laws relating to archaeological resources (reported by Committee on Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 3003 be substituted therefor and the substitute bill do pass.

Signed by: Senators Washington, Chairman; Goltz, Guess, Murray, North.

Passed to Committee on Rules for second reading.

January 20, 1976.

SENATE BILL NO. 3035, authorizing the coroner to discuss autopsy findings with the family of a decedent (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Francis, Goltz, Gould, Herr, McDermott, North, Pullen.

Passed to Committee on Rules for second reading.

January 20, 1976.

SENATE BILL NO. 3054, providing for cancellation of identicards (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Benitz, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson.

Passed to Committee on Rules for second reading.

January 20, 1976.

SENATE BILL NO. 3067, making unlicensed drivers subject to laws the same as licensed drivers (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Benitz, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson.

Passed to Committee on Rules for second reading.

January 20, 1976.

SENATE BILL NO. 3068, prescribing use of drivers' abstracts as evidence (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Benitz, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson.

Passed to Committee on Rules for second reading.

### GUBERNATORIAL APPOINTMENT

January 20, 1976.

FLOYD SEXTON, to the position of member of the Commission on Vocational Education, appointed by the Governor on July 29, 1975 for the term ending July 1, 1977 (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

### MESSAGE FROM THE HOUSE

January 20, 1976.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 519,

ENGROSSED HOUSE BILL NO. 624,

REENGROSSED HOUSE BILL NO. 971,

ENGROSSED HOUSE BILL NO. 1237,

ENGROSSED HOUSE BILL NO. 1373,

ENGROSSED HOUSE BILL NO. 1377, and the same are herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

### MOTIONS

On motion of Senator Walgren, the Committee on Higher Education was relieved from further consideration of Senate Bill No. 3094.

On motion of Senator Walgren, Senate Bill No. 3094 was referred to the Committee on Labor.

### SECOND READING

SENATE BILL NO. 3002, by Select Committee on Education; Subcommittee on Certificated and Classified Employees (endorsed by Senators Stortini, Donohue, Matson, Newschwander, Scott and Mardesich):

Implementing law relating to contracts of school district certificated employees.

The Senate resumed consideration of Senate Bill No. 3002. On January 20, 1976, the bill was amended.

Senator Washington moved adoption of the following amendment by Senators Washington, Wilson and Bottiger:

On page 2, section 1, line 14 after "*before the*" strike everything down to and including "to discharge" on line 36 and insert "*certificated employees' hearing board as provided in section 8 of this 1976 amendatory act to determine whether or not there is sufficient cause or causes for his or her discharge or other adverse action against his or her contract status. In the request for hearing, the employee may request either an open or closed hearing. The hearing board, upon receipt of such request forwarded by the*

*school district*, shall call the hearing to be held within ten days following the receipt of such request *from the employee*, and at least three days prior to the date fixed for the hearing shall notify such employee in writing of the date, time and place of the hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the *hearing board* [or its hearing officer] may determine whether the hearing shall be open or closed. The *hearing board* [may employ as a hearing officer any person not currently employed by the district to conduct on its behalf any hearing required by this section, who], *upon the conclusion of such a hearing, shall prepare findings of fact, conclusions of law, and a written memorandum decision, which decision shall* [transmit] *be transmitted immediately, but not later than ten days thereafter*, to the *school board* [a record of the proceedings together with his recommended findings of fact and conclusions of law, and an advisory recommended decision for the board's final disposition] *and the employee*. [The board or its hearing officer may reasonably regulate the conduct of] *At the hearing* [.] , the employee may engage such counsel and produce such witnesses as he or she may desire. [The board of directors, within ten days following the conclusion of such hearing, shall notify such employee in writing of its final decision.] Any decision to discharge"

Strike the Senate amendments by Senators Clarke and Woody to sections 2 and 3 of the bill and beginning on page 3 line 24 strike sections 2 and 3 of the bill and insert the following:

"**NEW SECTION.** Sec. 2. The following acts or parts thereof are each hereby repealed:

(1) Section 28A.58.460, chapter 223, Laws of 1969 ex. sess., section 14, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.460;

(2) Section 28A.58.470, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.470;

(3) Section 28A.58.480, chapter 223, Laws of 1969 ex. sess., section 15, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.480;

(4) Section 28A.58.500, chapter 223, Laws of 1969 ex. sess., section 71, chapter 81, Laws of 1971 and RCW 28A.58.500; and

(5) Section 28A.58.510, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.510.

Sec. 3. Section 28A.58.490, chapter 223, Laws of 1969 ex. sess. as amended by section 16, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.490 are each amended to read as follows:

*Notwithstanding any other provision of chapter 34.04 RCW, in an appeal from a contested case arising pursuant to section 10 of this 1976 amendatory act, if the court enters judgment for the employee, and if the court finds that the probable cause determination was made in bad faith or upon insufficient legal grounds the court in its discretion may award to [an] the employee a reasonable attorney's fee for the preparation and trial of his or her appeal, together with his taxable costs in the superior court. If the court enters judgment for the employee, in addition to ordering the school board to reinstate or issue a new contract to the employee, the court may award damages for loss of compensation incurred by the employee by reason of the action of the school district."*

On page 6, section 6, line 17 after "*before the*" strike everything down to and including "*evidence at*" on page 7, line 7 and insert "*certificated employees' hearing board as provided in section 8 of this 1976 amendatory act to determine whether [or not the facts constitute] there is sufficient cause or causes for nonrenewal of contract. In the request for hearing, the employee may request either an open or closed hearing. Such hearing board, upon receipt of such request forwarded by the school district, shall call the hearing to be held within ten days following the receipt of such request from the employee, and at least three days prior to the date fixed for the hearing shall notify the employee in writing of the date, time and place of the hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the hearing board [or its hearing officer] may determine whether the hearing shall be open or closed.*

The *hearing board* [may employ as a hearing officer any person not currently employed by the district to conduct on its behalf any hearing required by this section, who], *upon the conclusion of such a hearing, shall prepare findings of fact, conclusions of law,*

and a written memorandum decision, which decision shall [transmit] be transmitted immediately, but not later than ten days thereafter, to the school board [a record of the proceeding together with his recommended findings of fact and conclusions of law, and an advisory recommended decision of the board's final disposition] and the employee. [The board or its hearing officer may reasonably regulate the conduct of] At the hearing [ ], the employee may engage such counsel and produce such witnesses as he or she may desire. [The board of directors, within ten days following the conclusion of such hearing, shall notify the employee in writing of its final decision either to renew or not to renew the employment of the employee for the next ensuing term.] Any decision not to renew such employment contract shall be based solely upon the cause or causes for non-renewal specified in the notice of probable cause to the employee and established by a preponderance of the evidence at"

On page 9, beginning on line 4, add a new section 8 to replace the one struck in the amendment by Senator Woody, as follows:

"NEW SECTION. Sec. 8. For the purposes of RCW 28A.58.450 and 28A.67.070, as now or hereafter amended, and section 10 of this 1976 amendatory act, certificated employees' hearing board shall mean such person as chosen by the educational service district superintendent upon transmittal of an appeal notice from a certificated employee by a school district within such educational service district pursuant to RCW 28A.58.450 or 28A.67.070, as now or hereafter amended. The educational service district superintendent shall choose such person from a list of members on the panel of either the American Arbitration Association or the Federal Mediation and Conciliation Service, furnished by such associations. Each person so chosen shall be paid out of funds appropriated by the legislature for this purpose, one hundred dollars for each day while in attendance at a hearing, as well as reimbursement for travel and other expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.

In the amendment by Senator Clarke adding a new section, "Sec. 10." strike "superintendent as provided in RCW 28A.58.450 or RCW 28A.67.070, both as amended by this 1976 act" and insert "certificated employees' hearing board as provided in RCW 28A.58.450 or 28A.67.070, as now or hereafter amended"

Debate ensued.

There being no objection, the amendment by Senator Bottiger on the Secretary's desk, was withdrawn.

#### POINT OF INQUIRY

Senator Stortini: "Will Senator Washington yield to a question? Senator, in looking at your amendment now, I am wondering if this single panel that you mentioned would handle all the cases state-wide?"

Senator Washington: "No, there would be a panel in each, in the applicable service districts. In other words, it would not have to be state-wide."

Senator Stortini: "And a service district then will cover how large an area?"

Senator Washington: "Well, of course there are different sizes in eastern Washington. They are of a substantial size. I think the one at Spokane also covers a number of additional counties. But, can someone tell me how many there are? I think there are about seven, eight educational service districts."

Senator Bottiger: "Senator Washington, I think there are what, seventeen or eleven? I know there were eleven and this is your old intermediate school district."

Senator Washington: "So there are any number of them and it does solve the problem of only having a single board trying to cover the state which they could not do. And I do want to state while I am on the floor, that it was my understanding that we would have a public hearing and I am hoping . . . I have been listening to the arguments and I would hope that maybe someone could quickly draft an amendment. I think it could be done very quickly to say that the hearings before this hearings officer will be a public hearing. And certainly we are not interested in having a hearing behind closed doors. So I would welcome anyone who could come up with an amendment. As I sit down I will look through the bill and try to find out where to put that. I think it is important and I think Senator Bottiger will work on an amendment along that line."

## MOTION

At 11:30 a.m., on motion of Senator Matson, the Senate was declared to be at ease. The President called the Senate to order at 12:05 p.m.

The Senate resumed consideration of the amendment by Senators Washington, Wilson and Bottiger to Senate Bill No. 3002.

Senator Walgren demanded a roll call and the demand was sustained by Senators Washington, Marsh, Rasmussen, Pullen, Gould, Jones, Ridder, Sandison and Odegaard.

Senator Grant moved adoption of the following amendment to the amendment by Senators Washington, Wilson and Bottiger:

Amend the amendment inserting a new section 8 as follows:

On line 28 of the amendment, beginning with "Each person" strike all the matter down through "amended" on line 34, and insert "The expenses of such certificated employees' hearing board member shall be shared equally — one half by the school board and one-half by the employee."

Debate ensued.

## POINT OF INQUIRY

Senator Washington: "Would Senator Grant yield? It is my understanding that there is another provision in the bill which we have not taken out which applies to the attorney's fees. I believe I am correct."

Senator Grant: "That is correct, Senator Washington. Page two, section three."

Senator Washington: "And I did not believe that this amendment changed that."

Senator Grant: "This amendment provides that the cost of the arbitrator, either, and Senator Washington has American Arbitration Association at the hearing level, would be paid equally by the parties. But earlier in the bill, it does provide that if the court enters judgment for the employee, then the legal fees and costs may be awarded to the employee."

## POINT OF INQUIRY

Senator Washington: "Mr. President, would Senator Grant yield again? You can't have an amendment to an amendment to an amendment, but I think if your amendment did read 'the expenses of such board member shall be shared equally' rather than saying 'the cost of the hearing'. The way it says here now, 'expenses of such certified employees' hearing board', I think if you put the word 'member' after the word 'board', we would then make it clear. If that could be done at the desk, I think we would accomplish the problem and answer Senator Mardesich's question."

Senator Grant: "I would accept that."

Further debate ensued.

The motion by Senator Grant failed and the amendment to the amendment was not adopted on a rising vote.

Senator Bottiger moved adoption of the following amendment to the amendment by Senators Washington, Wilson and Bottiger:

Amend the amendment inserting a new section 8 as follows:

On line 27 of the amendment, after "Service," insert "pursuant to the procedures of such association or service"

Debate ensued.

The motion by Senator Bottiger failed and the amendment was not adopted on a rising vote.

## POINT OF INFORMATION

Senator Rasmussen: "Mr. President, I would ask your opinion. I am married to a school teacher, I have a daughter-in-law that is a school teacher, and I have sons that are school teachers. But, do you think that I have a conflict of interest? I won't tell you how I am going to vote on the bill so you will have a free mind."

## REPLY BY THE PRESIDENT

The President: "I think Mrs. Rasmussen is a beautiful and charming lady."

Senator Rasmussen: "And an excellent teacher and will not be affected by this bill."



The President: "That goes without saying. I understand that Mrs. Rasmussen is rated a superior teacher and has been rated thus for many years."

Senator Rasmussen: "I value your opinion and I will now speak on the bill."

Further debate ensued.

#### POINT OF INFORMATION

Senator Bottiger: "Mr. President, on the question of conflicts of interest, I have mentioned before in debate that one of the members of our office represents about five or six school districts, state principals' association and has a continuing practice representing teachers who are being discharged by districts that he does not represent. So I am on all sides and I do not know whether that is a conflict or not.

"Should I ask for a ruling on whether that is a conflict? I made disclosure. I know I am supposed to do that but I do not know if . . ."

#### REPLY BY THE PRESIDENT

The President: "Senator Bottiger, the President sees no particular reason why this should affect you personally or directly and therefore does not see any conflict of interest in your case, or that of any other member of the Senate."

#### POINT OF INFORMATION

Senator Bailey: "Mr. President, I would like to inquire of the Chair if Senator von Reichbauer has been excused?"

#### REPLY BY THE PRESIDENT

The President: "The Secretary advises that Senator von Reichbauer has not been excused. Senator von Reichbauer voted on the adoption of the amendment on the last roll call."

Senator Bailey: "Senator von Reichbauer is aware then that this bill is under consideration?"

The President: "The Secretary advises that Senator von Reichbauer did not vote on the last roll call."

Senator Bailey: "I did not want any impression I wanted to excuse him."

The President declared the question before the Senate to be the roll call on the amendments by Senators Washington, Wilson and Bottiger.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 17; nays, 28; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Fleming, Francis, Grant, Herr, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, Walgren, Washington, Wilson—17.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Guess, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Stortini, Wanamaker, Woody—28.

Absent or not voting: Senators Henry, von Reichbauer—2.

Excused: Senators Keefe, McDermott—2.

On motion of Senator Woody, the following amendment to the title was adopted:

On page 1, beginning on line 13, after "28A.67.070;" strike all the material down through "28A.58.137;" on line 16.

On motion of Senator Clarke, the following amendment to the title was adopted:

On page 1, line 20 of the title, before "28A.67" strike "chapter" and insert "chapters 28A.58 RCW and"

On motion of Senator Stortini, the rules were suspended, Engrossed Senate Bill No. 3002 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3002, and the bill passed the Senate by the following vote: Yeas, 30; nays, 16; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Pullen, Sandison, Scott, Sellar, Stortini, Wanamaker, Woody—30.

Voting nay: Senators Beck, Bottiger, Fleming, Francis, Goltz, Grant, Herr, Odegaard, Peterson, Rasmussen, Ridder, Talley, Van Hollebeke, Walgren, Washington, Wilson—16.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senators Keefe, McDermott—2.

ENGROSSED SENATE BILL NO. 3002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Stortini, Engrossed Senate Bill No. 3002 was ordered immediately transmitted to the House.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3023.

## SECOND READING

SENATE BILL NO. 3023, by Select Committee on Education (endorsed by Senators Donohue, Odegaard, Newschwander, Gould, Jones and Wanamaker):

Striking certain pupil ratio requirements otherwise necessary to receive state aid for school districts.

The bill was read the second time by sections.

Senator Marsh moved adoption of the following amendment:

On page 2, beginning on line 2, strike all material down to and including "pupils.]" on line 15, and insert:

"Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of pupils per classroom teachers in grades kindergarten through three is not greater than the ratio of pupils per classroom teacher in grades four and above for such district: **PROVIDED**, That for the purposes of this section, "classroom teacher" shall be defined as a certificated employee whose primary duty is the daily educational instruction of pupils: **PROVIDED FURTHER**, That the state board of education shall adopt rules and regulations to insure compliance with the pupil/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the pupil/teacher ratio requirements of this section by virtue of a small number of pupils: **PROVIDED FURTHER**, That any district whose ratio of pupils per classroom teachers is twenty-to-one or less in grades kindergarten through three shall be deemed to have met the requirements of the ratio provisions in this section."

## POINT OF INQUIRY

Senator Guess: "Senator Marsh, would you yield please? Senator Marsh, the thing that comes to my mind when you say that with twenty-one or less in grades three, kindergarten through three, are we not now opening the door for another dispute in the union negotiation with the school board? Doesn't this give the union the grounds on which to demand fifteen in a classroom? And they will hold this up and say, see the Legislature said we could demand fifteen; see the Legislature says we can demand so and

so. Now I think that this is really going in the wrong direction from the support of the local school system. I think it is a very dangerous direction in which to go."

Senator Marsh: "I do not think it would become a matter of collective bargaining, Senator Guess, because this would be a matter of statutory law. The unions and management in the school district would have to comply with the law. And the law would simply be that you could not have more students in the grades K through three than you have in your upper grades unless it is provided here. The ratio of pupils per classroom teacher is twenty-one or less in grades kindergarten through three, then you are deemed to have complied with the ratio requirements in existing law. So I think this is a positive step forward and I hope that it will be seen as such."

#### POINT OF INQUIRY

Senator Marsh: "Would Senator Odegaard yield to a question? Senator Odegaard, you have alluded to cost of existing law. That of course is computed without any consideration of the amendment that I am proposing at this time, is it not?"

Senator Odegaard: "It happens, Senator Marsh, that the cost is exactly your amendment because the rules that they are about to adopt, the SPI, happens to be the exact ratio of your amendment."

Senator Marsh: "Thank you, Senator Odegaard."

Further debate ensued.

Senator Marsh demanded a roll call and the demand was sustained by Senators Talley, Donohue, Herr, Washington, Peterson, Rasmussen, Day, von Reichbauer and Stortini.

The President declared the question before the Senate to be the roll call on the amendment by Senator Marsh.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 8; nays, 35; absent or not voting, 4; excused, 2.

Voting yea: Senators Day, Marsh, Peterson, Rasmussen, Talley, von Reichbauer, Walgren, Washington—8.

Voting nay: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Murray, Newschwander, North, Odegaard, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, Wanamaker, Wilson—35.

Absent or not voting: Senators Bluechel, Francis, Pullen, Woody—4.

Excused: Senators Keefe, McDermott—2.

#### MOTIONS

On motion of Senator Knoblauch, Senator Woody was excused.

On motion of Senator Odegaard, the rules were suspended, Senate Bill No. 3023 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Odegaard yield to a question? Senator Odegaard, if I gathered what you were saying, is that for the lack of approximately two and a half million a biennium that we were going to enlarge the classes?"

Senator Odegaard: "To maintain the ratio that would be required with the act passed last year, to hire the staff that would be necessary, it would cost two point six seven million for one year, one school year."

Senator Rasmussen: "For biennium, five million per biennium?"

Senator Odegaard: "Right."

Senator Rasmussen: "Thank you."

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3023, and the bill passed the Senate by the following vote: Yeas, 32; nays, 14; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Ridder, Scott, Sellar, Van Hollebeke, von Reichbauer, Wanamaker, Wilson—32.

Voting nay: Senators Bottiger, Day, Fleming, Grant, Knoblauch, Mardesich, Marsh, Peterson, Rasmussen, Sandison, Stortini, Talley, Walgren, Washington—14.

Excused: Senators Keefe, McDermott, Woody—3.

SENATE BILL NO. 3023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

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

On motion of Senator Walgren, all bills were assigned as indicated on the referral sheet with the exception of Senate Bill No. 3143, referred to the Judiciary Committee; Senate Bill No. 3157, referred to the Committee on Labor; and Senate Bill No. 3233, referred to the Select Committee on Medical Malpractice.

On motion of Senator Francis, Senate Bill No. 3235 was referred to the Committee on Financial Institutions.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 3139, by Senators Bottiger and Lewis (Harry):

An Act relating to judicial salaries; amending section 1, chapter 144, Laws of 1953 as last amended by section 2, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.04.090; amending section 6, chapter 221, Laws of 1969 ex. sess. as last amended by section 3, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.06.060; amending section 2, chapter 144, Laws of 1953 as last amended by section 4, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.08.090; amending section 100, chapter 299, Laws of 1961 as last amended by section 5, chapter 263, Laws of 1975 1st ex. sess. and RCW 3.58.010; declaring an emergency; and prescribing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 3140, by Senators Henry and Wanamaker:

An Act relating to outdoor advertising; and amending section 8, chapter 96, Laws of 1961 as amended by section 10, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.080.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3141, by Senators Rasmussen, Grant and Lewis (Harry):

An Act relating to legal holidays; amending section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 194, Laws of 1975 1st ex. sess. and RCW 1.16.050; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3142, by Senator McDermott:

An Act relating to the duties of county auditors; amending section 1, page 26, Laws of 1865 as last amended by section 1, chapter 98, Laws of 1967 and RCW 65.04.030; amending section 1, chapter 125, Laws of 1919 as last amended by section 2, chapter 98, Laws of 1967 and RCW 65.04.040; and amending section 2732, Code of 1881 and RCW 65.04.090.

Referred to Committee on Local Government.

SENATE BILL NO. 3143, by Senators Walgren, Henry, Wanamaker and Clarke:

An Act relating to the claim filing procedures; 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; adding new sections to Title 4 RCW; repealing section 3, chapter 159, Laws of 1963, section 2, chapter 164, Laws of 1967 and RCW 4.92.100; repealing section 4, chapter 164, Laws of 1967 and RCW 4.96.020; and repealing section 36.45.020, chapter 4, Laws of 1963 and RCW 36.45.020.

Referred to Judiciary Committee.

SENATE BILL NO. 3144, by Senators Pullen and Lewis (Harry):

An Act relating to flood control; amending section 1, chapter 153, Laws of 1961 and RCW 86.15.010; creating new chapters in Title 86 RCW; repealing section 2, chapter 159, Laws of 1935 and RCW 86.16.120; and declaring an emergency.

Referred to Committee on Ecology.

SENATE BILL NO. 3145, by Senator Sellar:

An Act relating to health care injuries; creating a new title in the revised code of Washington; repealing section 1, chapter 80, Laws of 1971 and RCW 4.16.350; repealing section 1, chapter 35, Laws of 1975 1st ex. sess. and RCW 4.24.290; repealing section 3, chapter 305, Laws of 1971 ex. sess. and RCW 18.71.210; repealing section 4, chapter 305, Laws of 1971 ex. sess. and RCW 18.71.220; and declaring an emergency.

Referred to Select Committee on Medical Malpractice.

SENATE BILL NO. 3146, by Senators Woody, Lewis (R. H. "Bob") and Odegaard:

An Act relating to public funds; amending section 36.29.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 140, Laws of 1973 1st ex. sess. and RCW 36.29.020; and making an effective date.

Referred to Committee on Local Government.

SENATE BILL NO. 3147, by Senators Woody, Bottiger and Jones (by Insurance Commissioner request):

An Act relating to the insolvency of insurers; amending section .31.28, chapter 79, Laws of 1947 and RCW 48.31.280; amending section 2, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.020; amending section 3, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.030; amending section 4, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.040; amending section 5, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.050; amending section 6, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.060; amending section 8, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.080; amending section 16, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.160; adding a new section to chapter 79, Laws of 1947 and to chapter 48.30 RCW; adding a new section to chapter 79, Laws of 1947 and to chapter 48.31 RCW; and adding a new section to chapter 265, Laws of 1971 ex. sess. and to chapter 48.32 RCW.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 3148, by Senators Henry, Morrison and Beck:

An Act relating to state highway construction bonds; providing for the sale and issuance of general obligation bonds; and adding new sections to chapter 47.10 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3149, by Senator Walgren:

An Act relating to funding the state toxicological laboratory; and amending section 13, chapter 188, Laws of 1953 as amended by section 1, chapter 24, Laws of 1970 ex. sess. and RCW 68.08.107.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3150, by Senators Matson, Lewis (Harry), Clarke, Newschwander, Lewis (R. H. "Bob"), Wanamaker, Morrison, Scott, Sellar, North, Benitz, Bluechel, Gould, Buffington, Jones and Murray:

An Act relating to state government; amending section 1, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.010; amending section 8, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.080; amending section 13, chapter 234, Laws of 1969 ex. sess. as amended by section 1, chapter 137, Laws of 1973 and RCW 42.18.130; amending section 15, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.150; amending section 16, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.160; amending section 17, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.170; amending section 18, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.180; amending section 19, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.190; amending section 20, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.200; amending section 22, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.220; amending section 23, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.230; amending section 24, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.240; amending section 25, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.250; amending section 28, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.280; amending section 29, chapter 234, Laws of 1969 ex. sess. as amended by section 2, chapter 137, Laws of 1973 and RCW 42.18.290; amending section 31, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.310; adding a new section to chapter 42.17 RCW; adding new sections to chapter 42.18 RCW; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3151, by Senators Fleming, Herr and Buffington:

An Act relating to unfit dwellings, buildings, and structures; and amending section 35.80.030, chapter 7, Laws of 1965 as last amended by section 1, chapter 144, Laws of 1973 1st ex. sess. and RCW 35.80.030.

Referred to Committee on Local Government.

SENATE BILL NO. 3152, by Senators Peterson, Sandison and Lewis (Harry):

An Act relating to the game commission; amending section 77.12.010, chapter 36, Laws of 1955 and RCW 77.12.010; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3153, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

An Act relating to courts; amending section 3, page 418, Laws of 1869 as last amended by section 8, chapter 304, Laws of 1961 and RCW 10.46.190; amending section 70, page 235, Laws of 1854 as last amended by section 1, page 118, Laws of 1888 and RCW 12.12.030; and amending section 35.20.090, chapter 7, Laws of 1965 as amended by section 8, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.090.

Referred to Judiciary Committee.

SENATE BILL NO. 3154, by Senators Clarke, Francis and Van Hollebeke (by Judicial Council request):

An Act relating to civil procedure; and amending section 2, chapter 131, Laws of 1959 and RCW 4.28.185.

Referred to Judiciary Committee.

SENATE BILL NO. 3155, by Senators Fleming and Lewis (R. H. "Bob"):

An Act relating to cities and towns; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.11 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3156, by Senators Clarke, Francis and Van Hollebeke (by Judicial Council request):

An Act relating to homesteads; and amending section 24, chapter 64, Laws of 1895

as last amended by section 1, chapter 12, Laws of 1971 ex. sess. and RCW 6.12.050.  
Referred to Judiciary Committee.

SENATE BILL NO. 3157, by Senators Clarke, Francis and Van Hollebeke (by Judicial Council request):

An Act relating to unemployment compensation; and adding a new section to chapter 35, Laws of 1945 and to chapter 50.20 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 3158, by Senator Henry:

An Act relating to the Washington wing civil air patrol; adding a new section to chapter 14.04 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3159, by Senator Francis:

An Act relating to handguns; and amending section 9, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.255.

Referred to Judiciary Committee.

SENATE BILL NO. 3160, by Senators Sellar, Washington and Morrison:

An Act relating to marking of public motor vehicles; and amending section 46.08.065, chapter 12, Laws of 1961 as amended by section 1, chapter 169, Laws of 1975 1st ex. sess. and RCW 46.08.065.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3161, by Senators Talley, Henry and Knoblauch:

An Act relating to retirement systems; amending section 18, chapter 209, Laws of 1969 ex. sess. as amended by section 13, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.190; amending section 26, chapter 80, Laws of 1947 as last amended by section 2, chapter 199, Laws of 1974 ex. sess. and RCW 41.32.260; amending section 18, chapter 274, Laws of 1947 as last amended by section 14, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.170; and amending section 43.43.260, chapter 8, Laws of 1965 as last amended by section 3, chapter 180, Laws of 1973 1st ex. sess. and RCW 43.43.260.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3162, by Senators Sellar, Matson and Morrison:

An Act relating to uniform alcoholism and intoxication treatment; and amending section 2, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.020.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3163, by Senator Fleming:

An Act relating to fees for filing liens; and amending section 5, chapter 72, Laws of 1905 and RCW 60.08.060.

Referred to Committee on Local Government.

SENATE BILL NO. 3164, by Senator Grant:

An Act relating to the duties of county auditors; and adding a new section to chapter 4, Laws of 1963 and to chapter 36.22 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3165, by Senator Stortini:

An Act relating to public printing; and amending section 43.78.110, chapter 8, Laws of 1965 as amended by section 1, chapter 79, Laws of 1969 and RCW 43.78.110.

Referred to Committee on State Government.

SENATE BILL NO. 3166, by Senators Mardesich, Day, Stortini, Matson and North:

An Act relating to education; providing for proprietary educational clinics; providing for state aid for students enrolled in such clinics; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28A as a new chapter thereof.

Referred to Committee on Education.

SENATE BILL NO. 3167, by Senators Lewis (R. H. "Bob") and Sellar:

An Act relating to motor vehicles; amending section 2, chapter 27, Laws of 1969 and RCW 46.20.342; and amending section 11, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.090.

Referred to Judiciary Committee.

SENATE BILL NO. 3168, by Senators Lewis (R. H. "Bob") and Sellar:

An Act relating to motor vehicles; amending section 46.37.420, chapter 12, Laws of 1961 as last amended by section 1, chapter 32, Laws of 1971 ex. sess. and RCW 46.37.420; and providing penalties.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3169, by Senator Bailey:

An Act relating to rates for printing; amending section 36.72.050, chapter 4, Laws of 1963 as last amended by section 1, chapter 28, Laws of 1973 1st ex. sess. and RCW 36.72.050; and amending section 4, chapter 99, Laws of 1921 as last amended by section 2, chapter 28, Laws of 1973 1st ex. sess. and RCW 65.16.090.

Referred to Judiciary Committee.

SENATE BILL NO. 3170, by Senators Beck, Stortini and Grant:

An Act relating to voter registration; creating new sections; providing effective and expiration dates; and declaring an emergency.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3171, by Senators Rasmussen, Lewis (Harry) and Stortini:

An Act relating to the department of fisheries; adding a new section to Title 75 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3172, by Senators Henry, Talley, McDermott, Walgren, Morrison, Bottiger and Mardesich:

An Act relating to energy; amending section 43.31.040, chapter 8, Laws of 1965 as last amended by section 2, chapter 221, Laws of 1967 and RCW 43.31.040; amending section 5, chapter 10, Laws of 1965 and RCW 43.31.300; amending section 1, chapter 207, Laws of 1961 and RCW 70.98.010; amending section 2, chapter 207, Laws of 1961 as amended by section 1, chapter 88, Laws of 1965 and RCW 70.98.020; amending section 24, chapter 207, Laws of 1961 and RCW 70.98.210; amending section 43.06.010, chapter 8, Laws of 1965 as amended by section 8, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.010; amending section 1, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.200; amending section 2, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.210; amending section 3, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.220; amending section 1, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.010; amending section 2, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.020; amending section 3, chapter 45, Laws of 1970 ex. sess. as amended by section 46, chapter 171, Laws of 1974 ex. sess. and RCW 80.50.030; amending section 4, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.040; amending section 5, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.050; amending section 6, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.060; amending section 7, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.070; amending section 10, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.100; amending section 11, chapter



45, Laws of 1970 ex. sess. and RCW 80.50.110; amending section 12, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.120; amending section 1, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.170; amending section 2, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.175; amending section 5, chapter 155, Laws of 1973 and RCW 90.48.262; creating new chapters in Title 43 RCW; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation and Utilities.

**SENATE BILL NO. 3173**, by Senators Lewis (Harry) and Rasmussen:

An Act relating to the simplification of business licensing procedures.

Referred to Committee on Commerce.

**SENATE BILL NO. 3174**, by Senator Henry:

An Act relating to public transportation.

Referred to Committee on Transportation and Utilities.

**SENATE BILL NO. 3175**, by Senator Bailey:

An Act relating to public recreation, sports, culture and convention facilities.

Referred to Committee on Local Government.

**SENATE BILL NO. 3176**, by Senators Mardesich, Donohue and Odegaard:

An Act relating to retirement and pensions.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3177**, by Senators Mardesich, Donohue and Odegaard:

An Act relating to retirement and pensions.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3178**, by Senator Bailey:

An Act relating to business improvement areas and the support thereof.

Referred to Committee on Labor.

**SENATE BILL NO. 3179**, by Senator Bailey:

An Act relating to volunteer workers' benefits.

Referred to Committee on Local Government.

**SENATE BILL NO. 3180**, by Senator Sellar:

An Act relating to public utility districts.

Referred to Committee on Transportation and Utilities.

**SENATE BILL NO. 3181**, by Senator Scott:

An Act relating to public retirement systems.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3182**, by Senators Talley and Peterson:

An Act relating to food fish and shellfish and creating a state fisheries commission.

Referred to Committee on Natural Resources.

**SENATE BILL NO. 3183**, by Senator Rasmussen:

An Act relating to food fish and shellfish.

Referred to Committee on Natural Resources.

**SENATE BILL NO. 3184**, by Senator Matson:

An Act relating to professional licensing.

Referred to Committee on State Government.

SENATE BILL NO. 3185, by Senator Lewis (Harry):  
An Act relating to state government.  
Referred to Committee on State Government.

SENATE BILL NO. 3186, by Senator Lewis (Harry):  
An Act relating to energy.  
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3187, by Senator Matson:  
An Act relating to unemployment compensation.  
Referred to Committee on Labor.

SENATE BILL NO. 3188, by Senator Day:  
An Act relating to juvenile diversion.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3189, by Senator Matson:  
An Act relating to public disclosure.  
Referred to Committee on State Government.

SENATE BILL NO. 3190, by Senator Bluechel:  
An Act relating to the law against discrimination.  
Referred to Judiciary Committee.

SENATE BILL NO. 3191, by Senator Stortini:  
An Act relating to institutions.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3192, by Senator Stortini:  
An Act relating to mental institutions.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3193, by Senator Stortini:  
An Act relating to mental health.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3194, by Senator Stortini:  
An Act relating to mental illness.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3195, by Senator Day:  
An Act relating to mental illness.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3196, by Senator Woody:  
An Act relating to health care injuries.  
Referred to Select Committee on Medical Malpractice.

SENATE BILL NO. 3197, by Senator Woody:  
An Act relating to health care insurance.  
Referred to Select Committee on Medical Malpractice.

SENATE BILL NO. 3198, by Senator Woody:  
An Act relating to health care providers.  
Referred to Select Committee on Medical Malpractice.

SENATE BILL NO. 3199, by Senator Woody:  
An Act relating to a joint underwriting association.  
Referred to Select Committee on Medical Malpractice.

SENATE BILL NO. 3200, by Senator Woody:  
An Act relating to professional liability insurers.  
Referred to Select Committee on Medical Malpractice.

SENATE BILL NO. 3201, by Senator Woody:  
An Act relating to insurance reporting.  
Referred to Select Committee on Medical Malpractice.

SENATE BILL NO. 3202, by Senator Lewis (Harry):  
An Act relating to public transportation.  
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3203, by Senators Bluechel and Guess:  
An Act relating to the trucking industry and revising the regulation thereof.  
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3204, by Senators Mardesich and Donohue:  
An Act relating to retirement and pensions.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 3205, by Senator Donohue:  
An Act relating to the support of government; and making appropriations.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 3206, by Senator Henry:  
An Act relating to highway funding.  
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3207, by Senator Donohue:  
An Act relating to revenue and taxation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 3208, by Senator Donohue:  
An Act relating to the support of government; and making appropriations.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 3209, by Senator Donohue:  
An Act relating to revenue and taxation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 3210, by Senator Newschwander:  
An Act relating to the support of government and making appropriations.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 3211, by Senator Lewis (Harry):  
An Act relating to the support of government and making appropriations.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 3212, by Senator Newschwander:  
An Act relating to the support of government and making appropriations.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 3213, by Senator Newschwander:  
An Act relating to revenue and taxation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 3214, by Senator Newschwander:  
An Act relating to revenue and taxation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 3215, by Senator Henry:  
An Act relating to transportation funding.  
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3216, by Senator Henry:  
An Act relating to public transportation funding.  
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3217, by Senators Donohue and Mardesich:  
An Act relating to taxation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 3218, by Senator Bottiger:  
An Act relating to transportation and fire district emergencies; and providing for  
fire district emergency traffic signal devices.  
Referred to Committee on Local Government.

SENATE BILL NO. 3219, by Senator Rasmussen:  
An Act relating to state government.  
Referred to Committee on State Government.

SENATE BILL NO. 3220, by Senators Donohue, Mardesich and Walgren:  
An Act relating to education.  
Referred to Committee on Education.

SENATE BILL NO. 3221, by Senator Donohue:  
An Act relating to community colleges.  
Referred to Committee on Higher Education.

SENATE BILL NO. 3222, by Senator Bluechel:  
An Act relating to school district certificated employees.  
Referred to Committee on Education.

SENATE BILL NO. 3223, by Senator Newschwander:  
An Act relating to education.  
Referred to Committee on Education.

SENATE BILL NO. 3224, by Senator Newschwander:  
An Act relating to education.  
Referred to Committee on Education.

SENATE BILL NO. 3225, by Senator Gould:  
An Act relating to funding for education.  
Referred to Committee on Education.

SENATE BILL NO. 3226, by Senator Gould:  
An Act relating to education.  
Referred to Committee on Education.

SENATE BILL NO. 3227, by Senator Gould:  
An Act relating to funding for education.  
Referred to Committee on Education.

SENATE BILL NO. 3228, by Senator Gould:  
An Act relating to education.  
Referred to Committee on Education.

SENATE BILL NO. 3229, by Senator Gould:  
An Act relating to education.  
Referred to Committee on Education.

SENATE BILL NO. 3230, by Senator Talley:  
An Act relating to the taxation of goods in transit.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 3231, by Senator Talley:  
An Act relating to eminent domain; and amending section 21, chapter 240, Laws of 1971 ex. sess. and RCW 8.25.075.  
Referred to Judiciary Committee.

SENATE BILL NO. 3232, by Senator Francis:  
An Act relating to tort claims against state and local government; amending section 1, chapter 164, Laws of 1967 and RCW 4.96.010; repealing section 3, chapter 159, Laws of 1963, section 2, chapter 164, Laws of 1967 and RCW 4.92.100; repealing section 4, chapter 159, Laws of 1963 and RCW 4.92.110; repealing section 4, chapter 164, Laws of 1967 and RCW 4.96.020; repealing section 35.31.010, chapter 7, Laws of 1965, section 11, chapter 164, Laws of 1967 and RCW 35.31.010; repealing section 35.31.020, chapter 7, Laws of 1965, section 12, chapter 164, Laws of 1967 and RCW 35.31.020; repealing section 35.31.030, chapter 7, Laws of 1965 and RCW 35.31.030; repealing section 35.31.040, chapter 7, Laws of 1965, section 13, chapter 164, Laws of 1967 and RCW 35.31.040; repealing section 35A.31.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.31.010; repealing section 35A.31.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.31.020; repealing section 35A.31.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.31.030; repealing section 35A.31.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.31.050; repealing section 36.45.010, chapter 4, Laws of 1963, section 14, chapter 164, Laws of 1967 and RCW 36.45.010; repealing section 36.45.020, chapter 4, Laws of 1963 and RCW 36.45.020; and repealing section 36.45.030, chapter 4, Laws of 1963, section 1, chapter 36, Laws of 1973 and RCW 36.45.030.  
Referred to Judiciary Committee.

SENATE BILL NO. 3233, by Senator Woody:  
An Act relating to insurance or protection programs for university regents, employees, agents, and students, and their dependents; adding new sections to chapter 28B.20 RCW; and declaring an emergency.  
Referred to Select Committee on Medical Malpractice.

SENATE BILL NO. 3234, by Senators Donohue and Walgren:  
An Act relating to public utilities; and adding a new section to chapter 14, Laws of 1961 and to chapter 80.28 RCW.  
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3235, by Senators Mardesich and Lewis (Harry):  
An Act relating to motor vehicle speed restrictions; adding a new section to chapter 46.61 RCW; and declaring an emergency.  
Referred to Committee on Financial Institutions.

SENATE BILL NO. 3236, by Senators Day, Wanamaker, Lewis (Harry) and Marsh:

An Act relating to the public health, safety, and welfare; amending section 1, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.530; amending section 2, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.540; amending section 3, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.550; and adding new sections to chapter 74.08 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3237, by Senator Walgren:

An Act relating to business regulation; and adding a new chapter to Title 19 RCW. Referred to Committee on Commerce.

SENATE BILL NO. 3238, by Senators Rasmussen, Donohue and Newschwander (by State Treasurer and Office of Program Planning and Fiscal Management request):

An Act relating to veterans; amending section 1, chapter 41, Laws of 1973 as amended by section 1, chapter 173, Laws of 1974 ex. sess. and RCW 73.32.130; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3239, by Senators Bottiger, Marsh, Benitz, Goltz, Grant, McDermott, Woody, Gould, North and Ridder:

An Act relating to the support of the common schools; amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020; amending section 84.56.230, chapter 15, Laws of 1961 as amended by section 1, chapter 43, Laws of 1973 1st ex. sess. and RCW 84.56.230; amending section 84.52.052, chapter 15, Laws of 1961 as last amended by section 102, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.052; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3240, by Senator Rasmussen:

An Act relating to the public employees' retirement system; adding a new section to chapter 41.40 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3241, by Senator Day (by Department of Social and Health Services request):

An Act relating to public assistance; amending section 2, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.020; adding new sections to chapter 43.20A RCW; providing for an expiration date; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3242, by Senators Woody, Bottiger and Jones:

An Act relating to insurance; amending section 1, chapter 166, Laws of 1963 as amended by section 1, chapter 132, Laws of 1974 ex. sess. and RCW 48.14.021; amending section .17.48, chapter 79, Laws of 1947 and RCW 48.17.480; amending section .18.29, chapter 79, Laws of 1947 and RCW 48.18.290; amending section .30.14, chapter 79, Laws of 1947 and RCW 48.30.140; amending section .30.15, chapter 79, Laws of 1947 as amended by section 18, chapter 193, Laws of 1957 and RCW 48.30.150; amending section 8, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.080; amending section 8, chapter 190, Laws of 1969 ex. sess. and RCW 48.56.080; adding a new section to chapter 48.30 RCW; repealing section 1, chapter 174, Laws of 1971 ex. sess. and RCW 48.30.280; and repealing section 2, chapter 174, Laws of 1971 ex. sess. and RCW 48.30.290.

Referred to Committee on Financial Institutions.

**SENATE BILL NO. 3243, by Senators Ridder and Morrison:**

An Act relating to employment security records; adding a new chapter 50.13 RCW to Title 50 RCW; repealing section 50, chapter 35, Laws of 1945, as last amended by section 1, chapter 255, Laws of 1971 ex. sess. and RCW 50.12.110; and declaring an emergency.

Referred to Committee on Labor.

**SENATE BILL NO. 3244, by Senator Ridder:**

An Act relating to unemployment compensation; amending section 89, chapter 35, Laws of 1945 as last amended by section 13, chapter 3, Laws of 1971 and RCW 50.24.010; prescribing an effective date; and declaring an emergency.

Referred to Committee on Labor.

**SENATE BILL NO. 3245, by Senator Woody:**

An Act relating to casualty insurance rates; and amending section 34.02, chapter 79, Laws of 1947 and RCW 48.19.440.

Referred to Committee on Financial Institutions.

**SENATE BILL NO. 3246, by Senator Donohue:**

An Act relating to public retirement systems authorized by the general laws of this state; amending section 11, chapter 14, Laws of 1963 ex. sess. and RCW 41.32.401; adding a new section to chapter 41.04 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3247, by Senator Talley:**

An Act relating to volunteer fire departments; and amending section 5, chapter 261, Laws of 1945 and RCW 41.24.050.

Referred to Committee on Local Government.

**SENATE BILL NO. 3248, by Senators Beck, Lewis (R. H. "Bob") and Grant:**

An Act relating to elections; amending section 29.30.010, chapter 9, Laws of 1965 and RCW 29.30.010; amending section 29.30.020, chapter 9, Laws of 1965 as amended by section 76, chapter 81, Laws of 1971 and RCW 29.30.020; amending section 29.30.030, chapter 9, Laws of 1965 and RCW 29.30.030; amending section 29.30.040, chapter 9, Laws of 1965 and RCW 29.30.040; amending section 29.30.060, chapter 9, Laws of 1965 and RCW 29.30.060; amending section 29.30.075, chapter 9, Laws of 1965 as amended by section 5, chapter 103, Laws of 1965 ex. sess. and RCW 29.30.075; amending section 29.33.220, chapter 9, Laws of 1965 as last amended by section 1, chapter 102, Laws of 1973 and RCW 29.33.220; amending section 11, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.010; amending section 18, chapter 109, Laws of 1967 ex. sess. as amended by section 1, chapter 6, Laws of 1971 ex. sess. and RCW 29.34.080; amending section 23, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.130; amending section 32, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.170; amending section 29.54.010, chapter 9, Laws of 1965 as amended by section 6, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.010; amending section 29.54.035, chapter 9, Laws of 1965 and RCW 29.54.035; amending section 29.54.040, chapter 9, Laws of 1965 as amended by section 9, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.040; amending section 29.54.045, chapter 9, Laws of 1965 as last amended by section 4, chapter 102, Laws of 1973 and RCW 29.54.045; amending section 29.54.050, chapter 9, Laws of 1965 as last amended by section 2, chapter 121, Laws of 1973 1st ex. sess. and RCW 29.54.050; amending section 29.54.060, chapter 9, Laws of 1965 and RCW 29.54.060; amending section 29.54.070, chapter 9, Laws of 1965 as amended by section 10, chapter 109, Laws of 1967 ex. sess. and RCW 29.54.070; amending section 29.54.080, chapter 9, Laws of 1965 and RCW 29.54.080; amending section 29.54.130, chapter 9, Laws of 1965 and RCW 29.54.130; amending section 29.54.140, chapter 9, Laws of 1965 and RCW 29.54.140; amending section 29.62.090, chapter 9, Laws of 1965 and RCW 29.62.090; amending section 29.64.010, chapter 9, Laws of 1965 and

RCW 29.64.010; amending section 29.64.020, chapter 9, Laws of 1965 and RCW 29.64.020; adding a new section to chapter 29.01 RCW; adding new sections to chapter 29.30 RCW; adding new sections to chapter 29.34 RCW; adding a new section to chapter 29.54 RCW; repealing section 29.21.100, chapter 9, Laws of 1965 and RCW 29.21.100; repealing section 29.30.050, chapter 9, Laws of 1965 and RCW 29.30.050; repealing section 29.30.080, chapter 9, Laws of 1965, section 2, chapter 52, Laws of 1965, section 1, chapter 18, Laws of 1971 and RCW 29.30.080; repealing section 29.30.090, chapter 9, Laws of 1965 and RCW 29.30.090; repealing section 29.30.100, chapter 9, Laws of 1965 and RCW 29.30.100; repealing section 29.30.110, chapter 9, Laws of 1965 and RCW 29.30.110; repealing section 25, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.150; repealing section 27, chapter 109, Laws of 1967 ex. sess., section 1, chapter 70, Laws of 1973 1st ex. sess. and RCW 29.34.160; declaring an emergency; and providing an effective date.

Referred to Committee on Constitution and Elections.

**SENATE BILL NO. 3249**, by Senator Francis:

An Act relating to naturopathy; amending section 13, chapter 36, Laws of 1919 and RCW 18.36.010; amending section 3, chapter 36, Laws of 1919 as amended by section 39, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.040; and adding new sections to chapter 36, Laws of 1919 and to chapter 18.36 RCW.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 3250**, by Senator Francis:

An Act relating to homesteads; amending section 2, chapter 64, Laws of 1895 as amended by section 6, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.020; amending section 30, chapter 64, Laws of 1895 as amended by section 8, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.040; and amending section 31, chapter 64, Laws of 1895 as amended by section 9, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.060.

Referred to Judiciary Committee.

**SENATE BILL NO. 3251**, by Senator Donohue (by Office of Program Planning and Fiscal Management request):

An Act relating to public employees' collective bargaining; and amending section 3, chapter 59, Laws of 1973 as amended by section 23, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.125.

Referred to Committee on Labor.

**SENATE BILL NO. 3252**, by Senator Woody:

An Act relating to public assistance; amending section 2, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.020; adding new sections to chapter 43.20A RCW; providing for an expiration date; and declaring an emergency.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 3253**, by Senator Donohue (by Office of Program Planning and Fiscal Management request):

An Act relating to revenue and taxation; amending section 7, chapter 294, Laws of 1971 ex. sess. as last amended by section 1, chapter 187, Laws of 1974 ex. sess. and RCW 82.04.291; and amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 2, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.080.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3254**, by Senator Mardesich:

An Act relating to open government; and amending section 12, chapter 1, Laws of 1973 as amended by section 8, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.120.

Referred to Committee on State Government.



**SENATE BILL NO. 3255, by Senators Henry and Matson:**

An Act relating to state government; amending section 43.03.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 263, Laws of 1975 1st ex. sess. and RCW 43.03.010; declaring an emergency; and providing an effective date.

Referred to Committee on State Government.

**SENATE BILL NO. 3256, by Senator von Reichbauer:**

An Act relating to general elections; amending section 29.30.080, chapter 9, Laws of 1965 as last amended by section 1, chapter 18, Laws of 1971 and RCW 29.30.080; and adding a new section to chapter 29.30 RCW.

Referred to Committee on Constitution and Elections.

**SENATE BILL NO. 3257, by Senator Donohue:**

An Act relating to the teachers' retirement system; adding a new section to chapter 41.32 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3258, by Senator Francis:**

An Act relating to enforcement of judgments; and amending section 253, page 178, Laws of 1854 as last amended by section 13, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.16.020.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3259, by Senator von Reichbauer:**

An Act relating to crimes; amending sections 1, 3 and 4, chapter 126, Laws of 1895 as last amended by section 37, chapter 292, Laws of 1971 ex. sess. and RCW 26.28.080; adding a new section to Title 9 RCW; creating new sections; and providing penalties.

Referred to Judiciary Committee.

**SENATE BILL NO. 3260, by Senators Odegaard and Morrison:**

An Act relating to electrical training.

Referred to Committee on Labor.

**SENATE BILL NO. 3261, by Senator Rasmussen (by Lieutenant Governor request):**

An Act relating to state government.

Referred to Committee on State Government.

**SENATE BILL NO. 3262, by Senator Odegaard:**

An Act relating to community colleges.

Referred to Committee on Higher Education.

**SENATE BILL NO. 3263, by Senator Matson:**

An Act relating to the practice of massage.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 3264, by Senator Rasmussen (by Lieutenant Governor request):**

An Act relating to state government.

Referred to Committee on State Government.

**SENATE BILL NO. 3265, by Senators Odegaard and Knoblauch:**

An Act relating to school holidays.

Referred to Committee on Education.

**SENATE BILL NO. 3266, by Senator Lewis (R. H. "Bob"):**

An Act relating to motor vehicles.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3267, by Senators Sandison, Newschwander, Stortini, Odegaard, Benitz, Donohue and Guess:

An Act relating to vocational education.

Referred to Committee on Higher Education.

SENATE BILL NO. 3268, by Senator Mardesich:

An Act relating to bookkeeping transactions within the state general fund.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3269, by Senator Grant:

An Act relating to retirement and pensions.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3270, by Senator Jones:

An Act relating to education.

Referred to Committee on Education.

SENATE BILL NO. 3271, by Senators Lewis (Harry) and Rasmussen:

An Act relating to commerce and economic development; and adding new sections to chapter 43.31 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 3272, by Senator Grant:

An Act relating to naturopathy; amending section 13, chapter 36, Laws of 1919 and RCW 18.36.010; amending section 3, chapter 36, Laws of 1919 as amended by section 39, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.040; and adding new sections to chapter 36, Laws of 1919 and to chapter 18.36 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3273, by Committee on Higher Education (endorsed by Senators Sandison, Guess, Odegaard, Goltz, Scott, Benitz and Donohue):

An Act relating to higher education; amending section 28B.10.525, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.525; amending section 6, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.060; amending section 28B.50.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 13, chapter 62, Laws of 1973 and RCW 28B.50.050; amending section 28B.50.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.50.060; and amending section 52, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.245.

Referred to Committee on Rules.

SENATE BILL NO. 3274, by Senator Walgren:

An Act relating to the financing of certain public improvements; authorizing certain guarantees and pledges by the Washington toll bridge authority for improvements reasonably related to the improvement of the ferry system; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3275, by Senator Francis:

An Act relating to publicity of certain criminal matters; and repealing section 209, chapter 249, Laws of 1909 and RCW 9.68.020.

Referred to Judiciary Committee.

SENATE BILL NO. 3276, by Senator Talley:

An Act relating to housing authority commissioners; and amending section 35.82.040, chapter 7, Laws of 1965 and RCW 35.82.040.

Referred to Committee on Local Government.

SENATE JOINT MEMORIAL NO. 116, by Senators Wilson, Donohue, Morrison, Newschwander and Jolly:

Requesting balanced federal budgets except in emergencies.

Referred to Committee on Ways and Means.

SENATE JOINT MEMORIAL NO. 117, by Senators North, Odegaard and Newschwander:

Requesting Congress to extend federal revenue sharing a minimum of five years beyond December 31, 1976.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 139, by Senators Bluechel, Mardesich, Francis, Grant, Day, Lewis (Harry), Donohue, Peterson, North, Goltz, Odegaard, Morrison, Gould, Jones, Benitz, Matson, Murray, Buffington, Scott and Jolly:

Amending the Constitution to permit all legislators to receive the same salary in 1977.

Referred to Committee on State Government.

SENATE JOINT RESOLUTION NO. 140, by Senator Scott:

Amending the Constitution to require a nonlegislative review of a legislator's possible conflict of interest.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 141, by Senators Pullen, Rasmussen, Benitz, Lewis (R. H. "Bob"), Guess, Cunningham and Sellar:

Joint resolution directing the removal of Judge Solie M. Ringold pursuant to Article 4, Section 9 of the state Constitution.

Referred to Judiciary Committee.

SENATE CONCURRENT RESOLUTION NO. 127, by Senators Francis and Woody:

Stating legislative intent to repay obligations to widows of police officers and directs payment thereto.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 519, by Representatives Pardini, Randall, Hawkins and Gilleland:

Pertaining to local business and occupation taxes.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 624, by Representatives Randall, Pardini and Kilbury:

Defining "regular property tax levies" for port district purposes.

Referred to Committee on Ways and Means.

REENGROSSED HOUSE BILL NO. 971, by Representatives Randall, Pardini, Sommers and Newhouse:

Pertaining to taxation of leasehold interests.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 1237, by Representatives Whiteside, Seeberger, Fortson and Wojahn:

Increasing from three to five the number of aged persons not related by blood who may live in a boarding home.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 1373, by Representatives McCormick, Leckenby, Martinis, Gaines, Lysen, Barnes, Hayner, Charnley and Lee:  
Establishing the energy facility site evaluation council.  
Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 1377, by Representatives Kalich, Gaines, Chandler and Douthwaite:  
Enacting emergency energy powers.  
Referred to Committee on Transportation and Utilities.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 3143, 3150, 3166, 3172, 3236, 3239 and 3267; also Senate Joint Memorial No. 116 and Senate Joint Resolutions 139 and 141.

#### MOTION

At 2:15 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Thursday, January 22, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**SEVENTEENTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Thursday, January 22, 1976

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

The Color Guard, consisting of Pages Dale Richardson and Amy Fleetwood, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ETERNAL GOD, FATHER OF ALL MANKIND, WE LIFT OUR PRAYERS TO YOU AT THIS HOUR TO RECOGNIZE YOU AS THE SOURCE OF LIFE AND ALL THAT MAKES LIFE MEANINGFUL. MAY WE NOT LOSE OUR FAITH IN YOU EVEN WHEN WE FIND IT DIFFICULT TO TRUST OTHERS. RATHER, MAY WE RESTORE OUR INTEGRITY IN OURSELVES AND CONTINUOUSLY CHOOSE THE PATH OF HONESTY WITH ONE ANOTHER. IN THIS TIME OF HUMAN NEED, MAY WE NOT TURN OUR BACKS ON THE PROBLEMS WHICH CREATE THAT NEED. BLESS EACH SENATOR THAT THE DECISIONS MADE HERE TODAY MIGHT BEGIN TO PROVIDE SOLUTIONS AND HOPE FOR THE FUTURE. AMEN."

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

January 21, 1976.

SENATE BILL NO. 3000, authorizing counties to offer rewards for information about crimes against county property (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

January 21, 1976.

SENATE BILL NO. 3044, supplementing law relating to traffic safety education courses (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Clarke, Fleming, Marsh, Murray, Newschwander, Scott, Woody.

Passed to Committee on Rules for second reading.

January 21, 1976.

SENATE BILL NO. 3070, revising the fee structure for motor vehicle tonnage licenses (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Benitz, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

January 21, 1976.

SENATE BILL NO. 3090, permitting longer leases and concessions in state parks (reported by Committee on Parks and Recreation):

Recommendation: Do pass.

Signed by: Senators Knoblauch, Chairman; Bailey, Gould, Odegaard, Wanamaker.

Passed to Committee on Rules for second reading.

January 22, 1976.

SENATE BILL NO. 3119, increasing from 60 to 120 days the period during which contractual suppliers of medical care to indigents must submit final charges to DSHS (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, Herr, North, Ridder.

Passed to Committee on Rules for second reading.

January 21, 1976.

SENATE JOINT MEMORIAL NO. 114, asking Congress to retain United States rights in the Canal Zone (reported by Committee on State Government):

Recommendation: That Substitute Senate Joint Memorial No. 114 be substituted therefor and the substitute memorial do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 3277, by Senators Bluechel, Murray and North (by Executive request):

An Act relating to state and local government and the support thereof; authorizing the issuance and sale of state general obligation bonds to provide for needed support of arts, culture, recreation, and preservation of historic and natural features throughout the state; and adding new sections to Title 43 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3278, by Senator Donohue (by Department of Social and Health Services request):

An Act relating to public assistance; and adding new sections to chapter 26, Laws of 1959 and to chapter 74.08 RCW.

#### MOTION

Senator Day moved that Senate Bill No. 3278 be referred to the Select Committee on Medical Malpractice.

There being no objection, the motion was withdrawn.

SENATE BILL NO. 3278 was referred to the Committee on Social and Health Services.

SENATE BILL NO. 3279, by Senators Walgren, Murray and Goltz:

An Act relating to revenue and taxation; and amending section 84.36.060, chapter 15, Laws of 1961 as amended by section 5, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.060.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 142, by Senators Murray and Herr:

Providing for the selection and tenure of judges.

Referred to Judiciary Committee.

There being no objection, Senator Herr was permitted as an additional sponsor on Senate Joint Resolution No. 142.

**SENATE JOINT RESOLUTION NO. 143, by Senator Murray:**  
Providing an alternative method for selecting the chief justice and assistant chief justice.

Referred to Judiciary Committee.

**SENATE JOINT RESOLUTION NO. 144, by Senator Murray:**  
Increasing authorized number of court commissioners.

Referred to Judiciary Committee.

**SENATE JOINT RESOLUTION NO. 145, by Senator Murray:**  
Establishing a judicial qualifications commission.

Referred to Judiciary Committee.

**SENATE JOINT RESOLUTION NO. 146, by Senator Murray:**  
Prescribing restrictions on judges' activities.

Referred to Judiciary Committee.

**SENATE CONCURRENT RESOLUTION NO. 128, by Senator Goltz:**  
Directing a study on lifeline utility rates.

Referred to Committee on Transportation and Utilities.

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

#### MOTION

On motion of Senator Lewis (Harry), Senate Bill No. 3009 was ordered to hold its place on the second reading calendar for Friday, January 23, 1976.

#### SECOND READING

**SENATE BILL NO. 3024, by Select Committee on Education (endorsed by Senators Donohue, Newschwander, Ridder, Gould, Jones, Stortini, Odegaard and Wanamaker):**

Contracts for general services.

The bill was read the second time by sections.

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

On page 1, line 15, after "property," insert "or the acquisition of real property by lease or rental."

On page 1, line 10, after "may" strike ": (1) Contract" and insert "contract", and on line 15, after "years" insert a period and strike the remainder of the act.

On motion of Senator Donohue, the rules were suspended, Engrossed Senate Bill No. 3024 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3024, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott,

Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senator Pullen—1.

Excused: Senators Bottiger, Fleming, Francis, Keefe, Newschwander—5.

ENGROSSED SENATE BILL NO. 3024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 3025, by Select Committee on Education (endorsed by Senators Gould, Stortini, Odegaard, Ridder, Jones, Donohue, Newschwander and Wanamaker):

Mandating school districts to set forth policy for reduction-in-force of school personnel.

The bill was read the second time by sections.

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

On page 1, section 1, line 11, after "employees." strike all the matter down to and including "effectiveness." on line 13.

On motion of Senator Stortini, the rules were suspended, Engrossed Senate Bill No. 3025 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3025, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 1; excused, 5.

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

Voting nay: Senator Grant—1.

Absent or not voting: Senator Pullen—1.

Excused: Senators Bottiger, Fleming, Francis, Keefe, Newschwander—5.

ENGROSSED SENATE BILL NO. 3025, having received the constitutional majority, was declared passed. 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 Select Committee on Education (endorsed by Senators Stortini, Gould, Odegaard, Ridder, Donohue, Newschwander, Jones and Wanamaker):

Learning objectives.

The bill was read the second time by sections.

On motion of Senator Gould, the rules were suspended, Senate Bill No. 3026 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3026, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knob-



lauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Bottiger, Fleming, Francis, Keefe, Newschwander—5.

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 JOINT RESOLUTION NO. 137, by Select Committee on Education (endorsed by Senators Donohue, Newschwander, Ridder, Gould, Jones, Stortini and Odegaard):

Allowing excess levies for school district purposes to be for two year period.

The resolution was read the second time in full.

On motion of Senator Donohue, the rules were suspended, Senate Joint Resolution No. 137 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## POINT OF INQUIRY

Senator Benitz: "Would Senator Donohue yield to a question? Some years ago this was on the ballot and if I remember correctly it was defeated at that time and the comment I heard was that people did really want to retain local control annually. My question is, do you remember what year this was last on the ballot to the people?"

Senator Donohue: "Senator, I was not aware that it had been on the ballot. It evidently was some years ago. Maybe someone else on the floor could answer the question. I am not sure."

Senator Benitz: "Mr. President, I have been informed that it was six years ago on the ballot, in 1968. That was a state-wide issue at that time, either 1966 or 1968. I just wanted us all to be aware of that and the comment at that time was that the people really wanted a tight control. That there are no great objections to it except many people say if we give them two years, we do lose some local control and to that I have to agree, but I believe we should vote for this constitutional amendment and let the people reflect on it. But I do want all of us to recognize that it was on the ballot not too long ago."

## POINT OF INQUIRY

Senator Morrison: "Would Senator Donohue yield to a question? Senator Donohue, do you know if this proposed constitutional amendment is sufficiently broad to allow for a two-year levy if assessed on a state-wide basis? This is one of the ingredients in one of the school funding plans."

Senator Donohue: "I cannot answer that directly, Senator. At the time that this particular proposal was before us, I do not believe there was too much discussion on a state-wide levy. Now I would assume that if we were to mandate a state-wide levy that this constitutional amendment could, in fact, provide the statute that would let us do that. Now I am not sure. I really do not know. Maybe there is an attorney here that could answer the question. Senator Marsh, maybe."

Senator Marsh: "Mr. President, ladies and gentlemen, and Senator Clarke also. I am looking at the bill which is six hundred in the book there Senator Clarke, specifically page one, and I think what we have got to look at is the particular paragraph that this is being put on. If you will note beginning on line twenty-three, page one, it says 'by any taxing district when specifically authorized to do so by a majority of at least three-fifths of the electors thereof voting on the proposition'. You are talking about a taxing district. It does not talk about state-wide proposition, so I would come to a different conclusion and say it would not apply to a state-wide levy."

Senator Morrison: "Mr. President, members. Sorry that Senator Newschwander is not here, but I presume what we are talking about a state-wide special levy that in fact

he would organize a special state-wide taxing district and therefore this authority would extend."

Senator Donohue: "I apologize. I talked to Mrs. Brant this morning and she told me that she had attorney general's opinion relative to Senator Newschwander's proposal that actually says that a taxing district, a state-wide taxing district would have to be created before this could be done."

Senator Clarke: "Responding further to Senator Morrison's observation. In order for the state-wide tax to comply with the sixty-forty also this is in the same category, so assuming that it is set up in such a way that the sixty-forty would apply, then I think the two year would be applicable also."

#### POINT OF INQUIRY

Senator Cunningham: "Thank you Mr. President. I have got just some general questions and I am in hopes that someone can answer them, but what I am wondering and I have heard the arguments on the merits of a two-year school levy, but what would happen if a school elected to go on a two-year school levy and failed it? Now would it be then two years before they could resubmit? What would happen if a school passed a two-year levy and then through some adverse economic circumstances they found the budget that they had proposed was grossly inaccurate? What flexibility do they have? The other thing is, psychologically what would happen when you have school districts like Seattle, which under this could go for say one hundred and ten to one hundred twenty million dollar levy and my own school district, Highline, would be going for a fifty to sixty million dollar levy? Psychologically, are they really going to be able to sell those so is this really helping the schools or is it casting their feet in cement?"

Senator Donohue: "I think the answers, you may have some questions of course, you have to remember this is a may, not a shall. They do not have to do this. Now, it struck me that there is a great possibility that in some cases, psychologically, that this would be an advantage. Let's say for instance that my small school district decided to go for a two-year levy. The annual levy in my school district is approximately two hundred thousand dollars. The way I understand it, if they were to go before the people with a two-year levy, they might come in with say four hundred and ten thousand dollars for a two-year shot. Now let's assume for a moment that that first try went down. They could then go back to a one-year levy, go before the people with a normal one-year levy of two hundred thousand dollars, and it might be, psychologically, the people would say, 'boy, that school district has really cut back' and it might have some advantages. I think that in any budget process relative to your second portion of your remarks, I think that this analyzing ahead in deciding whether the dollar amount would be appropriate through a two-year period, of course, would mean that that school administrator and those directors would have to do a good job in projecting, taking into consideration inflation factors and so forth. I think the main thing about this proposal is just this, it is an opportunity. It is not mandated, it just gives the districts, and I have mentioned before, that large districts might not do this, but it gives districts the opportunity especially in the lower areas of dollars to try for a two-year levy, I think still can go for the one. I do not think we are really hurting them at all. I think it is probably a benefit."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 137, and the resolution passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—42.

Voting nay: Senators Pullen, Wilson—2.

Excused: Senators Bottiger, Fleming, Francis, Keefe, Newschwander—5.

SENATE JOINT RESOLUTION NO. 137, having received the constitutional two-thirds majority, was declared passed.

## MOTIONS

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

On motion of Senator Walgren, Senate Resolution 1976-170 was ordered held for consideration on Friday, January 23, 1976.

Senator Walgren moved adoption of the following resolution:

SENATE RESOLUTION 1976-172  
(PROPOSED RULE CHANGE)

By Senators Walgren and Bailey:

BE IT RESOLVED, That the first paragraph of Rule 59 of the Senate Rules of the 44th Legislature be amended to read as follows:

"Rule 59. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule: *PROVIDED, HOWEVER, That after the 49th day of every regular session this rule may be suspended by a majority vote: PROVIDED FURTHER, That when a concurrent resolution establishes cut-off dates for consideration of legislation, then on the last day of any consideration date this rule may be suspended by a majority vote.*"

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Lewis (Harry): "Mr. President, can the Secretary tell me if we have a resolution on the desk from the House of any kind, any joint resolution?"

REPLY BY THE PRESIDENT

The President: "Senator Lewis, the Honorable Sidney Snyder, the Secretary of the Senate, advises that the House amended the Senate Concurrent Resolution that was sent there but have not yet acted upon it on final passage."

MOTION

On motion of Senator Lewis (Harry), Senate Resolution 1976-172 was ordered held for consideration following action by the House of Representatives on Senate Concurrent Resolution No. 125.

MOTION

Senator Walgren moved that the Senate adjourn until 11:00 a.m., Friday, January 23, 1976.

PERSONAL PRIVILEGE

Senator von Reichbauer: "Mr. President, I would like to speak on a point of personal privilege."

POINT OF INFORMATION

Senator Bailey: "Point of information, and I am not trying to cut off Senator von Reichbauer, but what stage is the Senate proceeding in right now, did we adjourn?"

REPLY BY THE PRESIDENT

The President: "Not as yet. Senator Walgren has made a motion to adjourn until 11:00 a.m. tomorrow, but the motion has not yet been put, Senator Bailey. Senator von Reichbauer."

PERSONAL PRIVILEGE

Senator von Reichbauer: "Mr. President. I would like the point of personal privilege on the question that was before the Chamber yesterday, Senate Bill No. 3002. I have been advised that someone raised a question of my absence during that vote. I would point out the following history of why I was not here. I will not speak to why the question was raised and the manner it was raised. I deduced that the question was raised

in a manner that was less than desirable.

"At 12 noon in the caucus, I approached the majority floor leader who is in charge of floor action of the Senate and advised him that some constituents of mine had come down here and that I was going to join them and if he had any questions. He asked me if I was going to be back later and I replied yes. And he did not indicate that the bill would be before him. I publicly oppose Senate Bill No. 3002 as it was inserted and had hoped that the amendments proposed by Senator Walgren would be adopted so that I could have supported the measure. They were not adopted. I therefore had planned to vote against the bill. I have never evaded or avoided my responsibilities, either on the floor or in caucus when taking on hard decisions and I did not yesterday. Thank you, Mr. Chairman."

The motion by Senator Walgren carried. At 11:55 a.m., the Senate adjourned until 11:00 a.m., Friday, January 23, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## EIGHTEENTH DAY

### MORNING SESSION

Senate Chamber, Olympia, Friday, January 23, 1976.

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

The Color Guard, consisting of Pages Tom Letteer and Judith Potter, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, OUR HEAVENLY FATHER, WE COME TO YOU JUST NOW, FREELY CONFESSING OUR NEED OF YOUR WISDOM IN ORDER TO DEAL ADEQUATELY AND FAIRLY WITH THE ISSUES FACING THESE SENATORS THIS DAY. BUT DON'T ALLOW US TO IMAGINE THAT THIS FORMAL PRAYER CAN TAKE THE PLACE OF INDIVIDUAL PRIVATE PRAYER. MAY THERE ARISE FROM EACH DESK THE SILENT PRAYER THAT SEEKS TO KNOW YOUR WILL, AND MAY NEITHER FOOLISH PRIDE NOR STUBBORN WILL KEEP US FROM RECOGNIZING OUR HUMANNES AND OUR NEED FOR YOUR GUIDANCE AND INSIGHT. HELP EACH OF US TO CONFRONT THE TASKS OF THIS DAY IN ACCORDANCE WITH YOUR WILL. AMEN."

### MOTION

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

## REPORTS OF STANDING COMMITTEES

January 22, 1976.

SENATE BILL NO. 2038, regulating environmentally hazardous wastes (reported by Committee on Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 2038 be substituted therefor and the substitute bill do pass.

Signed by: Senators Washington, Chairman; Goltz, Guess, Murray, North.

Passed to Committee on Rules for second reading.

January 22, 1976.

SENATE BILL NO. 3148, authorizing the sale and issuance of state highway construction bonds (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Benitz, Guess, Jolly, Knoblauch, Peterson, Stortini, Wanamaker.

Passed to Committee on Rules for second reading.

January 23, 1976.

SENATE BILL NO. 3233, providing for liability insurance for the University of Washington against certain claims (reported by Select Committee on Medical Malpractice):

MAJORITY recommendation: That Substitute Senate Bill No. 3233 be substituted therefor and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Buffington, Clarke, Day, Jones, McDermott, North, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

## MESSAGE FROM THE GOVERNOR

Office of the Governor, June 4, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval SUBSTITUTE SENATE BILL NO. 2251 entitled:

"An Act relating to certain public officials."

This bill extends the financial reporting requirements of the Public Disclosure Act (Initiative 276) to all appointed officials of all state boards, commissions, councils, and other agencies. At the present time these provisions apply only to elected officials.

The extensive reporting requirements of the Public Disclosure Act are essential to the objective of making elected representatives in government more accountable to their constituency. Any actual or potential conflicts of interest should be open to public scrutiny. With few exceptions, members of state boards and commissions are appointed to their positions by elected officials. It is properly the responsibility of those elected officials to ensure that persons appointed by them do not have conflicts of interest in their appointed positions. As elected officials, they must account to the public for any detriment to the public interest caused by the actions of appointed officials taken where conflicts of interest existed.

A great number of appointed officials serve either without compensation or with compensation falling far short of the value of their time and services rendered. To subject these public-minded citizens to the rigorous reporting requirements of the law would be to impose burdens on their personal and business lives greatly disproportionate to the benefits that may accrue to the public from scrutinizing their financial affairs. I believe the result would be the loss of the services of many who would simply be

unable to justify the acceptance of such burdens in light of the part-time and voluntary nature of their service to the public.

For the foregoing reasons, I have determined to veto Substitute Senate Bill No. 2251.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

#### MOTION

Senator Beck moved that the Senate do pass Substitute Senate Bill No. 2251 notwithstanding the Governor's veto.

#### MOTION

At 11:14 a.m., on motion of Senator Walgren, the Senate was declared to be at ease for the purpose of a Republican caucus.

The President called the Senate to order at 11:42 a.m.

The President declared the question before the Senate to be the motion by Senator Beck that the Senate do pass Substitute Senate Bill No. 2251 notwithstanding the Governor's veto.

Debate ensued.

#### POINT OF INQUIRY

Senator Talley: "Will Senator Lewis yield to a question? Senator Lewis, you have partially answered what I was going to ask. There is a long ways between what Senator Grant says is one hundred and fifty and what we have listed here as eight hundred and sixty two. Can you explain what he means and what, how you got your figures?"

Senator Lewis (Harry): "The staff work that I have in front of me, Senator Talley, is what we distributed, and the pages have been waiting to distribute these lists to the other members of the Senate. Our staff has advised me that this list is included in the legislation and the cemetery board, the canal commission, the Columbia River Gorge commission, these items, they are comprised mostly of volunteer people who are being unpaid, many of them not even being paid per diem. To include them in disclosure where they must report is totally unnecessary in my judgment."

Senator Talley: "Senator Lewis, I think you said that some of these should be in there and I think that is going to affect the way a lot of us vote. We want some of these covered and a lot of these, I agree with you, should not be in here. But, what do we do? We need to have some of them under it and we do not have time this session to get legislation through to correct it, that is for sure. I hope we do not have that much time."

Senator Lewis (Harry): "Senator Talley, in response to your question, I think we should draft another bill hitting those specific people and groups that you are describing and eliminate the others and I think we could do that this session if we wanted to.

Further debate ensued.

The President declared a vote "yea" will override the Governor's veto and a vote "nay" will sustain the veto. The President declared that a two-thirds majority of those present is required to override the veto.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2251, notwithstanding the Governor's veto, and the bill failed to pass the Senate by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Grant, Henry, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—27.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Francis,

Goltz, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—21.

Excused: Senator Keefe—1.

The motion by Senator Beck failed and the Governor's veto of Substitute Senate Bill No. 2251 was sustained.

#### MOTION

Senator Sandison: "I move that Senate Bill No. 3273 be re-referred from the Committee on Rules and ordered back to the Committee on Higher Education."

The President: "Senator Sandison has moved that the Senate Committee on Rules be relieved of further consideration of Senate Bill No. 3273 and that the bill be referred to the Committee on Higher Education."

Senator Sandison: "Mr. President, members of the Senate, there was an error in some of the testimony and therefore part of the bill is incorrect. There is a substitute bill there waiting to go when the measure comes back to the Higher Education Committee."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I would submit that that is the improper way to do it without starting a precedent. I think that the Senator should come before the Rules Committee and ask that the bill be held up or the Rules Committee act on it. If you are going to start relieving the Rules Committee of bills, I have a few myself that I would like to get out of there."

#### COMMENDATION TO THE SENATE

By Senator Pullen:

I would like to take this opportunity to commend my colleagues in the Senate for the careful consideration that has been given thus far to a variety of key constitutional issues. My feelings regarding the importance of discussing constitutional questions were set forth in the following remonstrance which I delivered to members of the House approximately two years ago:

#### REMONSTRANCE TO THE HOUSE OF REPRESENTATIVES

By Representative Pullen:

WHEREAS, The citizens of the State of Washington reside in a constitutional republic, and

WHEREAS, Each legislator takes an oath of office swearing to uphold the Constitution of the United States and the Constitution of the State of Washington; and

WHEREAS, Taking such an oath implies that each legislator is reasonably knowledgeable of the contents of the two constitutions; and

WHEREAS, Taking such an oath implies that each legislator possesses a reasonable understanding of the meaning and intent of the two constitutions; and

WHEREAS, Taking such an oath implies that each legislator will do his utmost to prevent the passage of unconstitutional legislation; and

WHEREAS, Some legislators repeatedly ignore the issue of constitutionality by invoking arguments such as "constitutionality is a matter for determination by the courts" or "a law is deemed constitutional until ruled otherwise"; and

WHEREAS, These arguments tend to encourage legislative apathy, thereby promoting the passage of unconstitutional legislation; and

WHEREAS, The enactment of any unconstitutional legislation undermines and threatens such basic rights as freedom of the press, freedom of speech, freedom of religion, freedom of association, and the right to privacy; and

WHEREAS, Reed's Rule No. 161 indicates that constitutionality is an appropriate subject for legislative debate;

NOW, THEREFORE, I do hereby remonstrate against any and all efforts to stifle debate on the issue of constitutionality; and

NOW, THEREFORE, I do hereby remind my colleagues, for whom I have the greatest respect, of the continuing need for directing attention to, and receiving guidance from, our constitutional heritage.

As this session of the 44th Legislature draws to a close, I can say that I have observed with satisfaction the willingness of various members of the Senate to raise and discuss constitutional issues. This willingness has improved the quality of legislation that we have enacted and has alleviated many of the concerns which I had expressed in the above remonstrance.

#### MOTION

At 11:00 a.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, January 26, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## TWENTY-FIRST DAY

### MORNING SESSION

Senate Chamber, Olympia, Monday, January 26, 1976.

The Senate was called to order at 11:00 a.m. by President Cherberg. The President declared the Senate to be at ease. The President called the Senate to order at 11:30 a.m. The Secretary called the roll and announced to the President that all Senators were present except Senators Keefe, Mardesich, Matson, Murray, Newschwander, Scott and Talley. On motion of Senator Knoblauch, Senators Keefe, Mardesich and Talley were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Matson, Murray, Newschwander and Scott were excused.

The Color Guard, consisting of Pages James Lovsted and Diane Campbell presented the Colors. Reverend Richard Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"ETERNAL GOD, AT THE OPENING OF THE SESSION FOR THIS DAY, WE PAUSE ONCE AGAIN TO ACKNOWLEDGE YOU AS THE AUTHOR OF CREATION. REMIND US AGAIN OF THE MAJESTY OF YOUR CREATION AND THE GREATNESS OF THE DAY IN WHICH WE LIVE. IMPRESS UPON EACH OF US THE PERSONAL RESPONSIBILITY TO DO ALL WE CAN TO HELP OTHERS KNOW LIFE AT THE HIGHEST LEVEL. EVEN GREATER IS THE OPPORTUNITY AND RESPONSIBILITY OF THESE SENATORS WHO HAVE BEEN ELECTED BY THE PEOPLE OF THIS STATE. HELP THEM TO SEE ANEW THE GREAT POSSIBILITIES FOR GOOD THAT LIE WITHIN



THEIR VOTING POWER. GIVE TO THEM THE FREEDOM TO CONFESS THEIR NEED FOR INSIGHT BEYOND THEIR OWN AS WELL AS THE COURAGE TO UNASHAMEDLY SEEK YOUR DIVINE GUIDANCE. IN THE NAME OF JESUS THE CHRIST WE PRAY. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 1976.

SENATE BILL NO. 2961, increasing the number of judges in King County (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2961 be substituted therefor and the substitute bill do pass.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Fleming, Jones, Marsh, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 23, 1976.

SENATE BILL NO. 2972, imposing a fifty dollar fine for violation of winter recreational parking regulations (reported by Committee on Parks and Recreation):

Recommendation: That Substitute Senate Bill No. 2972 be substituted therefor and the substitute bill do pass.

Signed by: Senators Knoblauch, Chairman; Bailey, Gould, Odegaard, Wanamaker.

Passed to Committee on Rules for second reading.

January 23, 1976.

SENATE BILL NO. 2989, making changes in the law relating to election schedules (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Stortini, Washington.

Passed to Committee on Rules for second reading.

January 23, 1976.

SENATE BILL NO. 3048, revising laws relating to the Interagency Committee for Outdoor Recreation (reported by Committee on Parks and Recreation):

MAJORITY recommendation: That Substitute Senate Bill No. 3048 be substituted therefor and the substitute bill do pass.

Signed by: Senators Knoblauch, Chairman; Bailey, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

January 23, 1976.

SENATE BILL NO. 3115, directing counties to establish equipment rental funds (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Lewis (R. H. "Bob"), Sellar, Talley, Wilson.

Passed to Committee on Rules for second reading.

January 23, 1976.

SENATE BILL NO. 3120, relating to transportation tax system (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Bottiger, Vice Chairman; Beck, Benitz, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Wanamaker.

## MOTION

On motion of Senator Henry, Senate Bill No. 3120 was referred to the Committee on Ways and Means.

January 23, 1976.

SENATE BILL NO. 3125, making appropriations relating to transportation (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Bottiger, Vice Chairman; Beck, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Peterson, Sellar.

## MOTION

On motion of Senator Henry, Senate Bill No. 3125 was referred to the Committee on Ways and Means.

January 23, 1976.

SENATE BILL NO. 3138, regulating interschool athletic and extracurricular activities and authorizing school board delegation to some powers relating thereto (reported by Committee on Education):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

January 23, 1976.

SENATE BILL NO. 3273, standardizing traveling fees for boards concerned with higher education (reported by Committee on Rules):

MAJORITY recommendation: That the bill be referred to the Committee on Higher Education.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Bailey, Bottiger, Guess, Lewis (Harry), Mardesich, Matson, Talley, Walgren.

Referred to Committee on Higher Education.

## GUBERNATORIAL APPOINTMENTS

January 23, 1976.

EDITH D. WILLIAMS, to the position of member of the Washington State University Board of Regents, appointed by the Governor on May 6, 1975 for the term ending March 9, 1981, succeeding Frances Owen (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

January 23, 1976.

KATE WEBSTER, to the position of member of the Washington State University Board of Regents, appointed by the Governor on May 6, 1975 for the term ending

March 9, 1981, succeeding H. Dewayne Kreager (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

January 23, 1976.

Mr. President: The House has passed:

HOUSE BILL NO. 1356,

HOUSE BILL NO. 1357,

HOUSE BILL NO. 1358,

HOUSE BILL NO. 1359,

HOUSE BILL NO. 1360,

HOUSE BILL NO. 1361, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

January 23, 1976.

Mr. President: The House has adopted ENGROSSED SENATE CONCURRENT RESOLUTION NO. 125, with the following amendments:

On page 1, line 8, after "on" strike "Monday, January 19" and insert "Friday, January 23"

On page 1, line 10, after "That" strike "Wednesday, January 21" and insert "Monday, January 26"

On page 1, page 14, after "Friday," strike "January 30" and insert "February 6"

On page 1, line 16, after "dealing with" strike "school funding" and insert "public schools"

On page 1, line 18, after "pension reform," insert "criminal justice and corrections"

On page 1, line 18, after "funding" strike "; and" and insert "and governmental officials' ethics;"

On page 1, line 20, after "Friday," strike "February 6" and insert "February 13"

On page 1, line 21, after "dealing with" strike "school funding" and insert "Public schools"

On page 1, line 23, after "pension reform," insert "criminal justice and corrections"

On page 1, line 24, after "funding," insert "governmental officials' ethics,"

On page 1, line 30, after "Friday," strike "January 30" and insert "February 6"

On page 2, line 2, after "Friday," strike "February 6" and insert "February 13", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate concurred in the House amendments to Engrossed Senate Concurrent Resolution No. 125 and the resolution was adopted, as amended by the House.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3280, by Senators Donohue and Henry:

An Act relating to mass public transit systems; amending section 7, chapter 270, Laws of 1975 1st ex. sess. and RCW 35.58.2721; amending section 8, chapter 255, Laws

of 1969 ex. sess. and RCW 35.58.273; amending section 14, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.279; amending section 19, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.2791; amending section 20, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.2792; adding new sections to chapter 35.58 RCW; adding a new section to chapter 82.44 RCW; repealing section 9, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.274; repealing section 10, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.275; repealing section 11, chapter 255, Laws of 1969 ex. sess., section 1, chapter 199, Laws of 1971 ex. sess. and RCW 35.58.276; repealing section 12, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.277; repealing section 13, chapter 255, Laws of 1969 ex. sess., section 2, chapter 270, Laws of 1975 1st ex. sess. and RCW 35.58.278; repealing section 2, chapter 87, Laws of 1972 ex. sess., section 5, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.150; declaring an emergency; and providing effective dates.

Referred to Committee on Transportation and Utilities.

**SENATE BILL NO. 3281, by Senator Newschwander:**

An Act relating to drug treatment programs; amending section 2, chapter 2, Laws of 1973 2nd ex. sess. and RCW 69.50.410; amending section 2, chapter 123, Laws of 1969 ex. sess. and RCW 72.49.020; repealing section 69.32.070, chapter 27, Laws of 1959 and RCW 69.32.070; repealing section 69.32.080, chapter 27, Laws of 1959 and RCW 69.32.080; repealing section 69.32.090, chapter 27, Laws of 1959 and RCW 69.32.090; repealing section 69.32.100, chapter 27, Laws of 1959 and RCW 69.32.100; repealing section 69.32.110, chapter 27, Laws of 1959 and RCW 69.32.110; repealing section 69.32.120, chapter 27, Laws of 1959 and RCW 69.32.120; repealing section 69.32.130, chapter 27, Laws of 1959 and RCW 69.32.130; repealing section 72.48.010, chapter 28, Laws of 1959 and RCW 72.48.010; repealing section 72.48.020, chapter 28, Laws of 1959 and RCW 72.48.020; repealing section 72.48.030, chapter 28, Laws of 1959 and RCW 72.48.030; repealing section 72.48.040, chapter 28, Laws of 1959 and RCW 72.48.040; repealing section 72.48.050, chapter 28, Laws of 1959 and RCW 72.48.050; repealing section 72.48.060, chapter 28, Laws of 1959 and RCW 72.48.060; repealing section 72.48.070, chapter 28, Laws of 1959 and RCW 72.48.070; repealing section 72.48.080, chapter 28, Laws of 1959 and RCW 72.48.080; repealing section 72.48.090, chapter 28, Laws of 1959 and RCW 72.48.090; repealing section 72.48.100, chapter 28, Laws of 1959 and RCW 72.48.100; and repealing section 72.48.110, chapter 28, Laws of 1959 and RCW 72.48.110.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 3282, by Senator Odegaard (by Department of Revenue request):**

An Act relating to revenue and taxation; amending section 7, chapter 294, Laws of 1971 ex. sess. as last amended by section 1, chapter 187, Laws of 1974 ex. sess. and RCW 82.04.291; and declaring an emergency.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3283, by Senator Ridder (by Department of Labor and Industries request):**

An Act relating to boilers; amending section 28, chapter 32, Laws of 1951 as amended by section 1, chapter 21, Laws of 1970 ex. sess. and RCW 70.79.290; amending section 32, chapter 32, Laws of 1951 as last amended by section 2, chapter 21, Laws of 1970 ex. sess. and RCW 70.79.330; and amending section 34, chapter 32, Laws of 1951 and RCW 70.79.350.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3284, by Senators Henry and Guess:**

An Act relating to use taxation.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 147, by Senators Donohue and Odegaard:  
Amending the Constitution in relation to revenue and taxation.  
Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 148, by Senators Donohue and Odegaard:  
Amending the Constitution relating to property tax.  
Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 149, by Senators Donohue and Mardesich:  
Amending the Constitution relating to special levies.  
Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 150, by Senators Donohue and Mardesich:  
Amending the Constitution relating to revenue and taxation.  
Referred to Committee on Ways and Means.

HOUSE BILL NO. 1356, by Representatives Charette, Knowles and Seeberger (by Code Reviser's request):  
Pertaining to education; RCW corrections.  
Referred to Judiciary Committee.

HOUSE BILL NO. 1357, by Representatives Charette, Knowles and Seeberger (by Code Reviser's request):  
Relating to teachers' retirement, RCW correction.  
Referred to Judiciary Committee.

HOUSE BILL NO. 1358, by Representatives Charette, Knowles and Seeberger (by Code Reviser's request):  
Relating to state government; RCW corrections.  
Referred to Judiciary Committee.

HOUSE BILL NO. 1359, by Representatives Charette, Knowles and Seeberger (by Code Reviser's request):  
Relating to motor vehicles; RCW corrections.  
Referred to Judiciary Committee.

HOUSE BILL NO. 1360, by Representatives Charette, Knowles and Seeberger (by Code Reviser's request):  
Relating to industrial insurance; RCW correction.  
Referred to Judiciary Committee.

HOUSE BILL NO. 1361, by Representatives Charette, Knowles and Seeberger (by Code Reviser's request):  
Relating to alcoholic beverages, RCW correction.  
Referred to Judiciary Committee.

#### SECOND READING

SENATE BILL NO. 3009, by Select Committee on Education; Subcommittee on Resource Utilization (endorsed by Senators Woody, Lewis (R. H. "Bob"), Henry, Knoblauch, Guess and Bluechel:

Implementing law relating to contract bidding procedure for school districts.  
The bill was read the second time by sections.

There being no objection, the amendments on the Secretary's desk were withdrawn by Senator Lewis (Harry), Senator Guess and Senator Marsh.

Senator Bluechel moved adoption of the following amendment by Senators Bluechel, Woody, Lewis (R. H. "Bob") and Guess:

Strike everything after the enacting clause and insert:

"Section 1. Section 28A.58.135, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 49, Laws of 1969 ex. sess. and RCW 28A.58.135 are each amended to read as follows:

(1) When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements, or repairs, or other work or purchases, except books, will equal or exceed the sum of [twenty-five] *thirty-five* hundred dollars, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids therefor and that specifications and other information may be examined at the office of the board or *any other officially designated location*: PROVIDED, That the board without giving such notice may make improvements or repairs to the property of the district through the shop and repair department of such district when the total of such improvements or repair [do] *does* not exceed the sum of [twenty-five] *thirty-five* hundred dollars. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection.

(2) (a) *In lieu of the procedure described in subsection (1) of this section, bids may be solicited by telephone from a list of bidders prequalified in accordance with rules adopted by the superintendent of public instruction. Telephone solicitation shall not be used for purchases costing more than seventy-five hundred dollars or for building improvements, repairs, or books. Telephone solicitation may be used for bids for all other materials, furniture, supplies, equipment, and other purchases up to a cost of seventy-five hundred dollars.*

(b) *If bids are solicited by telephone, no award shall be made until at least three competitive bids have been received. After an award is made, the three or more bids shall be posted or otherwise made available at the office of the board or any other officially designated location.*

(c) *All bidders shall confirm their telephone bids in writing to the board within seven days after bid date. Any bidder not making such written confirmation shall be subject to removal from the qualified bidders list at the discretion of the board.*

(3) The contract for the work or purchase shall be awarded to the lowest responsible bidder as defined in RCW 43.19.1911: PROVIDED, That when bids have been solicited by telephone and there is reason to believe that the lowest acceptable bid is not the best obtainable, all bids may be rejected, and the board may call for new bids. Any or all bids may be rejected for good cause. On any work or purchase [of more than five hundred dollars,] the board shall provide bidding information to any qualified bidder or his agent, requesting it in person[, and if more than one supplier is available, it shall seek competitive bidding in such manner as it deems in the best interests of the district].

(4) In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency", for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action.

(5) *The superintendent of public instruction, in accordance with the administrative procedure act, chapter 34.04 RCW, shall adopt rules and regulations to implement the provisions of this section."*

#### POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Bluechel yield to a question? Senator Bluechel, I like the work you have done and I would like to compliment you on a thorough job but I do have a question that bothers me. I know that your general service uses the figure of ten thousand dollars for telephone bids but in the amendment that you present, we have limited that, provided that if they go over thirty five hundred dollars they must

have complete plans and specs unless they go to a telephone bid. Well then they are allowed to go to seventy-five hundred dollars. I am wondering why we do not limit that seventy-five hundred dollars to thirty-five hundred dollars as above. I just do not personally see any reason for it. Can you clarify that or give us some substantial reason why there should be this incongruity?"

Senator Bluechel: "Yes, Senator Lewis, there are two areas to this. Now one is where you require plans and specs which are perfectly legitimate in requiring in the area of contracting or repair work. In other words, in the contracting field, and we exclude completely from this whole subject book. Now, that is fine because above thirty-five hundred dollars you usually will be required to have plans and specs to explain what you are doing. But, when in the area of straight purchasing of an item that is commonly known on the market, literally a catalog item, it seems to me to require plans and specs for a catalog item and written bids, and all of the rest of it surely defeats the whole purpose because everybody knows what they want to buy and every supplier knows what they are selling, and the intent and purpose of this was to facilitate this within a reasonable range. There is no magic figure in the seventy-five hundred dollars. I personally think we could go higher on that as long as we are talking about catalog items, and really that is what this whole thing is directed to. But it is certainly no magic figure."

Senator Lewis (Harry): "Senator Bluechel, a further question. Would you object to an amendment that would place that on line forty on page one? We would strike seventy-five hundred and substitute thirty-five hundred. Would you object to that amendment?"

Senator Bluechel: "As I said, the seventy-five hundred is not a magic figure, but I think I would. I think that the purpose of this particular bid system is to simplify the procedure and if we go down to thirty-five hundred what we are really saying is that in the area of thirty-five hundred to seventy-five hundred, fine, you have to go back to the old system and the end result is, and I speak as a supplier to many agencies, not particularly school agencies, that it costs me a substantial amount of money to go to the formal bid form, the plans and specs and figures, especially when they are catalog items, and that is what we are talking about. So, although the seventy-five hundred is not a magic figure, my personal feeling as a supplier in the two agencies in this type of thing, excluding schools, is that that is a little too low."

Debate ensued.

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

On motion of Senator Woody the rules were suspended, Engrossed Senate Bill No. 3009 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3009, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Woody—41.

Voting nay: Senator Walgren—1.

Absent or not voting: Senators Pullen, Wilson—2.

Excused: Senators Keefe, Mardesich, Matson, Murray, Newschwander—5.

ENGROSSED 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. 3038, by Senators von Reichbauer, Rasmussen and Gould:

Supplementing loitering statute as formerly applicable to public and private schools.

## REPORT OF STANDING COMMITTEE

January 19, 1976.

SENATE BILL NO. 3038, supplementing loitering statute as formerly applicable to public and private schools (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 11, strike all the material down through "disorder" on line 15 and insert: "Any person who shall willfully refuse to leave any motor vehicle, building, grounds or other property which is owned, operated or controlled by a public school district, upon being ordered to do so by a superintendent or a principal of the school district, or by an authorized designee of any such administrator, when such person is committing, threatens to imminently commit or incites another to imminently commit any act which would disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district or of its students, officials, employees or invitees"

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

The bill was read the second time by sections.

On motion of Senator Stortini, the committee amendment was adopted.

On motion of Senator von Reichbauer, the following amendment by Senators von Reichbauer and Gould was adopted:

On page 1, beginning on line 16, strike all material down through "dollars." on line 17 and insert "gross misdemeanor and, upon conviction therefor, shall be fined not more than \$500, or imprisoned in jail for not more than six months or both so fined and imprisoned.

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

## POINT OF INQUIRY

Senator Woody: "Mr. President, members of the Senate. The one thing that concerns me, and perhaps Senator von Reichbauer could answer this because I do not recall that supreme court case, if a student, under age eighteen, refuses to leave the school bus and is by so doing obstructing any lawful task which would amount to driving a school bus on the public highways, could that child under age eighteen be prosecuted for a gross misdemeanor if juvenile court declines your action?"

Senator von Reichbauer: "With the permission of Senator Woody, I would like to ask the chairman of judiciary committee's opinion on that. I would appreciate it if you could answer that question, because quite frankly, I am not that familiar with the law in that area. Again, speaking for the record, I feel I am not adequate to answer, though Senator Francis, I think, off the record answered Senator Woody's question.

## POINT OF INQUIRY

Senator Grant: "Would Senator von Reichbauer yield? Senator von Reichbauer, reading the committee amendment which becomes the measure now, would it be a gross misdemeanor under the act, if enacted, for a group of parents to conduct informational picketing prior to a school board meeting? Or for a group of students to conduct any informational picketing, which I . . ."

Senator von Reichbauer: "Prior to a meeting which would be during school hours? During school hours, yes, it would be."

Senator Grant: "Where is it limited to school hours?"

Senator von Reichbauer: "To quote the law, 'to commit any act which would disturb or interfere or obstruct any lawful task, function or process or procedure of the school district or its students, officials or employees or invitees.' So, it is . . ."

Senator Grant: "Well, I do not think that limits it to school hours, and even a limitation on school hours is not sufficient insofar as I am concerned to protect the crucial rights that I believe all citizens have to express themselves. Through the expression with regard to the activities of the school board, the school teachers, the student activities or



anything else, I think are threatened by this particular measure, and so I am going to have to oppose it."

Senator von Reichbauer: "Senator Grant, I did not hear you when you said picketing. Picketing would not be affected by this. It was brought up in the committee and raised, and I think maybe Senator Stortini could speak to it. The question of whether this would interfere with picketing was raised and it was definitely felt that it would not interfere with picketing. Lawful picketing is not affected by this measure."

#### POINT OF INQUIRY

Senator Sandison: "Will Senator von Reichbauer yield to a question? Senator von Reichbauer, I have some difficulty in knowing who a school official is. Give us an example. Would a janitor be a school official or would it be necessary to be a principal or a superintendent?"

Senator von Reichbauer: "Thank you, Senator. It was felt by SPI who suggested that the adopted language that the school official would have to be one who is designated by the superintendent. This was to avoid the situation that you are referring to, and the superintendent of public instruction definitely asked for the language that one would have to be designated by the superintendent so as to avoid potential problems that you suggested with your question."

#### MOTION

On motion of Senator Grant, Engrossed Senate Bill No. 3038 was ordered placed on the third reading calendar for Tuesday, January 27, 1976.

#### POINT OF ORDER

Senator Lewis (Harry): "Mr. President, I would like to rise to a point of order."

The President: "Senator Lewis will please state his point of order."

Senator Lewis (Harry): "I think it is a point of order I want, Mr. President. I just would like to draw attention to the Senate the fact that the next two bills are on third reading and in checking with the Secretary of the Senate find that we acted on Substitute Senate Bill No. 2036 on the twentieth of February and it passed by a vote of forty-two to fifteen. Senate Bill No. 2044 was acted on by the Senate last February eleventh in the first extraordinary session and passed by a close vote of twenty-five to twenty-three. I have asked the Secretary of the Senate to circulate the roll call vote at that time so you would know how you voted, and I would hope and ask the majority leader that in situations like this if some kind of understanding, because it has been so long, that we could go back to second reading without too much difficulty in the event a member had a problem, and an amendment. Just procedurally, why I wanted to raise this point of order so that the members of the Senate would be aware of their voting records. You might have some comments, Senator Walgren."

#### REMARKS BY SENATOR WALGREN

Senator Walgren: "Yes, Senator Lewis, I think that probably that is an appropriate request and one that consideration should be given to. Certainly when we have gone by almost a full year since the last time we considered these bills, I would think that it would be our position that we could bring these back to second reading for any amendment. I do not know of any amendments on these particular measures but it might occur on other bills."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I do not like to disagree with Senator Walgren but if we are going to take these bills back to second reading because somebody forgot to put an amendment on or failed to put one on, or something, we are going to have to research the record to be sure those amendments were not tried on the first go around. Now the other thing is that we discussed in Rules was the third reading calendar bills we are going to try to keep them separately. Now, if we are going to go back to second reading with those third reading bills or even move them back easily I think then we should put all of those bills in the same category in Rules that any other bill is and make

it go up to the green sheet and advance accordingly. So I think we ought to weigh it real carefully how we want to handle these and realizing of course the body at any time can return any bill to another reading if it desires."

Debate ensued.

#### REMARKS BY SENATOR LEWIS (HARRY)

Senator Lewis (Harry): "Mr. President, I think Senator Rasmussen has indicated the kind of problem that Senator Walgren and I had talked about and that I raised. It just was the time that has gone by — certainly, Senator Bailey, I was not trying to suggest that we repeat amendments that have failed or been considered in the past and I would assume that the Secretary would so advise us. But it has been a long year and just the kind of purpose that Senator Rasmussen raised is what I had in mind. And also I think it would be important that we have a roll call for our use when a bill has been gone that long, if that is agreeable."

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2036, by Committee on State Government (originally sponsored by Senators Donohue, Odegaard, Wilson, Walgren, Rasmussen, Guess and Woody):

Providing legislative review of agency rules.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2036.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2036, and the bill passed the Senate by the following vote: Yeas, 38; nays, 6; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—38.

Voting nay: Senators Bluechel, Fleming, Francis, Gould, Grant, North—6.

Excused: Senators Keefe, Mardesich, Matson, Murray, Newschwander—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### REMARKS BY THE PRESIDENT

The President: "Senator Walgren, members of the Senate, the President is happy to announce the receipt of a flag from Mr. Robert Weller of the Seattle office of the Bicentennial Commission. This flag — the President would like, in turn, to present to the Washington State Senate and respectfully request permission to fly the flag during the sessions."

#### MOTION

At 12:30 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Tuesday, January 27, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## TWENTY-SECOND DAY

### MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 27, 1976.

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

The Color Guard, consisting of Pages Robert Calnan and Deborah Keller, presented the Colors. Reverend Richard Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"HEAVENLY FATHER, THANK YOU FOR THIS ANOTHER DAY IN WHICH WE HAVE THE OPPORTUNITY TO WORK WITH YOU TO BRING ABOUT A BETTER LIFE FOR THE PEOPLE WHO LIVE HERE IN THE STATE OF WASHINGTON. ACCEPT OUR THANKS FOR THESE SENATORS ELECTED TO SERVE THE PEOPLE OF THIS STATE AND GRANT TO THEM WISDOM GREAT ENOUGH TO MEET THE TREMENDOUS PROBLEMS THEY FACE. THE PROBLEMS PRESENTED BY THE ENERGY CRISIS, LAND USE, AND PUBLIC EDUCATION ARE ENORMOUS AND COMPLEX. GRANT TO THESE MEN AND WOMEN A PERCEPTIVE ABILITY TO CUT THROUGH SECONDARY ISSUES TO THE HEART OF THE PROBLEM IN EACH AREA. FREE THEM FROM THE CONSTANT TEMPTATION TO BE DOMINATED BY PARTY LOYALTY. GIVE TO EACH THE COURAGE TO BE THEIR OWN PERSON WITH THE GOOD OF THE PEOPLE UPPERMOST IN THEIR COMMITMENT. IN THE NAME OF CHRIST WHO GAVE HIS LIFE FOR US. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 26, 1976.

SENATE BILL NO. 2988, excluding employees of concessionaires and recreational establishments at agricultural fairs from the provisions of the minimum wage law (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Bailey, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

January 26, 1976.

SENATE BILL NO. 3011, allowing a member of a county personnel office to serve as chief examiner for civil service for the sheriff's office (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3011 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), North, Sellar, Talley.

Passed to Committee on Rules for second reading.

January 26, 1976.

SENATE BILL NO. 3017, appropriating funds to the department of social and health services for the construction of a community mental health facility at Children's Orthopedic Hospital and at Seattle Mental Health Institute (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Clarke, Jones, Marsh, Murray, Rasmussen, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

January 26, 1976.

SENATE BILL NO. 3021, establishing responsibility for enforcement of the uniform fire code (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3021 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), North, Sellar, Talley.

Passed to Committee on Rules for second reading.

January 26, 1976.

SENATE BILL NO. 3040, making certain changes in the budget and accounting act (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Clarke, Jones, Marsh, Murray, Rasmussen, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

January 26, 1976.

SENATE BILL NO. 3043, allowing noncitizens to become notaries (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Jones, Marsh, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 26, 1976.

SENATE BILL NO. 3047, clarifying intent of recent change in industrial insurance law (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

January 26, 1976.

SENATE BILL NO. 3094, establishing the Washington library network (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), North, Sellar, Talley, Wilson.

Passed to Committee on Rules for second reading.

January 26, 1976.

SENATE BILL NO. 3108, revising disability definition under workmen's compensation (reported by Committee on Labor):

Recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

January 26, 1976.

SENATE BILL NO. 3116, making changes in the laws relating to incorrigible children (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senator Francis, Chairman; Buffington, Clarke, Jones, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 27, 1976.

SENATE BILL NO. 3123, revising the definition of "gravely disabled" as regards mental disorder (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Buffington, Goltz, Gould, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 26, 1976.

SENATE BILL NO. 3134, authorizing the employment of state insurance investigators (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

January 26, 1976.

SENATE BILL NO. 3141, designating the fourth Monday in May as Memorial Day (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Bill No. 3141 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

January 26, 1976.

SENATE BILL NO. 3153, raising certain jury fees from six to twenty-five dollars (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Jones, Marsh, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 26, 1976.

SENATE BILL NO. 3154, asserting jurisdiction, for purposes of the divorce laws, over persons living in a marital relationship within this state, notwithstanding the subsequent departure of the nonpetitioning party (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Jones, Marsh, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 26, 1976.

SENATE BILL NO. 3156, raising homestead exemption from ten to twenty thousand dollars (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Jones, Marsh, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 26, 1976.

SENATE BILL NO. 3273, standardizing traveling fees for boards concerned with higher education (reported by Committee on Higher Education):

Recommendation: That Substitute Senate Bill No. 3273 be substituted therefor and the substitute bill do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules for second reading.

January 26, 1976.

SENATE BILL NO. 3275, repealing prohibition against publishing detailed accounts concerning certain crimes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

January 22, 1976.

ENGROSSED HOUSE BILL NO. 575, permitting embargo of hazardous household substances (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Peterson, Ridder.

Passed to Committee on Rules for second reading.

### MESSAGE FROM THE HOUSE

January 26, 1976.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 425,

ENGROSSED HOUSE BILL NO. 490,

SECOND SUBSTITUTE HOUSE BILL NO. 721,

SUBSTITUTE HOUSE BILL NO. 769,

ENGROSSED HOUSE BILL NO. 840,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175,

ENGROSSED HOUSE BILL NO. 1244,

HOUSE BILL NO. 1257,

HOUSE BILL NO. 1279,

ENGROSSED HOUSE BILL NO. 1331,

ENGROSSED HOUSE BILL NO. 1344, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 425, by Representatives Perry and Gallagher:

Providing for enforcement of the state predetermined wage act.

Referred to Committee on Labor.

ENGROSSED HOUSE BILL NO. 490, by Representatives Gaines and Randall:  
Amending law on liability of landowners where recreational.  
Referred to Judiciary Committee.

SECOND SUBSTITUTE HOUSE BILL NO. 721, by Committee on Local Government (originally sponsored by Representatives Zimmerman, Douthwaite, Moon, Haussler, Hawkins, Blair, Sommers, Brown and Charnley):  
Revising laws relating to county solid waste collection and disposal.  
Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 769, by Committee on Commerce (originally sponsored by Representatives Newhouse and Bagnariol):  
Permitting certain domestic wineries to wholesale their own products.  
Referred to Committee on Commerce.

ENGROSSED HOUSE BILL NO. 840, by Representative Randall:  
Relating to revenue and taxation.  
Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175, by Committee on Agriculture (originally sponsored by Representative Kilbury):  
Relating to honey bees.  
Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 1244, by Representatives Conner, Adams, Thompson, North, Becker, Charnley, Erickson, Fischer, Gallagher, Hendricks, Lux, Sherman and Sommers:  
Authorizing coroners to provide corneal tissue from decedents to eyebanks under certain conditions.  
Referred to Committee on Social and Health Services.

HOUSE BILL NO. 1257, by Representative Hendricks:  
Removing residency and practice requirements for municipal judges.  
Referred to Judiciary Committee.

HOUSE BILL NO. 1279, by Representatives Smith (Rick) and Hayner:  
Providing attorney's fees for the prevailing party in contract and lease disputes.  
Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1331, by Representatives King, Fortson, Hawkins and Cochrane:  
Establishing voter registration by mail.  
Referred to Committee on Constitution and Elections.

ENGROSSED HOUSE BILL NO. 1344, by Representatives Cochrane, Haussler, Blair, Charnley, Lee, Lux, Bender, Zimmerman, Chandler, Bauer, Boldt, Eng, Kilbury and Paris:  
Establishing responsibility for enforcement of the uniform fire code.  
Referred to Committee on Local Government.

#### MOTION

On motion of Senator Walgren, Engrossed Senate Bill No. 3038 was ordered held on the third reading calendar for Wednesday, January 28, 1976.

## THIRD READING

ENGROSSED SENATE BILL NO. 2044, by Senators Rasmussen and Odegard:  
Regulating the creation and combination of agencies and departments by the executive.

## MOTION

Senator Walgren moved that Engrossed Senate Bill No. 2044 be returned to second reading for the purpose of amendments.

## PARLIAMENTARY INQUIRY

Senator Bailey: "Mr. President, point of inquiry. Does this require a suspension of the rules to return . . . ."

## REPLY BY THE PRESIDENT

The President: "The President believes a suspension of the rules is required, Senator Bailey."

## PARLIAMENTARY INQUIRY

Senator Bailey: "Mr. President, another point of inquiry. Can we speak on a suspension of the rules?"

## REPLY BY THE PRESIDENT

The President: "A short word of explanation is permitted, Senator Bailey."

## PARLIAMENTARY INQUIRY

Senator Bailey: "Can't argue against it?"

## REPLY BY THE PRESIDENT

The President: "The President is confident you will use your own good judgment, Senator Bailey."

## POINT OF INQUIRY

Senator Bailey: "I will ask it in the form of a question of Senator Walgren, but the question mark comes at the end of the speech. I think we ought to watch returning these for general amendment and establish a policy. I do not care whose amendments they are unless they are technical amendments which Senator Rasmussen has. If these amendments are going to be presented, then I think we should resist the motion to return it to second reading. Isn't that right, Senator Walgren?"

There being no objection, the motion by Senator Walgren was withdrawn.

## POINT OF INQUIRY

Senator Cunningham: "Mr. President, I think I have a question. The bill refers to 1975 in its present form. If we pass that now, there is no way they can comply with that. At least, I do not know how in the devil we will do it."

Senator Bailey: "Mr. President, if I could answer that, I would say that the House has to take action on this bill and it would be in the normal course of action that they amend it and we return it in the status it was when it went over before and that they amend it over there through the due committee process. If the Senator would withdraw his proposed amendment, we could return it and do it here, but if we are going to open these bills wide for amendment, then of course the majority is going to resist the return of the bill to second reading."

## POINT OF INQUIRY

Senator Rasmussen: "Would Senator Lewis yield to a question? Senator Lewis, I received the impression yesterday that purely technical amendment requesting the year was satisfactory. Now what is proposed? I think it was the understanding that would be the only amendment that we would take on those bills that have already been adopted in the previous session."

Senator Lewis (Harry): "Senator Rasmussen, the purpose of the comments I made



yesterday dealt directly with this situation that when it has been so long since we had considered this bill, this bill was considered by the Senate last February, and Senator Cunningham points out that the date is incorrect in it, we need to go back and perfect the bill. However, when you do that, under the rules of the Senate it is open for other amendments and I certainly think that there are changes that are necessary. I do not think we should consider repetitive amendments that have already been considered by the Senate and this would mean that the Secretary would have to check the records to make sure we do not duplicate work that we have done prior. At the same time if during the year since, just about a year, we acted on that bill last time, if any member of the Senate were to discover an error or a weakness in the bill in his best judgment, it seems to me that is the responsibility of the Senate to deal with those issues. I would think that you and all members of the Senate as well as myself would want to perfect legislation prior to passing it. The Senate has been noted for its thoroughness as compared to the other house in dealing with legislation, and I just think that that is the position we have to take and that was my intent in my remarks yesterday."

Senator Rasmussen: "Well, thank you, Senator Lewis. I understood it was a gentlemen's agreement, and knowing that we are dealing with gentlemen, ladies and gentlemen on this floor, I was surprised at the change. I do not lay it to your doorstep, because yesterday it was explained it did need a change in the date. Now if you want to send it over to the House in that way I think it would kind of be a criticism of the Senate for slipping up and I would hope we could go back to our original understanding rather than open the whole deal up to a large full-scale debate on subjects that would take considerable time and after having passed, I had no intentions of making long remarks on the bill."

#### REMARKS BY SENATOR WALGREN

Senator Walgren: "Well, I agree with Senator Lewis that we should try to make the bill in its best form possible and I think that when we passed this legislation before, it was in good form. It is my understanding that we would not object to returning a bill to second reading for the purposes of clarifying amendments that would bring it into technical accuracy. These amendments that you have prepared, Senator Lewis, are substantive in nature and do not relate directly to the technicalities of the bill. I think that Senator Rasmussen is correct that our understanding was that this was for technicalities. We could then return it. Now, in order to do that and if my original motion is put again and we bring it back, it would seem to me that we of the majority would just simply have to vote down the amendments that are suggested by the minority on each of these bills in order to put the bill in its correct form. You would not have any objection on our voting that way?"

#### REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "While I disagreed with you most of the time, I have never objected to the way you voted, Senator."

#### PARLIAMENTARY INQUIRY

Senator Donohue: "Mr. President, point of parliamentary inquiry. Is it possible to move a bill back from third reading to second reading with specific instructions that a certain amendment be adopted, such as Senator Rasmussen's amendment? I assume the answer is 'No.'"

#### REPLY BY THE PRESIDENT

The President: "Senator Donohue, when a bill is on second reading, it is subject to amendment by any member of the Senate."

#### MOTION

Senator Walgren moved that the rules be suspended and Engrossed Senate Bill No. 2044 be returned to second reading.

Debate ensued.

## POINT OF INQUIRY

Senator Bailey: "Mr. President, do I interpret Senator Lewis to say that if we give the two-thirds to return the bill to second reading, defeat your amendment, that you will give us the two-thirds to raise it back to third reading?"

Senator Lewis (Harry): "Senator Bailey, we have not taken any caucus position. We will not do that. Our purpose is to try to expedite the work here and you can be assured that we will respond that way."

Senator Bailey: "Mr. President, since Harry Lewis gave a speech, I want to say that I have no objection to this except I was following Senator Lewis's remarks yesterday that we do not want to hold up this session in any way by a bunch of side chatter, we want to move ahead with it and consider priority bills. I do not consider this a priority bill. I hate to see you wasting your time on it but I will go along with you."

There being no objection, the motion by Senator Walgren carried and Engrossed Senate Bill No. 2044 was returned to second reading.

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

On page 1, line 9, before "commission" insert "or" and after "commission," strike "task force, or organization of any kind,"

Debate ensued.

## POINT OF INQUIRY

Senator Wilson: "Will Senator Lewis yield? Senator, my ears are still ringing with a phrase you used a moment ago in your argument in which you said that on the other side of the coin the knife has another edge. Could you explain just how that works?"

Senator Lewis (Harry): "Well, Senator Wilson, it has to do with having a morbid propensity towards slothfulness and procrastination and I really do not want to get into it beyond that at this point."

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

There being no objection, the amendments by Senator Lewis (Harry) on the Secretary's desk were withdrawn.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Lewis (Harry), Lewis (R. H. "Bob"), Cunningham and Benitz:

On page 2, after section 2, insert a new section as follows:

"*NEW SECTION.* Sec. 3. If any provision of this act, or its application to any person or circumstance, is held invalid, the remainder of the act shall be of no force and effect."

Renumber remaining section.

## PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, speaking against the amendment, the amendment is not needed. I further think that this amendment was proposed at the previous time when the Senate considered the bill. I would raise that as an objection. Mr. President, following the Lewis rule that we would not consider anything that had previously been considered, I am raising that objection."

## REPLY BY THE PRESIDENT

The President: "The objection by Senator Rasmussen has been received."

There being no objection, the objection by Senator Rasmussen was withdrawn.

Senator Mardesich moved adoption of the following amendment to the amendment by Senator Pullen:

Amend the Pullen amendment inserting a new section 3 as follows:

On lines 3 and 4 of the amendment, strike "be of no force" and insert "remain in full force"

## POINT OF ORDER

Senator Pullen: "Point of order, Mr. President."

The President: "The Senator will please state his point of order."

Senator Pullen: "It seems to me that Senator Mardesich's amendment is in violation of Reed's Rules where — I cannot remember the exact number of the rule — but there is a rule that says you cannot offer an amendment that turns around exactly the meaning of the original amendment offered."

#### REPLY BY THE PRESIDENT

The President: "Senator Pullen, the entire staff and the President can find only two rules in Reed's Rules that cover a situation like you have an amendment to the amendment, and which the two rules are 133 and 149, and after carefully studying those two amendments, a number of us cannot find any reference to the situation that you describe. The President hopes that you can be a little more specific and refer the staff and the President to the proper rule — to the rule to which you were referring."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I would think you should look at anywhere from 158 through 160. I think it is in there because I read it to the Senate two years ago, I believe, or last year. Mr. President, in Reed's 159, which probably deals with it, it says 'Limitation as to amendments. — In theory, amendments are made to perfect the main question, and to enable it to obtain the vote of the assembly, but if the assembly is opposed to the question it is not confined to a direct negative.' I do not know whether that means that you can just say 'not' instead of 'shall' or whether the issue here as Senator Walgren has inserted is an indirect inplay into the same situation, and you would have to determine that at the . . . ."

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I think what Senator Pullen is referring to is Senate rule 60. However, it is within the authority of the Senate to reverse the intent of an amendment by striking the word 'not' and that could be found in rule 158, about the last two-thirds of it."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "It is a rule that is covered very well here, and I think will save you a lot of trouble. It says it depends much on the good sense of the presiding officer."

#### REMARKS BY THE PRESIDENT

The President: "That is a deplorable state of affairs, Senator Bailey."

#### REMARKS BY SENATOR WASHINGTON

Senator Washington: "Mr. President, is not the answer if you can accomplish the same thing as the purported amendment by voting no, then it is not a proper amendment? In other words you cannot change this 'yes' to 'no' in the amendment because you can accomplish the same thing by voting 'no' when the amendment comes up. In other words, you are not perfecting it. All you are doing is having an amendment that has the same effect as a negative vote or if you change a 'no' to a 'yes,' you are doing the same thing. You are not perfecting it, you are simply having the same result as voting 'yes' or 'no.'"

#### MOTION

On motion of Senator Bottiger, the amendment by Senator Pullen and the amendment to the amendment by Senator Mardesich were laid upon the table.

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen and Odegaard was adopted:

On page 2, line 15 of the engrossed bill, strike all of section 3 and substitute: "NEW SECTION. Sec. 3. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with the provisions of section 1, Article II of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

On motion of Senator Rasmussen, the rules were suspended, Reengrossed Senate

Bill No. 2044 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Herr, Rasmussen and Guess 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 Reengrossed Senate Bill No. 2044.

#### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2044 and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Day, Donohue, Goltz, Guess, Henry, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wilson, Woody—29.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Fleming, Gould, Grant, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Sellar, Wanamaker, Washington—18.

Excused: Senators Francis, Keefe—2.

REENGROSSED SENATE BILL NO. 2044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Goltz, the following resolution was adopted on a rising vote:

#### SENATE RESOLUTION 1976-173

By Senators Goltz, Guess, Sandison, Walgren, Benitz, Lewis (Harry), McDermott, Odegaard and Donohue:

WHEREAS, The legislature of the state of Washington is concerned about the conservation of energy and the reduction of air pollutants from automobile transportation; and

WHEREAS, The legislature is likewise committed to the encouragement and support of research and programs to achieve said objectives; and

WHEREAS, The department of technology at Western Washington State College in Bellingham, with the assistance of state appropriations and private contributions, has achieved international recognition for basic and applied research in the area of high performance automobiles consistent with said objectives; and

WHEREAS, The Viking II, two passenger automobile, designed, developed, and built by the technology department's faculty and students obtained 58.15 miles per gallon on the competitive Student Environmental Engineering Design (SEED) Rally between Bellingham, Washington, and Los Angeles, California, and won first place overall in performance during the 1975 summer competition between entries from the United States, Canada, and Japan; and

WHEREAS, The project director, Professor Michael Seal, and some of his students have brought the award winning Viking II car to the state capital today for legislators and the public to see and to drive this unique experimental automobile;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that Western Washington State College, Professor Seal, and his students be commended for their past achievements in vehicle research and development;

BE IT FURTHER RESOLVED, That Professor Seal and his students be warmly welcomed to Olympia to demonstrate the Viking II car as evidence of their success in the past and their promise for more achievements in the future;

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the Honorable Paul Olscamps, President of Western Washington State College, and to each member of the Board of Trustees of Western Washington State College.

MOTION

Senator Marsh moved adoption of the following resolution:

SENATE RESOLUTION 1976-174

By Senators Marsh, Walgren, Donohue, Odegaard, Sandison, Day, Jones, Bluechel, Peterson, Woody, Lewis (Harry), Newschwander, Wanamaker, Sellar, Morrison, Benitz, North, Gould, Murray and Matson:

WHEREAS, The most recent evaluations of the retirement systems authorized by the general laws of this state have indicated that the growth in unfunded liabilities were influenced in part by implementation of cost-of-living increases; and

WHEREAS, The retirement systems authorized by the general laws of this state do not have uniform provisions relating to post retirement cost-of-living adjustments; and

WHEREAS, Inflation makes deep economic inroads on the purchasing power of persons living on fixed incomes; and

WHEREAS, The legislature needs detailed actuarial information to finally resolve the questions relating to cost-of-living adjustments;

NOW, THEREFORE, BE IT RESOLVED, By the Senate that an appropriate committee be authorized and directed to undertake a study of the problems relating to post retirement cost-of-living adjustments;

BE IT FURTHER RESOLVED, That such study shall include, as a minimum, an analysis of the following:

(1) Provision for and implementation of cost-of-living adjustments in retirement systems existing in private industry with special consideration given to the impact of recently enacted laws, rules, and regulations of the United States regulating the establishment and operation of private retirement systems;

(2) Provision for and implementation of cost-of-living adjustments in retirement systems operated by other states of the United States and the federal government; and

(3) Estimated cost of and alternative methods of funding cost-of-living adjustments.

BE IT FURTHER RESOLVED, That such committee is specifically authorized to employ on a contract basis such professional actuarial consultants as it deems necessary, except that any actuary or actuarial firm or actuarial consultant who or which has participated in the most recent evaluation of any retirement system authorized by the general laws of this state shall not be eligible to be employed on any basis whatsoever for purposes of the study herein authorized;

BE IT FURTHER RESOLVED, That the results of the study and recommendations be submitted by the committee to the President of the Senate no later than December 1, 1976.

Senator Marsh moved adoption of the following amendment by Senators Marsh and Lewis (Harry):

On page 1, line 14, after "committee" insert "designated by the Senate Rules Committee"

Debate ensued.

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

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

On page 1, line 13, after "an" insert "existing"

Senator Mardesich moved adoption of the following amendments:

On page 1, lines 12 and 16, after "adjustments" insert "and the effect of proposed pension reforms measures now before the legislature"

POINT OF INQUIRY

Senator Rasmussen: "Mr. President, would Senator Marsh yield to a question? Senator Marsh, is that special committee still in this resolution?"

Senator Marsh: "No, it is not."

Senator Rasmussen: "Now, what committee is contemplated?"

Senator Marsh: "We have had a discussion with the majority leader and the caucus leader concerning that matter and the two committees that have been most discussed

have been the Legislative Budget Committee and the Senate Ways and Means Committee."

Senator Rasmussen: "No decision has been made?"

Senator Marsh: "No decision has been made and you will recall, Senator, that the amendment to this resolution as it has been adopted by the body leaves it to the Senate Rules Committee to make that actual determination. We have inserted on line fourteen 'appropriate committee designated by the Senate Rules Committee'."

Senator Rasmussen: "This in no way, Senator Marsh, will prevent the present pension boards from making the adjustments that they see possible from earnings?"

Senator Marsh: "No, it will not."

Senator Rasmussen: "Well, that is my concern because with twenty percent inflation last year and this year running seven percent and contemplated for the next — in Ford's message he says it is going to be at least six percent, and we know that with that kind of estimate it will probably be eight percent. An adjustment is needed and I would not want to stop any adjustment that they can make through earnings."

The motion by Senator Mardesich carried and the amendments were adopted.

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

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 125.

#### MOTION

At 12:37 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Wednesday, January 28, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**TWENTY-THIRD DAY****MORNING SESSION**

Senate Chamber, Olympia, Wednesday, January 28, 1976.

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

The Colors were presented by the United States Marine Corps Color Guard.

Reverend Richard Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"LORD OF LIFE AND LOVE, WE TAKE THIS MOMENT TO THANK YOU FOR LOVE AND FORGIVENESS THAT WE HAVE FOUND NOWHERE ELSE. THANK YOU FOR SEEING GOOD IN US THAT IS MISSED BY OTHERS. THANK YOU FOR GIVING AND CALLING FORTH VARIOUS TALENTS IN EACH OF US THAT CAN MAKE LIFE BETTER FOR OTHERS. HELP US TO WISELY AND UNSELFISHLY USE THESE TALENTS TO YOUR GLORY. REMIND EACH OF US THAT IN THE HOLY SCRIPTURE THE HIGHEST POSSIBLE COMPLIMENT GIVEN TO ANOTHER PERSON IS TO RECOGNIZE THEM AS A SERVANT OF THE LORD. WE THANK YOU FOR THESE SENATORS WHO HAVE BEEN ENTRUSTED BY THE PEOPLE TO BE SERVANTS. MAY THEY ALSO KNOW THE GREAT INNER JOY AND PERSONAL SATISFACTION THAT COMES FROM BEING A SERVANT IN ITS HIGHEST FORM. GRANT TO EACH OF THEM THE UNIQUE ABILITY TO CONTINUALLY MOVE ON FROM THE LUXURY OF PRIVILEGE TO THE RESPONSIBLE PRODUCTION OF LEGISLATION FOR THE GOOD OF MANKIND. WE ASK YOUR BLESSING ON PRESIDENT CHERBERG, MEMBERS OF THE SENATE, AND STAFF AS THEY CONDUCT THE BUSINESS OF THE DAY. AMEN."

**MOTION**

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

**APPOINTMENT OF SPECIAL COMMITTEE**

The President announced the presence in the Senate Chamber of Captain Terry Swanger of the United States Marine Corps and appointed Senators Francis, Sandison and Scott, former Marines, to escort the honored guest to the rostrum.

The President also announced the presence in the Senate Chamber of William R. "Bill" Fletcher, one of twelve remaining Spanish-American war veterans in the State of Washington and appointed Senators Bailey, Beck, Matson, Peterson, McDermott, Newschwander, Clarke and Talley, former members of the United States Navy, to escort the honored guest to the rostrum.

**REMARKS BY THE PRESIDENT**

The President: "Mr. Fletcher, Captain Swanger, honored members of the Senate, ladies and gentlemen, our guest today representing the United States Marine Corps is the honorable Terry Swanger who received his flight training at Pensacola, Florida, the birthplace of your President, on the corner of Altanese and Garden streets.

"Captain Swanger served in Vietnam during 1968 and 1969 as a helicopter pilot and a forward air observer, and has received and earned twenty-nine air medals.

"Captain Swanger holds the combat action ribbon and the Vietnamese Cross of Gallantry. The Captain graduated with honors from the amphibious warfare school, and has had two tours in the West Pacific.

"Presently, our honored guest is the officer in charge of all recruiting operations for the states of Washington, Alaska, Montana and parts of Idaho and Oregon.

"The members of the Senate and the President, the ladies and gentlemen present in the galleries are certainly happy that you are with us today, Captain, and we should like very much to extend you the warm welcome that you so richly earned and deserve."

#### REMARKS BY CAPTAIN TERRY SWANGER

Captain Swanger: "Two hundred years ago, in a tavern in Philadelphia, the Marine Corps was formed. I would be a little naive here to disclaim that a certain percentage of the population that thinks we have gone beyond the tavern stage. Be that as it may, two centuries ago, a few good men got together and they raised their flagons high and hosted the forming of the United States Marine Corps.

"I stand before you today as a representative of that Corps, two hundred years proud. I think as I look back across our history, no service of any country has been the recipient of so many nicknames. There are certainly a host of quotations concerning its endeavors in the field of combat. I am hardly one to be allowed to cover that history. Quotations, nicknames alone, and speeches even, cannot tell the story of the Marine Corps. Where there are names and there are places which have been made sacred by ordeal, I think ghosts of fallen men are carried with those names such as Tripoli, Chapultepec, Cuba, Peking, Santiago, Haiti, Belleau Wood, The Argonne, Nicaragua, Guadalcanal, Bougainville, Tarawa, Tinian, Iwo Jima, Okinawa, Pusan, Inchon, a place called 'The Frozen Chosen', Lebanon, Chu Lie, Da Nang, Hue, Kasan, Saigon, Nam Phen, Mayaguez. These, as our Corps' Hymn proclaims, we have fought in every clime and every place.

"I do not know myself, nor I imagine, any man, what causes men to prevail in the face of certain death in combat, throughout the years in combat, and endure the pains of hunger and thirst, and continue to fight even when the last round was spent. They have thrust their bayonets in the ground and said, 'I will not retreat one inch,' and they have held and they have advanced.

"We believe that a man can only sustain himself in combat if he has a great sense of devotion to duty. To Corps and country. And he has pride based on righteousness and self accomplishment. In this, our bicentennial year then, I ask you to consider this.

"In order for our armed forces to be strong, we do not increase benefits or great income. We need instead to sustain our ranks and strength, pride and dedication in knowing that we are a useful part of our country. We need, once again, a mother and a father to place upon their mantle a picture of a young boy in uniform and say, 'You know, my son is a Marine. He is one of the few good men.' Give us then our pride, our sense of knowing that we are needed, that we are accepted by the American people, and then when the freedoms which we consider are more sacred than life itself are challenged and the occasion calls for men again to throw their frail bodies into the torment of combat, the Marines will be there, and we will be ready."

With permission of the Senate, business was suspended to permit Mr. Fletcher to address the Senate.

The President presented a Bicentennial Flag to Captain Swanger and a certificate as outstanding citizens to the honored guests.

On motion of Senator Walgren, all members were permitted as additional sponsors of Senate Resolution 1975-175.

#### MOTION

On motion of Senator Francis, the following resolution was unanimously adopted:

#### SENATE RESOLUTION 1976-175

By President Cherberg, Senators Francis, Sandison, Scott, Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sellar, Stortini,



Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson and Woody:

WHEREAS, The United States Marine Corps today represents one of the most spirited and elite fighting forces ever assembled by any nation; and

WHEREAS, Since 1775 Marines have distinguished themselves during war and peace as their tradition and reputation to fight in any "clime and place" has won them special recognition in the history of American military operations; and

WHEREAS, Long before any official mission was established, the Marines were intimately acquainted with the process of ship-to-shore movement and during this modern era it was the Marine Corps which spearheaded the development of amphibious warfare in this country and brought continuity to the three-in-one force concept of sea, land and air power; and

WHEREAS, Since the enactment of the National Security Act of 1947 the Marine Corps has continuously performed its roles in the interest of national defense during times of war and crises; and

WHEREAS, From 1950 to 1953 they met the challenge of fighting in the mountains of Korea; in 1958 they landed in Lebanon to help restore order; in 1962 they stood in readiness to land during the Cuban Missile Crisis; and on March 8, 1965, the 9th Marine Expeditionary Brigade landed at Da Nang, South Vietnam to help stem the tide of communist aggression from the North; and

WHEREAS, Throughout the Vietnam conflict the Marine Corps met one of its most severe tests of ingenuity, being not merely a fighting outfit but also the Marines were required to be a cunning and skillful guerilla and a conventional tactician while still maintaining the spirit of a humanitarian; and

WHEREAS, As long as the communists practice a policy of aggression, limited or otherwise, which threatens the security of the free world, the Marine Corps stands prepared to answer such aggression and is always a "force in readiness;"

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate do hereby express their most sincere appreciation to the United States Marine Corps and to our honored guest, Captain Terry Swanger, who represents the Corps in the Senate Chamber, and also commend the Marine Corps for more than 200 years of dedication to the preservation of peace throughout the world; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and is hereby instructed to transmit a copy of this resolution to Captain Terry Swanger as a representative of the United States Marine Corps.

The President introduced members of the Color Guard, all visiting Marines, and Mrs. William Fletcher.

The committee of honor escorted Captain Swanger from the Senate Chamber and the committee was discharged.

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

REPORTS OF STANDING COMMITTEES

January 27, 1976.

SENATE BILL NO. 2991, permitting entry of a plea to a traffic violation by mail (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Buffington, Clarke, Jones, Marsh, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 27, 1976.

SENATE BILL NO. 2998, permitting hair styling on men and women (reported by Committee on Commerce):

Recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Cunningham, Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

January 27, 1976.

SENATE BILL NO. 3016, prohibiting tampering with official police films (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Buffington, Jones, Marsh, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 27, 1976.

SENATE BILL NO. 3059, making changes in the Public Employees Retirement System relating to the calculation of benefits for legislators and state elected officials and changing the membership provisions for less than full time elective and appointive officials (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Jones, Mardesich, Marsh, Matson, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

January 27, 1976.

SENATE BILL NO. 3076, increasing statutory attorney's fees (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Buffington, Clarke, Jones, Marsh, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Senate Bill No. 3038.

#### THIRD READING

ENGROSSED SENATE BILL NO. 3038, By Senators von Reichbauer, Rasmussen and Gould:

Supplementing loitering statute as formerly applicable to public and private schools.

#### MOTIONS

On motion of Senator Walgren, the rules were suspended and Engrossed Senate Bill No. 3038 was returned to second reading.

Senator Guess moved adoption of the following amendment:

On page 1, line 13 of the engrossed bill, being line 7 of the committee amendment to page 1, line 11, after "school district," strike the material down through "invitees" on line 19, being the balance of the amendment, and insert "upon being ordered to do so by a superintendent, or a principal of the school district, or by a law enforcement officer, or who shall refuse to leave any public premises immediately adjacent to such school property upon being ordered to do so by a law enforcement officer, when such person is committing, threatens to imminently commit or incites another to imminently commit any act which would materially endanger the health, welfare, or safety of any school district students, officials, employees, or invitees"

#### MOTION

On motion of Senator von Reichbauer, the following amendment to the amendment by Senator Guess was adopted:

On line 7 of the Guess amendment to page 1, line 13, after "principal" insert "or a vice principal"

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

Senator von Reichbauer moved adoption of the following amendment:

On page 1, line 20 of the engrossed bill, being line 2 of the von Reichbauer/Gould amendment, strike "gross"

POINT OF INQUIRY

Senator Goltz: "Would Senator von Reichbauer yield to a question? I notice, Senator von Reichbauer, that when you gave the terms for a misdemeanor that they are not consistent with the penalties described in the bill with your amendment and I wonder if it was your intent by striking the word 'gross' that you would also want to amend the penalty instead of six months to, I believe you said, sixty days? I think you said five hundred dollars but at least it seems to me that there is an inconsistency between the misdemeanor penalty and the misdemeanor and the penalty prescribed at the present time."

Senator von Reichbauer: "Senator Goltz, I was not aware that it needed to — relying on the good judgment of the chairman of the state government committee. But I would query the President on this. Is that necessary in terms of this bill?"

REPLY BY THE PRESIDENT

The President: "Senator, that is a decision for the members to decide."

Senator von Reichbauer: "Mr. President, with Senator Goltz's remarks, I would move to strike the penalties referred to by Senator Goltz."

The motion by Senator von Reichbauer carried and the amendment was adopted.

On motion of Senator von Reichbauer, the following amendment was adopted:

On page 1, line 22, after "than" strike "six months" and insert "ninety days"

Senator von Reichbauer moved the rules be suspended, Reengrossed Senate Bill No. 3038 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

POINT OF INQUIRY

Senator Cunningham: "Mr. President, before voting on the motion to advance, I would like to know if Senator von Reichbauer would yield to a question? Senator von Reichbauer, page 2 of the bill, what is the full impact of line thirty-four and line thirty-five? It says that this section shall be void with the application of the new criminal code."

Senator von Reichbauer: "That refers — I do not have a copy of the bill before me, but that refers to the section — the old section dealing with loitering that was ruled unconstitutional by the state supreme court. It does not refer to the bill. The question was raised — I am sure you are privy to the question raised by Senator Woody two days ago when this was first raised on the floor. Senator Woody discovered that the section you are referring to only applied to the section that was found in the old loitering law."

Senator Cunningham: "Would Senator Woody yield to a question?"

Senator Woody: "I am just reading all of my mail from doctors — every doctor in the state."

Senator Cunningham: "I am sorry to interrupt that, but I want to ask you about lines thirty-four and thirty-five whether you agree with Senator von Reichbauer's answer on the impact of that language to this bill."

Senator Woody: "Well, unfortunately, since Senator Ridder and I read these bills in detail somebody's taken our number two book, and we do not have one. I am searching for one. Senator Cunningham, what was your question again?"

Senator Cunningham: "On page 2 of the bill, lines thirty-four and thirty-five where the destruct language is there, I would like to know specifically what that impact — it says, 'This section shall be deemed void'."

Senator Woody: "This section is section two which starts at the bottom of page 1, line thirty, and the only activity in that section was striking out of subsection eleven which is on lines twenty-five through thirty on line two, so the strike out shall be deemed void and of no further effect at such time as Title 9A, that is the new criminal code, comes into effect July first of 1976, which means that the strike out language will come in on July first, 1976."

The motion by Senator von Reichbauer carried and Reengrossed Senate Bill No. 3038 was advanced to third reading and final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 3038, and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—37.

Voting nay: Senators Francis, Goltz, Grant, Matson, McDermott, Newschwander, Pullen, Sellar, Woody—9.

Absent or not voting: Senator Lewis (R. H. "Bob")—1.

Excused: Senators Keefe, Stortini—2.

REENGROSSED 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.

## MOTION

At 12:10 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Thursday, January 29, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**TWENTY-FOURTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Thursday, January 29, 1976.

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

The Color Guard, consisting of Pages Cindy Hart and Ron Herr, presented the Colors. Reverend Richard Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

“LORD, ANOTHER DAY HAS COME, ANOTHER SESSION IS ABOUT TO BEGIN, AND WE ARE REALLY STRUGGLING WITH WHERE YOU FIT INTO THE WHOLE SCHEME OF WHAT HAPPENS HERE. THERE ARE MOMENTS WHEN WE FEEL YOUR PRESENCE IN THIS CHAMBER BUT AT OTHER TIMES IT APPEARS YOU ARE NOWHERE TO BE FOUND. REASSURE US ONCE MORE THAT YOU ARE HERE AND MAKE US AWARE OF YOUR SUPREME LOVE AND INTEREST IN THE BUSINESS OF THIS DAY. THE PROBLEMS ARE MANY AND COMPLEX. SOLUTIONS STILL APPEAR TO BE IN THE FUTURE, BUT FREE US FROM USING THAT AS AN EXCUSE FOR OUR OWN LACK OF COURAGE. THANK YOU FOR THOSE BEFORE US WHO COULD NEVER GIVE UP ON WHAT THEY DEEPLY BELIEVED, EVEN IN THE FACE OF OVERWHELMING OPPOSITION. IF FINDING THE RIGHT SOLUTION MEANS MARCHING TO THE BEAT OF A DIFFERENT DRUM, GIVE US THE COURAGE TO DO JUST THAT. AMEN.”

**MOTION**

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

**APPOINTMENT OF SPECIAL COMMITTEE**

The President announced the presence in the Senate of the Class A, AA and AAA football champions of the State of Washington and appointed Senators Bailey, Stortini and Knoblauch to escort the honored guests to the Senate Chamber.

**MOTION**

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

**SENATE RESOLUTION 1976-178**

By Senators Bailey, Odegaard, Sandison, Stortini and Talley:

WHEREAS, The Raymond High School football team has completed a remarkable undefeated season with a 13-0 record and has captured the Class A state football championship; and

WHEREAS, The Raymond “Seagulls” have won the Class A state football crown for the last three years and have won the Far West championship the past eight years; and

WHEREAS, These championships symbolize the quest for excellence which have taken the Seagulls to thirty-five consecutive victories over the past three years; and

WHEREAS, Such a record gives a strong indication of the ability of Coach John Wahl, who has instilled the high degree of team pride and unity which has carried the Seagulls to these championships; and

WHEREAS, The Raymond Seagulls exemplify outstanding ability, sportsmanship,

and spirit, and are a credit to Raymond High School, members of the community and the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That it extends its congratulations to the Seagulls, their coaches, their principal, and their fellow students of Raymond High School on their championship performances;

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this Resolution to Mr. Semon Anderson, principal of Raymond High School, Mr. John Wahl, coach of the Seagulls, to each of his assistant coaches, and to each member of the team which is 1975's Class A state high school football champion.

President Cherberg turned the gavel over to Senator Knoblauch who introduced the Class AA football champions from Sumner.

#### MOTION

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

#### SENATE RESOLUTION 1976-176

By Senator Knoblauch:

WHEREAS, The Spartans of Sumner High School are the Class AA football champions of the State of Washington; and

WHEREAS, The championship is the result of long hours of practice, dedication, application of skills, and just a lot of good old fashioned hard work; and

WHEREAS, The tenacity and perseverance of the team is best illustrated by the fact that the Spartans finished second in the state in 1974 and came back to finish first in 1975; and

WHEREAS, The achievements of the members of the team are illustrative of the fine coaching staff assembled by head coach John S. Anderson; and

WHEREAS, Coach Anderson was the architect of Sumner's first ever state football championship; and

WHEREAS, Coach Anderson's dedication to youth is an inspiration to all persons involved in sports; and

WHEREAS, Assistant coaches Joel Medlicott, Chuck Mains, Dave Roller, and Rocke Wicks all made important contributions to the quest for a state championship; and

WHEREAS, Principal William Heath led the faculty, administration, and students of Sumner High School in lauding the achievements of the football team; and

WHEREAS, The Honorable Reuben Knoblauch, a graduate of Sumner High School and a lifelong resident of Sumner truly speaks for the citizens of the City of Sumner, residents of Pierce County, and even all the people of this great state when he proudly refers to the Spartans as the "Pride of Sumner";

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That members of the Sumner football team, Coach John S. Anderson, the assistant coaches, and all the persons responsible for Sumner High School be extended our most hearty congratulations for a job well done;

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit suitable copies of this resolution to Coach John S. Anderson, Principal William Heath, and to each member of the Sumner Board of Education.

Senator Knoblauch returned the gavel to President Cherberg.

#### MOTION

Senator Stortini moved adoption of the following resolution:

#### SENATE RESOLUTION 1976-177

By Senators Stortini, Bottiger, Rasmussen, Beck, Newschwander and Knoblauch:

WHEREAS, Organized athletics between our high schools offer many opportunities to learn and understand the meaning of sportsmanship and competition; and

WHEREAS, Football is one of the most popular participant and spectator sports among the people of Washington State; and

WHEREAS, Each autumn thousands of people can be found attending high school football games; and

WHEREAS, The Foss High School "Falcons" of Tacoma are the 1975 Class AAA football champions; and

WHEREAS, This championship symbolizes the quest for excellence which has taken the Falcons to a 12-0 season in 1975; and

WHEREAS, Such record gives a strong indication of the ability of Coach Jack Sonntag and his staff, who have instilled the high degree of team pride and unity which carried the Falcons to the championship;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commends the Foss High School football team for representing so well its illustrious namesake, Senator Henry Foss, who served two terms of office with the Washington State Senaté during the years of 1931 through 1934.

BE IT FURTHER RESOLVED, By the Senate, that it does congratulate the Falcons, their coaches, their principal, and their fellow students of Foss High on their championship performance and says that the team deserves praise for a "job well done".

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to Mr. Oliver Magnuson, principal of Foss High School, Mr. Jack Sonntag, coach of the Falcons, to each of his assistant coaches, and to each member of the team which is 1975's Class AAA State High School Football Champion.

#### MOTION

On motion of Senator Rasmussen, the name of Henry Foss was added to those to receive copies of the resolution.

The motion by Senator Stortini carried and the resolution was unanimously adopted.

With permission of the Senate, business was suspended to permit the coaches of the championship teams and also Mr. Henry Foss to address the Senate.

The committee of honor escorted the honored guests from the Senate Chamber and the committee was discharged.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Jill Baumann, the 1976 Wheat Queen of the State of Washington and appointed Senators Jolly, Morrison, Donohue, von Reichbauer, Guess, Benitz and Sellar as a committee of honor to escort the queen and her mother, Mrs. Baumann, to the Senate rostrum.

The President turned the gavel over to Senator Jolly who introduced the queen.

With permission of the Senate, business was suspended to permit Queen Jill to address the Senate.

Senator Jolly returned the gavel to President Cherberg.

The President introduced the queen's mother, Mrs. Baumann from Walla Walla.

The committee of honor escorted the honored guests from the Senate Chamber and the committee was discharged.

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

#### REPORTS OF STANDING COMMITTEES

January 28, 1976.

SENATE BILL NO. 3001, adding retired members to the firemen's relief and pension fund (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3001 be substituted therefor and the substitute bill do pass.

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

Passed to Committee on Rules for second reading.

January 26, 1976.

SENATE BILL NO. 3013, adding a cost of living escalator clause for workmen's compensation benefits (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Bailey, Grant, von Reichbauer.

Passed to Committee on Rules for second reading.

January 28, 1976.

SENATE BILL NO. 3081, directing that agricultural uses be emphasized in granting permits (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar.

Passed to Committee on Rules for second reading.

January 28, 1976.

SENATE BILL NO. 3126, raising certain fees collected by county auditors (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

January 28, 1976.

SENATE BILL NO. 3129, broadening categories of electric power producers which may participate in joint power projects (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Bluechel, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Talley.

Passed to Committee on Rules for second reading.

January 28, 1976.

SENATE BILL NO. 3142, relating to recording duties of county auditor (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

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

Passed to Committee on Rules for second reading.

January 28, 1976.

SENATE BILL NO. 3151, authorizing installment payments of certain assessments relating to unfit dwellings, buildings, and structures (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

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

Passed to Committee on Rules for second reading.

January 28, 1976.

SENATE BILL NO. 3163, removing fee for filing lien notice with county auditor (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.



January 28, 1976.

SENATE BILL NO. 3247, authorizing volunteer fire departments to increase their membership by the number of firemen obtaining and maintaining emergency medical training qualifications (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

January 28, 1976.

SENATE BILL NO. 3254, forbidding force or coercion in soliciting political contributions (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3254 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Wanamaker.

Passed to Committee on Rules for second reading.

January 28, 1976.

SENATE BILL NO. 3257, authorizing teachers retirement allowances to be paid from interest earnings on the pension reserve fund for certain years (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Clarke, Lewis (Harry), Mardesich, Murray, Rasmussen, Sandison, Scott.

Passed to Committee on Rules for second reading.

January 28, 1976.

SENATE JOINT MEMORIAL NO. 115, requesting the President and Congress to make no commitment which would in any way compromise the freedom and security of the Republic of China (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

January 28, 1976.

SENATE JOINT RESOLUTION NO. 139, amending the Constitution to permit all legislators to receive the same salary in 1977 (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 139 be substituted therefor and the substitute resolution do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

MINORITY recommendation: That Substitute Joint Resolution No. 139 be substituted therefor and the substitute resolution do not pass.

Signed by: Senator Cunningham.

Passed to Committee on Rules for second reading.

January 28, 1976.

SENATE CONCURRENT RESOLUTION NO. 127, stating legislative intent to repay obligations to widows of police officers and directs payment thereto (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Clarke, Lewis (Harry), Mardesich, Marsh, Murray, Rasmussen, Scott.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

January 28, 1976.

MARJI PARKER, to the position of member of the Board of Trustees of Community College District No. 19, Columbia Basin Community College, appointed by the Governor on June 12, 1974 for the term ending April 3, 1979, succeeding Terrill H. Davis (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

January 28, 1976.

BETTY FLETCHER, to the position of member of the Council on Post-Secondary Education, appointed by the Governor on July 17, 1975 for the term ending June 30, 1981 (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

January 28, 1971.

JOHN L. VAN AELSTYN, to the position of member of the Council on Post-Secondary Education, appointed by the Governor on August 13, 1975 for the term ending June 30, 1978 (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

## MESSAGE FROM THE HOUSE

January 28, 1976.

Mr. President: The Speaker Pro Tempore has signed SENATE CONCURRENT RESOLUTION NO. 125, and the same is herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

## MOTION

On motion of Senator Walgren, Senate Resolution 1976-179, regarding academic transfer policies; and Senate Resolution 1976-180 regarding organization and structure of community college system, were referred to the Committee on Rules.

## MOTION

At 12:00 noon, on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Friday, January 30, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**TWENTY-FIFTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Friday, January 30, 1976.

The Senate was called to order at 11:00 a.m. by President Cherberg. The President declared the Senate to be at ease. The President called the Senate to order at 11:15 a.m.

The Secretary called the roll and announced to the President that all Senators were present except Senators Francis, Keefe, Newschwander and Scott. On motion of Senator Knoblauch, Senators Francis and Keefe were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Newschwander and Scott were excused.

The Color Guard, consisting of Pages William Garber and Theresa Grenfell, presented the Colors. Vicar Oliver B. Skanse of St. Matthew Church of Auburn offered the following prayer:

"O LORD OUR GOVERNOR, BLESS THE LEADERS OF OUR LAND THAT WE MAY BE A PEOPLE AT PEACE AMONG OURSELVES AND A BLESSING TO OTHER NATIONS OF THE EARTH. TO GERALD, OUR PRESIDENT AND MEMBERS OF HIS CABINET, TO DANIEL, OUR GOVERNOR AND TO ALL IN EXECUTIVE AUTHORITY, GRANT SUCH A MEASURE OF WISDOM AND GRACE IN THE EXERCISE OF THEIR DUTIES AS WILL BE EQUAL TO THE CHALLENGES OF OUR TIMES. TO SENATORS AND REPRESENTATIVES GIVE COURAGE, WISDOM, AND FORESIGHT TO PROVIDE FOR THE NEEDS OF ALL OUR PEOPLE, AND TO FULFILL OUR OBLIGATIONS IN THE COMMUNITY. TO THE JUDGES OF OUR COURTS GIVE UNDERSTANDING AND INTEGRITY, THAT HUMAN RIGHTS MAY BE SAFEGUARDED AND JUSTICE SERVED. AND FINALLY, TEACH ALL OUR PEOPLE TO RELY ON YOUR STRENGTH AND TO ACCEPT THEIR RESPONSIBILITIES TO THEIR FELLOW CITIZENS, THAT THEY MAY ELECT TRUSTWORTHY LEADERS. IN THE NAME OF HIM WHO TAUGHT US TO RENDER UNTO CAESAR THE THINGS THAT ARE CAESAR'S, AND TO GOD THE THINGS THAT ARE GOD'S. AMEN."

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

January 29, 1976.

SENATE BILL NO. 3039, modifying tort system for compensating patients injured as a result of health care (reported by Select Committee on Medical Malpractice):

MAJORITY recommendation: That Substitute Senate Bill No. 3039 be substituted therefor and substitute bill do pass.

Signed by: Senators Woody, Chairman; Bottiger, Buffington, Clarke, Day, Jones, McDermott, North, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

January 28, 1976.

SENATE BILL NO. 3052, increasing certain justice court fees (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

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

Passed to Committee on Rules for second reading.

January 28, 1976.

SENATE BILL NO. 3053, designating professional review committees (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

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

Passed to Committee on Rules for second reading.

January 29, 1976.

SENATE BILL NO. 3073, requiring that the two highest winners in the primary appear on general election ballot irrespective of whether one obtained more than a majority of the votes for the position in such primary (reported by Committee on Constitution and Elections):

Recommendation: Do pass.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

Passed to Committee on Rules for second reading.

January 29, 1976.

SENATE BILL NO. 3074, requiring state franchising for county ferries receiving federal aid (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Benitz, Bluechel, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Stortini, Wanamaker.

Passed to Committee on Rules for second reading.

January 28, 1976.

SENATE BILL NO. 3080, creating the department of corrections (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Buffington, Cunningham, Goltz, Herr, McDermott, Pullen, Ridder, Van Hollebeke.

MINORITY recommendation: Do not pass.

Signed by: Senators Gould, North.

Passed to Committee on Rules for second reading.

January 28, 1976.

SENATE BILL NO. 3085, providing state aid for hemophilia victims (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3085 be substituted therefor and the substitute bill do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Francis, Herr, McDermott, North, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 28, 1976.

SENATE BILL NO. 3088, changing composition of certain superior court judicial districts (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3088 be substituted therefor and the substitute bill do pass.

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

Passed to Committee on Rules for second reading.

January 29, 1976.

SENATE BILL NO. 3091, implementing law relating to certification of personnel employed in the common schools (reported by Committee on Education):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

January 29, 1976.

SENATE BILL NO. 3102, requiring proof of eligibility for office and establishing procedures for judicial review (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Stortini, Washington.

Passed to Committee on Rules for second reading.

January 29, 1976.

SENATE BILL NO. 3118, authorizing sale or lease of personal property by the Department of Highways (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Benitz, Bluechel, Jolly, Knoblauch, Lewis (R. H. "Bob"), Sellar, Walgren.

Passed to Committee on Rules for second reading.

January 30, 1976.

SENATE BILL NO. 3132, authorizing peace officers to destroy animals when necessary to end their suffering (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

January 29, 1976.

ENGROSSED HOUSE BILL NO. 187, changing designation of first class PUD to five commissioner PUD, and second class PUD to three commissioner PUD (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Benitz, Bluechel, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Stortini, Wanamaker.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENT

January 28, 1976.

BRUCE JOHNSON, to the position of chairman of the Board of Prison Terms and Paroles, appointed by the Governor on June 12, 1975 for the term ending April 15, 1980, succeeding himself as chairman (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Gould, McDermott, North, Ridder, Van Hollebeke.

Passed to Committee on Rules.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2060 was ordered to hold its place on the second reading calendar for Monday, February 2, 1976.

## SECOND READING

SENATE BILL NO. 3033, by Senators Day, Matson and Goltz:

Deleting mutual corporations of hospitals insuring against liability from definition as "insurer".

The bill was read the second time by sections.

On motion of Senator Day the rules were suspended, Senate Bill No. 3033 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3033, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Francis, Keefe, Newschwander, Scott—4.

SENATE BILL NO. 3033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 3233, by Senator Woody:

Providing for liability insurance for the University of Washington against certain claims.

## MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 3233 was substituted for Senate Bill No. 3233, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Woody, the rules were suspended, Substitute Senate Bill No. 3233 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3233, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Francis, Keefe, Newschwander, Scott—4.

SUBSTITUTE 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. 3148, by Senators Henry, Morrison and Beck:

Authorizing the sale and issuance of state highway construction bonds.

REPORT OF STANDING COMMITTEE

January 22, 1976.

SENATE BILL NO. 3148, authorizing the sale and issuance of state highway construction bonds (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 4, beginning on line 2, after "due." strike all the material down to and including "due." on line 3

Signed by: Senators Henry, Chairman; Beck, Benitz, Guess, Jolly, Knoblauch, Peterson, Stortini, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Henry, the committee amendment was adopted.

On motion of Senator Henry, the rules were suspended, Engrossed Senate Bill No. 3148 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Donohue: "Would Senator Henry yield to a question? Senator Henry, are these so-called HJR 52 bonds that we are talking about general obligation bonds? What kind of bonds? How are they paid off?"

Senator Henry: "Revenue bonds, yes."

Senator Donohue: "Paid off by gas?"

Senator Henry: "Yes."

Senator Donohue: "They are not HJR 52."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3148, and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould; Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Voting nay: Senators Fleming, Grant, McDermott, Ridder—4.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Francis, Keefe, Newschwander, Scott—4.

ENGROSSED SENATE BILL NO. 3148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Walgren, House Bill No. 38 will be considered following Senate Bill No. 3081.

SECOND READING

SENATE BILL NO. 2989, by Senators Beck, Wilson and Guess:

Making changes in the laws relating to election schedules.

REPORT OF STANDING COMMITTEE

January 23, 1976.

SENATE BILL NO. 2989, making changes in the law relating to election schedules (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 3, Laws of 1975 2nd ex. sess. and RCW 29.13.010 are each amended to read as follows:

All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, district, and precinct officers, and for the submission to the voters of the state, *county, city, town, or district* of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A state-wide general election shall be held on the first Tuesday after the first Monday of November of each year: PROVIDED, That the state-wide general election held in odd-numbered years shall be limited to (1) city, town, and district general elections as provided for in RCW 29.13.020 *as now or hereafter amended*, or as otherwise provided by law; (2) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the congress of the United States; (3) the election of state and county officers for the remainder of any unexpired terms of offices created by *[[or]]* or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22 and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (4) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (5) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate: PROVIDED FURTHER, That this section shall not be construed as fixing the time for holding primary elections, or elections for the recall of *[county, city, town, or district officers]* *any elective public officer*: PROVIDED HOWEVER, That the *[board of]* county *[commissioners]* *legislative authority* may, if they deem an emergency to exist, call a special county election *[at any time]* by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. *A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:*

- (a) *The first Tuesday after the first Monday in February;*
- (b) *The second Tuesday in March;*
- (c) *The first Tuesday after the first Monday in April;*
- (d) *The fourth Tuesday in May;*
- (e) *The day of the primary as specified by RCW 29.13.070; or*
- (f) *The first Tuesday after the first Monday in November.*

*In addition to the dates set forth in (a) through (f) above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from failure of a county to pass a special levy for the first time or from fire, flood, earthquake or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.*

*This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.*

Sec. 2. Section 29.13.020, chapter 9, Laws of 1965 as amended by section 3, chapter 123, Laws of 1965 and RCW 29.13.020 are each amended to read as follows:

All city, town, and district general elections *[, except as hereinafter provided,]* shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years *[: PROVIDED, That there shall be no general city or town elections held under the provisions of the 1963 elections act as amended until 1967, and the positions that would have been voted upon in the year 1966, except for the provisions of the 1963 elections act as amended, shall be voted upon at the general election to be held on the first Tuesday following the first Monday in November in the year 1967 and each two years thereafter. All city and town elections to be held in 1964 under existing law shall be conducted as though the provisions of the*



1963 elections act had not been enacted. All city and town officers elected in 1964 shall remain in office for their regular term and until their successors are elected and qualified under the provisions of the 1963 elections act.

There shall be no regular district elections held in the years 1964, 1966, 1968, and 1970, and the positions that would have been voted upon, except for the provisions of the 1963 elections act as amended, in the years 1964, 1966, 1968, and 1970 shall be voted upon at the general elections to be held on the first Tuesday following the first Monday in November in the years 1965, 1967, 1969, and 1971, respectively and each two years thereafter.

There shall be no regular school district elections held on the second Tuesday in March in the years 1965, 1967, and 1969 and the position[s] that would have been voted upon, except for the provisions of the 1963 elections act as amended, shall be voted upon at the general elections to be held on the first Tuesday following the first Monday in November in the years 1965, 1967, and 1969 respectively and each two years thereafter.

The purpose of this section is to change the time of holding all general city, town, and district elections to a common election date, throughout the state of Washington being the first Tuesday following the first Monday in November of the odd numbered years.

All incumbent city, town, or district officers whose terms would have expired, except for the provisions of the 1963 elections act as amended, shall remain in office until their successors are elected and qualified].

This section shall not apply to:

(1) Elections for the recall of [city, town, or district officers,] *any elective public officer.*

(2) Public utility districts, or district elections whereat the ownership of property within said districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto.

(3) *Consolidation proposals as provided for in RCW 28A.57.180 and nonhigh capital fund aid proposals as provided for in chapter 28A.56 RCW.*

The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election [at any time] in such city, town, or district and for the purpose of such special election he may combine, unite or divide precincts. *A special election called by such governing body shall be held on one of the following dates as decided by the governing body:*

(a) *The first Tuesday after the first Monday in February;*

(b) *The second Tuesday in March;*

(c) *The first Tuesday after the first Monday in April;*

(d) *The fourth Tuesday in May;*

(e) *The day of the primary election as specified by RCW 29.13.070; or*

(f) *The first Tuesday after the first Monday in November.*

*In addition to (a) through (f) above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from failure of a school or junior taxing district to pass a special levy for the first time or from fire, flood, earthquake or other act of God. Such special election shall be conducted and notice thereof given in the manner provided by law.*

*This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.*

**NEW SECTION.** Sec. 3. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 4. Nothing in sections 1 or 2 of this 1976 amendatory act shall affect any special election which has been called prior to the effective date of this 1976 amendatory act."

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Stortini, Washington.

The bill was read the second time by sections.

On motion of Senator Beck, the committee amendment was adopted.

On motion of Senator Beck, the rules were suspended, Engrossed Senate Bill No. 2989 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

Senator Bluechel moved that Engrossed Senate Bill No. 2989 be re-referred to the Committee on Rules.

Debate ensued.

The motion by Senator Bluechel failed.

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Beck yield to a question? Senator Beck, in our digest of this bill it says it would exclude consolidation proposals for school districts and non-high capital fund aid proposals from the local general election scheduling law. Does that mean that for those kinds of elections they would not have to conform to the effect of this bill?"

Senator Beck: "Yes, but Senator Odegaard, we have another bill that we are going to have a hearing on this afternoon which further restricts the school elections there, and I think it will be dealt with in the next bill that will be coming on if we get it out of committee. This bill is a request from the ways and means committee, the one we are having this afternoon."

Senator Odegaard: "Will that bill speak to the proposals for school district consolidation?"

Senator Beck: "Yes."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2989, and the bill passed the Senate by the following vote: Yeas, 30; nays, 14; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Day, Donohue, Fleming, Goltz, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—30.

Voting nay: Senators Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Gould, Jones, Matson, Morrison, Murray, North, Sellar, Talley—14.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Francis, Keefe, Newschwander, Scott—4.

ENGROSSED SENATE BILL NO. 2989, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2130, by Committee on Ecology (originally sponsored by Senators Washington, Murray, Goltz and Guess):

Adding provisions for recovery and recycling to litter control and solid waste collection laws.

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

Debate ensued.

#### POINT OF INQUIRY

Senator Walgren: "Will Senator Donohue yield? Senator Donohue, before any of these funds could be utilized for the projects that are anticipated in this bill, they would have to come before this legislature. They would go before your committee for consideration and come out here on the floor for action, would they not?"

Senator Donohue: "I would hope so, Senator. That seems to be the method we operate. I just wanted the members of the Senate to know the potential impact, and that was what I was trying to bring up."

Senator Walgren: "But the question of funding and the money that would be allocated to this will still have to come before this legislature?"

Senator Donohue: "That is correct."

#### POINT OF INQUIRY

Senator Washington: "Mr. President and Senator Donohue, what was the date of your memorandum?"

Senator Donohue: "Prior to passage of the bill originally, March twenty-seventh, 1975."

Senator Washington: "I think the date will show that this is one of the reasons why we made substantial changes in the bill. We have taken out all of that three million that frightened us also in the committee on Ecology. We took out demonstration projects. We took out most of the matters that they are talking about as requiring funds. Now, this is that very material that was taken out in our committee. And I am positive that there is virtually no money that is directed by this bill for any sorts of experimentation or research projects of that nature. We determined that most of the funds would come from Referendum twenty-six and from present funds on the litter control. Now, those things have been taken out of the bill, Senator Donohue."

Senator Donohue: "Well, Senator Washington, the only thing that I can say is that I would hope that in the future that to eliminate confusion in the Senate Ways and Means Committee that this information is provided to us so that we do know that the bill has been changed and that there is no significant amount of dollars possibly that are needed for appropriation."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2130, and the bill passed the Senate by the following vote: Yeas, 36; nays, 9; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Sellar, Stortini, von Reichbauer, Walgren, Wanamaker, Washington, Woody—36.

Voting nay: Senators Benitz, Clarke, Cunningham, Day, Donohue, Rasmussen, Talley, Van Hollebeke, Wilson—9.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Francis, Keefe, Scott—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Day, Senators Rasmussen, Bottiger and Newschwander were permitted as additional sponsors to Senate Resolution 1976-181.

On motion of Senator von Reichbauer, the following resolution was adopted:

#### SENATE RESOLUTION 1976-181

By Senators von Reichbauer, Day, Walgren, Newschwander, Rasmussen, Knoblauch and Bottiger:

WHEREAS, The Secretary of the Department of Social and Health Services has by public statements indicated that the department intends to change Western State Hospital from a hospital to a maximum security prison; and

WHEREAS, The state of Washington has operated a mental hospital at this location for many years and in fact received the property for this specific purpose; and

WHEREAS, Many employees of the Department of Social and Health Services are employed at Western State Hospital in a professional capacity; and

WHEREAS, There must be a reasonable development of planning by the legislature relative to future activity of the Department of Social and Health Services in dealing with the premises presently known as Western State Hospital; and

WHEREAS, It is in the interest of the public for the legislature to provide information concerning the planning and proposed changes that the Department of Social and Health Services is apparently contemplating; and

WHEREAS, Legislative action is required to materially change the present use of Western State Hospital property;

NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby requests that the standing Committee on Social and Health Services study the activities and plans of the Department of Social and Health Services relative to future use of Western State Hospital and the related implications of any proposal by the Department of Social and Health Services to change its use of said property;

BE IT FURTHER RESOLVED, That said standing committee investigate the present use of said property, including criminal offender programs presently at the said hospital;

BE IT FURTHER RESOLVED, That said committee hold those public hearings that said committee considers necessary to accomplish its purpose;

BE IT FURTHER RESOLVED, That said standing committee may request the assistance of the Department of Social and Health Services and any other agencies necessary in its investigation.

#### MOTION

At 12:25 p.m., on motion of Senator Walgren, the Senate adjourned until Monday, February 2, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**TWENTY-EIGHTH DAY**

MORNING SESSION

Senate Chamber, Olympia, Monday, February 2, 1976.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. President Pro Tempore Henry declared the Senate to be at ease. President Pro Tempore Henry called the Senate to order at 11:30 a.m. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Fleming, Jones, Keefe, Murray and Woody. On motion of Senator Knoblauch, Senators Fleming, Keefe and Woody were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Jones and Murray were excused.

The Color Guard, consisting of Pages Tom Berntsen and Tammerin Lawsen, presented the Colors. Reverend David W. Kratz, associate minister of the United Churches of Olympia, offered the following prayer:

"O CREATIVE GOD, WHO BROODED OVER THE CHAOS AND CALLED FOR LIFE, LIGHT, ORDER AND HUMANITY, CALL US FORTH, WE PRAY, OUT OF THE SHADOWS OF DESPAIR, SUSPICION AND HOPELESSNESS INTO THE LIFE WORTH LIVING, THE LIGHT OF HOPE, THE ORDER OF JUSTICE AND THE HUMANITY OF YOUR ALL EMBRACING LOVE.

"WE GATHER TOGETHER IN THESE HALLS OF POWER AND FRUSTRATION, CARRYING OUR OWN PERSONAL CONCERNS, OUR SENSE OF SELVES, OUR FAMILIES, OUR WORK, OUR OVERLOADED CALENDARS, OUR FRIENDS. WE BRING TOO THE BIG CONCERNS OF SCHOOLS, HOSPITALS, OF BUSINESS, OF OUR DECISION-MAKING BODY ITSELF. STILL TOO WE REMEMBER THE SMALLER BUT IMPORTANT CONCERNS OF INDIVIDUALS WHO STRUGGLE FOR LIFE AND MEANING WITH A SENSE OF THEIR OWN POWERLESSNESS. WE OFFER OUR CONCERNS AND THEIR'S IN THE SURE AND CERTAIN KNOWLEDGE OF YOUR OMNIPOTENT CARE.

"BUT LET OUR PRAYER NOT ALLOW US TO EVADE OUR RESPONSIBILITY TO ONE ANOTHER OR TO THE PEOPLE WE SERVE. PRICK OUR CONSCIENCES, ALERT OUR SENSITIVITY AND STRENGTHEN OUR RESOLVE THAT OUR DECISIONS MAY RELIEVE THE PAIN OF OUR BROTHERS AND SISTERS, AND SO THAT WE MAY NOT MISS THIS OPPORTUNITY TO EXPRESS YOUR JUSTICE, HOPE AND LOVE. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 1976.

SENATE BILL NO. 3061, allowing parties to public collective bargaining to modify negotiation and mediation periods by mutual consent (reported by Committee on Labor):

Recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

February 2, 1976.

SENATE BILL NO. 3248, revising procedures for punch card voting (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 3248 be substituted therefor and the substitute bill do pass.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Washington.  
Passed to Committee on Rules for second reading.

January 22, 1976.

SUBSTITUTE HOUSE BILL NO. 91, enacting a hazardous substance act (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Peterson, Ridder.  
Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

January 30, 1976.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 70, and the same is herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

January 30, 1976.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 90,  
SUBSTITUTE HOUSE BILL NO. 122,  
SUBSTITUTE HOUSE BILL NO. 676,  
SUBSTITUTE HOUSE BILL NO. 771,  
SUBSTITUTE HOUSE BILL NO. 779,  
ENGROSSED HOUSE BILL NO. 1082,  
REENGROSSED SUBSTITUTE HOUSE BILL NO. 1271,  
ENGROSSED HOUSE BILL NO. 1394, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

January 31, 1976.

Mr. President: The House has passed REENGROSSED HOUSE BILL NO. 671, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

January 31, 1976.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 378,  
ENGROSSED HOUSE BILL NO. 739,  
SUBSTITUTE HOUSE BILL NO. 1108,  
ENGROSSED HOUSE BILL NO. 1123,  
HOUSE BILL NO. 1258,  
HOUSE BILL NO. 1310,  
HOUSE BILL NO. 1311,  
HOUSE BILL NO. 1315,  
ENGROSSED HOUSE BILL NO. 1340,  
ENGROSSED HOUSE BILL NO. 1341,  
HOUSE BILL NO. 1382,

ENGROSSED HOUSE JOINT RESOLUTION NO. 64, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 70, by Representative Conner:  
Providing for licensing and taxing of movie and telecast showing of boxing and wrestling matches.  
Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 90, by Committee on Commerce (originally sponsored by Representatives Randall, Smith (Rick), Berentson, Conner, Fortson and Leckenby):  
Imposing a tax on coin operated gaming devices subject to federal tax credit and authorizing certain forms of gambling.  
Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 122, by Committee on Natural Resources (originally sponsored by Representatives Martinis and Kilbury):  
Revising the public lands management laws.  
Referred to Committee on Natural Resources.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 378, by Committee on State Government (originally sponsored by Representatives Moon, Pardini, Jastad, May, Haussler, Thompson, Douthwaite, Paris and Ceccarelli):  
Prescribing procedures for the collection, analysis, and reporting of statistical information on file by the state fire marshal.  
Referred to Committee on Rules.

REENGROSSED HOUSE BILL NO. 671, by Representatives Sommers and Randall:  
Modifying timber tax revenue distribution dates.  
Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 676, by Committee on Ecology (originally sponsored by Representatives Conner, Kalich, Haussler, Laughlin, North, Fortson, Schumaker, Hansey, Wilson, Erickson, Jastad, Savage and Bond):  
Modifying certain shoreline management procedures.  
Referred to Committee on Ecology.

ENGROSSED HOUSE BILL NO. 739, by Representatives Ceccarelli, Pardini, Leckenby, Fischer, Blair, Chatalas, Parker, Polk, Charette, Eikenberry, Lysen, McCormick and Greengo:  
Establishing procedures for traveler's checks to be deemed unclaimed property.  
Referred to Committee on Financial Institutions.

SUBSTITUTE HOUSE BILL NO. 771, by Committee on Commerce (originally sponsored by Representatives Newhouse and Bagnariol):  
Making changes in the liquor laws relating to agent's licenses.  
Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 779, by Committee on State Government (originally sponsored by Representatives King, Hendricks and Thompson):  
Permitting employees of political subdivisions of the state to join the state employees' insurance and health care system.  
Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 1082, by Representative Hayner:  
Designating Fort Walla Walla Park as a regional park.  
Referred to Committee on Parks and Recreation.

**SUBSTITUTE HOUSE BILL NO. 1108**, by Committee on Financial Institutions (originally sponsored by Representatives King, Eikenberry, Perry, Conner, Pardini and Moon):

Prohibiting discrimination against commercial vehicle drivers because of age.  
Referred to Committee on Financial Institutions.

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

Enacting new gift tax law.  
Referred to Committee on Ways and Means.

**HOUSE BILL NO. 1258**, by Representatives Kilbury, Haussler and Amen:

Defining horses, mules, and donkeys as "agricultural products".  
Referred to Committee on Agriculture.

**REENGROSSED SUBSTITUTE HOUSE BILL NO. 1271**, by Committee on State Government (originally sponsored by Representatives McKibbin, Hendricks, Sommers and Bender):

Creating a state energy office.  
Referred to Committee on Transportation and Utilities.

**HOUSE BILL NO. 1310**, by Representative Randall (by Department of Revenue request):

Repealing certain equalization of property valuation procedures.  
Referred to Committee on Ways and Means.

**HOUSE BILL NO. 1311**, by Representative Randall (by Department of Revenue request):

Removing department of revenue mandatory audit requirement of the work of county assessors.  
Referred to Committee on Ways and Means.

**HOUSE BILL NO. 1315**, by Representatives Thompson and Amen:

Placing educational service districts on same holiday schedule as provided for public schools.  
Referred to Committee on Education.

**ENGROSSED HOUSE BILL NO. 1340**, by Representative Smith (Rick):

Making lesser traffic law violations noncriminal offenses.  
Referred to Judiciary Committee.

**ENGROSSED HOUSE BILL NO. 1341**, by Representative Smith (Rick):

Revising probate laws.  
Referred to Judiciary Committee.

**HOUSE BILL NO. 1382**, by Representatives Hansen and Leckenby:

Making technical corrections for the implementation of staggered vehicle registration periods.  
Referred to Committee on Transportation and Utilities.

**ENGROSSED HOUSE BILL NO. 1394**, by Representatives Hansen, Leckenby, Charnley and Clemente:

Permitting owners of property subject to condemnation proceedings to give the property to such governmental unit.  
Referred to Judiciary Committee.



ENGROSSED HOUSE JOINT RESOLUTION NO. 64, by Representatives Hausler and Lee:

Establishing alternate methods for the framing of county "home rule" charters.  
Referred to Committee on Local Government.

### SECOND READING

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

Reconstituting purchasing and material control in state government.

The bill was read the second time by sections.

There being no objection, the amendment by Senator Rasmussen to page 1, line 26 on the Secretary's desk, was withdrawn.

There being no objection, the amendment by Senator Marsh to page 2, line 31 on the Secretary's desk, was withdrawn.

On motion of Senator Lewis (Harry), the following amendment was adopted:

On page 1, after line 23 strike the remainder of the act through page 13 and insert:

"The director of general administration shall appoint and deputize an assistant director to be known as the [supervisor of purchasing] *state purchasing and material control director*, who shall have charge and supervision of the division of purchasing. *In this capacity he shall ensure that overall state purchasing and material control policy is implemented by state agencies, including educational institutions, within established time limits.*

With the approval of the director of general administration, he may appoint and employ such assistants and personnel as may be necessary to carry on the work of the division.

Sec. 2. Section 3, chapter 32, Laws of 1969 as amended by section 110, chapter 81, Laws of 1971 and RCW 43.19.190 are each amended to read as follows:

The director of general administration, through the [division of purchasing] *state purchasing and material control director*, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, *services* and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That primary authority for the purchase of specialized equipment, instructional and research material for their own use shall rest with the colleges, community colleges and universities: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies and equipment for resale to other than [state] *public agencies* shall rest with the state agency concerned: *PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services authorized for direct acquisition from vendors by state organizations and filed under the provisions of RCW 39.29.010 through 39.29.030, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance;*

(3) Provide the required staff assistance for the state [purchasing advisory committee] *supply management advisory board* through the division of purchasing;

(4) Have authority to delegate to state agencies [a limited] authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, *services* and supplies: PROVIDED, That acceptance of the [limited] purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, *as now or hereafter amended*, or from policies established by the director after consultation with

the state [purchasing advisory committee] *supply management advisory board*: *PROVIDED FURTHER, That delegation of such authorization to a state agency, including an educational institution, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;*

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendation of the [purchasing advisory committee] *supply management advisory board*;

(10) Provide for the maintenance of inventory records of supplies, materials, equipment, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

(12) *Publish procedures and guidelines for compliance by all state agencies, including educational institutions, which implement overall state purchasing and material control policies;*

(13) *Conduct periodic visits to state agencies, including educational institutions, to determine if statutory provisions and supporting purchasing and material control policies are being fully implemented, and based upon such visits, take corrective action to achieve compliance with established purchasing and material control policies under existing statutes when required.*

Sec. 3. Section 43.19.1902, chapter 8, Laws of 1965 as amended by section 3, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1902 are each amended to read as follows:

There is hereby created a state [purchasing advisory committee] *supply management advisory board* which shall consist of [seven] *twelve* members as follows: The director of general administration as chairman, and a representative from each of the following [six] *eight* state agencies, who shall be appointed by the governor based upon recommendations of the head of the agency from which the selection is made; the department of highways, the department of [institutions] *social and health services*, the department of natural resources, the University of Washington, Washington State University, *the state board for community college education, the superintendent of public instruction, and the [central budget agency] office of program planning and fiscal management. In addition, three members shall be appointed by the governor to the board from the private sector; PROVIDED, That special care shall be exercised to select private sector representatives without a conflict of interest involving sale, lease or rental of property, material, supplies, equipment, commodities, or services to the state of Washington.* Members of the [advisory committee] *board* shall serve without additional compensation and at the pleasure of the governor, *but shall be reimbursed for subsistence, lodging, and travel expenses as provided in chapter 43.03 RCW, as now or hereafter amended. Board members from the private sector shall be reimbursed from appropriated funds allocated to the division of purchasing. All other board members shall be reimbursed from funds appropriated for their respective agencies.* [Four] *Seven* members of the [advisory committee] *board* shall constitute a quorum. The [advisory committee] *board* shall meet upon call of the chairman and shall adopt rules and regulations for the conduct of its business. The chairman may appoint special committees for the study of specific subjects, which special committees may include representatives of such other state agencies as may be deemed appropriate.

Sec. 4. Section 43.19.1904, chapter 8, Laws of 1965 as amended by section 4, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1904 are each amended to read as follows:

The state [purchasing advisory committee] *supply management advisory board* shall advise and give assistance to the director of general administration in planning and carrying out [the most] *an efficient and economical purchasing and material control program.*

The state [purchasing advisory committee] *supply management advisory board* shall review and make recommendations to the director with respect to:

(1) Standards and specifications for all items of material, supplies, and equipment of common usage in state agencies;

(2) Specifications for specific items of material, supplies, and equipment referred to it by the division of purchasing;

(3) Standards for the purchase, replacement, and repair of automotive equipment consistent with the needs and location of state agencies;

(4) A uniform system of inventory control for material, supplies, and equipment;

(5) All other matters referred to it by the director of *general administration* or by a member of the advisory [committee] *board.*

The state [purchasing advisory committee] *supply management advisory board* shall act as an appeals board to hear appeals on matters involving a state agency and the division of purchasing, and shall render its decision relating thereto within thirty days after filing of the appeal. The findings and actions of the [advisory committee] *board* shall be binding upon the respective state agencies including all offices, institutions, and departments.

Public funds shall not be expended by any agency for substitutions for material, supplies, and equipment for which standards have been established by the division of purchasing after consulting with and receiving the recommendations of the [advisory committee] *board* unless prior written approval is obtained from the [division of] *state purchasing and material control director.*

**NEW SECTION.** Sec. 5. There is added to chapter 43.19 RCW a new section to read as follows:

The director of general administration, after consultation with the supply management advisory board shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

(a) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;

(b) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;

(c) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;

(d) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;

(e) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;

(f) Determination of what function data processing equipment, including remote terminals, shall perform in state-wide purchasing and material control for improvement of service and promotion of economy, and the coordination of needs with the Washington state data processing authority;

(g) Standardization of records and forms used state-wide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions under the provisions of RCW 43.19.510;

(h) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;

(i) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;

(j) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;

(k) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;

(l) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;

(m) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;

(n) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;

(o) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;

(p) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;

(q) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures under the policy direction of the supply management advisory board;

(r) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;

(s) Resolution of all other purchasing and material matters referred to him by a member of the advisory board which require the establishment of overall state-wide policy for effective and economical supply management.

Initial policy determinations for the above functions shall be developed and published within the 1975-77 biennium by the director, after consultation with the supply management advisory board for guidance and compliance by all state agencies, including educational institutions, involved in purchasing and material control. Modifications to these initial supply management policies established during the 1975-77 biennium shall be instituted by the director, after consultation with the advisory board, in future biennia as required to maintain an efficient and up-to-date state supply management system. The director shall transmit to the governor and the legislature in June 1976 and June 1977 a progress report which indicates the degree of accomplishment of each of these assigned duties, and which summarizes specific achievements obtained in increased effectiveness and dollar savings or cost avoidance within the overall state purchasing and material control system. The second progress report in June 1977 shall include a comprehensive supply management plan which includes the recommended organization of a state-wide purchasing and material control system and development of an orderly schedule for implementing such recommendation. In the interim between these annual progress reports, the director shall furnish periodic reports to the office of program planning and fiscal management and the legislative budget committee for review of progress being accomplished in achieving increased efficiencies and dollar savings or cost avoidance.

It is the intention of the legislature that measurable improvements in the effectiveness and economy of supply management in state government shall be achieved during the 1975-77 biennium, and each biennium thereafter. All agencies, departments, offices, divisions, boards, and commissions and educational, correctional, and other types of institutions are required to cooperate with and support the development and implementation of improved efficiency and economy in purchasing and material control. To effectuate this legislative intention, the director, in consultation with the supply management advisory board, and through the state purchasing and material control director, shall have the authority to direct and require the submittal of data from all state organizations concerning purchasing and material control matters.

The provisions of this section shall not apply to materials, supplies, and equipment purchased for resale to other than public agencies by state agencies, including educational institutions. In addition, this section shall not apply to liquor purchased by the state for resale under the provisions of Title 66 RCW.

Sec. 6. Section 43.19.1906, chapter 8, Laws of 1965 and RCW 43.19.1906 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the *state purchasing and material control* director [of general administration through the division of purchasing] and under the powers granted by RCW 43.19.190 through 43.19.1939 [: PROVIDED, That], *as now or hereafter amended. This requirement shall also apply to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190. However, formal sealed [competitive] bidding shall not be necessary for:*

(1) Emergency purchases if such sealed bidding procedure would prevent or hinder the emergency from being met appropriately; [and]

(2) Purchases not exceeding [five] *twenty-five hundred dollars: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the twenty-five hundred dollar bid limitation [but in all such purchases quotations]: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce this formal sealed bid limit of twenty-five hundred dollars to a lower dollar amount for purchases by individual state agencies, including purchases of specialized equipment, instructional, and research materials by colleges and universities, if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from two hundred dollars to twenty-five hundred dollars shall be secured from enough vendors to assure establishment of a competitive price. A record of competition for all such purchases from two hundred dollars to twenty-five hundred dollars shall be documented for audit purposes on a standard state form approved by the forms management center under the provisions of RCW 43.19.510. Purchases up to two hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this two hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of four hundred dollars by unanimous vote by all members of the state supply management advisory board, if warranted by increases in purchasing costs due to inflationary trends; and*

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation.

Sec. 7. Section 43.19.1917, chapter 8, Laws of 1965 as amended by section 2, chapter 53, Laws of 1969 ex. sess. and RCW 43.19.1917 are each amended to read as follows:

[The director of general administration, through the division of purchasing] *All state agencies, including educational institutions, shall maintain a perpetual record of ownership of state owned equipment, which shall be available [in the division of purchasing] for the inspection and check of those officers who are charged by law with the responsibility for auditing the records and accounts of the state [agencies] organizations owning the equipment, or to such other special investigators and others as the governor may direct. In addition, these records shall be made available to members of the legislature, the legislative committees, and legislative staff on request.*

*All state agencies, including educational institutions, shall account to the division of purchasing [at any and all times] upon request for state equipment owned by, assigned to, or otherwise possessed by them and maintain such records as the division of purchasing deems necessary to proper accountability therefor. The division of purchasing shall publish a procedural directive for compliance by all state agencies, in-*

cluding educational institutions, which establishes a standard method of maintaining records for state owned equipment, including the use of standard state forms approved by the forms management center under the provisions of RCW 43.19.510. This published directive also shall include instructions for reporting to the division of purchasing all state equipment which is excess to the needs of state organizations owning such equipment. The term "state equipment" means all items of machines, tools, furniture, or furnishings other than expendable supplies and materials as defined by the division of purchasing.

Sec. 8. Section 6, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1918 are each amended to read as follows:

All of the powers and duties relating to the maintenance of inventory records of supplies, materials, equipment, and other property including state equipment as provided in RCW 43.19.1917 shall be performed [with the advice, cooperation and assistance of] *in coordination with the director of [budget] program planning and fiscal management to assure establishment of standard state-wide accounting policies and regulations for such records.*

Sec. 9. Section 43.19.1919, chapter 8, Laws of 1965 and RCW 43.19.1919 are each amended to read as follows:

The division of purchasing shall sell or exchange personal property belonging to the state for which the *agency*, office, department, or educational institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund: **PROVIDED**, Sales of capital assets may be made by the division of purchasing and a credit established in central stores for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939, *as now or hereafter amended: PROVIDED FURTHER, That sale of personal property excess to a state agency, including educational institutions, shall not be made prior to a determination by the division of purchasing whether other state agencies have a requirement for such personal property: PROVIDED FURTHER, That this section shall not apply to personal property acquired by a state organization under federal grants and contracts if in conflict with special title provisions contained in such grants or contracts.*

Sec. 10. Section 43.19.1923, chapter 8, Laws of 1965 as amended by section 5, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1923 are each amended to read as follows:

There is created within the [division of purchasing of the] department of general administration a revolving fund to be known as "central stores revolving fund", which shall be used for the purchase of supplies and equipment handled or rented through central stores, and the payment of salaries, wages, and other costs incidental to the acquisition, operation, and maintenance of the central stores, and other activities connected therewith, which shall include [state telephone, data processing] *telecommunications and utilities services.* The fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment, and services rendered to the various state agencies. The moneys held in the present central stores revolving fund created by section 4, chapter 160, Laws of 1943 are hereby transferred to the central stores revolving fund created by this section; **PROVIDED**, *That central stores, telecommunications, utilities services, and other activities within the central stores revolving fund shall be treated as separate operating entities for financial and accounting control; PROVIDED FURTHER, That financial records involving the central stores revolving fund shall be designed to provide data for achieving maximum effectiveness and economy of each individual activity within the fund.*

Sec. 11. Section 43.19.1937, chapter 8, Laws of 1965 and RCW 43.19.1937 are each amended to read as follows:

No member of the state [purchasing committee and no] *supply management advisory board* or state employee whose duties performed for the state include:

(1) Advising on or drawing specifications for supplies, equipment, commodities, or services;

- (2) Suggesting or determining vendors to be placed upon a bid list;
- (3) Drawing requisitions for supplies, equipment, commodities, or services;
- (4) Evaluating specifications or bids and suggesting or determining awards; or
- (5) Accepting the receipt of supplies, equipment, and commodities or approving the performance of services or contracts; shall accept or receive, directly or indirectly, a financial benefit, or accept any gift, token, membership, or service, as a result of a purchase entered into by the state, from any person, firm, or corporation engaged in the sale, lease, or rental of property, material, supplies, equipment, commodities, or services to the state of Washington.

Violation of this section shall be considered a malfeasance and may cause loss of position, and the violator shall be liable to the state upon his official bond for all damages sustained by the state. Contracts involved may be canceled at the option of the state. Penalties provided in this section are not exclusive, and shall not bar action under any other statute penalizing the same act or omission.

*NEW SECTION.* Sec. 12. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

*NEW SECTION.* Sec. 13. This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 2060 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2060, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

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

Excused: Senators Fleming, Jones, Keefe, Murray, Woody—5.

ENGROSSED SENATE BILL NO. 2060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 3081, by Senators Donohue, Benitz, Jolly, Marsh, Day, Wilson, Guess and Sellars:

Directing that agricultural uses be emphasized in granting permits.

#### MOTION

Senator Washington moved that Senate Bill No. 3081 be re-referred to the Committee on Agriculture.

Debate ensued.

#### POINT OF ORDER

Senator Lewis (Harry): "Mr. President, I believe he is not discussing the motion, he is discussing the bill in detail."

#### RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I think your point is well taken. Will you confine your remarks to the motion?"

Debate ensued.

## POINT OF ORDER

Senator Lewis (Harry): "I believe that Senator Washington is again going into detail on the subject matter of the bill which goes far beyond the point of his motion and I object to that."

## RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I believe that in making a motion of that sort to refer a bill to committee, it pretty well opens up the subject of the bill. I would, however, point out that as this is a continuation, somebody might raise the three-minute rule."

Debate ensued.

The motion by Senator Washington failed on a rising vote.

## MOTION

Senator Walgren moved that Senate Bill No. 3081 be considered following Senate Bill No. 3254 on today's second reading calendar.

Debate ensued.

The motion by Senator Walgren carried. Senate Bill No. 3081 will be considered following Senate Bill No. 3254.

## SECOND READING

HOUSE BILL NO. 38, by Representatives King, Bender, Erickson and Gaines (by request of Committee on Constitution and Elections of the Forty-third Legislature): Implementing law relating to recall of public officials.

## REPORT OF STANDING COMMITTEE

March 7, 1976.

HOUSE BILL NO. 38, implementing law relating to recall of public officials (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendments:

In the title, delete all of lines 2, 3, and 4, and insert "section 29.82.030, chapter 9, Laws of 1965 as amended by section 4, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.030; adding new sections to chapter 29.82 RCW; repealing section 29.82.010, chapter 9, Laws of 1965 and RCW 29.82.010; repealing section 29.82.020, chapter 9, Laws of 1965, section 1, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.020; repealing section 29.82.160, chapter 9, Laws of 1965 and RCW 29.82.160; and declaring an emergency."

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

"NEW SECTION. Section 1. There is added to chapter 29.82 RCW a new section to read as follows:

The grounds for recall under the provisions of sections 33 and 34 of Article I of the state Constitution shall be the commission of an act or acts of malfeasance in office, misfeasance in office, or a violation of the oath of office, by any elective public officer of this state or of any political subdivision thereof during the term of office which such officer is presently serving. For the purposes of this chapter:

(1) "Malfeasance in office" means an unlawful act committed wilfully by any elective public officer;

(2) "Misfeasance in office" means the fulfillment of a statutorily imposed duty in an unlawful or improper manner by any elective public officer;

(3) "Violation of the oath of office" means the wilful neglect or failure by an elective public officer to perform faithfully a duty imposed by law.

NEW SECTION. Sec. 2. There is added to chapter 29.82 RCW a new section to read as follows:

Whenever any legal voter or committee or organization of legal voters of this state or of any political subdivision thereof shall desire to demand the recall and discharge of any elective public officer of this state or of such political subdivision, as the case may



be, under the provisions of sections 33 and 34 of Article I of the state Constitution, such voter or committee or organization shall prepare a typewritten charge reciting:

- (1) The name of the officer;
- (2) The title of the office;

(3) The grounds for holding a recall election; which charge shall be signed by the person or persons preparing the same, give their respective post office addresses, and be verified under oath that the persons bringing such charges have knowledge of the facts upon which the stated grounds for recall are based.

*NEW SECTION.* Sec. 3. There is added to chapter 29.82 RCW a new section to read as follows:

The grounds for recall to be recited in a petition for recall are sufficient if the act or acts charged therein are clearly and distinctly set forth in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended. The provisions of this section shall bear the same judicial construction as RCW 10.37.050(6).

*NEW SECTION.* Sec. 4. There is added to chapter 29.82 RCW a new section to read as follows:

When a charge demanding the recall of a public officer is filed, the officer with whom the charge is so filed shall, within fifteen days of the filing of the charge, (1) formulate a ballot synopsis of such charge not to exceed two hundred words, which shall set forth the name of the person charged, the title of the office, and a concise statement of the elements of the charge; (2) notify the elective officer against whom such charge or charges have been made and the persons filing the charge of the exact language of such ballot synopsis; and (3) attach one copy thereof to and file the same with the charge. Thereafter such charge shall be designated on all petitions, ballots, and other proceedings in relation thereto by such synopsis.

*NEW SECTION.* Sec. 5. There is added to chapter 29.82 RCW a new section to read as follows:

Any person aggrieved by the filing of recall charges or by the failure thereafter of an election official to perform duties in relation to the recall, may petition for relief to the superior court of the county constituting or containing any political subdivision in which the recall is invoked. In reviewing such petition, the superior court shall have the jurisdiction to consider the issuance of a writ of mandamus to insure the following:

- (1) The sufficiency or specificity of such recall charge or charges;
- (2) The sufficiency or specificity of the ballot synopsis of such recall charge or charges;
- (3) The performance of any act required of a public officer in relation to recall or the prevention of the performance by any such officer of any act in relation to recall not in compliance with law;

(4) The existence of facts establishing prima facie the truthfulness of such recall charge or charges: **PROVIDED**, That any person challenging any such recall charge pursuant to this subsection (4) shall have the burden of proof by clear and convincing evidence.

The supreme court shall have like original jurisdiction in relation to state officers and revisory jurisdiction over the decisions of the superior court: **PROVIDED**, That any proceeding pursuant to subsections (1), (2), or (4) of this section shall be commenced within fifteen days from the time that notice is given of the preparation of a ballot synopsis of such recall charge or charges: **PROVIDED FURTHER**, That any proceeding pursuant to subsection (3) of this section shall be commenced within ten days from the time the cause of complaint arises.

Actions brought pursuant to this section shall be considered an emergency matter of public concern, take precedence over other cases, and be speedily heard and determined. Any proceeding to review a decision of any superior court shall be begun and perfected within fifteen days after its decision in a recall election case, and shall be considered by the supreme court an emergency matter of public concern and speedily heard and determined.

Sec. 6. Section 29.82.030, chapter 9, Laws of 1965 as amended by section 4,

chapter 205, Laws of 1971 ex. sess. and RCW 29.82.030 are each amended to read as follows:

[Upon] *Within fifteen days after* being notified of the language of the ballot synopsis of the charge, the persons filing the charge shall cause to be printed on single sheets of paper of good quality twelve inches in width by fourteen inches in length and with a margin of one and three-fourths inches at the top for binding, blank petitions for the recall and discharge of such officer. Such petitions shall be substantially in the following form:

**WARNING**

Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when he is not a legal voter, or who makes herein any false statement, shall be fined, or imprisoned, or both.

Put the undersigned citizens of (the State of Washington or the political subdivision in which the recall is invoked, as the case may be) and legal voters of the respective precincts set opposite our respective names, respectfully direct that a special election be called to determine whether or not (here insert the name of the person charged and the office which he holds) be recalled and discharged from his office, for and on account of (his having committed the act or acts of malfeasance or misfeasance while in office, or having violated his oath of office, as the case may be), in the following particulars: (here insert the synopsis of the charge); and each of us for himself says: I have personally signed this petition; I am a legal voter of the State of Washington in the precinct and city (or town) and county written after my name, and my residence address is correctly stated.

We the undersigned citizens of (the State of Washington or the political subdivision in which the recall is invoked, as the case may be) and legal voters of the respective precincts set opposite our respective names, respectfully direct that a special election be called to determine whether or not (here insert the name of the person charged and the office which he holds) be recalled and discharged from his office, for and on account of (his having committed the act or acts of malfeasance or misfeasance while in office, or having violated his oath of office, as the case may be), in the following particulars: (here insert the synopsis of the charge); and each of us for himself says: I have personally signed this petition; I am a legal voter of the State of Washington in the precinct and city (or town) and county written after my name, and my residence address is correctly stated.

Petitioner's Signature	Residence Address Street and Number if any	Precinct Name or Number	City or Town	County
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(Here follow 20 numbered lines divided into columns as below.)

1				
2				
3				

etc.

**NEW SECTION. Sec. 7.** The following acts or parts of acts are each hereby repealed:

- (1) Section 29.82.010, chapter 9, Laws of 1965 and RCW 29.82.010;
- (2) Section 29.82.020, chapter 9, Laws of 1965, section 1, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.020; and
- (3) Section 29.82.160, chapter 9, Laws of 1965 and RCW 29.82.160.

**NEW SECTION. Sec. 8.** If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 9.** This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Stortini.

The bill was read the second time by sections.

Senator Beck moved adoption of the committee amendment.

There being no objection, the amendment by Senator Woody to the committee amendment to page 2, line 7 was withdrawn by Senator Mardesich.

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

On page 2, section 2, line 7, after "have knowledge of" insert "and believe to be true"

On motion of Senator Mardesich, the following amendment by Senator Woody to the committee amendment was adopted:

On page 3, section 5, subsection (4) of the committee amendment after "or charges" on line 10, strike all of the material down to and including "evidence" on line 13.

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

On page 3, section 5, after line 4, strike subsections (3) and (4), being lines 5 through 13.

#### POINT OF INQUIRY

Senator Day: "Will Senator Beck yield? Senator Beck, isn't there some other criteria involved in this though? Doesn't it take twenty-five percent of all the votes cast for the particular office in order to validate the recall petition?"

Senator Beck: "That is true."

Senator Day: "You know, that is not easy to get, twenty-five percent."

Senator Beck: "I saw on the petition, that thing that took the salary away from the legislature. I saw in a drug store — every person that went through that checkout stand — please sign here. The clerk or some little girl sitting there said, "Sign this." People had no idea what they were signing there. It is the easiest thing in the world to get signatures on a ballot. They had about seven hundred thousand people that they turned in on that. If you think that you can go — you can go to any super market on a Saturday afternoon or a Friday afternoon and get people to sign any number of signatures you wanted. But still, you are affecting a person's life. You are affecting his integrity."

Senator Day: "Well, I understand that."

Senator Beck: "The charge does not have to be true, Senator Day."

Senator Day: "I understand that. In fact, back in the 1930's my dad served on the school board and they attempted to recall him, and they were unsuccessful. He and the other board member were successful in recovering damages for the false charges after that, thereafter, though, after the recall election failed. So the thing is that I realize that is precluded now. You can say anything about anybody in politics, I guess, but by the same token I think that the whole case should be out here and that we should not abrogate people's rights. I think comparing what people think about our salaries you know, compared to this, are two different things. I want to stay with you as chairman, but really, I am not prepared at this moment to vote down Senator Washington's amendment because it would appear to me that he has some validity in his arguments."

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, will Senator Beck yield? Senator, you said something that I think gets to the core of the whole bill and I would like you to repeat it. Do you mean that when you take this hearing before someone they will determine whether the charges are true or not and they will then send it on to elections?"

Senator Beck: "The judge has to ascertain if the charges are true. It will just permit the person being charged with committing a malfeasance or a misfeasance or a violation of his oath of office as to whether or not the charges are true, and it permits an appeal to the supreme court."

Further debate ensued.

#### POINT OF INQUIRY

Senator Lewis (Harry): "As I read this, and I need some clarification on it, Senator Beck, I would like to ask you a question in just a second if you would yield. As I understand it, presently the courts or the prosecuting attorney merely consider the first two items, the sufficiency or specificity of such recall charge or charges and item two, the ballot synopsis of such recall charge or charges. Is that true?"

Senator Beck: "That is pretty much what is being done now."

Senator Lewis (Harry): "And there has been a proliferation of recalls and I certainly do not want to take that right away. Are the items three and four specifically that

Senator Washington is suggesting be removed with his amendment? Are they not for the purpose of providing additional clarification by the court in addition to the charges and the synopsis that they would be included? It seems to me that I am tending to agree with you but I am not sure I or even the Senate totally understand the scope of the amendment. Would you clarify that a little bit?"

Senator Beck: "Yes, you are correct, Senator Lewis. Currently, if you want to file a recall charge against someone, all you have to do is trump up the charges and if they are sufficient, take it to your Prosecutor and he will say that these are sufficient reasons for recall. Then if you are the one who is being recalled you have the right to go to the court and prove to the court that it is wrong . . . that it is either true or false. That does in no way stop the charge of recall. You still go ahead — get your signatures. If you get enough signatures, all right, the thing goes through, but at least the person being recalled can say, 'I have gone to the court and the court has not found these charges to be true'."

Senator Lewis (Harry): "Senator Beck, if you would yield to another question. Then what you are saying, if I understand you, is that the present situation is that any citizen can file a recall petition. The charges may or may not be valid but that the stipulations that are presently in the bill that Senator Washington is proposing to remove, those provide an opportunity for the person being recalled to go to the courts and ask the court to make a statement. Now, for example, prior to an election it would be very advantageous to start a recall petition for some public servant who is running for election and this is really the recourse available to that person just prior to an election to go to the court and get clarification. Is that right?"

Senator Beck: "That is correct."

Further debate ensued.

#### MOTION

At 12:37 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:30 p.m.

#### MOTION

On motion of Senator Lewis (R. H. "Bob"), Senators Lewis (Harry), Matson and North were excused.

#### MOTION

On motion of Senator Beck, House Bill No. 38, together with the committee amendment, as amended, and the pending amendment by Senator Washington, was held for further consideration on February 3, 1976.

#### SECOND READING

SENATE BILL NO. 3254, by Senator Mardesich:

Forbidding force or coercion innsoliciting political contributions.

#### MOTIONS

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 3254 was substituted for Senate Bill No. 3254 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 3254 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3254, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 3; excused, 8.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—38.

Absent or not voting: Senators Donohue, Francis, von Reichbauer—3.

Excused: Senators Fleming, Jones, Keefe, Lewis (Harry), Matson, Murray, North, Woody—8.

SUBSTITUTE SENATE BILL NO. 3254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 3081 was ordered to hold its place on the second reading calendar for February 3, 1976.

#### SECOND READING

SENATE BILL NO. 3039, by Senators Day, Walgren, McDermott, Donohue, North, Lewis (Harry), Newschwander, Marsh, Matson, Henry, Buffington, Sellar and von Reichbauer:

Modifying tort system for compensating patients injured as a result of health care.

#### MOTION

On motion of Senator Day, Substitute Senate Bill No. 3039 was substituted for Senate Bill No. 3039, and the substitute bill was placed on second reading.

#### MOTION

At 1:45 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, February 3, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## TWENTY-NINTH DAY

### MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 3, 1976.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Keefe. On motion of Senator Knoblauch, Senator Keefe was excused.

The Color Guard, consisting of Pages Sean Quigley and Kay Carrington, presented the Colors. Reverend David W. Kratz, associate minister of United Churches of Olympia, offered the following prayer:

"O LORD, OUR GOD, WHO CREATES THE WORLD BY YOUR WORD AND GUIDES IT WITH YOUR LOVING HAND, WE THANK YOU FOR THE TRUST INVESTED IN US AS YOUR CARETAKERS. WE CONFESS WE HAVE NOT ALWAYS HANDLED YOUR GIFT WITH A CORRESPONDING CARE BUT HAVE OFTEN ABUSED THE PRIVILEGES OF LIFE AND POWER. REAWAKEN, WE PRAY, THE HUMILITY WHICH COMES FROM UNDERSTANDING AND APPRECIATING THE GRANDUER OF LIFE AND PEOPLE, AND TOUGHEN OUR COURAGE TO ACT WITH RESPONSIBILITY AND DEDICATION THAT WE MAY NOT MISS THIS SINGULAR OPPORTUNITY TO CHERISH AND PRESERVE THE GIFT WHICH IS OURS. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 2, 1976.

SENATE BILL NO. 2326, allowing up to maximum of five years military service to count as service under teachers' retirement system after twenty-five years of teachers' retirement service (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2326 be substituted therefor and the substitute bill be referred to the Committee on Ways and Means.

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

Referred to Committee on Ways and Means.

February 2, 1976.

SENATE BILL NO. 2635, authorizing the department of personnel to appoint hearing examiners (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2635 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 2, 1976.

SENATE BILL NO. 2996, removing election day as a state holiday (reported by Committee on State Government):

Recommendation: That Substitute Bill No. 2996 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 2, 1976.

SENATE BILL NO. 3078, removing limitations relating to aliens teaching in common schools (reported by Committee on Education):

Recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

February 2, 1976.

SENATE BILL NO. 3131, transferring the powers, duties and functions of the department of ecology relating to water and water pollution to the department of natural resources (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3131 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Wanamaker.

Passed to Committee on Rules for second reading.

February 2, 1976.

SENATE BILL NO. 3146, mandating certain action by county treasurer in disposition of earnings from tax receipts (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3146 be substituted therefor and the substitute bill do pass.

Signed by: Senators Jolly, Lewis (R. H. "Bob"), North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 2, 1976.

SENATE BILL NO. 3166, providing for proprietary educational clinics and authorizing reimbursement for costs in attending the same (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 3166 be substituted therefor and the bill be referred to Ways and Means.

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

Referred to Committee on Ways and Means.

February 2, 1976.

SENATE BILL NO. 3261, relating to state government (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch.

MINORITY recommendation: Do not pass as amended.

Signed by: Senators Buffington, Cunningham, Wanamaker.

Passed to Committee on Rules for second reading.

February 2, 1976.

SENATE BILL NO. 3276, permitting elective local officials to serve on a housing authority board (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Jolly, Lewis (R. H. "Bob"), North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 2, 1976.

SECOND SUBSTITUTE HOUSE BILL NO. 721, revising laws relating to county solid waste collection and disposal (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Jolly, Lewis (R. H. "Bob"), North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 3, 1976.

ENGROSSED HOUSE BILL NO. 1331, establishing voter registration by mail (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Beck, Chairman; Grant, Stortini, Washington.

Passed to Committee on Rules for second reading.

February 2, 1976.

ENGROSSED HOUSE BILL NO. 1344, establishing responsibility for enforcement of the uniform fire code (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Jolly, Lewis (R. H. "Bob"), North, Sellar, Talley.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

February 3, 1976.

DR. MENDAL B. MILLER, to the position of member of the Higher Education Personnel Board, appointed by the Governor on July 2, 1975 for the term ending July 1, 1981, succeeding Frank Cleary (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 2, 1976.

MARY GATES, to the position of member of the University of Washington Board of Regents, appointed by the Governor on May 6, 1975 for the term ending March 10, 1981, succeeding Harold S. Shefelman (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

#### PERSONAL PRIVILEGE

Senator Lewis (Harry): "Mr. President, point of personal privilege. Speaking very briefly, members of the Senate, I would just like to draw your attention to the first reading of House bills that have just passed over — vital things like 'duplicates for lost or destroyed pay warrants,' and 'relating to outdoor advertising.' I think this is probably evidence of the rule of the House by committee. I would in contrast like you to pay attention to what is on the calendar for the day. I think that we got malpractice down here, and I think the priorities that we have jointly stressed show a striking contrast between the work that we are trying to do here in the Senate and the unessential and unrelated work, while it may be important to a few people, certainly is out of the priority area and I just would like to draw that to the attention of the Senate."

#### MOTION

At 10:15 a.m., on motion of Senator Matson, the Senate recessed until 11:18 a.m.



SECOND MORNING SESSION

President Pro Tempore Henry called the Senate to order at 11:18 a.m.

MESSAGE FROM THE HOUSE

February 2, 1976.

Mr. President: The House has passed:

HOUSE BILL NO. 1337,

ENGROSSED HOUSE BILL NO. 1376,

ENGROSSED HOUSE BILL NO. 1434, and the same are herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1337, by Representatives Sommers and Moon:

Allowing the state fire marshal access to state criminal records.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1376, by Representatives Blair, Warnke, King, Hendricks and Bausch:

Relieving employees of municipal corporations from having to give bond before receiving duplicate for lost or destroyed pay warrant.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 1434, by Representatives Hansen and Gilleland:

Relating to outdoor advertising.

Referred to Committee on Transportation and Utilities.

SECOND READING

HOUSE BILL NO. 38, by Representatives King, Bender, Erickson and Gaines (by request of Committee on Constitution and Elections of the Forty-third Legislature):

Implementing law relating to recall of public officials.

The Senate resumed consideration of House Bill No. 38. On February 2, 1976, the committee amendment had been amended by Senators Marsh and Woody and an amendment by Senator Washington to page 3, after line 4 to the committee amendment had been moved for adoption.

There being no objection, the amendment by Senator Washington to the committee amendment was withdrawn.

There being no objection, the committee amendment, as amended, was withdrawn by Senator Beck.

Senator Beck moved adoption of the following amendment by Senators Beck and Marsh:

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

"NEW SECTION. Section 1. There is added to chapter 29.82 RCW a new section to read as follows:

The grounds for recall under the provisions of sections 33 and 34 of Article I of the state Constitution shall be the commission of an act or acts of malfeasance in office, misfeasance in office, or a violation of the oath of office, by any elective public officer of this state or of any political subdivision thereof during the term of office which such officer is presently serving. For the purposes of this chapter:

(1) "Malfeasance in office" means an unlawful act committed intentionally by any elective public officer;

(2) "Misfeasance in office" means the fulfillment of a statutorily imposed duty in an unlawful or improper manner by any elective public officer;

(3) "Violation of the oath of office" means the wilful neglect or failure by an elective public officer to perform faithfully a duty imposed by law.

*NEW SECTION.* Sec. 2. There is added to chapter 29.82 RCW a new section to read as follows:

Whenever any legal voter or committee or organization of legal voters of this state or of any political subdivision thereof shall desire to demand the recall and discharge of any elective public officer of this state or of such political subdivision, as the case may be, under the provisions of section 33 and 34 of Article I of the state Constitution, such voter or committee or organization shall prepare a typewritten charge reciting:

(1) The name of the officer;

(2) The title of the office;

(3) The grounds for holding a recall election; which charge shall be signed by the person or persons preparing the same, give their respective post office addresses, and be verified under oath stating that the persons bringing such charges have personal knowledge of and believe to be true the facts upon which the stated grounds for recall are based and are competent to testify to such facts.

*NEW SECTION.* Sec. 3. There is added to chapter 29.82 RCW a new section to read as follows:

The grounds for recall to be recited in a petition for recall are sufficient if the act or acts charged therein are clearly and distinctly set forth in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended. The provisions of this section shall receive the same judicial construction as RCW 10.37.050(6).

*NEW SECTION.* Sec. 4. There is added to chapter 29.82 RCW a new section to read as follows:

When a charge demanding the recall of a public officer is filed, the officer with whom the charge is so filed shall, within fifteen days of the filing of the charge, (1) formulate a ballot synopsis of such charge not to exceed two hundred words, which shall set forth the name of the person charged, the title of the office, and a concise statement of the elements of the charge; (2) notify the elective officer against whom such charge or charges have been made and the persons filing the charge of the exact language of such ballot synopsis; and (3) attach one copy thereof to and file the same with the charge. Thereafter such charge shall be designated on all petitions, ballots, and other proceedings in relation thereto by such synopsis.

*NEW SECTION.* Sec. 5. There is added to chapter 29.82 RCW a new section to read as follows:

Any person aggrieved by the filing of recall charges or by the failure thereafter of an election official to perform duties in relation to the recall, may petition the superior court of the county constituting or containing any political subdivision in which the recall is invoked for relief. In reviewing such petition, the superior court may issue an appropriate writ or order terminating the recall proceeding on the basis of the following:

(1) The sufficiency or specificity of such recall charge or charges;

(2) The sufficiency or specificity of the ballot synopsis of such recall charge or charges;

(3) The performance of any act required of a public officer in relation to recall or the prevention of the performance by any such officer of any act in relation to recall not in compliance with law;

(4) The existence of facts establishing prima facie the truthfulness of such recall charge or charges.

The supreme court shall have like original jurisdiction in relation to state officers and appellate jurisdiction over the decisions of the superior court: PROVIDED, That any proceeding pursuant to subsections (1), (2), or (4) of this section shall be commenced within fifteen days from the time that notice is given of the preparation of a ballot synopsis of such recall charge or charges: PROVIDED FURTHER, That any

proceeding pursuant to subsection (3) of this section shall be commenced within ten days from the time the cause of complaint arises.

Actions brought pursuant to this section shall be considered an emergency matter of public concern, take precedence over other cases, and be speedily heard and determined. Any proceeding to review a decision of any superior court shall be begun and perfected within fifteen days after its decision in a recall election case, and shall be considered by the supreme court an emergency matter of public concern and speedily heard and determined.

Sec. 6. Section 29.82.030, chapter 9, Laws of 1965 as amended by section 4, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.030 are each amended to read as follows:

[Upon] *Within fifteen days after being notified* of the language of the ballot synopsis of the charge, the persons filing the charge shall cause to be printed on single sheets of paper of good quality twelve inches in width by fourteen inches in length and with a margin of one and three-fourths inches at the top for binding, blank petitions for the recall and discharge of such officer. Such petitions shall be substantially in the following form:

**WARNING**

Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when he is not a legal voter, or who makes herein any false statement, shall be fined, or imprisoned, or both.

Petition for the recall of (here insert the name of the office and of the person whose recall is petitioned for) to the Honorable (here insert the name and title of the officer with whom the charge is filed).

We the undersigned citizens of (the State of Washington or the political subdivision in which the recall is invoked, as the case may be) and legal voters of the respective precincts set opposite our respective names, respectfully direct that a special election be called to determine whether or ot (here insert the name of the person charged and the office which he holds) be recalled and discharged from his office, for and on account of (his having committed the act or acts of malfeasance or misfeasance while in office, or having violated his oath of office, as the case may be), in the following particulars: (here insert the synopsis of the charge); and each of us for himself says: I have personally signed this petition; I am a legal voter of the State of Washington in the precinct and city (or town) and county written after my name, and my residence address is correctly stated.

Petitioner's Signature	Residence Address Street and Number if any	Precinct Name or Number	City or Town	County
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(Here follow 20 numbered lines divided into columns as below.)

1				
2				
3				

etc.

**NEW SECTION.** Sec. 7. The following acts or parts of acts are each hereby repealed:

- (1) Section 29.82.010, chapter 9, Laws of 1965 and RCW 29.82.010;
- (2) Section 29.82.020, chapter 9, Laws of 1965, section 1, chapter 205, Laws of 1961 ex. sess. and RCW 29.82.020; and
- (3) Section 29.82.160, chapter 9, Laws of 1965 and RCW 29.82.160.

**NEW SECTION.** Sec. 8. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

*NEW SECTION.* Sec. 9. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Senator Washington moved adoption of the following amendment to the amendment by Senators Beck and Marsh:

Amend the Beck/Marsh amendment as follows:

Beginning on the last line of page 2, strike all of subsections (3) and (4)  
Debate ensued.

#### POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): Mr. President, will Senator Marsh yield? Senator Marsh, I started out a friend of the bill and now I am having a couple of problems and I wonder if you would clarify one legal point for me. If the court decides that there is truth to the charges that have been brought, does that then set up a situation in which the prosecuting attorney or someone would have an obligation to start legal proceedings?"

Senator Marsh: "If the court decides there is probable cause, then the regular recall proceedings will take place and it will go to the people for vote."

Senator Lewis (R. H. "Bob"): "It would not set up a situation in which there is reason for a prosecuting attorney to start taking action?"

Senator Marsh: "Would you repeat the question?"

Senator Lewis (R. H. "Bob"): "Yes, if the recall petition is started, it has to be taken to a judge who says, yes, these charges are true, does that situation then exist in which a prosecutor would be obligated to take some legal action against the official who has been in effect already found guilty by a judge?"

Senator Marsh: "Senator Lewis, that is not the role of the court in this particular matter. Under section five in the amendment, the court simply determines whether or not the recall petition is legally sufficient, or whether it should be terminated because of insufficient prima facie evidence. So, if the court determines there has been a prima facie case sufficient to allow the recall proceeding to go forward then it would be up to the prosecutor and other appropriate people to proceed. The court would not mandate it. It would simply have been a determination by the court that this was not a frivolous recall proceeding."

Senator Washington demanded a roll call and the demand was sustained by Senators Grant, Sandison, McDermott, Goltz, Wilson, Pullen, Cunningham, von Reichbauer and Gould.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senator Washington to the amendment by Senators Beck and Marsh.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 17; nays, 31, excused, 1.

Voting yea: Senators Clarke, Cunningham, Goltz, Grant, Matson, McDermott, North, Odegaard, Pullen, Sandison, Sellar, Stortini, Talley, von Reichbauer, Wanamaker, Washington, Wilson—17.

Voting nay: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Murray, Newschwander, Peterson, Rasmussen, Ridder, Scott, Van Hollebeke, Walgren, Woody—31.

Excused: Senator Keefe—1.

There being no objection, the amendment by Senator Washington to page 4 to the amendment by Senators Beck and Marsh was withdrawn.

The motion by Senator Beck carried and the amendment by Senators Beck and Marsh was adopted.

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

In the title, delete all of lines 2, 3, and 4, and insert "section 29.82.030, chapter 9, Laws of 1965 as amended by section 4, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.030; adding new sections to chapter 29.82 RCW; repealing section 29.82.010, chapter 9, Laws of 1965 and RCW 29.82.010; repealing section 29.82.020, chapter 9, Laws of 1965, section 1, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.020; repealing section 29.82.160, chapter 9, Laws of 1965 and RCW 29.82.160; and declaring an emergency."

On motion of Senator Beck, the rules were suspended, House Bill No. 38, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 38, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Peterson, Rasmussen, Ridder, Van Hollebeke, Walgren, Washington, Woody—26.

Voting nay: Senators Clarke, Cunningham, Goltz, Gould, Grant, Lewis (R. H. "Bob"), Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Wanamaker, Wilson—22.

Excused: Senator Keefe—1.

HOUSE BILL NO. 38, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Washington served notice that he would, on the next working day, move for reconsideration of the vote by which House Bill No. 38, as amended by the Senate, passed the Senate.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Herr moved that the Senate immediately reconsider the vote by which House Bill No. 38, as amended by the Senate, passed the Senate.

#### REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "If my memory serves me correctly, that requires a suspension of the rules and will take two-thirds vote."

#### POINT OF INFORMATION

Senator Mardesich: "How would you rule, Mr. President?"

#### RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "As I started to rule in the first place, under Rule 31 'on or before the fiftieth day'."

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "That is my point, Mr. President, that we are well beyond the fiftieth day."

#### POINT OF INFORMATION

President Pro Tempore Henry: "Senator Mardesich, have you concrete evidence that you received per diem for fifty days?"

## REPLY BY SENATOR MARDESICH

Senator Mardesich: "There is no necessity under the rules that the members of the legislature should receive per diem. We have in fact been in recess and it is by our own agreement that we eliminated per diem during the recess."

## POINT OF INFORMATION

President Pro Tempore Henry: "But an arbitrary and capricious . . ."

## REPLY BY SENATOR MARDESICH

Senator Mardesich: "I will follow that ruling on the basis it is going to be arbitrary, Mr. President."

## RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "You did not let me finish. The arbitrary and capricious decision was made by the Secretary of the Senate, and we started here at ground zero, not exactly ground zero but the twelfth of January, we started on the eighth day, and the records so show."

There being no objection, the motion for reconsideration by Senator Herr was withdrawn.

The notice of reconsideration by Senator Washington on House Bill No. 38, as amended by the Senate, was received and will be considered under the proper order on the next working day.

## MOTION

At 12:05 p.m., on motion of Senator Walgren, the Senate recessed until 1:15 p.m.

## AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:15 p.m.

## MOTION

On motion of Senator Mardesich, Senator Woody was excused.

## SECOND READING

SENATE BILL NO. 3081, by Senators Donohue, Benitz, Jolly, Marsh, Day, Wilson, Guess and Sellar:

Directing that agricultural uses be emphasized in granting permits.

On February 2, 1976, Senate Bill No. 3081 was on the second reading calendar. At that time, Senator Washington moved that the bill be re-referred to the Committee on Agriculture. The motion failed.

## REPORT OF STANDING COMMITTEE

January 28, 1976.

SENATE BILL NO. 3081, directing that agricultural uses be emphasized in granting permits (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, add a new subsection following subsection (9) as follows:

*"(10) Irrigation project developers shall be liable for damages for any water quality, flood, drainage and erosion problems they cause on lower level, adjacent or neighboring lands caused by the project development. The liability shall be limited to the extent of damage which they caused. This subsection shall not apply to damages caused by project developments authorized prior to the effective date of this 1976 amendatory act."*

On page 6, line 15 after "within" strike "ninety" and insert "one hundred and eighty"

On page 6, line 19, after "the" strike "ninety" and insert "one hundred and eighty"

On page 6, line 20, after "The" strike "ninety" and insert "one hundred and eighty"  
 On page 6, line 22, after "full" strike "ninety" and insert "one hundred and eighty"  
 On page 6, line 29, after "exceed" strike "sixty" and insert "one hundred and twenty"

On page 7, strike all of new section 10.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar.

The bill was read the second time by sections.

Senator Jolly moved adoption of the committee amendment to page 4.

PARLIAMENTARY INQUIRY

Senator Bluechel: "I have an amendment that is in effect a scalping amendment that does one thing only. It was necessary to rewrite the bill to put this amendment in. The other amendments which are on the desk would apply to the scalping amendment or to others except or to the existing bill, except it would be in different order, and I am asking for convenience of the Senate which would be the correct way to take it up because my amendment does one thing, and if it is adopted all of the other amendments will — should fit it as well."

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I think, Senator Bluechel, that the body has the right to perfect the existing bill and your amendment to strike and perfect whatever you have will come later."

The motion by Senator Jolly carried and the committee amendment to page 4 was adopted.

MOTIONS

On motion of Senator Jolly, the committee amendments to page 6, lines 15, 19, 20, 22 and 29 were considered and adopted simultaneously.

On motion of Senator Jolly, the committee amendment to page 7 striking all of new section 10 was adopted.

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

On page 2, after line 16, insert a new subsection (d) as follows: "(d) *Municipal*;"  
 Reletter remaining subsections consecutively.

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

On page 5, section 4, line 11 following subsection 2, add a new sub-section to read as follows: "(3) *During the period of time necessary for the department of ecology to make recommendations to the Legislature and hold hearings applications received for water rights in the affected area, which must be defined, shall retain priorities based on the order in which the department of ecology had received such applications.*"

There being no objection, the amendment by Senator Wilson to page 6, line 32 on the Secretary's desk, was withdrawn.

Senator Bluechel moved adoption of the following amendment:

On page 1, section 1, line 10 beginning on line 10 strike all material through section 8, line 33 on page 6, and insert:

"Section 1. Sec. 5, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.050 are each amended to read as follows:

"In conjunction with the programs provided for in RCW 90.54.040(1), whenever it appears necessary to the director in carrying out the policy of this chapter, the department may by rule adopted pursuant to chapter 34.04 RCW:

- (1) Reserve and set aside waters for beneficial utilization in the future; and
- (2) When sufficient information and data are lacking to allow for the making of sound decisions, withdraw various waters of the state from additional appropriations until such data and information are available.

Prior to the adoption of a rule under this section, the department shall conduct a public hearing in each county in which waters relating to the rule are located. The public hearing shall be preceded by a notice placed in a newspaper of general circulation published within each of said counties. Rules adopted hereunder shall be subject to review in

accordance with the provisions of RCW 34.04.070 or 34.04.080: *PROVIDED, That this section shall not apply to lands lying east of the crest of the Cascade Range.*

*NEW SECTION.* Sec. 2. There is added to chapter 225, Laws of 1971 ex. sess. and to chapter 90.54 RCW a new section to read as follows:

Notwithstanding RCW 90.54.010, RCW 90.54.020 and RCW 90.54.040, the legislature finds that proper use of Washington's water resources east of the crest of the Cascade Range includes the primary recognition of the basic need for the production of food. The legislature further recognizes that proper utilization of this state's water resources east of the crest of the Cascade Range should be evaluated largely on the basis that we as a state must recognize our responsibilities to maximize agricultural production. It is the purpose of this section to set forth fundamentals of water resource policy for the state to insure the highest and best use of our resources for the benefit of the people of Washington and to provide direction to the department of ecology and other state agencies and officials, in carrying out water and related resources programs east of the crest of the Cascade Range.

Utilization and management of the waters of the state east of the crest of the Cascade Range shall be managed so as to comply with the following priorities, which are listed in descending order of importance to our state:

- (1) Domestic water supply;
- (2) Stock watering;
- (3) Agricultural (nonirrigation);
- (4) Irrigation;
- (5) Industrial water supply;
- (6) Commercial water supply;
- (7) Hydroelectric and thermal power production;
- (8) Mining;
- (9) Fish and wildlife maintenance and enhancement;
- (10) Recreation.

*NEW SECTION.* Sec. 3. There is added to chapter 225, Laws of 1971 ex. sess. and to chapter 90.54 RCW a new section to read as follows:

(1) The department of ecology may make recommendations to the legislature in the form of proposed legislation for the reservation or withdrawal of various waters of the lands lying east of the crest of the Cascade Range whenever such action appears desirable to the director in carrying out the policies of this chapter.

(2) Such recommendations shall be made only after a hearing is held in the same manner as that required by RCW 34.04.025 for the adoption of rules.

*NEW SECTION.* Sec. 4. There is added to chapter 225, Laws of 1971 ex. sess. and to chapter 90.54 RCW a new section to read as follows:

(1) The department of ecology shall not, in issuing permits for appropriation of surface or ground water, place any expiration date on such permits. Except as provided in RCW 90.03.380, such permits shall be only transferable with the lands or property to which the water is to be beneficially used and shall run in perpetuity.

(2) Subsection (1) of this section shall not apply to temporary permits issued pursuant to RCW 90.03.250 or to preliminary permits or extensions thereof issued pursuant to RCW 90.03.290.

(3) The department of ecology shall not impose any conditions upon the issuance of permits for appropriation of surface or ground water which:

- (a) Would force the permittee to assume an undue financial obligation; or
- (b) Require the permittee to devote the lands or property to which the water is to be beneficially used for any public uses or require the granting of access or other rights not related to the regulation of the administration of the permit.

*NEW SECTION.* Sec. 5. There is added to chapter 225, Laws of 1971 ex. sess. and to chapter 90.54 RCW a new section to read as follows:

The department of ecology shall:

(1) Determine which of the permits for appropriations of surface or ground water it has issued prior to the effective date of this 1976 amendatory act are affected by expiration dates, conditions, or other limitations which would violate section 4 of this 1976



amendatory act if imposed with respect to permits issued after such effective date;

(2) Issue an order or orders dissolving such expiration dates, conditions, and limitations; and

(3) Notify permittees by certified mail of any orders issued under subsection (2) of this section which affect their permits.

*NEW SECTION.* Sec. 6. There is added to chapter 225, Laws of 1971 ex. sess. and to chapter 90.54 RCW a new section to read as follows:

(1) Except as provided in subsection (2) of this section, the department of ecology shall, within ninety days after the publication requirements of RCW 90.03.280 have been met, issue or deny a permit for appropriation of surface or ground water for which application has been made. The permit shall be deemed granted in the event the department fails to deny or issue the permit within the ninety days.

(2) (a) The ninety day period shall be suspended during the period for which a preliminary permit has been issued pursuant to RCW 90.03.290. The full ninety day period shall begin to run on the day after such a preliminary permit, with any extensions thereof, has expired.

(b) In the event the department determines that a detailed statement is necessary under the provisions of chapter 43.210 RCW, the department shall issue an order extending such time until completion of such statement: **PROVIDED**, That such extension shall not exceed sixty days. The department shall diligently prepare such statements so as to avoid any undue delay in determining whether to issue or deny such permit.

*NEW SECTION.* Sec. 7. This 1976 amendatory act shall apply exclusively to lands lying east of the crest of the Cascade Range."

Renumber remaining sections accordingly.

Debate ensued.

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

On motion of Senator Jolly, the following amendment to the title was adopted:

On page 1, beginning on line 7 of the title, strike "; and declaring an emergency"

On motion of Senator Jolly, the rules were suspended, Engrossed Senate Bill No. 3081 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Peterson, Herr and Donohue demanded the previous question. The demand was not sustained on a rising vote.

Further debate ensued.

#### MOTION

Senator Cunningham moved that Engrossed Senate Bill No. 3081 be re-referred to the Committee on Agriculture.

Debate ensued.

#### MOTION

On motion of Senator Walgren, the motion by Senator Cunningham was laid upon the table.

President Pro Tempore Henry declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3081.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3081 and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; excused, 2.

Voting yea: Senators Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Guess, Henry, Herr, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Wilson—31.

Voting nay: Senators Bailey, Bluechel, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Knoblauch, McDermott, Murray, North, Ridder, Stortini, von Reichbauer, Washington—16.

Excused: Senators Keefe, Woody—2.

ENGROSSED 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.

### SECOND READING

SUBSTITUTE SENATE BILL NO. 3039, by Select Committee on Medical Malpractice (originally sponsored by Senators Day, Walgren, McDermott, Donohue, North, Lewis (Harry), Newschwander, Marsh, Matson, Henry, Buffington, Sellar and von Reichbauer):

Modifying tort system for compensating patients injured as a result of health care.

On February 2, 1976 on motion of Senator Day, Substitute Senate Bill No. 3039 was substituted for Senate Bill No. 3039. The substitute bill was placed on second reading and held.

The substitute bill was read the second time in full.

On motion of Senator Day, the following amendment by Senator Woody was adopted:

On page 1, line 16, after "of" insert "all".

Senator Day moved adoption of the following amendment: by Senators Woody, Day and Van Hollebeke:

On page 4, line 7, strike "six" and insert "eighteen"

Debate ensued.

### POINT OF INQUIRY

Senator Buffington: "Will Senator Francis yield to a question? Can you cite any case at all of an individual who has reached the age of majority who was not allowed to sue during that time in any state? Of course not in Washington because we have that present statute of limitations."

Senator Francis: "Just for clarification, do you mean someone who would under the present law be barred from bringing suit prior to the age of majority? No, as far as I know, no one is barred from bringing suit now regarding that item even when they are under the age of eighteen. However, I am also aware of a number of cases in which no one bothered to do that for the child and they had to bring the action themselves after they reached majority."

Further debate ensued.

### POINT OF INQUIRY

Senator Mardesich: "Will Senator Day yield? Do you have any statistics with respect to the subject — the implication is that there would be no significant effect on the malpractice rate. If that is true, then what is the point of this — your position, your feeling that it should be left in?"

Senator Day: "Well, my point is that I just feel that it is the essence of equal protection under the law to have a person have an opportunity to sue and to act for himself before that opportunity is abrogated, and that is what this does."

Senator Mardesich: "Mr. President, strictly from a technical point, I am not so sure that there is any question of constitutionality here because in fact the minor is in a capacity to act through his representative, and I think that would solve the question of unconstitutionality, although I am no constitutional lawyer, on the basis of logic and reason that would follow. The whole purpose in malpractice insurance is to affect the rate and I am not so sure there are not such statistics which would indicate that this should not be adopted. My inclination would be to leave it in the bill."

Further debate ensued.

### POINT OF INQUIRY

Senator Henry: "If the Chair can ask for some clarification, I am a little bit confused. Are you trying to tell me that a youngster can sue for a malpractice death of its father after it reaches the age of majority?"

Senator Van Hollebeke: "Yes, Mr. President."

Senator Henry: "That is not the way I understood the bill."

Senator Bottiger: "Mr. President, so that we do not confuse each other, I am not sure I agree with Senator Van Hollebeke, but I am sure I disagree with the implication of the Chair. The minor child has an action for the wrongful death of the parent but I am sure — I believe the regular statute of limitations would apply and you would have to appoint a guardian immediately. I disagree with Senator Van Hollebeke with the suggestion that that child could wait until its eighteenth birthday. I do agree with the amendment however, and disagree with Senator Buffington now that I have gone around the rules.

"The problem that we have here is the implication that every parent will do what is best for his child and that the child not have the choice himself. You have to remember that there is a filing fee, a petition, attorney's fees, all of the rest of these things necessary to start the action. To get selected and be appointed with a signed court order is quite a little item and I think at that point you find the theory breaking down that these parents are immediately going to spring forth and bring these actions. And if they do not, under this amendment that child is forever barred. I think at that point there would be a constitutional question as to the equal protection of the law. Now, I disagree with Senator Mardesich."

#### POINT OF INQUIRY

Senator Henry: "I thought I was confused before. The way the law was explained to me, and before I vote on this, I would like somebody to straighten it out that the limitations in the law at the present time is that the youngster who is personally injured or through some malpractice at birth — three years after reaching majority I believe the figure was, in order to bring suit in case some member of the family did not. Now, if I understood Senator Van Hollebeke correctly, if that child is two years old when his father dies — when he reaches twenty-three — he can still sue for the death of his father and that is where I am hung up."

Senator Francis: "Mr. President, basically the President is right. I do not remember how long it is after the age of majority, but your point is correct, and Senator Bottiger also, that that would not apply to an action — a wrongful death action. That only applies to the injury to the minor child. The regular standard — statute of limitations applies to bringing an action for wrongful death. In fact, the statute relating to wrongful death is just separate and apart from the rest of the law and you just have to follow the procedures that are in that statute."

The motion by Senator Day failed and the amendment by Senators Woody, Day and Van Hollebeke was not adopted on a rising vote.

There being no objection, the amendment by Senator Francis to page 4, line 9 on the Secretary's desk, was withdrawn.

There being no objection, the amendment by Senators Woody, Day and Van Hollebeke to page 4, beginning on line 9 on the Secretary's desk, was withdrawn.

Senator Francis moved adoption of the following amendment:

On page 4, section 9, line 31 after "not" and before "consent" insert "give an informed"

Debate ensued.

The motion by Senator Francis failed and the amendment was not adopted on a rising vote.

Senator Mardesich moved adoption of the following amendment by Senator Woody since Senator Woody had asked Senator Mardesich to do so in his absence:

On page 5, section 11, line 24, strike all matters on lines 14 through 16 and renumber the remaining subsections.

Debate ensued.

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Buffington yield? Senator Woody is not here now, but I am very interested as one of the outsiders and not a member of the

Select Committee in knowing when these amendments come up. Just what action was taken or were these considered in the select committee and what was the action of the select committee on these various amendments? Were they considered at all?"

Senator Buffington: "In answer to your question, Senator Bailey, no, they were not. This was not brought up before the Senate Select Committee and as you are all aware, this is a Senate Select Committee bill and it was approved by a majority of the members with only one dissenting vote. It was approved wholly — no dissenting votes. So this is a committee bill. The amendments on the table today are not a part of the recommendations by the Senate Select Committee for this bill."

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

Senator Francis moved adoption of the following amendment:

On page 5, section 12, line 34, after "(c)" strike everything down to and including "(d)" on page 6, line 1.

Debate ensued.

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

On motion of Senator Day, the following amendment by Senator Woody was adopted:

On page 6, line 9, strike "medical" and insert "expert".

Senator Day moved adoption of the following amendment by Senator Woody since Senator Woody was absent:

On page 8, line 33, after "Title" strike "7" and insert "4"

Debate ensued.

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

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

#### POINT OF INQUIRY

Senator Mardesich: "Will Senator Day yield to a question? Now it just occurred to me, Senator Day, under the consent portion of the bill — with respect to our mental patients — what position are our doctors going to be in?"

Senator Day: "Well, they would have to have someone who was responsible — let's see if I can find that and read it to you. 'By a patient or his representative'."

Senator Mardesich: "It just occurred to me, are they going to have to go through that every time they want to . . ."

Senator Day: "No, informed consent is not mandated anyway, but . . ."

Senator Mardesich: "Well, it must be shown that he did not give consent."

Senator Day: "No, that's right. It is not a mandatory thing in here. It is an additional tool that is available."

Senator Mardesich: "Are you saying then that the hospital doctors will have to get consent?"

Senator Day: "No, under provisions of this act, 'failure to obtain the consent of a patient in accordance with this section shall neither create a presumption that the consent was not obtained nor prevent proof that consent was obtained.' You will find that on the top of page 7, and I believe that is current law to — yes, that is under the consent form — that is mandated that certain things have to be in that consent form."

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Day yield to another question?"

Senator Day: "As long as it is not about attorneys or what was that? Wills? At one time you were pretty sharp on that, Senator. Deeds and trusts, yes. Joint tenancy, that is the one I think you . . ."

Senator Rasmussen: "Let me ask Senator Day. On that section thirteen that you were discussing with Senator Mardesich?"

Senator Day: "Yes."

Senator Rasmussen: "I am a little bit concerned with that consent portion. In the event the patient gives his consent and goes into the hospital or the doctor works on him — and presumably that he has given his consent and the doctor works on him in a careless fashion. By reason of having that signed consent then he has no right of redress through the courts?"

Senator Day: "No, if the doctor works on him in a careless fashion of course it would not apply at all. And it sets forth clearly in here that the doctor has to give him a description in language the patient could reasonably be expected to understand — the nature of the course of proposed health care, the anticipated results, the acceptable alternatives and the significant risks. And in addition thereto I think it is an obvious thing that if anyone is careless, drunk, does not practice in the manner that is set forth in the standards of care section that he then would be clearly liable. In other words this would be only a piece of evidence but other evidence could be introduced. So he would not have lived up to the standard of care section."

Senator Rasmussen: "Section thirteen is a pretty broad section and that is what I was concerned with. I don't know about section four."

Senator Clarke: "Perhaps I could help you, Senator Rasmussen. There are two separate things. Section nine relates to an actual malpractice where the physician was negligent and the informed — you have to there of course, one of the things they have to show was that consent was not given. But let us assume the doctor was not negligent and did not however give informed consent. Then the patient could have a right under the failure to give informed consent. So there are two separate situations and the mere fact that under section nine consent was given certainly does not in any way prevent action for actual negligence and malpractice."

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "I would like to ask Senator Buffington, in the considerations of this legislation at any time was any evidence introduced to the committee as to the dollar amount of the insurance collected — the dollar amount that was paid out — and whether there was any basis for this tremendous increase in rates. If so, nothing has ever been provided this body so we would have something to go on and I think that Senator Ridder spoke to a very pertinent point that there is no evidence that this will reduce rates and there is no evidence that the insurance companies are not making a big rake-off on it the way it is. Do you have that information?"

Senator Buffington: "Mr. President, yes, Senator Rasmussen, we do have information to substantiate the question you have asked. Senator Ridder, we know one thing that where we have said it here on the floor, that we know that the medical malpractice insurance — passage of this bill is not going to decrease the rates, that we do know that it will probably at least stop the increase in rates, so I think that is a point that should be remembered. I would be happy to stand here for another half an hour and cite all the statistics but I think if it is a matter of your vote one way or another I would be happy to do so at the discretion of the President. However, I would be happy to sit down with any of you right now as soon as this vote is taken or on adjournment and go over all the statistical data that Mr. Wellman has provided the committee from the Aetna Insurance Company."

Senator Rasmussen: "If the lady would just tell us how much money was collected in premiums in 1974 and how much was paid out."

Senator Buffington: "I can give you a physician liability rate. In the year 1974 the minimum rate was five hundred and twenty-seven dollars. The maximum rate was three thousand fifty-eight. Now in 1976 the minimum rate has jumped from five hundred and twenty-seven dollars to one thousand two hundred and eighty-seven dollars. The maximum rate — now this is for class four physician. This is a physician who deals with orthopedic surgery, anesthesiology and a few of the more complicated specialties. His premiums have jumped from three thousand fifty-eight to ten thousand eight hundred and forty seven dollars."

Senator Rasmussen: "Senator Buffington, that was not the information I asked. I

have a friend, a top-priced doctor, whose rate was raised to nine thousand dollars. I know that. What I was asking, I heard that the insurance companies collected fifteen million dollars and paid out less than three million, and this is the information I was looking for. Do you have those statistics?"

Senator Buffington: "I have them but unfortunately I do not have them at my desk."

Senator Henry: "I think you are fairly close, Senator Rasmussen."

#### POINT OF INQUIRY

Senator Day: "I just want to say, Senator, that you cannot tell anything from such a statistic because with the statute of limitations and with the reserve that they have to create for the next year relative to the cases that are unsettled and the cases that are not yet even filed, you see, you cannot tell a thing from such a figure."

Senator Rasmussen: "Well, thank you Senator. Mr. President, this is the problem that is bothering me. That if they are only paying out three million and collecting fifteen million over a period of ten years they are going to have a tremendous reserve. I don't believe that, because I don't understand, Senator Day, what this reserve would do any good when they have folded up and gone out of business. Do they still remain liable for the particular years they were carrying the policy? If you pile up a hundred and fifty million dollar reserve and invest it in the stock market, the way the stocks have been going, you will have five hundred million and who is going to collect it?"

Senator Day: "Yes."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3039, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

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

Voting nay: Senators Fleming, Francis, Grant, Van Hollebeke—4.

Excused: Senators Keefe, Woody—2.

ENGROSSED SUBSTITUTE 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

At 3:27 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Wednesday, February 4, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**THIRTIETH DAY****MORNING SESSION**

Senate Chamber, Olympia, Wednesday, February 4, 1976.

The President called the Senate to order at 10:00 a.m. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Francis, Keefe, Mardesich, Murray, Pullen and Woody. On motion of Senator Knoblauch, Senators Fleming, Francis, Keefe, Mardesich and Woody were excused. On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused.

The Colors were presented by members of the Coast Guard. Reverend David W. Kratz, associate minister of United Churches of Olympia, offered the following prayer:

"O GOD OF OUR HISTORY, WE THANK YOU FOR YOUR GIFT OF LIFE. THIS MORNING ESPECIALLY WE THANK YOU FOR YOUR PRESENCE IN THE GRAND SWEEP OF PEOPLE AND EVENTS THROUGHOUT ALL TIME WHICH HAS BROUGHT US TO THIS PLACE AND THIS ERA AND WITHOUT WHICH WE WOULD BE NOTHING. OUR ROOTS EXTEND INTO PREHISTORIC TIME WHEN THE FIRST HUMAN BEINGS GATHERED TOGETHER IN FAMILY AND CLAN AND HUNTING PARTY TO FORM THE FIRST INKLINGS OF COMMUNITY. WE REMEMBER HOW THEY PASSED ALONG THE WISDOM OF THEIR YEARS AROUND CAMPFIRES SHARING STORIES OF MEANING WITH THEIR YOUNG, WE REMEMBER HOW THE GRACIOUSNESS OF NATURE AND THE INGENUITY OF MAN COMBINED TO PROVIDE FOR A HUNTING THEN A FARMING CULTURE AND HOW THE STABILITY ALLOWED FOR THE GROWTH OF MIND AND SPIRIT, OF ETHICS AND OF ART, OF SCIENCE AND OF PLAY. WE REMEMBER IN THIS YEAR ESPECIALLY THE ROOTS OF OUR COMMUNITY, THESE STATES JOINED TOGETHER IN A FREE PLAY OF IDEAS AND ACTIVITY, FORGED WITH COURAGE AND HONOR, NURTURED BY NATURE'S RICHES, AND HEWN OUT OF THE TOIL, SWEAT AND IMAGINATION OF THOSE WHO HAVE TROD THESE STEPS BEFORE US. FOR SO MUCH AND TO SO MANY WE ARE THANKFUL, WE ASK THAT YOU WOULD BE WITH US TOO AS WE STRUGGLE, SWEAT AND CREATE. GRANT US WISDOM, GRANT US COURAGE IN OUR BRIEF MOMENT IN THIS TIMELESS DRAMA THAT WE FAIL NOT OUR HISTORY NOR YOU. AMEN."

**MOTION**

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

**APPOINTMENT OF SPECIAL COMMITTEE**

The President announced the presence in the Senate Chamber of Rear Admiral Chester A. Richmond, Commandant of the 13th Coast Guard District and appointed Senators Beck, Bailey and Clarke as a committee of honor to escort the honored guest to the Senate rostrum.

**MOTION**

On motion of Senator Beck, the following resolution was unanimously adopted:

**SENATE RESOLUTION 1976-182**

By Senators Beck and Rasmussen:

WHEREAS, On August 4, 1790, then President of the United States, General George Washington, whose name this state proudly bears, signed an order authorizing

the construction of ten vessels to guard the coasts of the new United States; and

WHEREAS, It is worthy of note that each of those ten vessels, of thirty-six to forty foot-keel, fully rigged and ready for the high seas, cost one thousand dollars; and

WHEREAS, Serving under a variety of names and under various jurisdictions until 1915 when it became the United States Coast Guard, the land, sea and air arms of this triphibious service have served with valor and distinction through our nation's periods of both peace and war; and

WHEREAS, From 1790 until today, the United States Coast Guard has guarded our ports, patrolled our coasts, enforced the maritime law, conducted ice search and icebreaking, rescued distressed mariners offshore and in inland waters, participated in our wars as far afield as Normandy and Korea, and in every service and in every circumstance, conducted itself in the highest levels of its own demanding tradition; and

WHEREAS, As of this date, February 4, 1976, the Senate of the State of Washington is the proud host of Rear Admiral Chester A. Richmond, Commandant of the 13th Coast Guard District with headquarters in Seattle, Washington; and

WHEREAS, Admiral Richmond is a guest of the Washington State Senate as an official representative of the United States Coast Guard;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington, through Admiral Richmond, does declare its pride in and respect for the Coast Guard of the United States of America, and does convey a heartfelt well done to all personnel of our Coast Guard during this Bicentennial Year; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to Admiral Richmond, Commandant, 13th Coast Guard District, Seattle, and to all other interested groups and individuals.

#### REMARKS BY THE PRESIDENT

The President: "It is a pleasure in continuing our commemoration of the military service as a part of the bicentennial celebration, to introduce to the members of the Senate a distinguished war hero representing the United States Coast Guard.

"With us, today, we are honored to have a graduate of Berkeley High School who served in the army for two years prior to receiving an appointment to the Coast Guard Academy from which he graduated in 1943.

"Our respected guest has served with the Coast Guard in many capacities in Hawaii and Alaska and was awarded the distinguished flying cross for his brave actions during a rescue mission while serving with the Coast Guard detachment in Kodiak. He was the Chief of the Chief of Operations branch in the Aviation Division and later served as Chief of the Search and Rescue Division. In 1968 he became Chief of Staff of the 13th Coast Guard District in Seattle and was promoted to the rank of Rear Admiral, August 1, 1969. Subsequently, he became Chief of the Office of Research and Development at Coast Guard Headquarters and Commander of the 13th Coast Guard District.

"Our guest, today, is the husband of the former Barbara O'Connell of New London, Connecticut, and the proud father of seven children.

"Will the members of the Senate please rise and give Rear Admiral Chester A. Richmond, representing the United States Coast Guard, the welcome he so richly deserves."

#### REMARKS BY ADMIRAL RICHMOND

Admiral Richmond: "Thank you very much, Mr. President, members of the Senate, Ladies and Gentlemen. As I was sitting here listening to the resolution and Senator Beck's remarks I began to think that my remarks had already been said. The points in the resolution and Senator Beck's remarks pretty much covered what I had planned to say. However, there were a number of inaccuracies, not in the resolution, but in the Senator's remarks, and I will point these out as I go along if I may.

"In the Bicentennial year of our country, we in the Coast Guard have good reason to be proud. Throughout our one hundred and eighty-six years of existence, the Coast Guard has contributed many heroic and significant chapters to America's history. Today I assure you that we are as ready to perform our missions and responsibilities as



at any time in our past. Even though we have added many new responsibilities, and we face many new challenges, the state of your Coast Guard today is excellent. And I have used the phrase, 'your Coast Guard' deliberately since our peace-time missions are of a humanitarian and public service nature. As one of the nation's five armed forces, we also train with, and stand beside the Navy, ready to defend our country today as we have in every conflict since 1790. I might add that some people have said that the Coast Guard is the nucleus around which the Navy forms in time of war.

"As the two hundredth anniversary of the founding of our country approaches, I think it would be appropriate to reflect for a few minutes upon our origins and in doing so, I would like to speak briefly about the origins of the Coast Guard. In 1790, one year after Washington entered the presidency, the country faced bankruptcy and a breakdown of federal authority. The primary cause of this problem was smuggling which was diverting desperately needed tax dollars from the national treasury. The Secretary of the Treasury, Alexander Hamilton, saw that a federal government without funds could not meet its responsibilities, and what he saw was a problem so serious that it could spell an end to this new nation. His solution was the establishment of a treasury fleet to enforce the customs law and to insure that the country receive the customs duties that it so desperately needed. On August 4th 1790, Congress authorized the construction of the ten vessels for the collection of revenue. As the Revenue Cutter Service, as it was known at this time, it was the beginning of today's Coast Guard.

"The cost of this new fleet, as has been pointed out, was extraordinarily low, even by the standards of those far-off times. Each of the cutters was to cost one thousand dollars, but cost overruns, gentlemen, are not unique to today. Those first cutters actually cost about two thousand dollars. Further, the modest recommendations for financing the new service were pared down by a parsimonious congress. The forty dollars per month pay recommended for captains was cut to thirty, and the pay for mates and mariners was similarly cut.

"In 1837, the Secretary of the Treasury was directed to cause any suitable number of vessels to cruise upon the coast in the severe portion of the season and to afford aid to distressed mariners. This duty has been traditional with the Service in all the years since, and search and rescue is now stated as a major mission of the United States Coast Guard. The concern and the aid for distressed mariners was thus early incorporated into the role of the Revenue Cutter Service, and it was therefore natural that the Life Saving Service should be amalgamated with the Revenue Cutter Service in 1915 to form the nucleus of the present-day Coast Guard.

"And so the years passed, the Service growing and becoming more advanced in its techniques and its equipment. To the Coast Guard's dedicated men of the Revenue Cutter Service and the Life Saving Service were added the professional corps of the Light House Service in 1939, and the Bureau of Marine Inspection and Navigation in 1941. The Coast Guard emerged from World War II a world-wide, complex organization with a wide variety of duties, still founded on individual dedication.

"Turning to today's problems you may have read recently about congressional action to extend the United States control of foreign fishing operation from twelve to two hundred miles. Recently the House of Representatives approved a bill which would claim a two hundred mile economic zone off our coast, and the Senate has approved a similar two hundred mile fisheries management zone. This extension of U. S. jurisdiction to two hundred miles will significantly increase Coast Guard requirements for surveillance of foreign fishing fleet activities. It is important however, to point out that the establishment of the two hundred mile zone will not eliminate foreign fishing between twelve and two hundred miles. It will however, give the United State total authority to regulate fishing within this zone and to insure compliance with its regulations through rigid surveillance and boardings.

"The Coast Guard has many maritime duties, and one of the newest is marine environmental protection. This includes increased powers and responsibilities in the prevention, the detection and the clean-up of pollution on U. S. waters. The vessel traffic system on Puget Sound, here, is a part of this new environmental program. It is designed to prevent or to reduce environmental damages. Since its establishment, there

has been not one single vessel collision or grounding in the waters covered by the system.

"Ice breaking is another mission of the Coast Guard which is receiving increased emphasis because of the energy crisis and the discovery of oil in the Arctic regions. America's two newest ice breakers, the Polar Star and the Polar Sea, will be home ported in Seattle. The Polar Star, the first of an all new generation of ice breakers, was commissioned in Seattle last month, and her sister ship, the Polar Sea, will be commissioned in the summer of this year. These two ships will form the backbone of America's ice breaking fleet.

"Like any organization, we in the Coast Guard, are really dependent in the final analysis upon the individual courage, knowledge, skill and motivation of our people for our accomplishments, and as I look around me, particularly at my younger shipmates, I am confident that they will add new chapters to the proud history of the Coast Guard in the service of its country. Thank you."

#### REMARKS BY SENATOR RASMUSSEN AND ADMIRAL RICHMOND

Senator Rasmussen: "I would like to ask the Admiral, does he think the Coast Guard is fully capable of getting oil tankers in and out of Puget Sound safely with this new system? The reason I ask that question, Admiral, there are some doubters on this earth. I think you are capable; I would just like to have you reassure us."

Admiral Richmond: "I had a feeling that something like this might come up. I guess in every human endeavor, there is a certain element of risk, and I would not stand here before this distinguished group and say that it is not possible to have a risk, the risk of a spill. I think it is possible, but remote.

"My own personal judgment is that we can operate tankers in and out of Puget Sound in the numbers that have been talked about safely with very, very little risk of spill. I feel personally that it is a kind of a risk that we must take. As an individual and as a resident of this state I do not feel that we can take a parochial position and say simply we are not going to let any more oil come in and out of here than will service our own Washington area. I think we have responsibilities for the Northwest in general, and I do not share the concern that some of the citizens have in the state about the tremendous risk.

"When they talk about a significant, or an order of magnitude, or increase in tanker traffic, we are really talking about going from perhaps one a day to two a day, and I would point out to the Senators here that some of the larger vessels, some of the larger container ships, carry almost the same amount of diesel fuel, or fuel, I should say, for their ship operations as the smaller tankers, the T-2 tankers. So, I do not — I feel that any endeavor is a risk. I think the possibility still is remote. I personally, as a citizen of the great state of Washington, am willing to accept that risk."

#### REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, I would like to express to Admiral Richmond my appreciation for the explanation and the opportunity to visit the facilities at Pier 36. I witnessed there the operations of the vessel traffic system and found that there was a seriousness and a dedication that you would not believe. It was like going into the operating room of a big hospital. Everybody was paying attention to their detail. Everybody had a detail to do, and I felt that they were taking it with all the gravity that a group of men could take a situation.

"Then, following our explanation and the opportunity to view the control system there at Pier 36, we also had the pleasure of having Captain Beckwith with us on the transit from Port Angeles over to Cherry Point, and it was during that day that I had further opportunity to explore with Captain Beckwith some of the details of the sophisticated system. I now know that those of us on the Floor who were able and privileged to make that trip gained a tremendous admiration for the sincerity and the skill with which the system is being operated, and I wanted to tell you publicly that we appreciate very much the dedication that your men have to the protection of the Sound."

## REMARKS BY SENATOR BECK

Senator Beck: "Thank you, Mr. President and ladies and gentlemen of the Senate. I do not know whether you were concentrating on it; I am sure you heard it, but I would repeat that in all the years that tankers have been coming into Puget Sound that there has never been a grounding or a major — any kind of an oil spillage, a major spillage from any of the tankers that have ever come in here. And a large amount of the credit for that can be given to the Coast Guard. Last year we had — in the last five years we have had seventeen accidents on Puget Sound. Only one of them has been an oil tanker, and that happened out on the other side of Port Angeles.

"I know I was over and visited with the Admiral's vessel traffic control system over at Pier 36. He extended the invitation to me, and I am sure that he would extend it to all of the rest of you people who would like to go up there and see exactly how they control these vessels on Puget Sound. Not one of those accidents would have happened if this system had been in operation at the time and they could have conveyed the message to those vessels that had accidents. But, as I said before, there has never been a major spillage or the grounding or trouble of any tanker in Puget Sound."

The President presented Admiral Richmond with a Bicentennial Flag for the Coast Guard.

The committee of honor escorted Rear Admiral Richmond from the Senate Chamber and the committee was discharged.

## REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I would like to ask that the Admiral's remarks be transcribed and enough copies be made for both the House and the Senate."

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I am wondering if we are introducing a new system of debate here. Perhaps we should have some noted Puget Sound pilot come and make a presentation. We can note that in the record and have it printed up and hear the other side. I refrain from commenting. I assure you you heard one side of an argument here, and I take it we are not going to use that in — as a testimony to the safety of oil tankers on Puget Sound."

## REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I fail to understand Senator Bottiger's comments. Here we have a very capable person that knows what is going on in the world of vehicle traffic in the Puget Sound area and the waters of Washington State and I think that his remarks are very pertinent and knowledgeable and if it goes by without being transcribed, it certainly would not be available to other people that are very much interested in it."

## POINT OF INFORMATION

Senator Goltz: "Mr. President, as a point of information, the presence of the Whatcom County Democratic Ladies reminded me that at least the Bellingham levy passed yesterday. At least one levy in Whatcom County did not pass but it seems to me that the crisis may be over and I wondered if a motion to adjourn Sine Die would be in order at this time."

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

## REPORTS OF STANDING COMMITTEES

February, 3, 1976.

SENATE BILL NO. 2786, relating to education (reported by Committee on Education):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2786 be substituted therefor and the substitute bill do pass.

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

Passed to Committee on Rules for second reading.

February 2, 1976.

**SENATE BILL NO. 3007**, authorizing coverage of volunteer law enforcement officers under the industrial insurance laws (reported by Committee on Labor):

**Recommendation:** That Substitute Senate Bill No. 3007 be substituted therefor and the substitute bill do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant; Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

February 3, 1976.

**SENATE BILL NO. 3028**, providing for professional development and evaluation of school district certificated employees (reported by Committee on Education):

**MAJORITY recommendation:** That Substitute Senate Bill No. 3028 be substituted therefor and the substitute bill do pass.

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

Passed to Committee on Rules for second reading.

February 3, 1976.

**SENATE BILL NO. 3050**, changing mobile home movement, tax, and sale requirements (reported by Committee on Ways and Means):

**MAJORITY recommendation:** That Substitute Senate Bill No. 3050 be substituted therefor and that the substitute bill do pass.

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

Passed to Committee on Rules for second reading.

February 3, 1976.

**SENATE BILL NO. 3089**, providing that the judges shall determine the compensation of court reporters subject to approval of the county legislative authority (reported by Judiciary Committee):

**MAJORITY recommendation:** Do pass as amended.

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

Passed to Committee on Rules for second reading.

February 3, 1976.

**SENATE BILL NO. 3172**, creating the state energy policy commission (reported by Committee on Transportation and Utilities):

**MAJORITY recommendation:** That Substitute Senate Bill No. 3172 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Benitz, Jolly, Knoblauch, Morrison, Sellar, Walgren, Wanamaker.

Passed to Committee on Rules for second reading.

February 3, 1976.

**SENATE BILL NO. 3246**, making changes in the laws relating to retirement systems authorized pursuant to general laws of the state (reported by Committee on Ways and Means):

**MAJORITY recommendation:** That Substitute Senate Bill No. 3246 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Fleming, Jones, Marsh, Matson, Scott, Washington.  
Passed to Committee on Rules for second reading.

February 3, 1976.

SENATE BILL NO. 3268, relating to bookkeeping transactions within the state general fund (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3268 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Fleming, Jones, Mardesich, Marsh, Matson, Newschwander, Rasmussen, Scott.

Passed to Committee on Rules for second reading.

February 2, 1976.

SENATE BILL NO. 3283, revising regulations on boiler inspections (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Grant, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

February 4, 1976.

HOUSE BILL NO. 284, authorizing increased payment for juvenile probation supervision (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, McDermott, North, Ridder.

Passed to Committee on Rules for second reading.

February 4, 1976.

ENGROSSED HOUSE BILL NO. 1244, authorizing coroners to provide corneal tissue from decedents to eyebanks under certain conditions (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Francis, Goltz, Gould, North, Ridder.

Passed to Committee on Rules for second reading.

February 3, 1976.

HOUSE BILL NO. 1356, pertaining to education; RCW corrections (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

February 3, 1976.

HOUSE BILL NO. 1357, relating to teachers' retirement; RCW correction (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

February 3, 1976.

HOUSE BILL NO. 1358, relating to state government; RCW corrections (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

February 3, 1976.

HOUSE BILL NO. 1359, relating to motor vehicles; RCW corrections (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

February 3, 1976.

HOUSE BILL NO. 1360, relating to industrial insurance; RCW correction (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

February 3, 1976.

HOUSE BILL NO. 1361, relating to alcoholic beverages; RCW correction (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

### MOTIONS

On motion of Senator Rasmussen, all members were permitted as sponsors on Senate Resolution 1976-183.

On motion of Senator Rasmussen, the following resolution was unanimously adopted:

#### SENATE RESOLUTION 1976-183

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

WHEREAS, January 18, 1976, at the Midwinter Conference of the Veterans of Foreign Wars of the United States, held at Richland, Washington, the Veterans' of Foreign Wars adopted unanimously a resolution endorsing and supporting a National Parade to be held in Washington, D. C. on Flag Day, June 14, 1976, for the purpose of inspiring our citizens to better support American Democracy and our form of government — a Republic; and

WHEREAS, The purpose of this parade is to assist in bringing unity to our beloved land; and

WHEREAS, The resolution recognizes that our forefathers founded the greatest

democracy in the world in 1776, and that now, we should commemorate this great event with our Bicentennial Celebration; and

WHEREAS, The Veterans of Foreign Wars, as in the past, has gone on record in full support of endeavors which promote patriotism and should be commended for these endeavors; and

WHEREAS, The members of the Senate are proud of the work performed by the Veterans of Foreign Wars and are confident that this patriotic organization will continue to promote the welfare of our country;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate do hereby join in the endorsement of the Veterans of Foreign Wars for the National Parade, and do hereby express to the Veterans of Foreign Wars their appreciation for the many well done projects which have inspired patriotism throughout the United States; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and he is hereby instructed to forward copies of this resolution to the Veterans of Foreign Wars, Department of Washington, 400 Boren Avenue, Seattle, Washington 98104.

#### MOTION

At 10:45 a.m., Senator Walgren moved the Senate be in recess until 1:30 p.m.

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Walgren yield to a question? Senator Walgren, there is a Memorial in Rules Committee relating to the Panama Canal which is a very pertinent subject right at this time. I wish to inquire, is it the intention of Rules Committee to have those very important matters brought out or to be studied another year after the Panama Canal is given away?"

Senator Walgren: "Well, I know, Senator Rasmussen, your very great concern for that particular piece of legislation. I would suspect that that might not appear on the calendar, Senator."

The motion by Senator Walgren carried and 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 Newschwander, Senator Lewis (R. H. "Bob") was excused.

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

#### SECOND READING

SENATE BILL NO. 2786, by Senator Stortini:

Relating to education.

#### MOTION

On motion of Senator Stortini, Substitute Senate Bill No. 2786 was substituted for Senate Bill No. 2786 and the substitute bill was placed on second reading and read the second time in full.

#### POINT OF INQUIRY

Senator Guess: "Will Senator Stortini yield? Senator Stortini, I am told that on the matter on line seven 'each school district board of directors may adopt written rules and regulations' and I am told that the WAC that is already published says that the board of directors 'shall' adopt written rules and regulations."

Senator Stortini: "Yes, in fact, Senator, these rules that we have before us at the present time are part of WAC, and what we are doing is simply saying that we want this legislature to be able to have a priority in setting rules and regulations into statutes. We are removing those three things in this bill, expulsion, suspension and discipline, and simply saying they shall be part of state statutes. Yes, I think that in line seven it is probably a typographical error, Senator, because WAC does say 'shall'."

On motion of Senator Guess, the following amendment was adopted:  
On page 1, line 7, after "directors" strike "may" and insert "shall"

#### POINT OF INQUIRY

Senator Clarke: "With respect to the amendment, I pose this question. By putting this into statute instead of keeping it in the rules and regulations, of course any change then requires a legislative action and I see no rule inconsistency here by having a statute that says that the board of directors 'may' — if you change that to 'shall' then you are mandating the situation. Now, the only mandating to date is by virtue of the rules and regulations that say 'shall'. So, I would ask you what your intent really was. Do you intend to, by statute, mandate the same as the rules are or did you intend the word, 'may'?"

Senator Stortini: "Well, the intent, Senator Clarke, is that the legislature 'shall' have the right to set the rules and regulations. So, with that intent in mind, it seems to me it would be logical that we tell the board of directors, rather than 'may', they 'shall' adopt those rules and regulations."

Debate ensued.

On motion of Senator Stortini, the rules were suspended, Engrossed Substitute Senate Bill No. 2786 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Guess: "Will Senator Stortini yield? Senator Stortini, I notice that we are going to legislate in the field of expulsion, suspension and discipline. The word, 'expulsion' means denial of the right of school attendance for an indefinite period of time. Then when we get down to talking about suspension, on line seventeen, we say, 'provided that no pupil shall be suspended from an elementary school for more than ten consecutive days.' Do we by that mean that a student might not be expelled from an elementary school?"

Senator Stortini: "Yes, we are breaking that down, Senator, definitely, and spelling it out. There has been concern for expelling someone, for example in that fourth grade class for more than a period. As a result, we do break that down in subsection two here in dealing with suspensions."

Senator Guess: "I am wondering what we are establishing for the courts and for the schools and have we defined the word, 'expulsion' sufficiently to make sure that expulsion can take place when we qualify it with (a) and (b) in subsection two."

Senator Stortini: "Yes, I think so, Senator. I think it gives the administrator and the classroom teacher the opportunity to suspend someone or expel someone not having to be tremendously concerned about that individual being back in class the very next day as so often happens in our school system."

Senator Guess: "Well, I would hope that we have not by (a) and (b) tied the hands of the school board and administrators because we say 'from an elementary school and not more than ten days and suspended from a secondary school not more than ninety consecutive school days.' I may be begging the question, but I think that it is one of the things that they are going to get into serious trouble about in the terminology."

Senator Stortini: "I do not really think we are tying the hands of the school boards at all, Senator, since it is in WAC at the present time and yet it has not been used. I think the school boards at least will see that we, in the legislature, are very concerned about it and maybe their action will be to a greater extent than that which it has been in the past."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2786 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knob-



lauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—42.

Voting nay: Senator Guess—1.

Excused: Senators Fleming, Francis, Keefe, Lewis (R. H. "Bob"), Mardesich, Woody—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2786, having received the constitutional 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 1:55 p.m., on motion of Senator Matson, the Senate was declared to be at ease. The President called the Senate to order at 2:20 p.m.

#### SECOND READING

SENATE BILL NO. 3028, by Senators Stortini, Newschwander and Sellar:

Providing for professional development and evaluation of school district certificated employees.

#### MOTIONS

On motion of Senator Stortini, Substitute Senate Bill No. 3028 was substituted for Senate Bill No. 3028 and the substitute bill was placed on second reading and read the second time in full.

Senator Stortini moved adoption of the following amendment:

Beginning on page 1, strike all the material after the enacting clause and insert:

"*NEW SECTION.* Section 1. The superintendent of public instruction shall, on or before January 1, 1977, establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: Instructional skill; classroom management; professional preparation and scholarship effort toward improvement when needed; and interest in teaching pupils and knowledge of subject matter. For certificated support personnel minimum evaluation criteria shall be developed by the superintendent of public instruction.

Sec. 2. Section 22, chapter 34, Laws of 1969 ex. sess. as amended by section 22, chapter 288, Laws of 1975 1st ex. sess. and RCW 28A.67.065 are each amended to read as follows:

[Every board of directors, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920, shall establish an evaluative criteria and procedures for all certificated employees. Such procedure shall require not less than annual evaluation of all employees. New employees shall be evaluated within the first ninety calendar days of their employment. Every employee whose work is judged unsatisfactory shall be notified in writing of stated areas of deficiencies along with recommendations for improvement by February 1st of each year. A probationary period shall be established from February 1st to April 15th for the employee to demonstrate improvement.] *Every board of directors shall establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to section 1 of this 1976 amendatory act and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria has been so prepared by the district.*

*It shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school.*

*All evaluations shall be in accordance with the following procedure: Each certifi-*

cated classroom teacher and certificated support personnel, hereinafter referred to as "employee" in this section, shall be observed at his or her assigned duty for purposes of evaluation for at least a minimum of sixty minutes throughout the school year and results of the evaluation shall be documented in writing. Copies of the results of the evaluation shall be given to the employee within three days for each observation period. New employees shall be evaluated within the first ninety calendar days of their employment.

Every employee whose work is judged unsatisfactory based on district evaluation criteria shall be notified in writing of stated, specific areas of deficiencies along with a suggested specific and reasonable program for improvement on or before February 1st of each year. A probationary period shall be established beginning on or before February 1st and ending no later than May 1st. The purpose of the probationary period is to give the employee opportunity to demonstrate improvement in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiencies shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least biweekly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator shall authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency. The probationer may be removed from probation if he or she has demonstrated improvement to the satisfaction of such evaluator in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her improvement program. Lack of necessary improvement shall be specifically documented in writing with notification to the probationer and shall constitute grounds for a finding of probable cause under RCW 28A.58.450 or 28A.67.070, as now or hereafter amended.

The establishment of a probationary period shall not be deemed to adversely effect the contract status of an employee within the meaning of RCW 28A.58.450, as now or hereafter amended.

**NEW SECTION.** Section 3. The superintendent of public instruction shall, on or before January 1, 1977, establish and may amend from time to time minimum criteria for the evaluation of the professional performance, capabilities and development of all school district administrators other than superintendents, hereinafter referred to as "administrators." For school district administrators, criteria shall be developed based on the principal's or administrator's job description. Such criteria, when applicable, shall include at least the following categories: knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.

**NEW SECTION.** Section 4. Every board of directors shall establish evaluative criteria and procedures for all administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators at the district office.

**NEW SECTION.** Section 5. Each certificated employee may evaluate the administrators of his or her respective school such evaluations shall be made available only to the administrator to aid in his or her professional performance.

**NEW SECTION.** Section 6. The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated employees or administrators in accordance with RCW 28A.67.065, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.67.070, as now or hereafter amended, or a dismissal of such evaluator's under RCW 28A.58.450, as now or hereafter amended.

**NEW SECTION.** Section 7. Sections 1, 3 and 4, 5 and 6 of this 1975 amendatory act are added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW.

**NEW SECTION.** Section 8. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or

the application of the provision to other persons or circumstances is not affected.”  
Debate ensued.

#### POINT OF INQUIRY

Senator Bailey: “Mr. President, will Senator Stortini yield? Senator Stortini, I know that you have done a lot of work in this, but I have a couple of questions, and one is on page three: ‘a probationary period shall be established beginning on or before February first and ending no later than May first.’ Now, my question is that isn’t it true that teacher contracts come up on April the fifteenth?”

Senator Stortini: “Yes, that is true.”

Senator Bailey: “Well, you are talking about a bill that hasn’t happened, Senator Rasmussen. My question is this, back on page two on line two, you say that establishment of a probationary period shall not be deemed to adversely affect that new contract. What I am trying to say is what are you doing here, legally, are you trying to take a teacher that is on probation and sign a new contract and then get into some legal difficulty over a contract that is signed that could not be voided if you changed the date in the first place. It looks to me like it overlaps to the extent that a teacher that was on probation could sign a new contract and then have a pretty good case in court to continue that contract.”

Senator Stortini: “Senator Bailey, I understand your concern and what we have done, we have taken the language, the date from the continuing contract, the old Senate Bill 3002 that passed here, and we are using those identical dates. It is very possible that if that bill does not pass that we would have to modify these dates then, too.”

Senator Bailey: “One more question, Senator, what is the reasoning other than Senate Bill 3002 that you would not make the end of that probationary period April the fifteenth instead of May first?”

Senator Stortini: “I think the main reason, Senator, is to give that administrator and/or the other evaluator the necessary time to aid that teacher during the probationary period. I think it is rather difficult in such a short period of time and I think an additional two weeks might be the necessary aid that could help that deficient teacher.”

Senator Bailey: “Senator Stortini, one more question. Would there be any objection, I am not sure what the RCW referred to is, but would there be any objection then to saying you could not sign a new contract with a teacher that is under probation?”

Senator Stortini: “If you think that would clarify it, I personally would not have any objection to it.”

#### POINT OF INQUIRY

Senator Grant: “Will Senator Stortini yield? Senator Stortini, we just did receive this substitute. Looking at page one you look at the last sentence and it says ‘and must be prepared within six months following,’ and then go to page two, it says ‘Now or hereafter amended.’ Obviously there is something a little confused here.”

Senator Stortini: “It was brought to my attention. This was just typed, that there is a mistake on this page. I would like to find out what the mistake is. I am told we need five minutes to clarify the mistake, the typographical error, whatever it may be, and if we could have five minutes on this, Senator Walgren, I think we can clarify that.”

#### MOTION

At 2:30 p.m., on motion of Senator Walgren, the Senate was declared to be at ease. The President called the Senate to order at 2:40 p.m.

The Senate resumed consideration of the amendment by Senator Stortini to Substitute Senate Bill No. 3028.

On motion of Senator Bluechel, the following amendment by Senators Bluechel, Gould and Stortini to the amendment by Senator Stortini was adopted:

On page 1, line 14, after “;” insert “the handling of student discipline and attendant problems;”

On motion of Senator Odegaard, the following amendment to the amendment by Senator Stortini was adopted:

On page 2, line 8, after "*observed*" and before "*at*" insert "*at least twice*".

Senator Scott moved adoption of the following amendment to the amendment by Senator Stortini:

On page 1, after "instruction." on line 16, insert "The board of directors is encouraged to formulate such additional criteria as will enhance the performance of certificated classroom teachers and support personnel as may be required by the needs of the local district. These additional criteria shall be formulated only after the local bargaining representative or representatives of all affected employees and the board have had opportunity to meet and confer on such criteria; such additional criteria shall not be a negotiable item."

Debate ensued.

The motion by Senator Scott carried and the amendment to the amendment was adopted on a rising vote.

On motion of Senator Scott, the following amendment to the amendment by Senator Stortini was adopted:

On page 3, section 5, beginning on line 22, after "employee" strike the remainder of the section and insert "shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her professional performance."

There being no objection, the amendment by Senator Gould to page 1, line 29 on the Secretary's desk to the amendment by Senator Stortini, was withdrawn.

On motion of Senator Gould, the following amendment to the amendment by Senator Stortini was adopted:

On page 3, strike all of new section 3. Renumber remaining sections consecutively.

On page 3, section 4, line 21, after "office." insert "such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel."

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

On motion of Senator Stortini, the rules were suspended, Engrossed Substitute Senate Bill No. 3028, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3028 and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—40.

Voting nay: Senators Grant, Newschwander—2.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Fleming, Francis, Keefe, Lewis (R. H. "Bob"), Mardesich, Woody—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

MOTION

On motion of Senator Scott, Senator Newschwander was excused.

MOTION FOR RECONSIDERATION

Having voted on prevailing side and having served prior notice, Senator Washington moved that the Senate now reconsider the vote by which House Bill No. 38, as amended by the Senate, passed the Senate on February 3, 1976.

Senator Day demanded a roll call and the demand was sustained by Senators Washington, Herr, Wilson, Matson, Knoblauch, Guess, Scott, Clarke and North.

MOTION

On motion of Senator Marsh, the motion for reconsideration by Senator Washington was ordered held for February 5, 1976 under the proper order of business.

MOTION

At 3:15 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Thursday, February 5, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**THIRTY-FIRST DAY****MORNING SESSION**

Senate Chamber, Olympia, Thursday, February 5, 1976.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Francis, Keefe, Lewis (R. H. "Bob"), Mardesich, Matson, Newschwander and Scott. On motion of Senator Knoblauch, Senators Keefe and Mardesich were excused. On motion of Senator Fleming, Senator Francis was excused. On motion of Senator Sellar, Senators Lewis (R. H. "Bob"), Matson, Newschwander and Scott were excused.

The Color Guard, consisting of Pages Frank Talley and Deborah Long, presented the Colors. Reverend David W. Kratz, associate minister of the United Church of Olympia, offered the following prayer:

"O LORD, OUR GOD, YOU ARE LIKE THIS GLORIOUS MORNING WHOSE LIGHT BRIGHTENS AND CLARIFIES AND SETS IN BOLD RELIEF THE THINGS OF OUR DAY; THE SNOW COVERED MOUNTAINS SET AGAINST THE BLUE OF THE SKY, THE GRAY AND WHITE GULLS GLIDING EFFORTLESSLY THROUGH SOME INVISIBLE PATH, THE SPARKLE OF THE FROSTY GRASS AND THE DELICATE CRUNCH AS WE PASS. WE CAN DO NO MORE THAN LIFT OUR PRAISE TO YOU FOR THIS CRISP, BRIGHT DAY OF OUR LIVES, THIS GIFT TO OUR SENSES, THIS ENVIRONMENT OF THE SPECTACULAR. ONE MORE THING WE ASK, THAT YOU MIGHT BRING YOUR MORNING TO THE SOBERNESS OF OUR SPIRITS, LIFTING THEM; THAT YOU BRING YOUR LIGHT TO THE DIFFICULT DECISIONS WE DEBATE, CLARIFYING THEM; AND THAT YOU SENSITIZE OUR HEARTS TO THE THROB OF HUMAN NEED WITHIN AND AROUND US THAT WE NOT MISS THIS TIME OF OPPORTUNITY. AMEN."

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 4, 1976.

SENATE BILL NO. 2790, relating to health care professionals (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2790 be substituted therefor and the substitute bill do pass.

Signed by: Senators Day, Chairman; Buffington, Goltz, Gould, McDermott, North, Ridder.

Passed to Committee on Rules for second reading.

February 5, 1976.

SENATE BILL NO. 3046, requiring American produced beef to be used by state institutions (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 5, 1976.

SENATE BILL NO. 3097, requiring consideration of economic factors resulting from government decisions (reported by Committee on State Government):

Recommendation: That Substitute Bill No. 3097 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 5, 1976.

SENATE BILL NO. 3098, authorizing payroll deductions for combined health agencies program (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 3098 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 3, 1976.

SENATE BILL NO. 3121, revising laws on driving while under the influence of liquor or drugs (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Bottiger, Vice Chairman; Benitz, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Talley, Walgren, Wanamaker.

Passed to Committee on Rules for second reading.

February 3, 1976.

SENATE BILL NO. 3169, establishing maximum rates to be paid for public printing and legal notices (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

February 5, 1976.

SENATE BILL NO. 3185, relating to state government (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 3185 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 3, 1976.

SENATE BILL NO. 3271, establishing the business coordination act (reported by Committee on Commerce):

MAJORITY recommendation: That Substitute Senate Bill No. 3271 be substituted therefor and the substitute bill do pass.

Signed by: Senators Van Hollebeke, Chairman; Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

February 4, 1976.

SENATE BILL NO. 3272, prescribing licensing procedures for the practice of naturopathic therapeutics (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3272 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Francis, Gould, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 4, 1976.

SENATE BILL NO. 3274, authorizing toll bridge authority to guarantee payment of bond for public facilities reasonably related to improvement of ferry system (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3274 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Guess, Jolly, Peterson, Sellar, Stortini, Walgren, Wanamaker.

Passed to Committee on Rules for second reading.

February 4, 1976.

ENGROSSED HOUSE BILL NO. 425, providing for enforcement of the state predetermined wage act (reported by Committee on Labor):

Recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

February 5, 1976.

SUBSTITUTE HOUSE BILL NO. 676, modifying certain shoreline management procedures (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Donohue, Goltz, Guess, North, Sandison.

Passed to Committee on Rules for second reading.

February 3, 1976.

SUBSTITUTE HOUSE BILL NO. 769, permitting certain domestic wineries to wholesale their own products (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

February 3, 1976.

SUBSTITUTE HOUSE BILL NO. 771, making changes in the liquor laws relating to agent's licenses (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

February 5, 1976.

ENGROSSED HOUSE BILL NO. 1237, increasing from three to five the number of aged persons not related by blood who may live in a boarding home (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, Gould, North, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.



## MESSAGE FROM THE HOUSE

February 4, 1976.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, by Committee on Education (originally sponsored by Representatives Bauer, Whiteside, Boldt, Ehlers, Dunlap and Warnke):

Changing law relating to contractual rights of school district certificated employees.

Referred to Committee on Education.

## MOTION

At 10:15 a.m., on motion of Senator Walgren, the Senate recessed until 11:22 a.m.

## SECOND MORNING SESSION

The President called the Senate to order at 11:22 a.m.

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

The President declared the question before the Senate to be the motion by Senator Washington that the Senate reconsider the vote on House Bill No. 38, as amended by the Senate, that passed the Senate on February 3, 1976. On February 4, 1976 Senator Day had demanded a roll call on the motion to reconsider by Senator Washington and the demand was sustained at that time.

## ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion to reconsider the vote on House Bill No. 38, as amended by the Senate, carried by the following vote: Yeas, 39; nays, 1; absent or not voting, 2; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Morrison, Murray, North, Odegaard, Peterson, Pullén, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Voting nay: Senator Guess—1.

Absent or not voting: Senators Henry, McDermott—2.

Excused: Senators Francis, Keefe, Lewis (R. H. "Bob"), Mardesich, Matson, Newschwander, Scott—7.

## MOTION

On motion of Senator Beck, House Bill No. 38, as amended by the Senate, was referred to the Committee on Constitution and Elections.

## APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Washington State Dairy Princess and the President appointed Senators Goltz, Bottiger, Gould and Sellar to escort the honored guest to the Senate rostrum.

The President turned the gavel over to Senator Goltz who introduced Princess Janet Noteboom of Lynden.

With permission of the Senate, business was suspended to permit Princess Janet to address the Senate.

The committee of honor escorted the honored guest from the Senate Chamber and the committee was discharged.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Stanwood-Camano Fair Royalty and the President appointed Senators Wanamaker, Woody, Peterson and Pullen to escort the honored guests to the Senate rostrum.

The President turned the gavel over to Senator Wanamaker who introduced the honored guests.

With permission of the Senate, business was suspended to permit Queen Julie Gilmore to address the Senate.

Senator Wanamaker introduced the princesses, Molly Ronnestad and Julie Hopper.

The committee of honor escorted the royalty from the Senate Chamber and the committee was discharged.

#### MOTION

At 11:50 a.m., on motion of Senator Walgren, the Senate recessed until 1:00 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

#### SECOND READING

SENATE BILL NO. 2288, by Senators Walgren and Sandison:

Defining an employee of the Washington toll bridge authority to include toll collectors on the Hood Canal floating bridge.

#### REPORT OF STANDING COMMITTEE

March 28, 1975.

SENATE BILL NO. 2288, defining an employee of the Washington toll bridge authority to include toll collectors on the Hood Canal floating bridge (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On line 23 after "collector" and before "on" insert "*or employed in a toll collecting capacity*"

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bottiger, Guess, Jolly, Knoblauch, Peterson, Sellar, Stortini.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendment was adopted.

On motion of Senator Walgren, the rules were suspended, Engrossed Senate Bill No. 2288 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2288, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 5; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, BClarke, Cunningham, Day, Fleming, Goltz, Gould, Grant, Henry, Jolly, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Absent or not voting: Senators Bottiger, Donohue, Guess, Herr, Jones—5.

Excused: Senators Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—4.

ENGROSSED SENATE BILL NO. 2288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 3044, by Senators Woody, Clarke, Odegaard, Donohue, Scott, Newschwander, Stortini, Gould and Lewis (Harry) (by Legislative Budget Committee request):

Supplementing law relating to traffic safety education courses.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, Senate Bill No. 3044 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3044, and the bill passed the Senate by the following vote: Yeas, 36; nays, 6; absent or not voting, 3; excused, 4.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Fleming, Goltz, Gould, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Wanamaker, Washington, Wilson, Woody—36.

Voting nay: Senators Bailey, Grant, Rasmussen, Ridder, von Reichbauer, Walgren—6.

Absent or not voting: Senators Bottiger, Donohue, Herr—3.

Excused: Senators Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—4.

SENATE BILL NO. 3044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 3058, by Senators Day, North and Buffington:  
Requiring PKU for newborn infants.

#### MOTION

On motion of Senator Marsh, Senator Herr was excused.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 3058 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Rasmussen: "Mr. President, will Senator Day yield to a question? Senator Day, I am all for what you are getting at in the test, but the bill itself does not — it merely says they make the test. Then what do they do?"

Senator Day: "Of course, they can mandate the treatment on any patient, but it certainly makes them aware of the problem. They would then have an opportunity, and I think a great, vast majority of the babies screened and found, the parents would authorize them to go ahead with the care that is necessary to prevent them from being a retarded person. It also, if you will note in the bill, exempts anyone who on religious grounds does not want the care, etc. and so it does not mandate the treatment, but it certainly mandates at least that the condition be found."

Senator Rasmussen: "That, I think, is the question. You merely say that the Department of Social and Health shall require these tests being made before any baby is dis-

charged from the hospital. You do not require that this material be filed with anybody or is it the intent that the Department pass a rule and regulation, or that in addition to that the parents be advised of the necessary — it just says we will make the test. We will determine if they are afflicted with this problem, and then it does not say what we will do after that.”

Senator Day: “The way it is stated here, it says it shall be the duty of the Department to do the screening test of all newborn infants before they are discharged from the hospital, and it goes on to say for what purpose — for detection of metabolic disorders leading to mental retardation or physical defects. Now, the thing is that certainly when the condition is found, there will be an obligation on the hospital and the doctor’s part to make the parents aware that this was a positive test and if they do not make them aware, I imagine we will be back into the thing that we debated on the floor here the other day called malpractice. They are certainly going to make the people aware of the problem because it is a very serious problem. Now, then, of course we cannot, at least we have not been in this position of mandating that they submit to the care, but they certainly will be made aware of the seriousness of a positive test of this nature.”

Senator Rasmussen: “It was my thought that we should have a central file or something so there could be a follow up.”

Senator Day: “The Department’s intent is to follow up in that regard. Now, it is my understanding that a great number of babies are being tested at the moment, but there is some question about the sophistication of some of the tests that are being done, and this will give the Department an opportunity to standardize the test — make sure that the tests are effective and, in other words, carry the thing forward in an organized manner, including those positives that they find. Now this will not require a great bank of information because there are a very few people involved in the thing. There are very few cases found.”

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3058, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Francis, Herr, Keefe, Lewis (R. H. “Bob”), Mardesich—5.

SENATE BILL NO. 3058, having received the constitutional majority, was declared passed. 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 Bottiger, Woody and Guess (by Department of Motor Vehicles request):

Making unlicensed drivers subject to laws the same as licensed drivers.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 3067 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3067, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Jolly,

Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Francis, Herr, Keefe, Lewis (R. H. "Bob"), Mardesich—5.

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 BILL NO. 3070, by Senators Guess, Henry and Lewis (Harry):  
Revising the fee structure for motor vehicle tonnage licenses.

## REPORT OF STANDING COMMITTEE

January 21, 1976.

SENATE BILL NO. 3070, revising the fee structure for motor vehicle tonnage licenses (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 15, line 5, after the period add "*It shall be unlawful to operate any motor vehicle upon the public highways of this state with a wheelbase between the frontmost axle and the rearmost axle of less than three feet, six inches.*"

On page 16, line 34, after "officials" and before "or" insert " , "

On page 16, line 35, after the comma and before "when" insert "*or*"

On page 16, line 36, after "commission" strike "such" and insert "[such] *the*"

On page 17, beginning on line 1, after "action" strike "and the commission further determines that" and insert "[and the commission further determines that] : *PROVIDED, That in the judgment of the highway commission*"

On page 18, line 14, after "officials" and before "or" insert " , "

On page 18, line 15, after the comma add "*or*"

On page 18, line 16, after "commission" strike the comma and insert "[.]"

On page 18, line 16, after "necessary" strike "emergency" and insert "[emergency]"

On page 18, line 17, after "That" and before "the" insert "*in the judgment of the highway commission*"

On page 18, line 18, after "are" strike "determined to be" and insert "[determined to be]"

On page 25, line 31, strike "*When*" and insert a new sentence as follows: "*Until December 31, 1976, a combination of vehicles lawfully licensed to a total gross weight of seventy two thousand pounds, and a three or more axle single unit vehicle lawfully licensed to a total gross weight of forty thousand pounds, and on January 1, 1977, and thereafter, when*"

Signed by: Senators Henry, Chairman; Beck, Benitz, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Sellar, Wanamaker.

The bill was read the second time by sections.

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

On motion of Senator Henry, the rules were suspended, Engrossed Senate Bill No. 3070 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Will Senator Guess or Senator Henry, or whomever wants to answer, yield to a question? Senator Guess, this, then is going to legalize the over-width trucks?"

Senator Guess: "No, it is not going to change the overwidth. We are completely aware of that. There is another study having to do with the over-width trucks. This is not any more than we have had at the present time."

Senator Rasmussen: "It will only be on a permit basis?"

Senator Guess: "Only on a permit basis."

Senator Rasmussen: "It is quite a lengthy bill, Senator, and I have been scanning it, but does this authorize the trailer trains?"

Senator Guess: "No, Senator Rasmussen, it does not authorize the trailer trains."

Senator Rasmussen: "Then there is one more question. I understand the new federal law on braking is quite hazardous and the truckers are complaining about it and that if they all have to go to it we will have many more accidents. Does this provide anything other than this one section where it says as provided by law? That does not mean they will have to — that the interstate — intrastate trucks will have to conform with the federal law on braking?"

Senator Guess: "They have to conform. An interstate has to conform. If they are intrastate then they conform to the state laws. But this is a study that is going on by the Committee on Equipment and I think that you will find that in a short period of time there will be a proposal before us for equipment changes."

Senator Rasmussen: "Question. This made no change in the light truck licensing weights?"

Senator Guess: "The weight fee in there is still at the exact or same amount. Senator Rasmussen, in section two you still have the four thousand pound truck at six dollars if you have a pick-up truck."

Senator Rasmussen: "It makes no change in the sport trailer?"

Senator Guess: "No, sir, it does not."

Senator Rasmussen: "Thank you. You have reassured me. I can now vote yes."

Senator Guess: "Okay, that is still at the same fee. It was not stricken."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3070, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—43.

Voting nay: Senator Wilson—1.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—4.

ENGROSSED SENATE BILL NO. 3070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 2988, by Senators Bottiger, Newschwander and Morrison:

Excluding employees of concessionaires and recreational establishments at agricultural fairs from the provisions of the minimum wage law.

#### REPORT OF STANDING COMMITTEE

January 26, 1976.

SENATE BILL NO. 2988, excluding employees of concessionaires and recreational establishments at agricultural fairs from the provisions of the minimum wage law (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 17 after "fairs" add ", including those seasonal employees employed by agricultural fairs."

On page 1, line 18 after "state" strike "where the duration of the fair" and insert "provided that the period of employment for any seasonal employee at any or all state fairs"

Signed by: Senators Ridder, Chairman; Bailey, Matson, Morrison, Sellar, von Reichbauer.

The bill was read the second time by sections.

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

On motion of Senator Ridder, the rules were suspended, Engrossed Senate Bill No. 2988 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2988, and the bill passed the Senate by the following vote: Yeas, 39; nays, 4; absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—39.

Voting nay: Senators Cunningham, Grant, Rasmussen, Van Hollebeke—4.

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

Excused: Senators Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—4.

ENGROSSED SENATE BILL NO. 2988, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 3027, by Senators Day, Walgren, North, Buffington, McDermott, Marsh, Donohue, Lewis (Harry) and Odegaard:

Relating to community mental health and drug abuse.

#### REPORT OF STANDING COMMITTEE

January 15, 1976.

SENATE BILL NO. 3027, relating to community mental health and drug abuse (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 6, line 35, strike "commissioners" and insert "[commissioners] legislative authority"

On page 11, line 7, after "secretary" insert a comma

On page 11, line 8, after "board" insert a comma

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, Gould, McDermott, North, Ridder, Van Hollebeke.

The bill was read the second time by sections.

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

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

On page 6, beginning on line 25, strike all of the material after "paid" through "RCW 36.17.030" on line 26 and insert "[subsistence rates and] necessary reasonable traveling expenses in the performance of their official duties, including mileage [in] not to exceed the amount[s] prescribed by RCW [36.17.030] 43.03.060"

On page 8, beginning on line 27, strike all of the material after "paid" through "RCW 36.17.030" on line 28 and insert "necessary reasonable traveling expenses, including mileage not to exceed the amount prescribed by RCW 43.03.060"

Senator Day moved that the following amendments be considered and adopted simultaneously:

On page 13, line 3, after "annually" and before the period insert "of fifteen thousand dollars" and strike the remainder of the subsection

On page 13, line 17, after "annually" and before the period insert "of five thousand dollars" and strike the remainder of the subsection

#### POINT OF INQUIRY

Senator Donohue: "Mr. President, members of the Senate, last week the staff of both Senator Day's committee and the Senate Ways and Means Committee have reviewed this. It would indicate that the original figure that came in was absolutely wrong, and that it seemed to be the policy set by the Department that they were trying to kill the bill. Now, we have reviewed it. Senator Day's remarks are correct pertaining to a fiscal problem. However, we are changing some language and I would like to ask you a question, Senator Day."

Senator Day: "I would be glad to answer the question."

Senator Donohue: "That you would support, if we do find between now and January that we have changed language that is going to create loss of fiscal control by the state, that you would help us amend that bill appropriately."

Senator Day: "Yes, I would support such a measure, and I want to say that the intent, in answer to your question, here for the record, Senator Donohue, is to restore some control — fiscal control — to the county level, but not to impact in any way the moneys authorized in the budget, either this session or to abrogate your right in the next budget to limit the amount the state puts in."

#### POINT OF INQUIRY

Senator North: "Will Senator Day yield to a question? For clarification for the record, the exact dollars per year that are being put in here, fifteen thousand per county, for mental health and then five thousand per county for drug abuse, these are the present 1975-76 allocations. Is that correct?"

Senator Day: "That is correct. I believe there is a minimum in some of those counties where the formula based on population would not have given them anything, such as Ferry County and those places, and it is to be interpreted as not interfering with the formula as it is presently being applied as a base figure."

Senator North: "Fine. This really puts a floor under it."

Senator Day: "Yes."

Senator North: "Thank you."

The motion by Senator Day carried and the amendments were adopted.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 3027 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Wilson: "Thank you, Mr. President. Will Senator Day yield? Senator Day, with respect to amplifying your final remarks, many small rural counties including those that I represent and the type that you are familiar with, are having great difficulties administering relatively new programs such as this one. I am therefore asking you specifically from the standpoint of the smaller rural counties, will the passage of this bill make their lives any more difficult in their efforts to properly administer this program?"

Senator Day: "No, it should do just the opposite. It should give them more flexibility with the moneys that are available to them, both locally and on a state level, and it should also give them more input to the Department so that they can solve some of those problems. Sometimes the Department, in applying laws across the board to thirty-nine counties with a great variance within those counties, adopts rules that are very difficult for the small counties."

Senator Wilson: "So the bill will provide a greater flexibility of decision-making at the local level?"



Senator Day: "At the local level."

Senator Wilson: "And it will, in no way, compel local government itself to spend more of its own funds on this program than it presently does?"

Senator Day: "No, it will not."

Senator Wilson: "Thank you."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3027, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

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

Excused: Senators Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—4.

ENGROSSED SENATE BILL NO. 3027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 3036, by Committee on Transportation and Utilities (endorsed by Senators Walgren, Henry, Peterson, Benitz, Sellar, Lewis (R. H. "Bob"), Wanamaker, Morrison, Bottiger, Keefe and Knoblauch):

Establishing procedures for enforcing vehicle identification laws.

The bill was read the second time by sections.

On motion of Senator Bottiger, 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.

#### 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, 45; excused, 4.

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

Excused: Senators Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—4.

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. 3040, by Senators Odegaard, Newschwander, Donohue, Woody, Lewis (Harry), Clarke and Scott (by Legislative Budget Committee request):

Making certain changes in the budget and accounting act.

The bill was read the second time by sections.

On motion of Senator Odegaard, the rules were suspended, Senate Bill No. 3040 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Goltz: "Would Senator Odegaard yield to a question? Senator Odegaard, on section two there is a reference to the incurring of any deficiency and my only concern is that the word 'deficiency' is either so broad or so narrow that I am not sure it is understood. Does this mean a deficiency in the final agency budget or is it a deficiency in a portion of a budget, or what is a deficiency?"

Senator Odegaard: "This is a deficiency at the end of the budget period at the end of the biennium that the Department has over-expended its total budget. That is the deficiency we are talking about here."

## POINT OF INQUIRY

Senator Rasmussen: "Will Senator Odegaard yield to further question? Senator Odegaard, section two states 'it shall be unlawful for any agency head or disbursing officer to incur any deficiency and any appointive officer or employee violating the provisions of this section shall be subject to summary removal'. By whom? And when? Summary should be right now or the day after they find it."

Senator Odegaard: "Senator Rasmussen, it would be removal by the Governor, if it is an agency created under the Governor, if it is a code agency under his authority, or for an agency or department if it was under an elected official, it would be that elected official, whoever is responsible."

Senator Rasmussen: "In the event that the over-expenditure or deficiency should occur in the Governor's office, who would remove the Governor? Or would he find some pigeon down there to lay it on?"

Senator Odegaard: "I guess that would be up to the people at the next election, Senator."

Senator Rasmussen: "You mean we would have two different standards of law, then. Some other individual would be summarily removed from office but the Governor, being in charge of his own office, would not be removed. He would have to — summary period of two or three years — whatever remained of his term?"

Senator Odegaard: "The other officials we are talking about here, the employees, would be underneath an appointive or an elected official, such as the Governor, and of course there is no way to vote those people out of office. The Governor can be voted out of office, so the people would have the say there and would have that say in any election year."

Senator Rasmussen: "That is what I was wondering. Whether this would apply to the chief as equally as it does to the Indians. Thank you, Senator Odegaard."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3040, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—4.

SENATE BILL NO. 3040, having received the constitutional majority, was declared pas ed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 3074, by Senators Beck, Peterson and Talley:  
Requiring state franchising for county ferries receiving federal aid.  
The bill was read the second time by sections.

On motion of Senator Beck, the rules were suspended, Senate Bill No. 3074 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3074, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—4.

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.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 3116 was ordered to hold its place on the second reading calendar for February 6, 1976.

#### SECOND READING

SENATE BILL NO. 3138, by Senators Stortini and Gould (by Superintendent of Public Instruction request):

Regulating interschool athletic and extracurricular activities and authorizing school board delegation of some powers relating thereto.

The bill was read the second time by sections.

On motion of Senator Stortini, the rules were suspended, Senate Bill No. 3138 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Stortini yield? Senator Stortini, subparagraph one on page one, 'the voluntary non-profit entity shall submit an annual report to the State Board of Education.' Student appeal. In each separate school district you have some voluntary non-profit — they still have to submit or do they submit only to the local board and the local board will submit it to the state board?"

Senator Stortini: "First of all, that local school district would have to submit to the fact that they want to delegate their authority to such a non-profit organization, such as the WIAA. And then, of course, if they do that then in answer to your question, that which they do do which is in subsection (1) simply soates that they will then be in a position to have their rules and regulations approved by the State Board of Education."

Senator Rasmussen: "Is that the purpose of it so that they can, all of them, delegate to the Washington Interscholastic Activities Association?"

Senator Stortini: "Or any other association. It just so happens that that association has run our interscholastic activities during the last seventy years."

Senator Rasmussen: "Actually, it would be run no different than what it is now?"

Senator Stortini: "It would be no different except that there will be accountability, accountability of their funds to the local school board and to the State Board of Education and approval of rules and regulations that have been set up by them which they have had for the last seventy years."

Senator Rasmussen: "I guess that is the heart of my question is — they are going to file with the state at the top. Will this filing get back down to the local level so that they

will know how much profit they made and so forth? It is a non-profit organization, but they make some profits off of their operation."

Senator Stortini: "All this bill is saying, Senator, is their funds that they make in the various school districts that are part of that association shall be reviewed by the State Board of Education. I imagine reports will be given to them on an annual basis as stated here."

Senator Rasmussen: "They will be reviewed, but what will they do then?"

Senator Stortini: "It is a matter of accountability."

Senator Rasmussen: "I am concerned that that same type of information gets down to the local level."

Senator Stortini: "I am sure it will. I am sure the State Board of Education will return those figures to the various school districts. At the same time the association itself at the present time which consists of members of those districts already have that information."

Senator Rasmussen: "Yes, but the local board does not."

Senator Stortini: "Well, the local board can receive it from the association at the present time."

Senator Rasmussen: "Thank you."

#### POINT OF INQUIRY

Senator Wilson: "Will Senator Stortini yield? Senator, I seem to recall during the previous ruckus on this general subject that I presume the WIAA, and certainly a number of high school principals I heard from, were opposed to whatever the proposition was at that time. You say now, however, that all parties are agreed upon the bill before us. Is that correct?"

Senator Stortini: "Yes, that is true."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3138, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senators Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—4.

SENATE BILL NO. 3138, having received the constitutional majority, was declared passed. 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 Senators Day, Buffington and McDermott:

Authorizing disposition of human remains from autopsies under certain conditions.

The bill was read the second time by sections.

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 3066 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator McDermott yield to a question, please? The bill I have in my book, unless I have missed something here — there was no amendment, was there?"

Senator McDermott: "No."

Senator Van Hollebeke: "It was not limited to pituitary glands. In fact it covers everything including — the other day we passed one, my vote dissenting — you passed a bill in social and health services dealing with corneal transplants. This would take in that and everything. Is that correct?"

Senator McDermott: "As far as I understand, the bill was drawn originally for pituitary glands but it could have a wider application than that. That is what brought it to our attention."

Senator Van Hollebeke: "Yes, it says 'or dispose of any specimens or organs of the deceased and which in his discretion are desirable or need for anatomical, bacteriological, chemical or toxicological utilization.' So it does cover any part of the body?"

Senator McDermott: "Yes, it does."

Senator Van Hollebeke: "Thank you, Senator."

#### MOTIONS

On motion of Senator Rasmussen, Senate Bill No. 3066 was ordered placed on the calendar on third reading following consideration of Senate Bill No. 2243.

On motion of Senator Knoblauch, Senator Donohue was excused.

#### SECOND READING

SENATE BILL NO. 2038, by Senator Rasmussen:  
Regulating environmentally hazardous wastes.

#### MOTIONS

On motion of Senator Washington, Substitute Senate Bill No. 2038 was substituted for Senate Bill No. 2038, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Washington, the rules were suspended, Substitute Senate Bill No. 2038 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President and members of the Senate, I note in the fiscal note on this it says the expenditure would be one hundred and seventy thousand eight hundred dollars. I am wondering, Senator Washington, how this would be paid for."

Senator Washington: "Well, this at the present time — we have talked to the Department of Ecology that it is one of those things that we hoped for that amount can be taken care of without an additional appropriation. Now, it will be some time. It perhaps will be not until the next session that we actually have to pay for the site itself. There will be the negotiations that will take place, and I am informed they are about ready to be completed for the purchase of the site. If there does have to be some additional funds, they will have to talk with the Ways and Means Committee during the session. But it is my feeling a substantial amount of that is in the purchase of the site and that will not be immediately necessary."

#### POINT OF INQUIRY

Senator Grant: "Will Senator Rasmussen yield?"

Senator Rasmussen: "Yes, I was just going to ask you a question, Senator."

Senator Grant: "Senator Rasmussen, I noticed you had originally sponsored this and it rather disturbs me. The bill would grant widespread authority to the Department of Ecology and give them the opportunity to adopt regulations, designating extremely hazardous wastes. This gives them the authority to adopt, to set fines and penalties. It is a far-reaching measure, Senator Rasmussen. Are you sure this is still the measure you had originally introduced and are you confident that John Biggs can handle it?"

Senator Rasmussen: "Thank you, Senator Grant . . ."

Senator Grant: ". . . I am surprised that your name is still on it, even as it may have changed somewhat."

Senator Rasmussen: "Senator, as you are all aware, of course, that there is no way of getting your name off a bill once it has been introduced and you also are aware of my high regard for Senator Washington and his abilities on handling legislation of this type. I might say they have worked on it for two years and it was introduced last session at which — and if they are all in agreement, the cities and the counties and also the processors of these industrial wastes — let me say the reason for the bill is at the present time nobody has any great knowledge of what type of hazardous wastes are going into the local disposal site and you well could be sitting on top of a bomb alongside of a city or alongside your pig farm and not know it, with the materials they are disposing. And as an example of that the highly talented scientists over at Hanford Works were disposing of wastes which are not related to this bill — nuclear wastes — and they were putting it into an open trench and they were at the point where they probably would have a nuclear explosion. They discovered it in time.

"However, Mr. President, if I could continue without this interruption, the purpose of the bill as it was originally introduced was so that there would be some control. There are companies now that pick up this hazardous waste from hospitals, from pesticide companies that want to dispose of it. They are in agreement that they are very hazardous and should be in the one location, not disposed of in the local dump. I think that Senator Washington and his committee have worked long and hard on this and it is something that we are all agreed. In this new chemical age that we are in where even hair spray is now declared dangerous. But some of the more hazardous — we should have a central depository, and I think that Senator Washington has provided for that in his bill."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2038, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Donohue, Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—5.

SUBSTITUTE SENATE BILL NO. 2038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2088, by Committee on Natural Resources (originally sponsored by Senators Talley and Peterson):

Requiring license for smelt dealers.

#### MOTIONS

On motion of Senator Talley, the rules were suspended, Engrossed Substitute Senate Bill No. 2088 was returned to second reading.

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

On page 2, beginning on line 31, strike all of section 5 and substitute:

"NEW SECTION. Sec. 5. This 1976 amendatory act shall be effective January 1, 1977."

On motion of Senator Talley, the rules were suspended, Reengrossed Substitute Senate Bill No. 2088 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 2088, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Donohue, Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—5.

REENGROSSED SUBSTITUTE SENATE BILL NO. 2088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## SECOND READING

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

Establishing requirements and duties of a public utility district of the first class.

### REPORT OF STANDING COMMITTEE

February 4, 1975.

SENATE BILL NO. 2135, establishing requirements and duties of a public utility district of the first class (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 22, after "herein." insert "*All other public utility districts shall be known as three commissioner districts.*"

On page 2 beginning on line 32 strike all the material down to and including line 2 on page 3 and insert [Shall public Utility District No. \_\_\_\_ be reclassified a First Class District for the purpose of increasing the number of commissioners to five . . . NO. ]

On page 5, beginning on line 8, after "members in" strike "*other than five*" and insert "*three*"

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Morrison, Sellar.

The bill was read the second time by sections.

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

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

On page 2, line 31, after ". . . YES

insert "NO

On page 4, line 8, after "be" strike "not more than one hundred twenty days" and insert "[not more than one hundred twenty days] *held at the next general election*"

On page 4, line 28, after "general" strike "biennial" and insert "[biennial]"

On page 4, line 29, before "general" strike "biennial" and insert "[biennial]"

On motion of Senator Sellar, the rules were suspended, Engrossed Senate Bill No. 2135 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2135, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senator Walgren—1.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Donohue, Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—5.

ENGROSSED SENATE BILL NO. 2135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2191, by Committee on Local Government (originally sponsored by Senators Bottiger, Murray and Fleming):

Authorizing retired and disabled persons to defer special assessments upon their residence.

### MOTION

On motion of Senator Walgren, Engrossed Substitute Senate Bill No. 2191 was referred to the Committee on Rules.

### THIRD READING

SUBSTITUTE SENATE BILL NO. 2243, by Judiciary Committee (originally sponsored by Senators North and Francis) (by Uniform Law Commission request):

Revising laws of filiation proceedings and enacting the uniform parentage act.

### MOTIONS

On motion of Senator North, the rules were suspended, Substitute Senate Bill No. 2243 was returned to second reading.

Senator North moved adoption of the following amendment:

On page 25, beginning on line 16, strike all of section 34. Renumber remaining sections consecutively.

### POINT OF INQUIRY

Senator Rasmussen: "I just had a question to ask, Mr. President. Is this the Code Reviser's revision?"

Senator North: "Yes, it is."

Senator Rasmussen: "I was going to ask Senator Bottiger or somebody in Rules. This is a law that is already passed and this is making corrections in a law. Can we amend at this stage of the game?"

Senator North: "Senator Rasmussen, this bill passed the Senate. It has not been acted upon by the House. We passed this last April and the Code Reviser caught it in the interim and returned this correction to the Secretary of the Senate."

Senator Rasmussen: "Then this has never passed the House?"

Senator North: "That is correct."

Senator Rasmussen: "Excuse me. Thank you."

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

On motion of Senator North, the following amendment to the title was adopted:

On page 1, line 22 of the title, after "26.37.015;" strike all the material down through "51.32.005;" on line 24.

On motion of Senator North, the rules were suspended, Engrossed Substitute Senate Bill No. 2243 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2243, and the bill passed the Senate by the following vote: Yeas, 36; nays, 7; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Fleming, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Pe-



tersen, Pullen, Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Walgren, Wanamaker, Washington—36.

Voting nay: Senators Day, Herr, Sandison, Van Hollebeke, von Reichbauer, Wilson, Woody—7.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Donohue, Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

SENATE BILL NO. 3066, by Senators Day, Buffington and McDermott:

Authorizing disposition of human remains from autopsies under certain conditions.

### MOTIONS

On motion of Senator Jones, Senator Cunningham was excused.

On motion of Senator Day, the rules were suspended, Senate Bill No. 3066 was returned to second reading.

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

On page 1, line 15, after "court" and before the period insert: "*PROVIDED, HOWEVER, That a reasonable effort to obtain consent as required under RCW 58.08.510 shall be made if an organ is to be used as a transplant to another human*"

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 3066 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3066, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 2; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Voting nay: Senator Talley—1.

Absent or not voting: Senators Lewis (Harry), Newschwander—2.

Excused: Senators Cunningham, Donohue, Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—6.

ENGROSSED 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.

### THIRD READING

REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2424, by Committee on Ecology (originally sponsored by Senators Walgren, Washington and Lewis (R. H. "Bob")):

Coordinating public water supply system planning.

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

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Second Substitute Senate Bill No. 2424.

## ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Second Substitute Senate Bill No. 2424, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—40.

Voting nay: Senators Pullen, Wilson—2.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Cunningham, Donohue, Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—6.

REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

SENATE BILL NO. 2440, by Senator Pullen:

Requiring the board of prison terms and paroles to take action by either a majority or two-thirds majority in certain cases.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2440.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2440, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senators Lewis (Harry), Newschwander.

Excused: Senators Cunningham, Donohue, Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—6.

SENATE BILL NO. 2440, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

SENATE BILL NO. 2452, by Senators Henry and Wanamaker:  
Authorizing monthly license fees for operation of dump trucks.

## MOTION

On motion of Senator Walgren, Senate Bill No. 2452 was re-referred to the Committee on Rules.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 2495, by Committee on Natural Resources (originally sponsored by Senators Guess and Peterson):

Enlarging the scope and duties of the department of natural resources as regards surveys and maps.

## MOTIONS

On motion of Senator Woody, the rules were suspended, Substitute Senate Bill No. 2495 was returned to second reading.

Senator Woody moved adoption of the following amendment:

On page 5, section 10, strike new section 10 and renumber the remaining section.

Debate ensued.

The motion by Senator Woody failed and the amendment was not adopted on a rising vote.

On motion of Senator Guess, the rules were suspended, Substitute Senate Bill No. 2495 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2495, and the bill passed the Senate by the following vote: Yeas, 38; nays, 5; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Fleming, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Wanamaker, Washington, Wilson—38.

Voting nay: Senators Bottiger, Grant, Van Hollebeke, Walgren, Woody—5.

Excused: Senators Cunningham, Donohue, Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—6.

SUBSTITUTE SENATE BILL NO. 2495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## SECOND READING

SENATE BILL NO. 2635, by Senators Matson and Rasmussen (by Department of Personnel request):

Authorizing the department of personnel to appoint hearing examiners.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2635 was substituted for Senate Bill No. 2635, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 2635 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2635, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Cunningham, Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—5.

SUBSTITUTE SENATE BILL NO. 2635, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SENATE BILL NO. 2660, by Senators North and Bluechel:  
Permitting nature conservancies to acquire open space for public use.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2660.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2660, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Cunningham, Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—5.

ENGROSSED SENATE BILL NO. 2660, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 2689, by Committee on Education (originally sponsored by Senators Bailey, Murray and Sandison):

Regulating school-related photography services.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2689.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2689, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senator Walgren—1.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Cunningham, Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—5.

SUBSTITUTE SENATE BILL NO. 2689, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## SECOND READING

SENATE BILL NO. 2990, by Senators Wanamaker, Henry and Sellar:  
Imposing a tax on coin-operated gaming devices.

## REPORT OF STANDING COMMITTEE

January 14, 1976.

SENATE BILL NO. 2990, imposing a tax on coin operated gaming devices (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 10, after "deposited" strike all the material down through "chapter" on line 12 and insert "in the state general fund".

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Clarke, Fleming, Jones, Lewis (Harry), Mardesich, Marsh, Murray, Rasmussen, Scott, Woody.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendment was adopted.

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

On page 2, beginning on line 22, strike all of section 2.

On motion of Senator Woody, the following amendment to the title was adopted:

On page 1, line 3 of the title, after "RCW;" insert "and" and after "penalties" strike "; and declaring an emergency"

On motion of Senator Donohue, the rules were suspended, Engrossed Senate Bill No. 2990 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2990, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Cunningham, Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—5.

ENGROSSED SENATE BILL NO. 2990, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2996, by Senators Knoblauch and North:  
Removing election day as a state holiday.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2996 was substituted for Senate Bill No. 2996 and the substitute bill was placed on second reading and read the second time in full.

Senator Jones moved adoption of the following amendment:

On page 1, section 1, line 17, after "Thursday" strike "and Friday"

Debate ensued.

## POINT OF INQUIRY

Senator Bailey: "Would Senator Rasmussen yield? Senator, this has something to do with the way I vote on this amendment. Could you tell me, though, if we pass Substitute Senate Bill No. 2996, then what is the point later in the calendar considering Senate Bill No. 3141? I think when we were discussing Senator Jones' amendment to the act — to take both of these acts together if we are going to pass both of them because you take

away one and you add another and they come out with a different total in the end. What would be the point of the second bill?"

Senator Rasmussen: "Senate Bill No. 3141 has entirely different connotations. That is trying to conform the holiday bill with the school holidays and the national holidays which are Veterans' Day and Memorial Day. That is a different subject. It relates to holidays all right, but is different than this particular bill."

Senator Bailey: "In other words, Senate Bill No. 3141, the holidays there would only be the school holidays, whereas Senate Bill No. 2996 would be state employees' holidays."

Senator Rasmussen: "It would be state employees' holidays but it is trying to make them conform with the way it is in the federal. We have some confusion in that now, but it is not related directly to this bill."

Further debate ensued.

#### MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 2996 and the pending amendment by Senator Jones was placed on today's calendar following Senate Bill No. 3004.

#### SECOND READING

SENATE BILL NO. 3000, by Senator Odegaard:

Authorizing counties to offer rewards for information about crimes against county property.

The bill was read the second time by sections.

On motion of Senator Odegaard, the rules were suspended, Senate Bill No. 3000 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3000, and the bill passed the Senate by the following, vote: eas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Cunningham, Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—5.

SENATE BILL NO. 3000, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 3003, by Senators Washington and Wilson (by Parks and Recreation Commission request):

Adding new provisions to laws relating to archaeological resources.

#### MOTIONS

On motion of Senator Washington, 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 in full.

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

On page 3, line 3, strike "*Such information*" and insert "*Any such information likely to expose such sites and resources to depredation*"

On page 3, line 6, strike "*, to avoid site depredation*"

On page 4, after "*sites*" on line 34, strike the remainder of the underlined material on lines 34 and 35 and insert "*likely to expose such sites to looting or depredation.*"

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Washington yield to a question? Senator Washington, on page 2, line 3, it reads on privat 'On private and public lands of this state it shall be unlawful for any person, firm' — it used to be 'or corporation' and now you have added 'or any agency or institution of the state or political subdivision thereof. It goes on, 'and wilfully alter or dig.' Now, does that mean that before any of our state agencies like the Department of Natural Resources can make a move they have to go to the State Parks Director and request clearance?"

Senator Washington: "Well, no. If they are going to attempt to dig or cause depredation in an archeological site. Before, the bill did not require for instance, the Parks Department, or did not require the public institutions of higher learning, for instance the University of Washington, Central and those institutions that have archeological departments. It did not require them to get permission before you go onto a site to carry out an archeological expedition. That is all this is designed for is to prevent people from going in and actually attempting to carry out archeological work. This does not involve a situation where a contractor comes in, or someone is doing some work of that nature. We are not attempting by this means to control, for instance, logging, fishing, or anything of that nature. Probably the only agencies that would be covered by this would be the institutions of higher learning, unless some other agencies, for instance, game, decided that it wanted to perhaps go over its land. But still, if we are going to have one agency that is going to be an expert in this, we should know what is going on.

"A private individual has to get that information and has to get a permit for the stuff that the state should. I don't have . . . ."

Senator Rasmussen: "Senator Washington, what I had in mind was, either a private corporation or the Department of Natural Resources may have a project, and may turn up artifacts, the Rainier Bank Building there, the University of Washington lands over there, they dig quite deep and they turn up artifacts that were left in Seattle many, many years ago. Now, that would require them to get a permit?"

Senator Washington: "No, no . . . ."

Senator Rasmussen: "It has to be a designated . . . ."

Senator Washington: "No, it has to be, if you are going out really working on an archeological site. Now, at some future time, we may want to look into this. This bill was mainly designed to keep the people who are going out as hobbyists or professional looters who go out and take archeological resources and attempt to sell them. This whole bill is an attempt to control them. Now, at some future time, we may want to, for the state to get into the controls that you talk about. At the present time that is not a problem and I did not see any reason for trying to address it."

Senator Rasmussen: "Well, this requires our agencies to go to another agency director."

Senator Washington: "If they wish to embark in archeological exploration and digging. Now, at the present time I do not know of any that are going to do that except our universities or possibly the Parks and Recreation Commission itself under its present plans, does carry on archeological exploration and historical site exploration. But this is not in any way designed to cover incidental disturbances of archeological resources in contracting or construction or anything of that nature."

#### POINT OF INQUIRY

Senator Lewis (Harry): "Senator Washington, would you have any objection to the inclusion of an emergency clause in this bill?"

Senator Washington: "Inclusion of an emergency clause?"

Senator Lewis (Harry): "Yes. The reason I asked that question is that the way I read the language here, I have got several questions for you. The Yelm School District right now is planning to build a high school on a site which the Nisqually Indian Tribe

has declared itself to have an interest in, and the way your bill is written, number one, I don't think it totally covers that situation because the land owner who sold the property to the school district certainly would not voluntarily ask the state Parks Commission to give a permit and would probably willingly have given the permit, but I don't see any way your bill would handle that particular problem."

Senator Washington: "It would not."

Senator Lewis (Harry): "And so in other words, if a public agency decides that it wants to desecrate an historic site, then it can go right ahead and do it provided it does it on private land?"

Senator Washington: "No. Notice we are not addressing the situation. Now, that could possibly come up through environmental law. I am just telling you what the present law is, particularly at the federal level. You do have to get an environmental impact statement. You do point out whether or not you are going to do any damage of historical or archeological nature. This particular bill, Senator Lewis, does not address that in any way. This bill only addresses people who are going out for the specific purpose of carrying out archaeological exploration or digging or looting. And it does not include construction."

Senator Lewis (Harry): "You know when I compare somebody going out on an archeological site with a shovel and a pick as compared with a bulldozer clearing a site for a new school building it seems to me that we have protected the barn while we are killing the horse."

Senator Washington: "I disagree with you, Senator Lewis, because we have hundreds of people who go out on very fragile sites and with a pick and shovel in about maybe four or five hours can actually destroy a site so that it is no longer of any archeological value. This is like many bills. We did not attempt to address the whole subject. There are sites that are being destroyed by construction, but we did not want to get into that field."

On motion of Senator Washington, the rules were suspended, Engrossed Senate Bill No. 3003 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3003, and the bill passed the Senate by the following vote: Yeas, 37; nays, 7; excused, 5.

Voting yea: Senators Bailey, Beck, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Walgren, Wanamaker, Washington, Wilson, Woody—37.

Voting nay: Senators Benitz, Bottiger, Matson, Pullen, Rasmussen, Van Hollebeke, von Reichbauer—7.

Excused: Senators Cunningham, Francis, Keefe, Lewis (R. H. "Bob"), Mardesich—5.

ENGROSSED 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.

#### MOTION

At 4:22 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Friday, February 6, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



**THIRTY-SECOND DAY****MORNING SESSION**

Senate Chamber, Olympia, Friday, February 6, 1976.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Keefe. On motion of Senator Knoblauch, Senator Keefe was excused.

The Color Guard, consisting of Pages Timothy Lusk and Barbara Henderson, presented the Colors. Reverend Dr. Troy M. Strong, senior minister of Mason United Methodist Church of Tacoma, offered the following prayer:

"ALMIGHTY GOD, WHOSE MIGHT IS IN THE GENTLENESS OF FATHERHOOD AND WHOSE HOPE IS IN THE MIRACLE OF BROTHERHOOD, DELIVER US WE PRAY FROM THE FALSE HOPE OF POWER. WE THANK THEE FOR THIS BODY IN WHICH YOU HAVE SET US IN A NETWORK OF RELATIONSHIPS TO BE A LINK BETWEEN THE PEOPLES OF THE STATE AND A BRIDGE BETWEEN THE GENERATIONS. WE ARE GRATEFUL FOR THE INVISIBLE TOUCH OF OTHER LIVES UPON OURS THAT HAVE MADE US WHAT WE ARE. MAY WE NOT BE UNAWARE OF THE MIGHTY TOUCH OF OUR INFLUENCE UPON THOSE AROUND US. LORD, YOU HAVE GIVEN US WORK TO DO THIS DAY. YOU HAVE GIVEN US STRENGTH FOR THIS DAY. NOW, GIVE US, WE PRAY, THE WISDOM TO DO OUR WORK SO WELL THAT, IN BOASTING ABOUT IT AFTERWARDS, WE SHALL HAVE NO NEED TO LIE. AMEN."

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 2, 1976.

SENATE BILL NO. 2797, relating to elections (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2797 be substituted therefor and the substitute bill do pass.

Signed by: Senators Beck, Chairman; Grant, Pullen, Stortini, Washington.

Passed to Committee on Rules for second reading.

February 5, 1976.

SENATE BILL NO. 3095, authorizing free motor vehicle license plates for former prisoners of war (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Bottiger, Vice Chairman; Beck, Benitz, Guess, Jolly, Morrison, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

January 27, 1976.

SENATE BILL NO. 3103, prescribing procedures for the industrial welfare committee and adding enforcement and variance provisions to the industrial welfare laws (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, von Reichbauer.

Passed to Committee on Rules for second reading.

January 29, 1976.

SENATE BILL NO. 3104, making changes in the membership of the industrial welfare committee (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Bailey, Grant, von Reichbauer.

Passed to Committee on Rules for second reading.

February 5, 1976.

SENATE BILL NO. 3158, making an appropriation to the Washington wing civil air patrol (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3158 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Benitz, Bluechel, Jolly, Morrison, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

February 5, 1976.

SENATE BILL NO. 3243, defining the right of privacy and confidentiality in regard to employment records of the employment security department (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 3243 be substituted therefor and the substitute bill do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

February 5, 1976.

SENATE BILL NO. 3281, repealing the laws relating to narcotics addiction and the laws relating to the state narcotic farm colony (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Buffington, Cunningham, Goltz, Gould, McDermott, North, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 6, 1976.

SENATE CONCURRENT RESOLUTION NO. 126, declaring the policy of conserving and protecting agricultural lands for the production of food and other agricultural products (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 126 be substituted therefor and the substitute concurrent resolution do pass.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar.

Passed to Committee on Rules for second reading.

February 6, 1976.

HOUSE BILL NO. 38, implementing law relating to recall of public officials (reported by Committee on Constitution and Elections):

Recommendation: Do pass as amended by Committee on Constitution and Elections without the Beck/ Marsh amendment.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

Passed to Committee on Rules for second reading.

February 6, 1976.

SUBSTITUTE HOUSE BILL NO. 631, providing for date absentee ballots considered voted when postmark missing or illegible (reported by Committee on Constitution and Elections):

Recommendation: Do pass.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

February 5, 1976.

Mr. President: The House has passed:

HOUSE BILL NO. 1259,

ENGROSSED HOUSE BILL NO. 1266,

ENGROSSED HOUSE BILL NO. 1291,

SUBSTITUTE HOUSE BILL NO. 1299,

ENGROSSED HOUSE BILL NO. 1313,

SUBSTITUTE HOUSE BILL NO. 1329,

SUBSTITUTE HOUSE BILL NO. 1347,

HOUSE BILL NO. 1412,

HOUSE BILL NO. 1436,

ENGROSSED HOUSE BILL NO. 1461, and the same are herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

February 5, 1976.

Mr. President: The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 37,

SUBSTITUTE HOUSE BILL NO. 455,

SUBSTITUTE HOUSE BILL NO. 802,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336,

ENGROSSED HOUSE BILL NO. 1383,

REENGROSSED HOUSE BILL NO. 1404,

ENGROSSED HOUSE BILL NO. 1417,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1470,

ENGROSSED HOUSE BILL NO. 1479,

HOUSE BILL NO. 1529, and the same are herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

#### INTRODUCTION AND FIRST READING

SECOND SUBSTITUTE HOUSE BILL NO. 37, by Committee on Constitution and Elections (originally sponsored by Representatives King, Fortson and Parker)(by Committee on Constitution and Elections request):

Setting forth dates special elections may be called.

Referred to Committee on Constitution and Elections.

SUBSTITUTE HOUSE BILL NO. 455, by Committee on Ways and Means-Revenue (originally sponsored by Representatives Thompson, Patterson and Erickson):

Regulating the determination and use of marine fuel tax moneys.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 802, by Committee on Ways and Means-Appropriations (originally sponsored by Representatives Shipoch, Polk, Thompson and Wojahn):

Providing uniformity in payment of travel expenses for most state officials and employees.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1259, by Representatives Kilbury, Haussler, Hansen, Boldt and Tilly:

Making certain changes in the laws relating to agricultural water supplies.

Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 1266, by Representatives Jastad and Kalich:

Increasing the number of Lewis county superior court judges to two.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1291, by Representatives May and Gaines:

Permitting the operation of forty foot school buses.

Referred to Committee on Transportation and Utilities.

SUBSTITUTE HOUSE BILL NO. 1299, by Committee on State Government (originally sponsored by Representatives Sommers, Pardini, Hurley (Margaret), Polk and Paris) (by Parks and Recreation Commission request):

Modifying the building code as applied to historic buildings.

#### MOTION

On motion of Senator Walgren, the rules were suspended and Substitute House Bill No. 1299, was advanced to second reading and placed on today's calendar following Senate Bill No. 3004.

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

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1313, by Representatives Ehlers, Shinpoch, Bagnariol and Zimmerman:

Creating the Washington Library Networks Revolving Fund.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1329, by Committee on Constitution and Elections (originally sponsored by Representatives Lysen, Erickson and Brown):

Making changes in the public disclosure laws.

Referred to Committee on Constitution and Elections.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336, by Committee on State Government (originally sponsored by Representatives Nelson, Sommers, Ehlers, Bender, Leckenby, Hayner, Becker, Dunlap, Freeman and Polk):

Abolishing nonfunctioning advisory committees.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 1347, by Judiciary Committee (originally sponsored by Representative Smith):

Correcting technical errors in the Washington criminal code.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1383, by Representatives Haussler, Moon, Douthwaite, Kalich, Kuehnle, Zimmerman, Thompson, May and Lee:

Authorizing local governments to employ hearing examiners for land use planning cases.

Referred to Committee on Local Government.

REENGROSSED HOUSE BILL NO. 1404, by Representatives Boldt and Chandler:

Allowing proceeds from sale of school district real property to be used for acquisition of improved or unimproved real property.

Referred to Committee on Education.

HOUSE BILL NO. 1412, by Representatives Hurley (Margaret), Pardini and Conner (by State Parks and Recreation Commission request):

Permitting longer leases and concessions in state parks.

Referred to Committee on Parks and Recreation.

ENGROSSED HOUSE BILL NO. 1417, by Representatives Peterson, Becker, Fisher, Hanna, Deccio and Fortson:

Providing for child welfare services.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 1436, by Representatives Wojahn, Juelling and May:

Providing for licensing of specialty electricians.

Referred to Committee on Commerce.

ENGROSSED HOUSE BILL NO. 1461, by Representatives North and Berentson:

Changing wording in law relating to publication requirements regarding county contracts.

Referred to Committee on Local Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1470, by Judiciary Committee (originally sponsored by Representatives Knowles, Ceccarelli, Adams, Pardini, Hayner, Seeberger, Parker and Bagnariol):

Making changes in the laws relating to civil actions as such actions relate to medical malpractice.

Referred to Select Committee on Medical Malpractice.

ENGROSSED HOUSE BILL NO. 1479, by Representatives Bausch, Ehlers and Hendricks:

Designating the fourth Monday in May as Memorial Day.

Referred to Committee on State Government.

HOUSE BILL NO. 1529, by Representatives Berentson, Thompson, Hansey and Gallagher:

Revising laws supporting county operated ferry system.

Referred to Committee on Transportation and Utilities.

#### MOTION

At 10:15 a.m., on motion of Senator Walgren, the Senate recessed until 11:05 a.m.

#### SECOND MORNING SESSION

The President called the Senate to order at 11:05 a.m.

#### MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3116.

## SECOND READING

SENATE BILL NO. 3116, by Senators Francis, Van Hollebeke and Jones:  
Making changes in the laws relating to incorrigible children.

## REPORT OF STANDING COMMITTEE

January 26, 1976.

SENATE BILL NO. 3116, making changes in the laws relating to incorrigible children (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 26, strike all of subsection (5), and renumber the remaining subsection consecutively.

On page 1, section 1, line 28, after "services" and before "[, or a" strike "if the court finds such child to be delinquent" and insert "[if the court finds such child to be delinquent]: *PROVIDED, That only a child found to be delinquent may be placed in a facility established pursuant to chapter 72.05 RCW or chapters 72.16 through 72.20 RCW*".

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Marsh, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment to page 1, line 26 was adopted.

Senator Francis moved adoption of the committee amendment to page 1, line 28.

Debate ensued.

## POINT OF INQUIRY

Senator Herr: "Would Senator Odegaard yield to a question? Now, in your area down there, how many institutions do you have?"

Senator Odegaard: "I have Green Hill at Chehalis, Maple Lane at Grand Mound and Mayfield Youth Camp at Mayfield."

Senator Herr: "How many people do they employ in these institutions?"

Senator Odegaard: "Well, let's see. At Maple Lane, they have one hundred and thirty-seven. Green Hill there is about one hundred and twelve, I believe, Mayfield, I think around sixty or seventy."

Senator Herr: "Thank you very much."

Further debate ensued.

The motion by Senator Francis carried and the committee amendment to page 1, line 28 was adopted.

## MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senators Matson and Newschwander were excused.

On motion of Senator Knoblauch, Senator Jolly was excused.

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Senate Bill No. 3116 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3116, and the bill passed the Senate by the following vote: Yeas, 25; nays, 20; excused, 4.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Fleming, Francis, Goltz, Gould, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Morrison, Murray, North, Ridder, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington—25.

Voting nay: Senators Benitz, Day, Donohue, Grant, Guess, Henry, Herr, Knoblauch, Mardesich, McDermott, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sel-

lar, Stortini, Wanamaker, Wilson, Woody—20.

Excused: Senators Jolly, Keefe, Matson, Newschwander—4.

ENGROSSED SENATE BILL NO. 3116, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 3004, by Senators Fleming, Gould and Cunningham (by Parks and Recreation Commission request):

Modifying the building code as applied to historic buildings.

### MOTION

On motion of Senator Walgren, Senate Bill No. 3004 was re-referred to the Committee on Rules.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1299, by Committee on State Government (originally sponsored by Representatives Sommers, Pardini, Hurley (Margaret), Polk and Paris (by Parks and Recreation Commission request):

Modifying the building code as applied to historic buildings.

The bill was read the second time by sections.

### MOTIONS

On motion of Senator Bottiger, Senator Grant was excused.

On motion of Senator Fleming, the rules were suspended, Substitute House Bill No. 1299 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1299, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 1; excused, 5.

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

Voting nay: Senator Pullen—1.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senators Grant, Jolly, Keefe, Matson, Newschwander—5.

SUBSTITUTE HOUSE BILL NO. 1299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SUBSTITUTE SENATE BILL NO. 2996, by Committee on State Government (originally sponsored by Senators Knoblauch and North):

Removing election day as a state holiday.

The Senate resumed consideration of Substitute Senate Bill No. 2996. On February 5, 1976, the following amendment by Senator Jones was moved for adoption:

On page 1, section 1, line 17 after "Thursday" strike "*and Friday*".

Debate ensued.

## POINT OF INQUIRY

Senator Bailey: "Mr. President, I hate to start this all over again, but Senator Rasmussen, what are you going to do about the other bill? Are you going to amend this bill to read the same as the other, or what? This has a lot to do with the way I vote on Senator Jones' amendment."

Senator Rasmussen: "Mr. President, and Senator, yes, we have an amendment prepared that will amend the other bill onto this bill and make them all conform so that they will be uniform. That will clear the matter up with what you were concerned Senator Bailey."

Further debate ensued.

Senator Knoblauch demanded a roll call and the demand was sustained by Senators Washington, Herr, Bailey, Ridder, Rasmussen, von Reichbauer, Pullen, Benitz and Bottiger.

The President declared the question before the Senate to be the roll call on the amendment by Senator Jones to page 1, line 17.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 15; nays 28; absent or not voting, 2; excused, 4.

Voting yea: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Jones, Lewis (R. H. "Bob"), Morrison, Murray, North, Odegaard, Scott, Sellar, Talley—15.

Voting nay: Senators Bailey, Beck, Bottiger, Buffington, Day, Fleming, Francis, Goltz, Grant, Henry, Herr, Knoblauch, Lewis (Harry), Marsh, McDermott, Peterson, Pullen, Rasmussen, Ridder, Sandison, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—28.

Absent or not voting: Senators Donohue, Mardesich—2.

Excused: Senators Jolly, Keefe, Matson, Newschwander—4.

Senator Jones moved adoption of the following amendment:

On page 1, section 1, line 9, strike "the twelfth day of February, being the anniversary of the birth of Abraham Lincoln;" and insert "[the twelfth day of February, being the anniversary of the birth of Abraham Lincoln;]".

Debate ensued.

## MOTION

Senator Scott moved that further consideration of Substitute Senate Bill No. 2996 and the pending amendment by Senator Jones, be placed at the end of today's second reading calendar.

Senator Bailey objected.

The motion by Senator Scott failed on a voice vote.

Further debate ensued.

## POINT OF INQUIRY

Senator Wilson: "Will Senator Grant yield, please? Senator Grant, I guess I am asking this question of you as one of the resident labor experts in the body. Public employees of many jurisdictions have collective bargaining agreements with counties and other entities of government. I would presume that some of these agreements, at least, set forth paid holidays throughout the year. Now, if the passage of this bill should produce a roster of state holidays different in some respects from the roster of holidays agreed to in the agreement, would we have a situation then where the employees could rightfully say, 'we are entitled to the holidays that you, our employers, have agreed to and, in addition, we are entitled to the new holidays which have been created by this new state law?'"

Senator Grant: "Senator Wilson, members of the Senate, frankly, I was going to possibly bow out of this one because of potential conflict of interest. I usually enjoy all the same holidays as my members, and while this is a good bill for me, I guess I probably don't gain any more advantage than any member of the class to which I belong. Yes, Senator Wilson, many local governmental units have contracts that provide for



specified holidays which include, because they have been negotiated, days like Election Day, days like Columbus Day, because they were mandated by the state anyway. Many of our contracts provide, in addition, that any holiday that is recognized by the state shall also be granted. So, we will, by the passage of this Act in many instances have, in spite of what you are doing, in local government we will have Election Day, Columbus Day, the day after Thanksgiving, a floating holiday and any other days that may be designated by the chief executive by proclamation. It is a good bill, I certainly want to endorse it."

Further debate ensued.

#### MOTION

At 12:15 p.m., on motion of Senator Walgren, the Senate recessed until 1:15 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

#### SECOND READING

**SUBSTITUTE SENATE BILL NO. 2996**, by Committee on State Government (originally sponsored by Senators Knoblauch and North):

Removing election day as a state holiday.

The Senate resumed consideration of Substitute Senate Bill No. 2996. Earlier today Senator Jones moved adoption of an amendment to page 1, line 9.

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

On motion of Senator Bottiger, the following amendment by Senators Bottiger, Rasmussen and Woody was adopted:

On page 1, line 12, after "the" and before "of" strike "thirtieth day" and insert "[thirtieth day] *last Monday*".

Senator Guess moved adoption of the following amendment:

On page 1, section 1, line 24 after "holiday" and before "per" insert "on the employees' birthday" and on line 26 strike all the material after "elect" and insert "shall have a holiday on his birthday".

Debate ensued.

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

Senator Bottiger moved adoption of the following amendment by Senator Bottiger, Rasmussen and Woody:

On page 2, following line 9, add two sections as follows:

"Sec. 2. Section 13, chapter 283, Laws of 1969 ex. sess. as amended by section 1, chapter 32, Laws of 1973 and RCW 28A.02.061 are each amended to read as follows:

The following are school holidays, and school shall not be taught on these days: Saturday; Sunday; the first day of January, commonly called New Year's Day; the third Monday in February, being the anniversary of the birth of George Washington; the last Monday in May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the [fourth Monday in October] *eleventh day of November*, to be known as Veterans' Day; the fourth Thursday in November, commonly known as Thanksgiving Day; the day immediately following Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day: PROVIDED, That no reduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught.

**NEW SECTION.** Sec. 3. This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

## POINT OF INQUIRY

Senator Mardesich: "Will Senator Bottiger yield? Senator Bottiger, although we simply would be coordinating the school holidays with the state holidays, are we by this action, in fact, granting to the schools additional holidays over those which they now have?"

Senator Bottiger: "No, Senator Mardesich. We are simply changing the single day that is in conflict, that being the fourth Monday in October to the eleventh day in November, being Veterans' Day. That is all the amendment does and that brings that into line with that holiday on the state level."

Senator Mardesich: "And that is the school holiday now?"

Senator Bottiger: "Presently the fourth Monday in October is a school holiday. We are changing it to the eleventh of November as is the case for the state employees."

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

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

On page 1, line 1 of the title, after "holidays;" strike "and" and on line 3 after ".050" and before the period, insert "; and amending section 13, chapter 283, Laws of 1969 ex. sess. as amended by section 1, chapter 32, Laws of 1973 and RCW 28A.02.061; and declaring an emergency"

## MOTIONS

On motion of Senator Knoblauch, Senator Peterson was excused.

On motion of Senator Knoblauch, the rules were suspended, Engrossed Substitute Senate Bill No. 2996 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2996, and the bill passed the Senate by the following vote: Yeas, 39; nays, 6; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—39.

Voting nay: Senators Bluechel, Guess, Jones, Murray, Scott, Wilson—6.

Excused: Senators Jolly, Keefe, Newschwander, Peterson—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2996, having received the constitutional majority, was declared passed. 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 Benitz, Sellar and Talley:

Authorizing coverage of volunteer fire fighters and volunteer law enforcement officers under the industrial insurance laws.

## MOTIONS

On motion of Senator Ridder, 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 in full.

On motion of Senator Ridder, 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.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3007, and the bill passed the Senate by the following vote: Yeas, 45; absent or not vot-

ing, 1; excused, 3.

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

Absent or not voting: Senator Donohue—1.

Excused: Senators Jolly, Keefe, Peterson—3.

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.

## SECOND READING

SENATE BILL NO. 3017, by Senators McDermott and Donohue:

Appropriating funds to DSHS for the construction of a community mental health facility at Children's Orthopedic Hospital and at Seattle Mental Health Institute.

## REPORT OF STANDING COMMITTEE

January 26, 1976.

SENATE BILL NO. 3017, appropriating funds to the Department of Social and Health Services for the construction of a community mental health facility at Children's Orthopedic Hospital and at Seattle Mental Health Institute (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 7, following "(HJR 52)" delete "within the general fund"

On page 1, after line 14, add a new section to read as follows:

"*NEW SECTION.* Sec. 2. Notwithstanding the provisions of chapter 276, section 5(3)(g), Laws of 1975 1st ex. sess. (uncodified), \$800,000 appropriated from the DSHS construction account (HJR 52) to construct and equip one community health center shall not be expended."

Renumber the following sections accordingly.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Clarke, Jones, Marsh, Murray, Rasmussen, Scott, Washington, Woody.

The bill was read the second time by sections.

## MOTIONS

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

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 3017 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Knoblauch, Senator Walgren was excused.

## POINT OF INQUIRY

Senator Bailey: "Mr. President, Senator Mardesich raised a question I think maybe if Senator McDermott would answer it. Does this amend the budget bill that we passed the last time so it is clearly not an additional appropriation? Is there an amendment in here of the original bill?"

Senator McDermott: "The amendment that I put on, the committee amendment, was to prevent the expenditure of the eight hundred thousand that we appropriated last May. The main part of the bill gives the money directly to the hospital. It is merely a shift so that we directly appropriate the money rather than sending it through the Depart-

ment of Social and Health Services which has been declared illegal by the Attorney General."

Senator Bailey: "Mr. President, one more question, then. There is no possibility that DSHS will claim they have eight hundred thousand dollars in there in addition to what you are doing today?"

Senator McDermott: "It is not the understanding of me or Senator Donohue that that can happen. We did everything we could to stop that."

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 3017 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3017, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—42.

Absent or not voting: Senators Bottiger, Lewis (Harry), Newschwander—3.

Excused: Senators Jolly, Keefe, Peterson, Walgren—4.

ENGROSSED SENATE BILL NO. 3017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 3019, by Senators Day, Lewis (Harry), McDermott and Buffington:

Establishing geriatric day service program.

The bill was read the second time by sections.

On motion of Senator Day, Senators Lewis (Harry) and Buffington were added as additional sponsors to the following amendment by Senators Day and McDermott which Senator Day moved for adoption:

Beginning on page 1, line 5, strike everything after the enacting clause and insert:

"*NEW SECTION.* Section 1. The legislature recognizes the need for the further development and expansion of alternative forms of care for persons age sixty or over who need a different or lower level of care than that given in institutions. The legislature also recognizes that the use of institutional care, and the minimal use of noninstitutional alternative care, is attributed to current funding patterns. Public funds have been more readily available to finance institutional care, while a lesser amount has been available to finance in-home or community based supportive services and personal care services for those who can and would rather remain in their own homes in an independent living situation. The result of this funding pattern has been no choice or options in service delivery for said persons. Many such persons who are medically stable but because of a chronic disability brought on by old age, illness, or injury are dependent on others for personal care have traditionally been placed into institutions even though there is no need for twenty-four hour skilled care. Institutionalization has been inappropriate, premature, and often unnecessarily custodial in nature for many persons because of the lack of more appropriate and often less costly alternative services which could serve to prevent or delay institutionalization.

Therefore, the legislature finds that a more appropriate alternative care system should be developed to assure that said persons receive the level of care needed and that appropriate resources are available to match client needs. Furthermore, services received shall be designed to restore individuals to, or maintain them at, the level of inde-

pendent living they are capable of attaining. Such a system of alternative care shall be designed to allow persons to move within the system, thus allowing the appropriate services to be rendered according to the care needs at any particular time. Service provision shall continue until the client is able to function independently, moves to an institution, moves from the state, dies, or withdraws from the program.

The legislature determines the public policy of this state to be that programs shall be developed in order to more appropriately meet the care needs of persons age sixty or over through the creation and/ or expansion of alternative care services.

*NEW SECTION.* Sec. 2. As used in this chapter, the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Eligible persons" means persons age sixty years or over who because of physical, mental, or other impairments need services to enable them to remain in their customary homes. The department of social and health services shall establish a schedule of fees for non low income eligible persons in need of services and able to pay.

(2) "Department" means department of social and health services.

(3) "Office on aging" means the single organizational unit within the department responsible for coordinating and administering aging programs.

(4) "Area agency" means the single agency designated by the office on aging to be responsible for the program described in rules adopted pursuant to 42 U.S.C. Sec. 3024 et. seq., the Older Americans Act of 1965, in a designated geographical area of the state.

(5) "Area plan" means the document submitted annually by an area agency to the office on aging for approval which sets forth goals and measurable objectives and identifies the planning, coordination, administration, social services, and evaluation activities to be undertaken to carry out the purposes of the Older Americans Act, in a designated geographical area of the state.

(6) "Low income individuals" mean those eligible persons having incomes below the state median income, unless such definition is preempted by applicable federal rules and regulations required to meet federal match requirements.

*NEW SECTION.* Sec. 3. The intent of this section is to define the administrative structure for the identification and eligibility certification of eligible persons whose needs are appropriate for community care.

(1) The comprehensive program of community-based services authorized under this chapter shall be administered by the department. Services may be provided by departmental staff, purchase of service contracts with public or private agencies, vendor payments, direct grants to clients, or by any other appropriate means as may be necessary to accomplish the purposes of this chapter. It is the intent of this chapter to provide a comprehensive program of services to eligible persons in such a manner as to minimize administrative costs and procedures and to maximize the effective delivery of direct benefit services. The department is encouraged, wherever practicable, to utilize existing planning and service delivery systems at the local or state level.

(2) The office on aging shall be the designated agency responsible for planning, coordination, monitoring, and evaluation of services provided for under this chapter: **PROVIDED**, That the determination of needed services shall be made annually by area agencies in their area plans.

(3) The office on aging may establish, as necessary, additional area agencies in order that all regions of the state might be included in service plans.

(4) The office on aging shall develop annually, as part of its state plan for programs in aging under the Older Americans Act, a plan for services under this chapter which includes and sanctions the services proposed by area agencies. The annual state plan shall provide for maximum coordination of programs and services provided for eligible persons under this chapter.

(5) The allocation of resources appropriated for services under this chapter shall be made by the department and the office on aging via subcontract to area agencies: **PROVIDED**, That, where appropriate, the department may choose to contract directly with local agencies, vendors, or regional department offices after consulting with the area agency.

(6) In carrying out its administrative responsibilities under this chapter, the de-

partment is directed to review the organizational placement and staffing of the office on aging and reorganize, if necessary, in order that the office shall have such organizational status and staffing capacity as will insure the timely and effective implementation of the program of services as provided under this chapter.

**NEW SECTION.** Sec. 4. The legislature finds there is a need to coordinate, expand, and develop community services which provide a continuum of care to older persons in order to increase the capacity of eligible persons to remain independent.

The office on aging, through its designated area agency, shall develop the annual plan to coordinate, expand, and develop the following community services for eligible persons:

(1) Access services. A program of access services shall be designed to provide and insure access for eligible persons to appropriate and available community services which shall be operated within the boundaries of each established area agency. Such access services shall include information and referral, outreach, transportation, and counseling. The goals of such services shall be (a) to identify eligible persons in need of services, especially those fragile and isolated elderly who are at risk of premature or inappropriate institutionalization; (b) to assess individual service needs; (c) to refer persons to appropriate community services; and (d) to follow up individual cases to insure that the services provided are appropriate.

"Information and referral services" as used in this subsection shall mean those referral services which assist individuals to identify the type of assistance needed, place individuals in contact with appropriate services, and follow up individual cases to determine whether services were received and met the identified need, and which provide for the maintenance of proper records for use in identifying services offered and gaps in existing services systems.

"Outreach services" as used in this subsection shall mean those services, including search and find activities, which seek out and identify hard-to-reach individuals and assist them in gaining access to needed services.

"Transportation services" as used in this subsection shall mean services designed to transport eligible persons to and from community facilities and resources for the purposes of applying for and receiving services, reducing isolation, or otherwise promoting independent living, but not including a direct subsidy for an overall transit system or a general reduced fare program for a public or private transit system. Such transportation services shall be, insofar as possible, part of an area transportation plan.

"Counseling services" as used in this subsection shall mean those services which provide direct guidance and assistance in the utilization of needed health and social services, and assist in coping with personal problems which threaten health and social functions.

(2) Geriatric day services. Geriatric day services shall mean a program of services offered on a regular, recurrent basis to eligible persons who do not require twenty-four hour institutional care, and yet, due to a physical and/or mental impairment, are not capable of full time independent living and/or cannot receive the needed services in their homes. Such services shall include, where applicable, but not be limited to, general nursing services, rehabilitative services, personal care services, nutritional services, social casework services, patient activities services, mental health services, and transportation services.

(3) Geriatric night services. Geriatric night services shall mean a limited program of services offered on a regular, recurrent basis to eligible persons who require a supervised, therapeutic program overnight or at other than regular working hours.

(4) Respite services. Respite services shall mean a program of geriatric day and/or geriatric night services offered on an intermittent basis to eligible persons for the purpose of providing their regular caretakers a limited period of respite and relief.

(5) Hospice services. Hospice services shall mean a program of care services for the terminally ill, which include counseling regarding acceptance of the inevitability of death, methods of alleviation of pain, and provision for care and attendance at the time of death, but exclude life-sustaining mechanisms.

(6) In-home services. In-home services shall mean:

(a) "Homemaker services" which provide care for eligible persons in their own homes and help them maintain, strengthen, and safeguard their personal functioning through the services of a trained and supervised homemaker.

(b) "Home health services" shall mean those services which provide basic health services to eligible persons who can be cared for at home.

(c) "Homemaker-home health aide services" shall mean those services which assist eligible persons to remain in their own homes when a health or social problem occurs or assist eligible persons to return to their homes after specialized care. The homemaker-home health aide carries out assigned tasks in an individual's place of residence working under the supervision of a professional person who also assesses individually the need for the service and has responsibility for implementing the plan of care.

(d) "Chore services" shall mean services which provide for the performance of household tasks, essential shopping, simple household and home repairs, and other light work necessary to enable an eligible person to remain in said person's own home, when, because of frailty or other condition, such individual is unable to perform such tasks alone.

(7) Nutrition program. Nutrition program shall mean the provision of low cost, nutritionally sound meals to eligible persons either in a nutrition center or when necessary and feasible, in the participant's home as such program is defined by Title VII of the Older Americans Act. The nutrition program shall also include nutritional education, shopping assistance, diet counseling, and other supportive services necessary to sustain the nutritional well-being of eligible persons.

(8) Housing services. Housing services shall mean a variety of services necessary to maintain an eligible person's home in a state of adequate repair for such person's safety and comfort. Housing services shall include, but not be limited to housing counseling, moving assistance, minor home repair, and handyman services.

(a) "Housing counseling" shall mean advice and assistance in locating suitable and appropriate independent living quarters as determined by the department;

(b) "Moving assistance" shall mean financial and physical assistance to eligible persons who do not have the family, friends, or financial resources to accomplish a change in living quarters by themselves, when their former living quarters were not consistent with standards of health and safety, or commensurate with the goals of this chapter as determined by the department;

(c) "Minor home repair" shall mean the small and inexpensive home repairs necessary to maintain a safe and healthful environment for eligible persons as determined by the department;

(d) "Handyman services" shall mean activities, which provide home maintenance, such as small appliance repair, lawn care, wood carrying, or other necessary tasks which an eligible person cannot perform due to disability or illness, but are necessary to the person's well-being as determined by the department;

(9) Health services. Health services shall mean those health related services which identify health needs of eligible persons, and assist them to obtain health services under Medicare, Medicaid, or other health service programs from other public or private agencies or providers of health services. Planning for such services, as appropriate, both with the eligible person in need of service and the health providers, to help obtain continuity of treatment and carrying out of health recommendations and assisting the individual, where appropriate, to secure admission to medical institutions, other health related facilities, and home health services as defined in this section.

(10) Preventive health services. Preventive health services shall mean those services designed to avoid institutionalization and may include, but need not be limited to, (a) periodic health screening and evaluation which provide for an assessment of an eligible person's need for such medical and social services necessary to retain said person's capacity for self-care and to maintain independent living in said person's own home as long as possible; (b) in-home services as defined in this section; (c) health education; and (d) services for health applicances such as eyeglasses, wheelchairs, ramps, canes, and other such medical aids, which will further the independence and well-being of eligible persons and which cannot be attained by other means.

(11) Mental health services. Mental health services shall mean a program of services offered on a regular basis to eligible persons for the purpose of restoring or maintaining mental health as provided by a qualified mental health specialist.

(12) Legal services. Legal services shall mean the provision of civil legal representation to eligible persons to ensure their independence from the need for institutional care. These services shall include, but shall not be limited to, counseling and representation in the areas of housing, consumer protection, public entitlements, property, and related fields of the law.

*NEW SECTION.* Sec. 5. "Volunteer and employment programs" shall mean those programs providing older persons with volunteer stipends, out-of-pocket expenses, or wages to perform meaningful services in various community settings, such as, but not limited to:

(1) The "foster grandparent program" as currently funded under ACTION (P.L. 93-113 Title II), the Federal Volunteer Agency;

(2) The "senior companion program" as currently funded under ACTION; and

(3) The "retired senior volunteer program" as currently funded under ACTION.

*NEW SECTION.* Sec. 6. Sections 1 through 5 of this act shall be known and may be cited as the "Senior Citizens Services Act".

*NEW SECTION.* Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 74 RCW.

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

Debate ensued.

#### POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator McDermott yield to a question? Senator McDermott, the concern I have is for the basic bill which you were a sponsor of and I recognize what you are trying to do but I do not want to throw the basic bill in jeopardy. I recognize it is included in this and I just want to be sure that we have some orderly procedure in it that will result in a successful conclusion. I do not know what the Ways and Means chairman is up to, Senator Newschwander is not on the Floor, and I just would like to have a little bit more detailed explanation and a little more time on it."

Senator Donohue: "The answer to that, Senator Lewis, the Ways and Means chairman is not up to anything, and I certainly want to find out what is going on."

Senator Lewis (Harry): "I recognize that."

Senator Donohue: "So, Mr. President, I would like to move this bill down as a special order of business at three o'clock and give the Senate Ways and Means staff the opportunity to review and see exactly what we are going to be involved in."

#### MOTION

On motion of Senator Donohue, Senate Bill No. 3019, together with the amendment by Senators Day, McDermott, Lewis (Harry) and Buffington, was made a special order of business for 3:00 p.m. today.

#### SECOND READING

SENATE BILL NO. 3032, by Senators Day, Matson and Goltz:

Authorizing public hospital districts broader powers to make contracts.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 3032 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Grant: "Would Senator Day yield? Senator Day, I am looking at the RCW 39.36.020 which imposes a limitation on indebtedness, in subsection two of that RCW it



says 'counties, cities, towns and public hospital districts' are limited to an indebted amount not to exceed three-fourths of one percent of the value of taxable property without the assent of three-fifths of the voters in voting at an election held for that purpose.' Now, I fail to see what this measure changes in regard to the present limitation of indebtedness of public hospital districts already in the statutes."

Senator Day: "No, it is not. There is a proviso in this bill 'provided that if such proposed contract would result in a total indebtedness in excess of three-fourths of one percent of the value of the taxable property in such public hospital district the proposition in regard to whether or not that the contract may be executed shall be submitted to the voters for approval or rejection.' Now, the term, 'value of taxable property shall have the same meaning as set forth in RCW 39.36.015.' Now, what this does is exempt those contracts that are under three-fourths of one percent of the value of the taxable property, those presently are not exempted in that amount. That is exactly the purpose of the bill to allow them some latitude in having these contracts that do not exceed three-fourths of one percent of the value of the property involved. So there is a limitation there."

Senator Grant: "Well, Senator Day, I think that limitation already exists in the law, and I think that the authority . . . ."

Senator Day: "No."

Senator Grant: "Look at the RCW. I don't think the bill is necessary. Then, if you are increasing the indebtedness or the limitation that is provided in the current RCW, I would be opposed to it. If it does not change the limitation, then what is the value of the bill? What is the bill for?"

Senator Day: "It is my understanding that the RCW reading excludes them from entering into that type of contract unless they have the specific vote of the people. This allows them to have the contract, but it still mandates that if it is over a certain amount, that it has to go to a vote of the people."

#### POINT OF INQUIRY

Senator Woody: "Mr. President, would Senator Day yield? Senator Day, in just a quick perusal of the language in this provides for the ability to execute an executory conditional sales contract for the purchase of real property."

Senator Day: "Well, it would have to be a fairly small amount of real property, personal property."

Senator Woody: "My problem is more technical in nature. I don't think you transfer real property by a conditional sales contract. Am I right, Senator Francis? I think if we enact this thing, you are going to have something that will provide for the ability to purchase personal property, but there is no such technique of conveying title to real estate by conditional sales contract."

#### MOTION

On motion of Senator Walgren, Senate Bill No. 3032 on third reading will be considered following Senate Bill No. 3094 on today's calendar.

#### SECOND READING

SENATE BILL NO. 3056, by Senators Lewis (R. H. "Bob") and Beck:  
Waiving instructional requirements for previously qualified election officers.

#### REPORT OF STANDING COMMITTEE

January 15, 1976.

SENATE BILL NO. 3056, waiving instructional requirements for previously qualified election officers (reported by Committee on Constitution and Elections):

Recommendation: Do pass with the following amendment:

On page 1, line 17, after "*device*" strike the "." and insert ": *PROVIDED, That any inspectors, judges and clerks of elections for whom the instructional requirements are*

*waived may at their discretion take advantage of the instructional program outlined herein."*

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

The bill was read the second time by sections.

On motion of Senator Beck, the committee amendment was adopted.

On motion of Senator Beck, Senator Lewis (R. H. "Bob") was added as an additional sponsor of the following amendment moved for adoption by Senator Beck:

On page 1, following line 4, insert the following sections:

"Section 1. Section 6, chapter 156, Laws of 1965 ex. sess. as last amended by section 2, chapter 127, Laws of 1974 ex. sess. and RCW 29.04.100 are each amended to read as follows:

- All poll books or current lists of registered voters shall be public records and be made available for inspection under such reasonable rules and regulations as the county auditor may prescribe. The county auditor shall promptly furnish current lists or mailing labels of registered voters in his possession, at actual reproduction cost, to any person requesting such information: PROVIDED, That such lists and labels shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value: PROVIDED, HOWEVER, That such lists and [books] labels may be used for any political purpose, including the solicitation of campaign contributions by any candidate or political committee, as those terms are defined in RCW 42.17.020. In the case of political subdivisions which encompass portions of more than one county, the request may be directed to the secretary of state who shall contact the appropriate county auditors and arrange for the timely delivery of the requested information[: PROVIDED, That the secretary of state shall promptly furnish, without cost and upon application therefor, an annual state-wide listing or computer tape of registered voters to the state central committee of any major political party that received at least ten percent of the total votes cast for the office of president at the preceding presidential election].

*NEW SECTION.* Sec. 2. There is added to chapter 29.04 RCW a new section to read as follows:

Not earlier than January 1st nor later than February 1st of each calendar year and not earlier than July 1st nor later than August 1st of each calendar year each county auditor shall provide to the secretary of state, or a data processing agency designated by him, a duplicate computer tape or data file of the records of the registered voters in that county, containing the information specified in RCW 29.07.220. The secretary of state shall reimburse each county for the actual cost of reproduction and mailing of the duplicate computer tape or data file. He shall arrange for a master computer tape or data file of the records of all the registered voters of the state to be compiled.

*NEW SECTION.* Sec. 3. There is added to chapter 29.04 RCW a new section to read as follows:

No later than February 15th and no later than August 15th of each year, the secretary of state shall provide a duplicate copy of the master state-wide computer tape or data file of registered voters to the state central committee of each major political party, at actual duplication cost. The master state-wide computer tape or data file of registered voters or portions of the tape or file shall be available to any other political party, at actual duplication cost, upon written request to the secretary of state. Restrictions as to the commercial use of the information on the state-wide computer tape or data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW 29.04.110 and 29.04.120 as now existing or hereafter amended."

Renumber old section 1 as section 4.

#### POINT OF INQUIRY

Senator Bottiger: "Will Senator Beck yield to a question? Senator Beck, in analyzing these amendments, I have got section two which has got to be gobbledy-gook. Section three has got to be gobbledy-gook, but the middle — the real meat of this — is

an amendment to Initiative 276 that would allow these voter registration lists to be used to raise campaign funds. Is that a pretty good analysis of the amendment?"

Senator Beck: "This will permit the registration lists to be used for anything — for any political purposes. Yes, I don't know if you want to use it for that . . ."

Senator Bottiger: "Senator Beck, let's read it. 'Including the solicitation of campaign contributions by any candidate or political committee.' Now, that is the real purpose of the amendment, isn't it?"

Senator Beck: "The purpose of the amendment is as it says on lines twenty through twenty-two on page one of the amendment, and if you read it there — if you want to use it for that purpose — I suppose you could interpret it that way but it is not the purpose of it, Senator Bottiger."

The motion by Senator Beck carried and the amendment was adopted. J

On motion of Senator Beck, the following amendment to the title was adopted:

On page 1, line 1 of the title, after the semicolon strike all the material down through and including the period on line 3 and insert the following:

"amending section 6, chapter 156, Laws of 1965 ex. sess. as last amended by section 2, chapter 127, Laws of 1974 ex. sess. and RCW 29.04.100; adding new sections to chapter 29.04 RCW; amending section 29.33.220, chapter 9, Laws of 1965 as last amended by section 1, chapter 102, Laws of 1973 and RCW 29.33.220; and providing penalties."

On motion of Senator Beck, the rules were suspended, Engrossed 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 von Reichbauer: "Mr. President, will Senator Beck yield to a question? Senator Beck, new section, section three, lines eighteen through twenty-two, you refer to the Secretary of State providing a duplicate copy of the master state-wide computer tapes to the state central committee of each major political party. Is the central committee of each political party obligated to give it to any member of that political party who asks for it?"

Senator Beck: "The state central committees of each of the major political parties can use it for anything. That is what the purpose of the amendment is, Senator von Reichbauer. Yes, I suppose if they want to use it for that, they can."

Senator von Reichbauer: "What I am saying is, can any individual who runs as, let's say, a Democrat, petition the state central committee to provide that list and are they obligated to give them that list?"

Senator Beck: "Yes, that is the purpose of the thing."

Senator von Reichbauer: "At cost?"

Senator Beck: "At cost."

Senator Lewis (R. H. "Bob"): "Yes, Senator von Reichbauer, I think one of your concerns might be taken care of by pointing out that what this bill is in effect, it gives your challengers an equal opportunity to do their job as well as the incumbents who know how to get these lists and do these things. So I think it evens things up and your interest in fair campaigns, I think you would be all for this."

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President, will Senator Beck yield? Senator Beck, in the language you are striking — the present law says that the Secretary of State shall promptly furnish without cost. Now, you are striking that language, 'without cost.' Why are you doing that?"

Senator Beck: "To the state central committees, Senator Odegaard."

Senator Odegaard: "That is without cost to the state central committee. That is present language, isn't it? It is on line twenty-seven."

Senator Beck: "That is right."

Senator Odegaard: "Why are you striking that language?"

Senator Beck: "This is the way the Secretary of State wanted it."

Senator Odegaard: "Now I know how I am going to vote."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3056, and the bill failed to pass the Senate by the following vote: Yeas, 20; nays, 25; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Fleming, Francis, Grant, Henry, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Murray, Rasmussen, Sandison, Scott, Stortini, Talley, Van Hollebeke, Walgren, Washington—20.

Voting nay: Senators Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Goltz, Gould, Guess, Herr, Jones, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Pullen, Ridder, Sellar, von Reichbauer, Wanamaker, Wilson, Woody—25.

Absent or not voting: Senator Donohue—1.

Excused: Senators Jolly, Keefe, Peterson—3.

ENGROSSED SENATE BILL NO. 3056, having failed to receive the constitutional majority, was declared lost.

#### SECOND READING

SENATE BILL NO. 3073, by Senators Morrison and Gould:

Requiring that the two highest winners in the primary appear on general election ballot irrespective of whether one obtained more than a majority of the votes for the position in such primary.

The bill was read the second time by sections.

On motion of Senator Beck, the rules were suspended, Senate Bill No. 3073 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Talley: "Would Senator Beck yield to a question? Senator Beck, how broad is this thing? I just started to look at these RCW's you have got in here."

Senator Beck: "Well, Senator Talley, that just corrects the Revised Code of Washington. It is a very simple little bill. It requires that in the school district election for school boards the two highest candidates will be on the ballot for the general election. The two highest candidates in the primary will be on the ballot for the general election."

Senator Talley: "It just applies to school districts?"

Senator Beck: "School districts is all it applies to. Now, that language — if you will notice there that section one is the existing law and it refers to judges and several other offices there but the only thing that is stricken there is school directors. We put a new section in to take care of how school directors will be elected."

Senator Talley: "Thank you."

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3073, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent or not voting, 2; excused, 3.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senators Bailey, Bottiger, Fleming—3.

Absent or not voting: Senators Donohue, Mardesich—2.

Excused: Senators Jolly, Keefe, Peterson—3.

SENATE BILL NO. 3073, having received the constitutional 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 Guess moved that the rules be suspended and the Senate immediately reconsider the vote by which Engrossed Senate Bill No. 3056 failed to pass the Senate.

#### MOTION

On motion of Senator Talley, the motion for reconsideration by Senator Guess was made a special order of business for 3:45 p.m. today.

#### SECOND READING

SENATE BILL NO. 3076, by Senators Van Hollebeke and Scott:  
Increasing statutory attorney's fees.

#### MOTION

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

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the rules were suspended, Senate Bill No. 3076 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3076, and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Guess, Henry, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—40.

Voting nay: Senators Fleming, Grant, Herr, Woody—4.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Jolly, Keefe, Matson, Peterson—4.

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. 3090, by Senators Wilson, Knoblauch and Wanamaker (by State Parks and Recreation Commission request):

Permitting longer leases and concessions in state parks.

#### MOTION

On motion of Senator Wilson, Senate Bill No. 3090 was re-referred to the Committee on Rules.

#### SECOND READING

SENATE BILL NO. 3094, by Senators Wilson, Walgren, North, McDermott,

Bluechel, Jolly and Morrison:

Establishing the Washington library network.

#### REPORT OF STANDING COMMITTEE

January 26, 1976.

SENATE BILL NO. 3094, establishing the Washington library network (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, beginning on line 4, delete all the material down to and including "users." on line 9 and insert:

"*NEW SECTION.* Section 1. There is hereby established the Washington library network, hereinafter called the network, which shall consist of the common use of services such as an automated library system, telecommunication systems and related programs, to provide services and to facilitate the sharing of information and library resources to meet the needs of libraries and their present and potential users."

On page 2, section 2, line 7, after "expertise" delete the period and insert a semicolon and a new subsection as follows:

"(4) "Telecommunications" includes any point to point transmission, emission, or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, microwave radio, optical, or other electromagnetic system, including any intervening processing and storage serving a point to point system."

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), North, Sellar, Talley, Wilson.

The bill was read the second time by sections.

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

Senator Scott moved adoption of the following amendment:

On page 1, line 13, after "43.105 RCW" insert: "PROVIDED, That all components, systems and programs operated pursuant to this section shall be approved by the data processing authority created pursuant to chapter 43.105 RCW"

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Concurring with Senator Scott in the amendment he proposed, it is the intention — as I understand it — Senator Scott, would you yield to a question, please? I gather from your explanation, Senator Scott, you do intend that the data processing control authority has prior approval before any new equipment is purchased?"

Senator Scott: "That is correct."

Senator Rasmussen: "Thank you, Senator."

#### POINT OF INQUIRY

Senator Bluechel: "Will Senator Scott yield to a question please? When you include the word 'programs' there, are you talking about software programs which would apply only to the library and not to the rest of the state institutions?"

Senator Scott: "I am talking about the DPA having an overview of everything involved with this system as they have an overview with everything in every other state system to insure the compatibility of the operation and economy in the purchase of equipment."

Senator Bluechel: "Well, I agree with your intent completely but I just wondered if when you put the word 'programs' in whether that makes the Data Processing Authority have to review the actual software program which really would not . . ."

Senator Scott: "That is correct, too."

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

On motion of Senator Fleming, the rules were suspended, Engrossed Senate Bill No. 3094 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Herr: "Would Senator Fleming yield to a question? Well, you know I am not a member of local government and I am not too familiar with the bill. There have been people whom I respect — you know, pushing the bill, lobbying the bill — but would this computerize our whole network more? Don't you think we are over computerizing everything in this country? In fact, I would like to tell you I had a call from my wife, and cable television has been billing me for four months and we have paid the bill — but it went back into the computer in New York and now is this another step in computers? Could you answer me?"

Senator Fleming: "Senator Herr, I will suggest you should have asked that question in 1974 when we set the program up. This is only implementing what we have already decided we wanted to do."

## POINT OF INQUIRY

Senator Guess: "Will Senator Fleming yield? Senator Fleming, is this a blank check for five to ten million bucks so that they can carry this thing out in the future?"

Senator Fleming: "This is Senator Wilson's bill. I will let Senator Wilson answer that question."

Senator Guess: "Will Senator Wilson yield? Senator Wilson, do you have an estimate on the blank check that we are signing by passing this bill?"

Senator Wilson: "Senator Guess, if I could briefly have a moment to explain what the bill is about, I would be delighted to respond to that or any other question."

"This bill simply acknowledges the existence of the Washington State Library computer network. This network is already being developed. It is partially in operation. It has been appropriated — something in excess of 4.8 million dollars in state funds by this legislature over the past five years. The appropriations were made through the budgetary process with full knowledge that the funds were going to be used in the development of this particular network. The bill itself does not involve any additional appropriations. The question of how much additional money we care to invest in this network will be up to our Ways and Means Committees and up to the two bodies as they consider the budget bills and — more specifically — the state library budget for future bienniums. The other thing that this bill does is set forth very specifically that at no time — now or in the future — will any local library in the state be compelled to join or participate in or contribute to this system. Those libraries which do not wish to participate may depend upon their present processes and will not be obligated to join the state network."

"Finally, in partial response to Senator Herr, I, too, have had my problems with computer billings and have had many arguments with computers in Tucson, Arizona and Chicago, Newark, New Jersey, in Georgia, in Tulsa and/or all other cities, I think, of two hundred thousand population or more and I have won some of these arguments and I have lost some. And I share your fears that this nation will become entirely computerized and at some point in time your name will not be Senator Herr. It will be Senator 605-F49386. The justification for the network is simply that there has been an explosion of knowledge in our civilization in recent years and that by employing a computer device to assemble, catalog, organize this information it will become much easier for the people of this state to find out what has been published on what subjects, where it is located, and how they can get a copy of what they want."

## POINT OF INQUIRY

Senator Jones: "Would Senator Harry Lewis yield to a question? Senator Lewis, are you satisfied with this bill? If you could have some remarks about it?"

Senator Lewis (Harry): "Senator Jones, for the record I have no objections. As Senator Wilson has said, we have already allocated the funding, and this merely reaffirms what they are already doing. However, . . ."

## POINT OF ORDER

Senator Bailey: "I would like to raise a point of order. That type of a question from Senator Jones where Senator Lewis's comments on a bill are entered in the record is not

quite within the realm of answering a question. I don't think that is the procedure at all."

#### RULING BY THE PRESIDENT

The President: "Senator Bailey's remarks are well taken."  
Debate ensued.

#### POINT OF INQUIRY

Senator Fleming: "Mr. President, I just wanted to ask Senator Lewis was he aware that they do have a bill in already to set up a revolving type fund so they can get it started on a sort of charge-back or pay-back basis. It was referred to Ways and Means this morning and we will be discussing that in Ways and Means."

(No reply by Senator Lewis (Harry) )  
Further debate ensued.

#### POINT OF INQUIRY

Senator Guess: "Will Senator Wilson yield? Senator Wilson, I perhaps asked my question of you incorrectly and I don't think I got an answer to it so I would like to ask you this: If the bill is passed, are we thereby creating the situation whereby next year the library services and the library network people can come back in and say, 'The Legislature gave to us the authority but they did not properly fund it. Now, we ask you, will you fund what you have approved of in the 1976 session?'"

Senator Wilson: "Senator Guess, that is a legitimate question and I would like to answer it as carefully and as honestly as I can. I would say that the library would be in before Ways and Means in the 1977 session seeking funds to continue the development and operation of this system but to no greater an extent than if this bill had been passed or not. The system is out there. It is being developed. It is being used already. This bill simply acknowledges its existence. The Legislature, in truth, already has acknowledged the existence of this system by appropriating several million dollars to it with full knowledge of what the money would be used for. If you think, despite all that, that the mere passage of this bill — the acknowledgement that indeed the system is there — because it is, will give them a stronger argument for funding, I would say to that extent you are correct.

"I would have to emphasize finally, though, that you are on Ways and Means. Well, there are good men on Ways and Means and they will be able to appropriate to the library for continued development of this system as much as or as little as they wish. Certainly, this bill will not hold a club over their heads."

Senator Guess: "Senator Wilson, I am somewhat at a loss after your explanation. Now, couldn't we have just as well have acknowledged it by saying 'howdy' or something like that?"

Senator Wilson: "If you would like to say 'howdy' to the Washington State Library Network, I think they would feel it was a friendly gesture."

#### MOTION

Senator Rasmussen moved that Engrossed Senate Bill No. 3094 be referred to the Committee on Ways and Means.

Debate ensued.

The motion by Senator Rasmussen failed.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3094, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senator Herr, Mardesich, Rasmussen—3.



Excused: Senators Jolly, Keefe, Matson, Peterson—4.

ENGROSSED 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.

### THIRD READING

SENATE BILL NO. 3032, by Senators Day, Matson and Goltz:

Authorizing public hospital districts broader powers to make contracts.

The Senate resumed consideration from earlier today of Senate Bill No. 3032 on third reading.

Debate ensued.

There being no objection, Senator McDermott was excused.

### POINT OF INQUIRY

Senator Woody: "Senator Day, did you have an answer to my question?"

Senator Day: "I don't recall. I thought it was an extension of Senator Grant's question. What was your question?"

Senator Woody: "A very simple one, and that is that you can't sell real estate by a conditional sales contract."

Senator Day: "I understand that but that is standard language in that particular type of section and so they picked it up there and where it is not applicable, it obviously will not be used, Senator."

Senator Woody: "Well then, you will not be able to sell or purchase any real property at all by this bill. It may be typical language, but it is defective."

Senator Day: "Well, the people that drafted it seem to know what they are doing. Senator Francis looked at it a minute ago and said there was nothing the matter with it so in this particular instance, I will take one lawyer's opinion over another."

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3032.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3032, and the bill passed the Senate by the following vote: Yeas, 38; nays, 7; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Odegard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—38.

Voting nay: Senators Buffington, Francis, Mardesich, Marsh, Talley, Van Hollebeke, Woody—7.

Excused: Senators Jolly, Keefe, McDermott, Peterson—4.

SENATE BILL NO. 3032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

### SPECIAL ORDER OF BUSINESS

#### SECOND READING

SENATE BILL NO. 3019, by Senators Day, Lewis (Harry), McDermott and Buffington:

Establishing geriatric day service program.

The time having arrived, the Senate resumed consideration of Senate Bill No. 3019 and the pending amendment by Senators Day, McDermott, Lewis (Harry) and Bufington.

There being no objection, the amendment was withdrawn by Senator Day.

#### POINT OF INQUIRY

Senator Mardesich: "Before, Mr. President, the measure is passed on to third reading, I wonder if Senator Day would yield to a question? Senator Day, in glancing at the bill which is page 612 in the bill book, I notice at the bottom of the page it speaks about the services which will be offered, and then starting on lines twenty-eight and twenty-nine, we see where this program of services offered shall be based on the needs of the participants, and then it says 'where applicable, those services will be provided by professionals licensed by the state of Washington.'"

Senator Day: "It says further, 'all other services shall be provided by appropriately trained personnel.'"

Senator Mardesich: "I see that, but I wonder what is the necessity of that. First, with respect to the proviso that professionals be used where they believe them to be applicable, whatever that means, and why must they be licensed by the state? Have we not made exceptions, especially even in our various institutions where we could use the people who are not necessarily licensed within the state?"

Senator Day: "Yes, I think that what we are talking about is relative to professionals, general nursing services, rehabilitative services such as physical therapy, nutritional services — a dietician, and mental health services which would take a mental health care professional or someone on that order. I am quite sure it does not authorize the department to provide services in a technical area unless they are some licensed people."

Senator Mardesich: "All right, but if I recall correctly, you even were one of the people on the floor here last session who advocated that we allow those people who are licensed in other areas, I believe even those from overseas, to practice in our institutions. I wonder why you are . . ."

Senator Day: "The bill you are referring to allows the Canadian physicians or people licensed in other jurisdictions to practice in our . . ."

Senator Mardesich: "Right now, I wonder why we are providing here that they must be licensed in the state of Washington — top of page two."

Senator Day: "Well, I think that those professionals are licensed by the state of Washington and the ones that we allow to practice in institutions would be considered licensed by the state of Washington under the exception that working in institutions or in state facilities that the license extends to those people. I think that extension we made would apply to this particular area. Now, if you are asking why they should be licensed at all . . ."

Senator Mardesich: "No, in the state."

Senator Day: "Well, we could strike 'in the state of Washington,' but I think that that would raise some questions as to standards where they are going out into the community and giving geriatric services. I am certain that when this bill gets to the House that if you take out 'state of Washington' it will run into 'globs' (sic)."

Senator Mardesich: "With respect further to page two, line fourteen, the definition of 'eligible persons', there seems to me to be no limitation there except what the department should decide should be limitation. Would we not be wise to — I assume it is the intent, but I am not certain — would we not be wise to — rather than leave the measure wide open like that — require the department to impose the regulations established by HEW with respect to the . . ."

Senator Day: "Well, I think that they are bound to regulations by HEW already by the implementation of the matching funds, so that . . ."

Senator Mardesich: ". . . like for example, state median income, or is that poverty level?"

Senator Day: "No, no. It is somewhere on the poverty level, although I am not exactly sure of the amount now. There are a couple of the programs where the department found it was impractical to have someone at the door checking criteria all the time and

they found that if people were bound to poverty to participate in the program that they did not participate. They stayed away because they did not want to be identified as poverty level even though they are not on public assistance. They do have Social Security and maybe some other minor income. That was a social hazard there as far as the people were concerned and they did not want to be identified with that.

"They found that there was no over utilization of the program by people who could afford to come, and they did, in fact, implement on the meals program, for example, a minor pay for those who could afford to pay and they found out that those, principally the large majority of those who could afford to pay, were happy to pay for the social atmosphere as well as the meals. So, really, what we are talking about here is allowing older people to have an opportunity to participate and not have any ironclad rules relative to it except those necessary to comply with HEW."

Senator Mardesich: "Now, further with respect to page three, line fifteen. It says 'This act shall take effect on January 1, 1977 provided that funding for the three existing state funded geriatric day centers may be provided effective July 1, 1976'. It would seem to me that the same effect that funding would be provided out of current budget. It is in its last year of the biennium."

Senator Day: "It is my understanding that some of these programs will terminate unless funding is provided, and that is up to Ways and Means. And that the effectiveness of this particular Act was set on July 1, 1977 so that the 1977 legislature could then address themselves to an implemented act without the resources."

Senator Mardesich: "I believe that it does provide for the second year of this biennium to be funded out of current budget, and I am wondering what program that money is going to come out of."

Senator Day: "Well, I don't know. That will be up to Ways and Means, Senator. There is no money in this bill."

Senator Mardesich: "I think there is money in it, but it has to come out of some other program; and I am wondering . . . ."

Senator Day: "Well, there is no additional — that is what I . . . ."

Senator Mardesich: "There is no new money?"

Senator Day: "No new money but there is some money available right now and, of course, that will continue to be available to be utilized wherever this can be implemented."

Senator Mardesich: "The department has not indicated what they intend to take that money away from as yet?"

Senator Day: "No."

On motion of Senator Day, the rules were suspended, Senate Bill No. 3019 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3019, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Jolly, Keefe, McDermott, Peterson—4.

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. 3097, by Senators Lewis (Harry), Donohue, Guess, Lewis (R.

H. "Bob"), Wanamaker, Clarke, Day, Beck, Matson, Jones, Rasmussen and Mardesich: Requiring consideration of economic factors resulting from government decisions.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 3097 was substituted for Senate Bill No. 3097 and the substitute bill was placed on second reading and read the second time in full.

Senator Lewis (Harry) moved the following amendments by Senators Lewis (Harry) and Rasmussen be considered and adopted simultaneously:

On page 1, section 1, line 5 strike "assure" and insert "assert" and after "that" insert "it is the intent of the legislature that" and after "given" strike "equal" and insert "appropriate"

On page 1, section 2, line 10 strike the colon and on line 11 strike "(1) Adopt" and insert "adopt"

On page 1, line 12 after "given" insert "appropriate"

On page 1, strike the semicolon and insert a period, and strike lines 14 through 22 and all of New Section 3. Renumber the remaining sections consecutively.

On page 2 strike New Section 5 and renumber the remaining sections consecutively.

On page 2, section 6, line 14 after "regulations" strike the remainder of the sentence and insert "which that agency expects to have a substantial economic impact"

#### POINT OF INQUIRY

Senator Woody: "Would Senator Lewis yield? I trust, Senator Lewis, what we are working from is something that says 'proposed Substitute Senate Bill No. 3097'."

Senator Lewis (Harry): "Yes."

Senator Woody: "And on the back has some proposed amendments?"

Senator Lewis (Harry): "Yes."

Senator Woody: "And you are asking that we adopt all of those amendments?"

Senator Lewis (Harry): "Yes, it would then look like the bill on the other side. I inserted all of the amendments in the substitute bill, Senator Woody, so that the reverse side of the amendments is the bill as it would be with the amendments inserted in it and so, in effect, we would be adopting that page. I did that to try to make it a little more clear."

#### POINT OF INQUIRY

Senator Goltz: "Will Senator Lewis yield? Senator Lewis, is there an economic or fiscal note on this bill as to the cost?"

Senator Lewis (Harry): "The cost is expected to be very minimal and it is intended that it be absorbed by the Department. It merely provides, Senator Goltz, that when they are making an EIS that they include any areas that would provide a substantial economic impact that they would include a section or paragraph indicating what that substantial economic impact is."

Senator Goltz: "Another question, if I may. Senator Lewis, in the environmental impact statement guidelines, it is my understanding that economic impact is one of the conditions of an environmental impact. It is my impression, then, from this that this is in addition to those actions which are covered by an environmental impact statement, that the economic impact statement would have to be issued as a separate document. Is that correct?"

Senator Lewis (Harry): "If you read the language, I believe it is about line 8, it deals with the development of rules and regulations by state agencies. It is on line 246, 'developing rules and regulations in conformity with state law, shall adopt methods and procedures which will assure that economic values will be given appropriate consideration in decision making'."

#### POINT OF INQUIRY

Senator Washington: "Senator Lewis, would you please yield? Again, do I under-

stand that the implementation of this bill will require additional paperwork in the preparation of environmental impact statements?"

Senator Lewis (Harry): "Senator Washington, at the present time it is the policy of the legislature that economic values are given consideration along with environmental, social, health and safety considerations which are presently required in the promulgation of rules and regulations by state and local governments. Now they already must consider the environmental, social, health and safety and we are asking that they would also consider the economic."

Senator Washington: "My question is, will it require additional paperwork in the preparation of an environmental impact statement?"

Senator Lewis (Harry): "Yes, in the area only where there would be a substantial economic impact, it would require additional paper work."

Senator Washington: "And would open up another avenue of a lawsuit if it isn't properly carried out, I presume."

Senator Lewis (Harry): "Senator Washington, in direct answer to your question, the reasons for the amendment are to reduce that probability, and we have spent all morning working with the attorneys from the agencies to be sure that this will not be able to be used as a procedural tool with which to challenge agency actions."

Senator Washington: "I just finished going into these methods that can be involved in an environmental suit, and frankly, I do believe that we have, perhaps, too many avenues of attack on an environmental statement, and it is my opinion at this point, you add one more requirement that if you don't properly analyze all of the economic alternatives, you may well find someone who is really attempting to stop your project, can stop it just as well, by the fact that you did not consider all the economic alternatives, as by the fact that you did not consider all the economic (sic) alternatives. Now, I really wish to caution to a certain extent here — I do have a comment to make and I will wait until you finish."

Senator Lewis (Harry): "In direct response to your question, Senator Washington, this is precisely the reason for the amendments that we have drafted. I recognize that we do open it up somewhat but if you would read the language, it says 'with which that agency expects to have a substantial environmental impact.' We have drawn the language under close work with the attorney from DNR who was concerned about precisely the item that you describe, and we have made every attempt to reduce that so that it will not resolve an additional court action while at the same time requiring what we think is essential and necessary that environmental, where there is a substantial economic impact in the opinion of the agency, that they must include a section in their EIS in that regard."

Senator Washington: "Now, I am looking on line nine on page two. It says 'three alternatives to the proposed action' and the only thing I am pointing out is that anyone who wants to attack an environmental statement can attack it on any grounds he wishes to and he does not have to necessarily be philosophically inclined to your point of view. But when he wants to stop it he can point out — I am concerned right here on nine, 'alternatives to the proposed action'. Now if you require that in an environmental statement . . . ."

Senator Lewis (Harry): "Are you reading from the bill book, or are you reading from the bill laid on your desk?"

Senator Washington: "I am reading from the bill book."

Senator Lewis (Harry): "Oh. Well, then I totally amended that. Let me give you a copy of the bill."

#### MOTION

On motion of Senator Knoblauch, Senator Mardesich was excused.

The motion by Senator Lewis (Harry) carried and the amendments were adopted.

On motion of Senator Lewis (Harry), the rules were suspended, Engrossed Substitute Senate Bill No. 3097 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Guess: "Will Senator Lewis yield? If I understand the amendment which you adopted, it does strike lines fourteen through twenty-two and all of new section three. Is that correct?"

Senator Lewis (Harry): "Yes."

Senator Guess: "Then I think that Senator Washington's fears that we are getting into the social aspects of it are not well founded because it does strike (n) section, subsection one of section three, which says 'to comply with environmental, social, health, safety and other standards prescribed by law.' That has now been stricken, Senator Washington. I think that that will help it."

## POINT OF INQUIRY

Senator Goltz: "I would like to ask another question, I believe, of Senator Lewis. Section five refers to this chapter and shall be known and may be cited as the state economic policy act. Now, it seems to me that that is a very grand title for a bill which simply requires an economic impact statement for those agencies making rules and regulations. I wonder if we should not reserve that grand title for something more far reaching than even your good bill."

Senator Lewis (Harry): "Senator Goltz, I disagree with you. I think that the economics of the acts of the adoption of rules and regulations as they affect people in businesses in this state, and entire communities, are important enough to have a title such as it is. And I hope you will keep it."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3097, and the bill passed the Senate by the following vote: Yeas, 35; nays, 7; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Clarke, Cunningham, Day, Francis, Goltz, Gould, Guess, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Walgren, Wanamaker, Washington, Wilson, Woody—35.

Voting nay: Senators Bluechel, Bottiger, Buffington, Grant, Ridder, Van Hollebeke, von Reichbauer—7.

Absent or not voting: Senators Donohue, Fleming—2.

Excused: Senators Jolly, Keefe, Mardesich, McDermott, Peterson—5.

ENGROSSED SUBSTITUTE 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. 3098, by Senators Rasmussen and Lewis (Harry):  
Authorizing payroll deductions for combined health agencies program.

## MOTIONS

On motion of Senator Rasmussen, 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 in full.

On motion of Senator Rasmussen, 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.

## 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, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senator Donohue—1.

Excused: Senators Jolly, Keefe, Mardesich, McDermott, Peterson—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. 3123, by Senators Day, Herr, Cunningham and Guess:  
Revising the definition of "gravely disabled" as regards mental disorders.

## REPORT OF STANDING COMMITTEE

January 27, 1976.

SENATE BILL NO. 3123, revising the definition of "gravely disabled" as regards mental disorder (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 13, strike "*or*" and insert "*and*"

Signed by: Senators Day, Chairman; Buffington, Goltz, Gould, Pullen, Ridder, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment was adopted.

Senator Francis moved adoption of the following amendment:

On page 1, beginning on line 7, strike all the matter down through "*property*;" on line 14 and insert:

"(1) [*"Gravely disabled" means a condition in which a person, as a result of a mental disorder is in danger of serious physical harm resulting from a failure to provide for his essential human needs,*] "*Gravely disabled" means a condition in which a person, as a result of a mental disorder, may be in danger of physical harm because he is failing to provide for his personal needs for food, clothing, shelter, income, or medical care for physical illness;*"

Debate ensued.

## POINT OF INQUIRY

Senator North: "Will Senator Francis yield? We note that in the present law the definition that we have now reads, 'gravely disabled' and then it says 'is in danger of serious physical harm' but in your definition you have changed that and you said 'may be in danger.' Now, there is a vast difference between the 'actually is' and hypothetical as to whether he 'may be in danger.' Now, I would just like to ask your comment. I would prefer it if it read in your definition, 'gravely disabled mental condition in which a person as a result of a mental disorder is in danger,' and then we went on 'because he is failing' and in that way would be a very tight and a very specific definition. You would know what you were talking about when you went to court."

Senator Francis: "Thank you very much, Senator North. I think that you have gotten at half of the reason why it will apply to a lot more people. Because instead of requiring the doctors to say this person is clearly in danger, all the doctor has to conclude is that because of the mental disorder and their failure to be now taking care of certain essential needs, they may be in danger of harm. The other part of it that you did not mention is the fact this omits the word 'serious' in front of words 'physical harm.' And again, what has happened in so many parts of the state is that someone literally has

to have made an overt suicide attempt or in some other way have shown that the threat to their very life is imminent before they will bring them in and provide them some kind of care on an involuntary basis. So, instead of saying that they are in danger, which I do not see how any one can testify to that, even Senator McDermott, I think, with his expertise and his background, is not going to be in a position to say, 'yes, this person is in danger,' but he could say 'this person may be in danger' because he does have a mental disorder and he is not caring for his needs in these particular respects. And again, serious physical harm, I guess it is a matter of emphasis, but the fact that we are only saying physical harm rather than serious physical harm again would allow a little more leeway to these professionals to look at the situation and say, 'yes, this person fits in this definition of being gravely disabled.'

Further debate ensued.

#### POINT OF INQUIRY

Senator Fleming: "Would Senator Day yield to a question? Would those remarks that you made about Senator Francis's amendment, would they still be in the category of flippant?"

Senator Day: "No, I think they were as serious as I know how to make them, both on this bill and on the other bill."

The motion by Senator Francis failed and the amendment was not adopted on a rising vote.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 3123 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3123, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, Newschwander, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senators Donohue, North, Sellar—3.

Excused: Senators Jolly, Keefe, Mardesich, McDermott, Peterson—5.

ENGROSSED 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.

#### MOTION

On motion of Senator Knoblauch, Senator Day was excused.

#### SECOND READING

SENATE BILL NO. 3141, by Senators Rasmussen, Grant and Lewis (Harry): Designating the fourth Monday in May as Memorial Day.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 3141 was re-referred to the Committee on Rules.

#### SECOND READING

SENATE BILL NO. 3185, by Senator Lewis (Harry): Relating to state government.



## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 3185 was substituted for Senate Bill No. 3185, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Lewis (Harry), the rules were suspended, Substitute Senate Bill No. 3185 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3185, and the bill passed the Senate by the following vote: Yeas, 33; nays, 10; excused, 6.

Voting yea: Senators Bailey, Beck, Bottiger, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Guess, Henry, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Walgren, Wanamaker, Woody—33.

Voting nay: Senators Benitz, Bluechel, Buffington, Gould, Grant, Herr, Van Hollebeke, von Reichbauer, Washington, Wilson—10.

Excused: Senators Day, Jolly, Keefe, Mardesich, McDermott, Peterson—6.

**SUBSTITUTE 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.

## MOTION

On motion of Senator Walgren, the special order of business, Engrossed Senate Bill No. 3056 for 3:45 p.m. was made a special order of business for 3:59 p.m. to consider the motion by Senator Guess that the Senate reconsider the failure of Engrossed Senate Bill No. 3056 to pass the Senate.

## SECOND READING

**SENATE BILL NO. 3274**, by Senator Walgren:

Authorizing toll bridge authority to guarantee payment of bond for public facilities reasonably related to improvement of ferry system.

## MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 3274 was substituted for Senate Bill No. 3274, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bottiger, the rules were suspended, Substitute Senate Bill No. 3274 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3274, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 2; excused, 6.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Voting nay: Senator Benitz—1.

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

Excused: Senators Day, Jolly, Keefe, Mardesich, McDermott, Peterson—6.

SUBSTITUTE SENATE BILL NO. 3274, having received the constitutional majority, was declared passed. 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 Clarke, Francis and Van Hollebeke (by Department of Employment Security request):

Asserting jurisdiction, for purposes of the divorce laws, over persons living in a marital relationship within this state, notwithstanding the subsequent departure of the nonpetitioning party.

The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, Senate Bill No. 3154 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3154, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Absent or not voting: Senator Matson—1.

Excused: Senators Day, Jolly, Keefe, Mardesich, McDermott, Peterson—6.

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. 3047, by Senators Ridder, Marsh and Morrison:  
Clarifying intent of recent change in industrial insurance law.

#### REPORT OF STANDING COMMITTEE

January 26, 1976.

SENATE BILL NO. 3047, clarifying intent of recent change in industrial insurance law (reported by Committee on Labor):

Recommendation: Do pass as amended.

On page 1, line 9 after "any" strike "such" and insert "[such] otherwise eligible"

On page 3, line 11 after "1975," strike "such" and add "an otherwise eligible"

On page 3, line 15, after "lesser" and: "*PROVIDED, That if the injury occurred prior to July 1, 1971, the remarriage benefit lump sum available shall be as provided in the remarriage benefit schedules then in effect*".

On page 3, line 29 after "lesser" add: "*PROVIDED FURTHER, That if it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of this 1976 amendatory act the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund*".

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

The bill was read the second time by sections.

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

On motion of Senator Ridder, the rules were suspended, Engrossed Senate Bill No. 3047 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3047, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 2; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Voting nay: Senator Grant—1.

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

Excused: Senators Day, Jolly, Keefe, Mardesich, McDermott, Peterson—6.

ENGROSSED SENATE BILL NO. 3047, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 3061, by Senators North, Ridder and Grant:

Allowing parties to public collective bargaining to modify negotiation and mediation periods by mutual consent.

#### MOTION

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

#### REPORT OF STANDING COMMITTEE

January 29, 1976.

SENATE BILL NO. 3061, allowing parties to public collective bargaining to modify negotiation and mediation periods by mutual consent (reported by Committee on Labor):

Recommendation: Do pass with the following amendments:

On page 1, line 17 after "*mutual*" insert "*written*".

On page 2, line 29 after "*mutual*" insert "*written*".

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

The bill was read the second time by sections.

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

On motion of Senator Ridder, the rules were suspended, Engrossed Senate Bill No. 3061 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3061, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Bluechel, Day, Jolly, Keefe, Mardesich, McDermott, Peterson—

7.

ENGROSSED SENATE BILL NO. 3061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

Senator Walgren moved that the Senate now consider Senate Bill No. 3037.

#### POINT OF INFORMATION

Senator Lewis (Harry): "What is the hour, Mr. President? I think we had a special order of business called by the Majority Leader at 3:59 would be in order at this point."

#### POINT OF INQUIRY

Senator Bailey: "Would Senator Lewis yield? You would rather consider that than consider the veterans' bonus, Senator Lewis?"

Senator Lewis (Harry): "Senator Bailey, there are a number of bills that were in the priority, there is a groc'dr's bill, there is the electric power producers bill, which is being considered, and the majority party itself agreed on the priorities and the procedure, and I am just trying to adhere to those."

The motion by Senator Walgren carried.

#### SECOND READING

SENATE BILL NO. 3037, by Senators Rasmussen, Stortini, Henry, Bailey, Goltz, Buffington, Knoblauch, Guess, Walgren, Benitz, Woody and Beck (by State Treasurer's request):

Amending veterans' bonus requirements.

The bill was read the second time by sections.

Senator Rasmussen commenced advancing the bill to third reading.

#### POINT OF ORDER

Senator Lewis (Harry): "Point of order, Mr. President, I —"

The President: "Senator Lewis will please state his point of order."

Senator Lewis (Harry): "Mr. President, when I asked you the time, it was one minute after four, as I observed the time, and I would like to have a ruling on the resolution which this Senate adopted as to procedures, as to cut-off times, and so forth. I believe we are out of order at this point under the terms of the adopted Senate Resolution. Would you rule on that please, sir?"

#### POINT OF INFORMATION

Senator Bailey: "A point of information. If this bill has a fiscal impact, quite a fiscal impact, and if it were moved to Ways and Means would it be a bill that would be an appropriation bill?"

Senator Donohue: "Mr. President and members of the Senate, I just talked to Senator Rasmussen about this. This is one of the problems. Here is a bill that the Ways and Means Committee has not had in committee. It has a fiscal impact of over four million dollars that we are figuring at this point in time to use, for instance, to continue the sixty-five million dollar appropriation for schools and that includes those schools in Seattle. Now, this concerns me that bills like this with a fiscal impact reach this floor at this point in time trying to slide through here without the Ways and Means committee members having the opportunity to review it. Now, I know that it is a type of a bill, it is a good bill, and so forth, but it has not gone through the procedures that it should. I would suggest, Mr. President, with Senator Rasmussen's approval, to review this properly. I would move that this bill be referred to Ways and Means and it is my understanding that it would remain alive because it does have a fiscal impact."

Senator Walgren: "Yes, Senator Donohue, it was my motion that — to bring this out on the floor at this time, but I think the question directly to you from Senator Bailey was whether or not there was an appropriation that would keep the bill alive beyond our cut-off time, and that was the single question that was directed to you."

Senator Donohue: "The answer is yes."

The President: "Senator Bailey."

Senator Bailey: "My question was to you, not to Senator Donohue, because I think you have to make the ruling in the end."

#### REPLY BY THE PRESIDENT

The President: "In reply to your question, Senator Bailey, the President believes that the Senate Bill in its present form does not fall under the provisions of the cut-off resolution."

#### RULING BY THE PRESIDENT

The President: "Senator Lewis, the President honestly believes that when Senator Walgren made his motion that it was slightly before four p.m. But then later Senator Walgren made the motion that the bill be referred to Ways and Means."

#### POINT OF INFORMATION

Senator Donohue: "Mr. President, relative to Senator Walgren's motion to refer to Ways and Means. Does a committee amendment providing an appropriation make the bill an appropriation measure?"

#### REPLY BY THE PRESIDENT

The President: "The President then believes if the bill is returned with an appropriation on it, yes, it would fall within the provisions of the resolution."

#### MOTION

On motion of Senator Walgren, Senate Bill No. 3037 was referred to the Committee on Ways and Means.

#### SPECIAL ORDER OF BUSINESS

SENATE BILL NO. 3056, by Senators Lewis (R. H. "Bob") and Beck:

Waiving instructional requirements for previously qualified election officers.

The time having arrived, the Senate commenced consideration of the motion by Senator Guess that the Senate reconsider the vote by which Engrossed Senate Bill No. 3056 failed to pass the Senate.

The motion by Senator Guess carried and the Senate moved to reconsider the vote by which Engrossed Senate Bill No. 3056 failed to pass the Senate.

On motion of Senator Guess, the rules were suspended and Engrossed Senate Bill No. 3056 was returned to second reading.

#### MOTION

Senator Bottiger moved that the Senate reconsider the vote by which the following amendment by Senators Beck and Lewis (R. H. "Bob") was adopted:

On page 1, following line 4, insert the following sections:

"Section 1. Section 6, chapter 156, Laws of 1965 ex. sess. as last amended by section 2, chapter 127, Laws of 1974 ex. sess. and RCW 29.04.100 are each amended to read as follows:

All poll books or current lists of registered voters shall be public records and be made available for inspection under such reasonable rules and regulations as the county auditor may prescribe. The county auditor shall promptly furnish current lists or mailing labels of registered voters in his possession, at actual reproduction cost, to any person requesting such information: PROVIDED, That such lists and labels shall not be used for the purpose of mailing or delivering any advertisement or offer for any prop-

erty, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value: PROVIDED, HOWEVER, That such lists and [books] *labels* may be used for any political purpose, including the solicitation of campaign contributions by any candidate or political committee, as those terms are defined in RCW 42.17.020. In the case of political subdivisions which encompass portions of more than one county, the request may be directed to the secretary of state who shall contact the appropriate county auditors and arrange for the timely delivery of the requested information[: PROVIDED, That the secretary of state shall promptly furnish, without cost and upon application therefor, an annual state-wide listing or computer tape of registered voters to the state central committee of any major political party that received at least ten percent of the total votes cast for the office of president at the preceding presidential election].

*NEW SECTION.* Sec. 2. There is added to chapter 29.04 RCW a new section to read as follows:

Not earlier than January 1st nor later than February 1st of each calendar year and not earlier than July 1st nor later than August 1st of each calendar year each county auditor shall provide to the secretary of state, or a data processing agency designated by him, a duplicate computer tape or data file of the records of the registered voters in that county, containing the information specified in RCW 29.07.220. The secretary of state shall reimburse each county for the actual cost of reproduction and mailing of the duplicate computer tape or data file. He shall arrange for a master computer tape or data file of the records of all the registered voters of the state to be compiled.

*NEW SECTION.* Sec. 3. There is added to chapter 29.04 RCW a new section to read as follows:

No later than February 15th and no later than August 15th of each year, the secretary of state shall provide a duplicate copy of the master state-wide computer tape or data file of registered voters to the state central committee of each major political party, at actual duplication cost. The master state-wide computer tape or data file of registered voters or portions of the tape or file shall be available to any other political party, at actual duplication cost, upon written request to the secretary of state. Restrictions as to the commercial use of the information on the state-wide computer tape or data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW 29.04.110 and 29.04.120 as now existing or hereafter amended."

Renumber old section 1 as section 4.

#### PARLIAMENTARY INQUIRY

Senator Cunningham: "Thank you, Mr. President. I would like to ask a question of the Chair. We are only going now to take off section one of the entire three section amendment?"

#### REPLY BY THE PRESIDENT

The President: "The President cannot answer your question, Senator Cunningham. The bill is before the Senate. It is up to the members to determine what action will be taken."

#### POINT OF INQUIRY

Senator Cunningham: "Senator Bottiger, will you yield to that question?"

Senator Bottiger: "Senator Cunningham, that is Senator Lewis's and my intent to offer that as a solution to the problem to the body. If you reconsider the vote by which the amendment was adopted, I have an amendment up there that will simply strike section one. That is the language about soliciting campaign funds with these mailing lists."

The motion for reconsideration of adoption of the amendment by Senators Beck and Lewis (R. H. "Bob") carried.

The President declared the question before the Senate to be adoption of the amendment on reconsideration.

Senator Bottiger moved adoption of the following amendment by Senators Bottiger and Lewis (R. H. "Bob") to the amendment by Senators Beck and Lewis (R. H. "Bob"):

Amend the Beck/Lewis amendment as follows:  
Strike all of section 1. Renumber remaining sections.

#### PARLIAMENTARY INQUIRY

Senator Cunningham: "Put it this way, Mr. President. If we vote on Senator Bottiger's amendment, and it passes, would it then be too late to come back and also try and amend on sections two and three?"

#### REPLY BY THE PRESIDENT

The President: "It would be possible for you to offer amendments to sections two and three, Senator Cunningham."

Senator Cunningham: "Thank you."

#### PARLIAMENTARY INQUIRY

Senator Guess: "Parliamentary inquiry, Mr. President. As I believe this now, the amendment that was offered by Senator Beck and Senator Lewis was reconsidered and therefore is now before the body?"

#### REPLY BY THE PRESIDENT

The President: "That is incorrect, Senator Guess. The vote by which it was adopted was reconsidered. Now, the question is the adoption of the amendment in its present form. The question now is the adoption of the amendment that was proposed by Senator Bottiger to the amendment."

Senator Guess: "But what he says though, in the amendment, is to strike all of section one of the original bill."

The President: "Senator Bottiger's amendment is to the amendment and not to the bill."

Senator Guess: "But the amendment is not before us, sir."

The President: "Yes, it is."

Senator Guess: "You are reconsidering . . . ."

The President: "The amendment was adopted, Senator Guess."

Senator Guess: "Okay, but I did not want us to remove section one out of this book, that is the main thing that I wanted to make sure."

The President: "It has not been removed."

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, before we vote I would like to ask Senator Beck a question. Senator Beck, the thing that is causing all of the problem here is the point of using these public lists, taxpayer lists — you might say voter lists — for solicitation of political contributions. I thought you said that this was the wording furnished you by the Secretary of State, Mr. Chapman."

Senator Beck: "We had the Secretary of State's office — I did not talk to the Secretary of State himself but his staff and our staff got together on the wording of this bill and this is the language they came up with. Our attorney in the committee said it was the proper language and that is what we put in it. Now, I am not a legal mind. I do not know what . . . ."

Senator Bailey: "And this bill on political contributions was worked out with the Secretary of State's . . . ."

Senator Beck: "That was the problem the Secretary of State had with it. It did not say in the existing law that it could be used for political purposes."

Senator Bailey: "So he was willing that it be used for political purposes?"

Senator Beck: "And we put it in there that it could be used for political purposes."

Senator Bailey: "Thank you."

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

The amendment by Senators Beck and Lewis (R. H. "Bob"), as amended, on reconsideration, was adopted.

On motion of Senator Bottiger, the Senate moved to reconsider adoption of the

amendment to the title by Senators Beck and Lewis (R. H. "Bob").

The President declared the question before the Senate to be adoption of the amendment to the title, on reconsideration.

On motion of Senator Bottiger, the following amendment to the amendment to the title by Senators Beck and Lewis (R. H. "Bob") was adopted:

Amend the title amendment as follows:

Strike "amending section 6, chapter 156, Laws of 1965 ex. sess. as last amended by section 2, chapter 127, Laws of 1974 ex. sess. and RCW 29.04.100;"

The amendment to the title by Senators Beck and Lewis (R. H. "Bob"), as amended, on reconsideration, was adopted.

On motion of Senator Beck, the rules were suspended, Reengrossed Senate Bill No. 3056 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 3056, and the bill, on reconsideration, passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Excused: Senators Day, Jolly, Keefe, Mardesich, McDermott, Peterson—6.

REENGROSSED SENATE BILL NO. 3056, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:30 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, February 9, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



**THIRTY-FIFTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Monday, February 9, 1976.

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

The Color Guard consisting of Scouts Robert Hess and Kyle McMurray of the Tumwater Area Council, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"OUR FATHER IN HEAVEN, YOU ARE A STRONG GOD WHO SUPPLIES STRENGTH. YOU ARE THE CREATING LORD WHO PROVIDES CREATIVITY. YOU ARE A LOVING GOD WHO DEMONSTRATES LOVE AND ENABLES US TO LOVE. YOU ARE A JUST GOD WHO REQUIRES JUSTICE AND MAKES IT POSSIBLE FOR US TO HELP EFFECT JUSTICE. WE PAUSE IN YOUR PRESENCE, ASKING YOU TO SUPPLY THESE AND ALL THE GOOD GIFTS WE NEED FOR THIS DAY'S TASK. FOR TASKS BEGUN BUT NOT YET DONE BECAUSE OF OUR HESITATION AND PROCRASTINATION, WE ASK YOUR FORGIVENESS. FOR LOOKING AT THE WORLD WITH FILTERED VISION AND SEEING ONLY WHAT PLEASES, WE ASK YOUR FORGIVENESS. FOR THE TIMES WE HAVE USED PEOPLE INSTEAD OF SERVING THEM, WE ASK YOUR FORGIVENESS.

"WITH GRATEFUL HEARTS, WE ACKNOWLEDGE THE ABILITIES YOU HAVE PROVIDED THESE SENATORS TO FORMULATE JUST AND EQUITABLE LEGISLATION. WE THANK YOU FOR THE OPPORTUNITY YOU HAVE PROVIDED THESE INDIVIDUALS AND THIS BODY, COLLECTIVELY, TO SERVE, AND FOR THE PEOPLE WHO HAVE TRUSTED THEM TO SERVE. AND CERTAINLY, LORD, WE THANK YOU FOR THE BEAUTY OF THIS DAY IN WHICH WE SERVE.

"PLEASE, DEAR GOD, GIVE THESE MEN AND WOMEN CLEAR HEADS: PERCEPTIVE MINDS: ANALYTIC ACUMEN: TO SORT OUT THE GOOD FROM THE BAD, THE NECESSARY FROM THE UNNECESSARY: TO DEVISE WAYS AND MEANS THAT WILL BRING TO BEAR THE VERY BEST OF HUMAN KNOWLEDGE IN DECISION-MAKING AND PROBLEM SOLUTION. WE ACKNOWLEDGE AND CELEBRATE YOUR WILLINGNESS TO HEAR AND YOUR PROMISE TO HELP, MADE POSSIBLE IN JESUS CHRIST. AMEN."

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 6, 1976.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175, relating to honey bees (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Benitz, Sellar, Wilson.

MINORITY recommendation: Do not pass.

Signed by: Senator Day.  
Passed to Committee on Rules for second reading.

February 9, 1976.

HOUSE BILL NO. 1259, making certain changes in the laws relating to agricultural water supplies (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.  
Signed by: Senators Benitz, Day, Sellar, Wilson.  
Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

February 6, 1976.

Mr. President: The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107,  
HOUSE BILL NO. 1255,  
ENGROSSED HOUSE BILL NO. 1396,  
HOUSE BILL NO. 1439,  
HOUSE BILL NO. 1445,  
ENGROSSED HOUSE JOINT RESOLUTION NO. 25, and the same are herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

#### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107, by Committee on Commerce (originally sponsored by Representatives Ceccarelli, Blair, Hanna, Sommers and Bagnariol):

Changing liquor permit and service requirements.  
Referred to Committee on Commerce.

HOUSE BILL NO. 1255, by Representatives Conner, Chandler, Barnes, Fischer and Haussler:

Prescribing increases in disability, death and survivors benefits for volunteer firemen.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 1396, by Representatives Douthwaite, Hausler, Peterson and Blair:

Raising from \$500 to \$2,500 the amount of purchases the department of general administration may make without obtaining sealed bids.

Referred to Committee on State Government.

HOUSE BILL NO. 1439, by Representatives Moreau, Charnley, Zimmerman, Wojahn and Laughlin:

Exempting certain immigrant refugees from the contract enrollment levels of community colleges and institutions of higher education.

Referred to Committee on Higher Education.

HOUSE BILL NO. 1445, by Representatives Charnley, Moreau, Nelson, Zimmerman, Wojahn and Laughlin:

Authorizing resident fees in institutions of higher education for certain refugees from Cambodia and Viet Nam.

Referred to Committee on Higher Education.

ENGROSSED HOUSE JOINT RESOLUTION NO. 25, by Representatives King, Erickson, Laughlin, Bagnariol, Blair, Brown, Charnley, Gaines, Haley, Lux, Maxie, North, Paris, Peterson, Valle and Whiteside:

Proposing for submission to people the need for a constitutional convention to revise constitution in accordance with guidelines set down by this session of the legislature.

Referred to Committee on Constitution and Elections.

#### MOTIONS

On motion of Senator Walgren, Senate Bill No. 3172 was ordered to hold its place on the second reading calendar for February 10, 1976.

On motion of Senator Walgren, Senate Bill No. 3129 was ordered placed at the end of today's calendar.

#### SECOND READING

SENATE BILL NO. 3271, by Senators Lewis (Harry) and Rasmussen:  
Establishing the business coordination act.

#### MOTIONS

On motion of Senator Lewis (Harry), Substitute Senate Bill No. 3271 was substituted for Senate Bill No. 3271 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Lewis (Harry), the rules were suspended, Substitute Senate Bill No. 3271 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF ORDER

Senator Bailey: "I do not think this comes within the rules, the joint rules of subject matter, and I would like to move that we suspend the rules and consider this bill. My point would be to suspend the joint rule and pass it over, this suspension, at the same time we pass the bill over so that if the House chooses so to act that they could. That is what I meant was a separate resolution to suspend the joint rules for the purpose of considering this bill. Mr. President, my point of order would be to ask you if it came within the purview of that Senate Concurrent Resolution or if the one 3247 did the same. Maybe we have to have a one motion to suspend the rules for both of those and send them with the consideration. I was not trying to obstruct it. I was trying to help it."

#### REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Mr. President, I would agree with Senator Bailey if, in the judgment of the Chair, you feel it is necessary. If it is not, I think we would just raise an unnecessary question on the bill but if Senator Bailey is correct and the President believes it would be advisable, I would certainly concur."

#### RULING BY THE PRESIDENT

The President: "In reply to the point of order presented by Senator Bailey, the President believes that Substitute Senate Bill 3271 does not come under the provisions of Senate Concurrent Resolution 125 and respectfully suggests that the Senate adopt a Senate Concurrent Resolution suspending the provisions of Senate Concurrent Resolution 125 which prohibits consideration of Substitute Senate Bill 3271."

#### PARLIAMENTARY INQUIRY

Senator Walgren: "Yes, Mr. President, it was my understanding that the question was also directed with regard to the last measure on the calendar today, too, Senate Bill number 3247."

#### REPLY BY THE PRESIDENT

The President: "That is true, Senator Walgren. The President believes in that in-

stance that it would be necessary to pass another Senate Concurrent Resolution to accompany that measure."

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, a point of inquiry. Then should we have a written resolution or will the Secretary have one prepared?"

#### REPLY BY THE PRESIDENT

The President: "There is one already prepared, Senator Bailey. The President suggests that the Senate revert to the fifth order of business; introduction, first reading and reference of bills, memorials and resolutions."

#### POINT OF INFORMATION

Senator Bailey: "One other point, Mr. President. I think it would be advisable that we have one on each bill so we have a firm control over this and are sure that each bill has to have a two-thirds vote. If we start grouping bills, we are probably going to destroy this concurrent resolution."

#### REPLY BY THE PRESIDENT

The President: "That has been the policy used in the past, Senator Bailey."

#### POINT OF INQUIRY

Senator Guess: "Will Senator Bailey yield? Senator Bailey, I wonder if we are, by passing these individual concurrent resolutions, going to extend unduly the length of the session, because if we do this on every bill — Senator Lewis wants it on his bill — Senator Day wants it on his bill — I want it on my bill — we could be here until May."

Senator Bailey: "Mr. President, we intend to leave very shortly. I do not think so. I think if we keep it confined to this calendar, and then if the House does start to abuse it or if the lobbyists try to put together a two-thirds vote on some of these bills that we have, I hope firm control over one-third of the members and with your help, I think we can stop any abuse of that concurrent resolution."

Senator Walgren: "With further regard to that, Senator Guess, in emphasizing that it is our intent simply to take care of this calendar that we had put out last week from the Rules Committee, I think that your point with regard to the length of the session is one well taken, however. We are concerned that we see at the moment not a great deal of action on the House side with regard to putting the supplementary budget over here and recommendations to this body. I think that as we proceed these next few days during this week, we are going to be wanting them to proceed as fast as they possibly can. I think that, and I have talked just briefly with Senator Donohue with regard to this, if we do not see some real effort on the part of the House as far as getting a budget over here by the end of this week, that we are going to have to look very seriously about commencing to prepare our own document to send over to the House and with a view toward concluding this session within the period of time that we had suggested."

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

### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 129, by Senators Bailey, Walgren and Lewis (Harry):

Suspension of rules for Substitute Senate Bill No. 3271.

On motion of Senator Bailey, the rules were suspended, Senate Concurrent Resolution No. 129, was advanced to second reading and read the second time in full.

Senator Bailey moved the rules be suspended, Senate Concurrent Resolution No. 129 be advanced to third reading, the second reading considered the third, and the resolution be placed on final passage.

#### POINT OF INQUIRY

Senator Cunningham: "Thank you, Mr. President. Prior to voting on suspending

the rules as this resolution would do, I wondered if Senator Harry Lewis would yield to a question pertaining to the bill 3271. Senator Lewis, I think it is admirable to reduce the impact of bureaucracy but I am concerned in this bill that maybe some of the protection that the consumer has is being taken away. Specifically, it says 'all permits and inspections related to grocery operations will be covered'."

#### POINT OF ORDER

Senator Bailey: "Point of order. I think we are getting again into a question of questions and answers on the merits of a bill when we are debating suspension of the rules which is not debatable. I don't think it is debatable anyway but in this case we are putting into the record questions and answers on whether a bill is good or bad and it is going to extend the record into an unbelievable volume that I just do not think is proper in this case."

#### RULING BY THE PRESIDENT

The President: "The President believes that the Senate Concurrent Resolution is debatable but there is some merit in Senator Bailey's remarks. Senator Cunningham, would you rephrase your question, please?"

Senator Cunningham: "Yes. First, I do not mean to make the ledger more voluminous than it normally is. Senator Lewis, what is in this bill to protect the consumer?"

Senator Lewis (Harry): "Well, I think there really is very little change, if any, as far as permits and inspections related to grocery operations. The same procedures and requirements will be adhered to. It will just be a method of centralizing those permits and requirements related to grocery operations to simplify the application procedure. But, in every case, the agency, the permits that are required, the inspections that are required, all will continue to be required. It will just be an attempt and really, it is an experimental, a pilot program and we will have a report back in this session by next January, a little less than a year away. I would like to assure you, Senator Cunningham, there will be no relaxing of any requirements as far as the protection of the consumer or in any other area is concerned."

Debate ensued.

#### POINT OF ORDER

Senator Bailey: "Mr. President, I still object. I think this is out of order. We are getting into arguments over the bill which are going to be voluminous and they are going in the record as questions and answers, and if we are going to start this procedure, we will never have anything but questions and answers in the record and no debate on the bills whatsoever."

#### RULING BY THE PRESIDENT

The President: "Senator Cunningham, your remarks must be confined to the resolution."

The motion by Senator Bailey carried. Senate Concurrent Resolution No. 129 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

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

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 3271, by Committee on State Government (originally sponsored by Senators Lewis (Harry) and Rasmussen:

Establishing the business coordination act.

The bill was read the third time.

Debate ensued.

#### POINT OF INQUIRY

Senator Washington: "Will Senator Lewis yield to a question? You mentioned that this is a pilot program. Does this bill have a cutoff date, or do the provisions of it become permanent?"

Senator Lewis (Harry): "Senator Washington, there is no cutoff date in the legisla-

tion but it is restricted solely to the grocery business and it provides for a report back to the legislature so that we can then make a determination as to the workability and the practicality of the legislation. We are convinced that it will work but we want to review the pilot program to see if it could be applied, if it should continue to apply to the grocery business and if, in addition, it could further be applied to make it easier for other small businesses to go to a one-stop place for permits."

Senator Washington: "Now, it is more than just a pilot program however, the bill sets up a permanent procedure for getting the permits, and within the bill itself it provides for a pilot program, but if the pilot program proves unsatisfactory it will then take an act by the Legislature to repeal the act, would it not?"

Senator Lewis (Harry): "Yes, it would, Senator Washington."  
Further debate ensued.

#### POINT OF INQUIRY

Senator Wilson: "Mr. President, would Senator Lewis yield, please? Senator Lewis, I surely agree with the intent of this legislation. My question pertains to the fiscal situation which Senator Grant referred to. The bill calls on the Department to establish these issuing centers in its main office and its regional offices and to get into the business of handling permits for groceries, and to compile a report based on its experiences for submission to the next Legislature. My question is, has the Department testified before the committee considering this bill as to whether it presently has the manpower and resources to accomplish this during the balance of the biennium or as to whether it feels it is going to have to ask for additional man-hours and money to do it?"

Senator Lewis (Harry): "Senator, the Department, to my knowledge, and I just asked the chairman of the committee, testified that they could handle it within their present structure and that there would not be any additional cost to the Department during this trial period at least when they report back next January. And it is also the objective of the bill that there be no additional cost to state government over that which state government already has, and that actually, Senator, we are expecting as a result of this single master permit, we think that there will be a savings in the fee system through coordination that can be accomplished through this pilot program. So, in direct answer to your question, no, this will not cost any additional money for the Department of Commerce. Perhaps Senator Rasmussen would like to respond in addition to that,"

Further debate ensued.

#### POINT OF INQUIRY

Senator Washington: "Another question that occurs to me again. I do not want to belabor this particular bill and I would like to see a one-stop permit situation established, but Senator Lewis, what happens if the Department of Health turns down what, before we passed this bill, was a permit relating to health? Does the Department of Commerce have the right to overrule the Department of Health or if the Department of Health says 'no, this requirement has to be established,' will the grocery store have to comply with the objection raised by the Department of Health?"

Senator Lewis (Harry): "The answer is yes. The grocery store will have to comply in every respect with the requirements of the Department of Health. In every respect. What page is that, Senator? Page two, line thirty-two, thirty-three. 'The Department will then issue a master permit covering all the approvals and conditions excluding any denials. It shall be the responsibility of the applicant to make appeals on conditions imposed or on permit denials through that normal appeal process established by the agency with jurisdiction for the issuance of the permit.' There is no attempt to circumvent any regulation or requirement. All we are trying to do is to coordinate those requirements for simplification purposes."

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Lewis yield? Senator Lewis, I had understood you to say the fee of one hundred dollars probably would take care of the expenses and I rather thought that meant that you are talking about taking care of the expense of having a whole new division in another department to start a new activity.

Now, it looks here like you are taking care of the cost of the regular departmental permits like Liquor Board and so forth. Is that definitely enough to take care of liquor permits and —?"

Senator Lewis (Harry): "Yes, the reason for the deletion of the extra fee of the hundred dollars is that once the mechanism is set up, there is supposed to be a cost saving due to the coordination of permits and inspections and that is the reason for reporting back in January, next year, and the Department of Commerce has testified, as Senator Rasmussen indicated, that there will be no additional costs or requirements in their budget to go into this project. There is actually, and it is our strong feeling, that by coordinating, Senator Bailey, there can be a reduction. Senator Rasmussen talked about perhaps an inspector being able to do several things, providing the departments were agreeable to that, but any time that you can consolidate on a single permit basis like this, there is every indication that there will, in effect, be a savings."

Senator Bailey: "Mr. President, did the Department testify that they would not ask for additional money in the next budget to set up a whole new department?"

Senator Lewis (Harry): "I don't know the answer to that, Senator Bailey, but this is not the purpose and I would resist such a measure if it were going to require any kind of additional expense in this thing, I certainly would not support that kind of a proposal from the Department."

Further debate ensued.

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Morrison yield? Members of the Senate, I would like this in the record. This is what I want in the record for future budgets. Is it your understanding that if we pass this bill that you have assurances from the Department of Commerce and Economic Development that they will not come back in January and want to create a new division at a big budgetary increase?"

Senator Morrison: "I have understanding, Senator Bailey, from testimony from the Department that they feel this will be a bookkeeping function of service to the businessmen of the state of Washington and will, in fact, not embody a large number of people."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3271.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3271 and the bill passed the Senate by the following vote: Yeas, 31; nays, 11; excused, 7.

Voting yea: Senators Benitz, Bluechel, Bottiger, Buffington, Clarke, Donohue, Gould, Guess, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wilson—31.

Voting nay: Senators Bailey, Beck, Cunningham, Day, Goltz, Grant, McDermott, Ridder, Sandison, Walgren, Washington—11.

Excused: Senators Fleming, Francis, Jolly, Keefe, Murray, Scott, Woody—7.

SUBSTITUTE SENATE BILL NO. 3271, having received the constitutional majority, was declared passed. There being no objections, the title of the bill was ordered to stand as the title of the act.

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

#### SECOND READING

SENATE BILL NO. 3001, by Senators Odegaard and Talley:

Adding retired members to the firemen's relief and pension boards.

#### MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 3001 was substituted

for Senate Bill No. 3001 and the substitute bill was placed on second reading and read the second time in full.

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

On motion of Senator Odegaard, the rules were suspended, Substitute Senate Bill No. 3001 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3001, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Selar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—41.

Excused: Senators Fleming, Francis, Jolly, Keefe, Matson, Murray, Scott, Woody—8.

SUBSTITUTE SENATE BILL NO. 3001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

SENATE BILL NO. 2375, by Senators Guess, Washington and Beck:  
Exempting solar heating equipment in homes from sales and use taxes.

#### MOTIONS

On motion of Senator Guess, the rules were suspended and Senate Bill No. 2375 was returned to second reading.

On motion of Senator Guess, the following amendment by Senators Guess, Washington and Beck was adopted:

Strike everything after the enacting clause and insert:

"Section 1. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030 are each amended to read as follows:

The tax hereby levied shall not apply to the following sales:

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16, or 82.28 RCW: PROVIDED, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12 RCW;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16 RCW, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36 RCW: PROVIDED, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12 RCW;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a polit-



ical subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010;

(7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: PROVIDED, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12 RCW;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers whether owned by or leased with or without drivers and used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce whether such use is by the owner or whether such motor vehicles and trailers are leased to the user with or without drivers: PROVIDED, That the purchaser or user must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to nonresidents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the purchaser at a point outside this state, or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft

requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certificate supported by identification ascertaining residence as provided by the department of revenue and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the department of revenue with the regular report and a duplicate to be retained by the dealer [.] ;

(16) Sales of poultry for use in the production for sale of poultry or poultry products [.] ;

(17) Sales to nonresidents of this state for use outside of this state of machinery and implements for use in conducting a farming activity, when such machinery and implements will be transported immediately outside the state. As proof of exemption, an affidavit or certification in such form as the department of revenue shall require shall be made for each such sale, to be retained as a business record of the seller [.] ;

(18) Sales for use in states, territories, and possessions of the United States which are not contiguous to any other state, but only when, as a necessary incident to the contract of sale, the seller delivers the subject matter of the sale to the purchaser or his designated agent at the usual receiving terminal of the carrier selected to transport the goods, under such circumstances that it is reasonably certain that the goods will be transported directly to a destination in such noncontiguous states, territories, and possessions [.] ;

(19) Sales to municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services rendered in respect to contracts for watershed protection and/or flood prevention. This exemption shall be limited to that portion of the selling price which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act, Public Laws 566, as amended;

(20) Sales of semen for use in the artificial insemination of livestock;

(21) Sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that he is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this subsection must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of one dollar. The department may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his own, or a counterfeit permit, with intent to violate the provisions of this subsection shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be per-

sonally liable for the amount of tax due[.];

(22) Sales of form lumber to any person engaged in the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project, or job and is thereafter incorporated into the product of that same contract, project, or job as an ingredient or component thereof[.];

(23) Sales of, cost of, or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling of sand, gravel, and rock when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to sales of, cost of, or charges made for such labor and services, if the sand, gravel, or rock is used for other than public road purposes or is sold otherwise than as provided for in this subsection[.];

(24) Sales of wearing apparel to persons who themselves use such wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample[.];

(25) Sales of pollen[.];

(26) Sales to one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another[.];

(27) The renting or leasing of motor vehicles and trailers to a nonresident of this state for use exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and for purposes of this exemption the term "nonresident" shall apply to a renter or lessee who has one or more places of business in this state as well as in one or more other states but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the renter's or lessee's place of business in another state[.];

(28) Sales of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans[.];

(29) Sales of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers[.];

(30) Sales of insulin, prosthetic devices, and medically prescribed oxygen;

(31) *Sales of solar heating equipment for use in residential property, and the sale of the installation service for such equipment when installed in residential property already having a heating system.*

Sec. 2. Section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030 are each amended to read as follows:

The provisions of this chapter shall not apply:

(1) In respect to the use of any article of tangible personal property brought into

the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects, and private automobiles by a bona fide resident of this state, if such articles were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than thirty days prior to the time he entered this state;

(2) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease, gift, or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 RCW and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 RCW as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16 RCW;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by a nonresident of this state of any motor vehicle or trailer used exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and in respect to the use by a nonresident of this state of any motor vehicle or trailer so registered and licensed and used within this state for a period not exceeding fifteen consecutive days under such rules as the department of revenue shall adopt: PROVIDED, That under circumstances determined to be justifiable by the department of revenue a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein, shall include a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user's place of business in another state; and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer whether owned by or leased with or without driver to the permit holder and used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of motor vehicles pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state whether such motor vehicle or trailer is owned by or leased with or without driver to the permit holder;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitu-

tion or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36 RCW: PROVIDED, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of motor vehicles shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of poultry in the production for sale of poultry products;

(12) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(13) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to and used exclusively by a school in connection with its driver training program: PROVIDED, That this exemption and the term "school" shall apply only to (a) the University of Washington, Washington State University, the state colleges, and the state community colleges or (b) any public, private, or parochial school accredited by either the state board of education or by the University of Washington (the state accrediting station) or (c) any public vocational school meeting the standards, courses, and requirements established and prescribed or approved in accordance with the Community College Act of 1967 (chapter [8, Laws of 1967 first extraordinary session] 28B.50 RCW);

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental, and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 RCW or chapter 82.12 RCW;

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed services and are stationed outside this state pursuant to military orders, but this exemption shall not apply to members of the armed services called to active duty for training purposes for periods of less than six months and shall not apply to the use of motor vehicles or trailers acquired less than thirty days prior to the discharge or release from active duty of any person from the armed services;

(16) In respect to the use of semen in the artificial insemination of livestock;

(17) In respect to the use of form lumber by any person engaged in the constructing, repairing, decorating, or improving of new or existing buildings or other structures under; upon, or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project, or job and is thereafter incorporated into the product of that same

contract, project, or job as an ingredient or component thereof;

(18) In respect to the use of any sand, gravel, or rock to the extent of the cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling such sand, gravel, or rock, when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to the use of such material to the extent of the cost of or charge made for such labor and services, if the material is used for other than public road purposes or is sold otherwise than as provided for in this subsection[.];

(19) In respect to the use of wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample[.];

(20) In respect to the use of tangible personal property held for sale and displayed in single trade shows for sale and displayed in single trade shows for a period not in excess of thirty days, the primary purpose of which is to promote the sale of products or services[.];

(21) In respect to the use of pollen[.];

(22) In respect to the use of personal property of one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another[.];

(23) In respect to the use of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specification for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans[.];

(24) In respect to the use of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers[.];

(25) In respect to the use of insulin, prosthetic devices, and medically prescribed oxygen;

(26) *In respect to the use of solar heating devices in residential property and the installation service for such equipment when installed in residential property already having a heating system."*

#### POINT OF INQUIRY

Senator Mardesich: "Senator Guess, where is the language which has it applied to new construction of homes?"

Senator Guess: "In the first part of it, it says 'sale of solar heating equipment for use in residential property.' That is on page eight, subparagraph thirty-one, on line twenty."

Senator Mardesich: "You better take a look at that, Senator Guess. I think it does not include it. The first part of the sentence does but I think that the last part which pertains to the installation would remove the new construction and have it apply only to that area where there is an installation in a property already having some kind of heating equipment."

Senator Guess: "Senator Mardesich, I think if you read it, it has a comma after the phrase, 'residential property' 'and the the sale of the installation service for such equip-

ment when installed in residential property already having a heating system.”

Senator Mardesich: “Is it your intention to exclude the installation cost when it is a new—?”

Senator Guess: “No. sir.”

Senator Mardesich: “I think that is what the language does, although I may be incorrect.”

#### MOTION

On motion of Senator Guess, Senate Bill No. 2375, together with the adopted amendment by Senators Guess, Washington and Beck, was ordered placed on the end of today’s calendar.

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

#### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 130, by Senators Bailey, Walgren and Lewis (Harry):

Suspension of rules for Senate Bill No. 3247.

#### MOTIONS

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 130 was advanced to second reading and read the second time in full.

Senator Walgren moved the rules be suspended, Senate Concurrent Resolution No. 130 be advanced to third reading, the second reading considered the third and the resolution be placed on final passage.

#### POINT OF ORDER

Senator Mardesich: “There may be no argument with respect to this measure but in view of the debate we had with respect to the business coordination act, I wonder if perhaps we should not debate the bill before we debate the resolution because it might affect how people would vote on the resolution. I think there is no difference with respect to this measure but there will be a time when people will not vote for a measure unless they have had time to debate it and to avoid that possibility, I think we should consider changing to a consideration of a measure before the consideration of the suspension of the joint rule.”

#### REMARKS BY SENATOR BAILEY

Senator Bailey: “Mr. President, I do not see how we could handle a bill if the resolution says we cannot consider before we would have to suspend the rules, I think. But I would like to suggest that it would be like suspension of rules by disagreeing with Senator Cunningham placing questions and answers that were speeches in the record and not just because of you but I think that maybe we ought to have a brief explanation from the author of the bill, and sit down like you have sometimes on a point of order or something like that. That would be fitting but if we are going to have the argument then I think we are voting on the bill when we vote on the suspension of rules.

#### REMARKS BY SENATOR TALLEY

Senator Talley: “Mr. President, I have anticipated something on this order and I thought that people should know exactly what the bill does and I have had placed on your desks an explanation of the bill so you won’t have any doubts as to what is in it.”

#### RULING BY THE PRESIDENT

The President: “Senator Mardesich, in ruling upon your point of order, the President believes that it is necessary to suspend Senate Concurrent Resolution 125, although the concurrent resolution does say the Senate will only consider House bills. I think perhaps it should have said ‘shall’ only consider House bill.”

The motion by Senator Walgren carried. Senate Concurrent Resolution No. 130 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## SECOND READING

SENATE BILL NO. 3247, by Senator Talley:

Authorizing volunteer fire departments to increase their membership by the number of firemen obtaining and maintaining emergency medical training qualifications.

The bill was read the second time by sections.

On motion of Senator Talley, the rules were suspended, Senate Bill No. 3247 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3247, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 1; excused, 8.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—40.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Fleming, Francis, Jolly, Keefe, Matson, Murray, Scott, Woody—8.

SENATE BILL NO. 3247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 3129, by Senators Bottiger, Jolly and Lewis (R. H. "Bob"):

Broadening categories of electric power producers which may participate in joint power projects.

The bill was read the second time by sections.

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

On page 1, line 15 after "of" strike everything up to and including "to," on line 16.

On page 1, line 17 after ",", strike everything up to and including "facilities," on line 18.

On page 2, line 9 strike everything before "and".

On motion of Senator Bottiger, the rules were suspended, Engrossed Senate Bill No. 3129, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3129, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 1; excused, 8.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—40.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Fleming, Francis, Jolly, Keefe, Matson, Murray, Scott, Woody—8.

ENGROSSED SENATE BILL NO. 3129, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.



## MOTIONS

On motion of Senator Walgren, Senate Bill No. 2375, as amended by Senators Guess, Washington and Beck, was ordered to hold its place on the second reading calendar for February 10, 1976.

At 12:32 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Tuesday, February 10, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## THIRTY-SIXTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 10, 1976.

The Senate was called to order at 11:00 a.m. The President declared the Senate to be at ease. The President called the Senate to order at 11:25 a.m. The Secretary called the roll and announced to the President that all Senators were present except Senators Francis, Jolly and Keefe. On motion of Senator Knoblauch, Senators Francis, Jolly and Keefe were excused.

The Color Guard, consisting of Pages David Ridder and Shon Verge, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"GREAT GOD, TO YOU ALONE BELONGS THE KINGDOM, THE POWER AND THE GLORY. WE ACKNOWLEDGE YOU AS THE ONE WHO HAS ORDAINED HUMAN GOVERNMENT FOR THE TEMPORAL WELFARE OF MANKIND AND ALL THAT BELONGS TO YOUR CREATION. GRANT AND CONTINUE UNTO US A SUCCESSION OF LEGISLATORS WHO HAVE BEEN TAUGHT AND ARE WILLING AND ABLE TO DEMONSTRATE THE WISDOM OF YOUR KINGDOM.

"ENDOW ALL MEMBERS OF THIS BODY WITH A RIGHT UNDERSTANDING, A PURE PURPOSE AND SOUND SPEECH. ENABLE THEM TO RISE ABOVE ALL SELF-SEEKING AND PARTY ZEAL INTO THE LARGER SENTIMENTS OF PUBLIC GOOD AND HUMAN BROTHERHOOD. PURGE OUR POLITICAL LIFE OF EVERY EVIL. MAKE US TO LOVE PEACE AND FAIR DEALING. INSPIRE US WITH CALMNESS AND SELF-RESTRAINT AND THE ENDEAVOR TO FURTHER THE DOING OF THY WILL, PARTICULARLY IN THE DECISION-MAKING PROCESSES OF THIS LEGISLATIVE BODY. WE RENDER OUR THANKS AND PETITION YOUR HELP IN THE NAME OF JESUS CHRIST, OUR LORD. AMEN."

## MOTION

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

## MOTION

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

## APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Mr. and Mrs. Joe Kappler, Mrs. Adeline Ekenstedt and Mrs. Ruth Webb and appointed Senators Mardesich, Murray, Ridder and Pullen to escort the honored guests to the Senate rostrum.

## MOTIONS

On motion of Senator Mardesich, all members were permitted as additional sponsors to Senate Resolution 1976-187.

On motion of Senator Marsh, the following resolution was unanimously adopted:

## SENATE RESOLUTION 1976-187

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

WHEREAS, It is fitting that the members of the Senate take a moment to reflect on the many admirable accomplishments of our senior citizens who have devoted many years of dedicated service to helping others; and

WHEREAS, There are many senior citizens who spend much of their time rendering assistance to others and who ask for and receive no recognition for their unselfish and tireless efforts; and

WHEREAS, Mr. Joe Kappler of Everett, Washington, established the Senior Citizen Hall of Fame so that certain of the deserving hard-working senior citizens might be recognized; and

WHEREAS, We have in the Senate Chamber, today, two ladies who have throughout their entire lifetime devoted their time to helping other people, including the aged, the poor, the infirm and the oppressed; and

WHEREAS, Mrs. Adeline Ekenstedt and Mrs. Ruth Webb are being honored for their many accomplishments by being welcomed into the Joe Kappler Hall of Fame because for more than 50 years they have rendered public service to many thousands of people; and

WHEREAS, Adeline Ekenstedt, 93 years young, the mother of twelve children, grandmother of sixteen children and great-grandmother of fourteen children, is a most deserving recipient of the honor recently bestowed upon her; and

WHEREAS, Ruth Webb, a member of the Disabled Veterans Auxiliary and the World War I Veterans organizations for 50 years, has brought happiness to countless thousands of people with her acts of kindness; and

WHEREAS, Both of the distinguished ladies here today have been active in extolling the virtues of their favorite candidates for public office and assisted many to become registered to vote and to become knowledgeable about those seeking public office, both believing strongly that an interest in public affairs is an obligation of all citizens; and

WHEREAS, Adeline and Ruth have donated countless thousands of hours to preparing and distributing food to retarded and unfortunate children and have rendered similar aid to veterans and sick people who have been in need of care and assistance; and

WHEREAS, Both of our guests today have lived up to the philosophy as set forth in Adeline Ekenstedt's remarks when she said, "I think we are supposed to be our brothers' helper;"

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate do hereby extend their most sincere appreciation to Mrs. Adeline Ekenstedt and Mrs. Ruth Webb, for the many thousands of acts of kindness to their fellow citizens, and to the many other senior citizens who have likewise devoted their efforts to assist those persons who so badly needed their care and attention; and

BE IT FURTHER RESOLVED, That the members of the Senate do hereby recognize that the senior citizens of the state of Washington are entitled to be treated with respect and given the attention which they deserve and have earned; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and he is hereby instructed to send to Mrs. Adeline Ekenstedt and Mrs. Ruth Webb a copy of this resolution.

#### MOTIONS

On motion of Senator Mardesich, all members were permitted as additional sponsors to Senate Resolution 1976-185.

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

#### SENATE RESOLUTION 1976-185

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

WHEREAS, Mrs. Adeline Ekenstedt has recently been honored by being selected to the Joe Kappler Senior Citizen Hall of Fame; and

WHEREAS, This honor was bestowed because Mrs. Ekenstedt's outstanding work made life more meaningful for our elder citizens; and

WHEREAS, Adeline Ekenstedt, 93 years young, the mother of twelve children, grandmother of sixteen children, and great-grandmother of fourteen children, is most deserving of this honor; and

WHEREAS, Mrs. Ekenstedt has made virtually tons of cakes and cookies for retarded and unfortunate children and has made many thousands of sandwiches at Christmas to distribute to veterans; and

WHEREAS, She has done many countless similar acts of benevolence for children at the Youth Service Center and mental patients at Western State Hospital; and

WHEREAS, Mrs. Ekenstedt is a regular worker in political campaigns and has distributed from door to door many thousands of pamphlets advising her neighbors of the attributes of her favorite candidates of both major political parties; and

WHEREAS, Adeline Ekenstedt said "I think we are supposed to be our brothers' helper" and has in her lifetime lived up to this philosophy;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate do hereby congratulate Adeline Ekenstedt for having been welcomed into the Joe Kappler Senior Citizen Hall of Fame, an honor which she so richly deserved; and

BE IT FURTHER RESOLVED, That the members of the Senate do hereby extend their most sincere appreciation to Mrs. Adeline Ekenstedt for many thousands of acts of kindness to her fellow man; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and he is hereby instructed to send to Mrs. Adeline Ekenstedt a copy of this Resolution.

#### MOTIONS

On motion of Senator Murray, all members were permitted as sponsors to Senate Resolution 1976-186.

On motion of Senator Murray, the following resolution was unanimously adopted:

## SENATE RESOLUTION 1976-186

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

WHEREAS, Mrs. Ruth Webb has been chosen for induction into the Joe Kappler Senior Citizen Hall of Fame; and

WHEREAS, Ruth Webb, for more than fifty years has continuously, without either recognition or reward, devoted all of her available time to the underprivileged, the poor, the infirm and the oppressed; and

WHEREAS, Ruth Webb has been a member of the Auxiliary to the Veterans of Foreign Wars for five decades and has in that organization rendered thousands of hours of aid and comfort for those involved in the many programs of the VFW; and

WHEREAS, Throughout her lifetime, Ruth has always been active in supporting candidates seeking public office and assisted many people in becoming involved in the governmental process so important to all of us; and

WHEREAS, The many thousands of acts of kindness and generosity of Ruth Webb have earned her the respect of citizens throughout King County and throughout the entire state; and

WHEREAS, Ruth is a shining example of an American woman who has always recognized her obligation to her fellow man and been willing to dedicate her lifetime toward the fulfillment of this obligation; and

WHEREAS, Ruth Webb for fifty years has been an active member of the Auxiliary of World War I Veterans and has provided both its members and the beneficiaries of its programs with countless thousands of hours of assistance and care; and

WHEREAS, The members of the Senate sincerely appreciate the example which Ruth Webb gives us to keep everyone mindful that we all owe an obligation to the senior citizens of the world; and

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate do hereby extend their most sincere appreciation to Mrs. Ruth Webb for her many thousands of acts of kindness to her fellow citizens; and

BE IT FURTHER RESOLVED, That by virtue of the many good deeds of Ruth Webb and others who have similarly devoted their life, the members of the Senate remain mindful that they must recognize that the senior citizens of the State of Washington are entitled to be treated with respect and given the attention which they deserve and have earned; and

BE IT FURTHER RESOLVED, That the Secretary be and he is hereby instructed to send to Mrs. Ruth Webb a copy of this resolution.

With permission of the Senate, business was suspended to permit Mr. Joe Kappler of Everett, Washington who established the Senior Citizen Hall of Fame; Mrs. Ruth Webb, who has been chosen for induction into the Joe Kappler Senior Citizen Hall of Fame; and Mrs. Adeline Ekenstedt also having recently been selected to the Joe Kappler Senior Citizen Hall of Fame, to address the Senate.

Plaques were presented to Mrs. Webb and Mrs. Ekenstedt from the Lieutenant Governor designating them as Distinguished Citizens.

The committee on honor escorted the honored guests from the Senate Chamber and the committee was discharged.

## MOTION

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

## REPORTS OF STANDING COMMITTEES

February 9, 1976.

ENGROSSED HOUSE BILL NO. 430, prescribing requirements and procedures

for award of professional services contracts (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 9, 1976.

SUBSTITUTE HOUSE BILL NO. 779, permitting employees of political subdivisions of the state to join the state employee's insurance and health care system (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 10, 1976.

HOUSE BILL NO. 1255, prescribing increases in disability, death and survivors benefits for volunteer firemen (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; McDermott, North, Walgren, Wilson.

Passed to Committee on Rules for second reading.

February 10, 1976.

ENGROSSED HOUSE BILL NO. 1266, increasing the number of Lewis County superior court judges to two (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Bottiger, Clarke, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 10, 1976.

SUBSTITUTE HOUSE BILL NO. 1329, making changes in the public disclosure laws (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Beck, Chairman; Lewis (R. H. "Bob"), Pullen, Stortini.

MINORITY recommendation: Do not pass.

Signed by: Senator Grant.

Passed to Committee on Rules for second reading.

February 9, 1976.

ENGROSSED HOUSE BILL NO. 1376, relieving employees of municipal corporations from having to give bond before receiving duplicate for lost or destroyed pay warrant (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 9, 1976.

ENGROSSED HOUSE BILL NO. 1383, authorizing local governments to employ hearing examiners for land use planning cases (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; North, Sellar, Talley, Walgren.

Passed to Committee on Rules for second reading.

February 9, 1976.

HOUSE BILL NO. 1412, permitting longer leases and concessions in state parks (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators Knoblauch, Chairman; Gould, Wanamaker.

Passed to Committee on Rules for second reading.

February 9, 1976.

ENGROSSED HOUSE BILL NO. 1461, changing wording in law relating to publication requirements regarding county contracts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Lewis (R. H. "Bob"), North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 10, 1976.

ENGROSSED HOUSE JOINT RESOLUTION NO. 64, establishing alternate methods for the framing of county "home rule" charters (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; McDermott, North, Walgren, Wilson.

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

February 9, 1976.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1345, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 9, 1976.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1299, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1345, by Committee on Education (originally sponsored by Representatives Bauer, Bender and Ehlers):

Providing for a priority program of education.

Referred to Committee on Education.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1299.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 2375, by Senators Guess, Washington and Beck:  
Exempting solar heating equipment in homes from sales and use taxes.

The Senate resumed consideration of Senate Bill No. 2375. On February 9, 1976 an amendment by Senators Guess, Washington and Beck was adopted.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Guess moved the Senate reconsider the vote by which the amendment by Senators Guess, Washington and Beck was adopted.

The motion for reconsideration carried.

The President declared the question before the Senate to be adoption of the amendment by Senators Guess, Washington and Beck on February 9, 1976, on reconsideration.

#### MOTION

On motion of Senator Guess, the following amendments to the amendment by Senators Guess, Washington and Beck were considered and adopted simultaneously:

On page 8, section 2, lines 20 and 21 after "*Sales*" and before "*of*" on line 20 insert "*and installation*" and after "*property*" on line 21, insert a period and strike remainder of material.

The motion by Senator Guess carried and the amendment, as amended, on reconsideration, was adopted.

#### MOTION

On motion of Senator Guess, the following amendment by Senators Guess, Washington and Beck to the title was adopted:

In the title, on page 1, strike everything after "AN ACT" and insert "Relating to tax exemptions on solar heating equipment; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030; and amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030."

#### MOTION

On motion of Senator Guess, the rules were suspended, Engrossed Senate Bill No. 2375 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2375, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 3; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—41.

Voting nay: Senators Clarke, Jones—2.

Absent or not voting: Senators Buffington, Newschwander, Woody—3.

Excused: Senators Francis, Jolly, Keefe—3.

ENGROSSED SENATE BILL NO. 2375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:12 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Wednesday, February 11, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**THIRTY-SEVENTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Wednesday, February 11, 1976.

The President called the Senate to order at 11:00 a.m. The President declared the Senate to be at ease. The President called the Senate to order at 11:10 a.m. The Secretary called the roll and announced to the President that all members were present except Senators Francis, Jolly, Jones and Keefe. On motion of Senator Knoblauch, Senators Francis, Jolly and Keefe were excused. On motion of Senator Lewis (R. H. "Bob"), Senator Jones was excused.

The Colors were presented by members of the Air Force. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"MIGHTY GOD OF HISTORY, WE REFLECT UPON YOUR PAST. WE ARE SOMETIMES AMAZED AND PERPLEXED BY YOUR SHAPING OF THE PRESENT. WE ANTICIPATE WITH TIP TOE EXPECTANCY THE FUTURE YOU CHOOSE TO MAKE PRESENT. FORGIVE US FOR THE TIMES WE HAVE MISREAD THE PAST AND HAVE TAKEN TOO MUCH REST IN ITS ACCOMPLISHMENTS. FORGIVE US FOR OUR FAILURE TO MAKE THE MOST OF THE PRESENT AND NOT ALWAYS SEIZING EACH OPPORTUNITY FOR SIMPLE SERVICE. FORGIVE US FOR OUR LACK OF CONCERN FOR THE FUTURE OR OUR TOO GREAT DEPENDENCE TO DO IN TIME NOT YET GIVEN. WE THANK YOU FOR THE DETERMINATION, DEDICATION AND SACRIFICE OF THE CIVIL SERVANTS OF THIS NATION AND THIS COMMONWEALTH IN DAYS AND YEARS PAST. WE THANK YOU FOR THE CAPABLE MEN AND WOMEN OF VARYING POLITICAL PERSUASIONS OF THESE DAYS WE NOW CALL PRESENT AND WE THANK YOU FOR THE PROMISE OF YOUR ABIDING PRESENCE IN THE GOOD TIMES AND BAD WE NAME AS FUTURE. PLEASE GIVE THIS BODY THE WISDOM AND PERCEPTION TO PRESERVE, CONTINUE AND ENHANCE THAT WHICH IS GOOD FROM THE PAST. GIVE GUIDANCE TO THIS ASSEMBLED BODY TO DISCERN AND IMPLEMENT THAT WHICH IS GOOD AND NECESSARY FOR TODAY, AND MOVE US INTO A FUTURE WHERE OUR LEGISLATIVE CONTRIBUTION TO SOCIETY WILL HELP ALL PERSONS IN THIS GREAT STATE TO ENJOY THE RIGHTS YOU GIVE THEM; THE RIGHT TO HAVE, THE RIGHT TO BELONG, THE RIGHT TO BE. IN THE NAME OF CHRIST WHO BECAME HUMAN TO FREE US TO BE TRULY HUMAN WE ASK IT. AMEN."

**MOTION**

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

**APPOINTMENT OF SPECIAL COMMITTEE**

The President announced the presence in the Senate Chamber of United States Air Force Colonel Robert H. Campbell, his wife, Marian; and Colonel Gary E. Spohn. The President appointed Senators Donohue, Scott, Beck, Clarke, Sandison, Newschwander, Knoblauch, Guess, Herr, Washington and Wilson as a special committee to escort the honored guests to the Senate rostrum.

**MOTIONS**

On motion of Senator Walgren, all members were permitted as additional sponsors to Senate Resolution 1976-188.



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

SENATE RESOLUTION 1976-188

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

WHEREAS, The United States Air Force was established as a part of the National Military Establishment by the National Security Act of 1947 and came into being on September 18, 1947; and

WHEREAS, The United States Air Force had written glowing chapters in the saga of United States Military lore well before achieving its own separate identity; and

WHEREAS, All other arms of our military forces began to find impressive support from their airborne brothers as early as World War I; and

WHEREAS, The air arm of our military muscle flexed and matured in the unfriendly skies of the global confrontations of World War II; and

WHEREAS, The United States Air Force embraced and enhanced the long military tradition of dedication above and beyond the call of duty immediately with its autonomous inception; and

WHEREAS, The United States Air Force flies proudly as the vanguard of the United States Military Establishment; and

WHEREAS, As of this date, February 11, 1976, the Senate of the State of Washington is the proud host of United States Air Force Colonel Robert H. Campbell, Commander of the 62nd Air Base Group and of McChord Air Force Base in Washington, and Colonel Gary E. Spohn, Base Commander of the 92nd Combat Support Group and Fairchild Air Force Base in Washington; and

WHEREAS, Colonel Campbell and Colonel Spohn are guests of the Washington State Senate as official representatives of the United States Air Force;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington, through Colonel Campbell and Colonel Spohn does declare its pride in and respect for the United States Air Force, and does convey its heartfelt congratulations and good wishes to all personnel of the Air Force during this Bicentennial Year; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to Colonel Campbell, Commander of McChord Air Force Base, and to Colonel Spohn, Base Commander of the 92nd Combat Support Group and Fairchild Air Force Base, and to all other interested groups and individuals.

REMARKS BY THE PRESIDENT

The President: "Continuing with our bicentennial salute to the military, we are honored to have with us today two distinguished war heroes representing the United States Air Force.

"Colonel Robert H. Campbell is presently the commander of the 62nd Air Base Group and McChord Air Force Base. Born and reared in New Jersey, Colonel Campbell entered pilot training as an aviation cadet in June of 1943 and one year later as a second lieutenant he was sent to Europe as a B-24 pilot assigned to the 98th Bomb Group. In his European tour, Colonel Campbell completed 26 combat missions which included 202 combat hours.

"Colonel Campbell, after a four-year break in service, returned to active duty in 1951. He later served a tour in Vietnam where he accumulated 152 combat missions and 514 combat hours.

"Colonel Campbell's many awards and decorations include the Legion of Merit with one Oak-Leaf Cluster, the Distinguished Flying Cross, the Bronze Star medal, the Air Medal with 8 Oak-Leaf Clusters, the Republic of Vietnam Armed Forces medal,

and the Air Force Commendation medal.

"Colonel and Mrs. Campbell, the former Marian Edith Brucher of White Lake, New York, are the proud parents of four children."

With permission of the Senate, business was suspended to permit Colonel Campbell to make the following remarks:

#### REMARKS BY COLONEL CAMPBELL

Colonel Campbell: "Governor Cherberg, members of the Senate, it is a very distinct honor for the members of the Air Force and McChord Air Force Base especially, to be tendered the invitation to be here this morning. We cherish that invitation very much because of the great relationship that exists here in the Evergreen State with the armed forces.

"I think it is quite fitting that Governor Cherberg would start a program of military participation with the Senate during bicentennial year, but then again, I would certainly expect that from a Washington general.

"I do bring you greetings from McChord and all of the people of McChord. Just as a matter of interest, we are seventy-three hundred strong, as far as the people that are assigned to the missions that are carried out at McChord. In addition, there are some fifteen thousand dependents of the military people that are stationed there, who are, for the most part, members of the community inasmuch as we only have about a thousand units of family housing at McChord. Most of our people live in the community. I believe my wife, Marian, and I are typical of the people that are stationed at McChord concerning our just great feeling about this area. Without question, it is one of the highlights of anybody's military career to be stationed in this area. We find the most genuine Americans to be in this area, and they have very genuine values, something that we very much cherish. It is a wonderful place for us to bring up our families, and we are very thankful for that.

"I think that, more important though, is the fact that we are amongst people who have great ideals and who know and understand and truly believe in national security and patriotism. This past November I had the privilege of being the grand marshal in a parade at Auburn on Veteran's Day. I don't know how many of you have stopped to think about the fact that there are very few parades in this country like there used to be. The parade at Auburn on Veteran's Day happens to be the largest this side of the Mississippi, and one of the largest in the United States.

"The people here are very much involved on a daily basis in the things that count towards the furtherance of our country and the ideals on which it was founded. You are very deeply involved in international trade which is very important to the livelihood of this country. Your great seaports of Seattle and Tacoma are great evidence of this. Not only the products of the State of Washington, but even products from the midwest float through and to that area. Your wood products industry certainly depends a great deal on international trade, and the aerospace industry, without question, is very dependent on the international trade. I believe that Boeing is very thankful they have had so many foreign customers in the last two years because of the conditions of the U.S. airlines operating within the U.S. boundaries.

"And of course, I know you are mindful in this state of the original premise, maybe even the promise of our adversaries the Russians when communism first became a part of government, and that was that they were, in fact, going to dominate the world and that meant the end of free enterprise. And, gentlemen, that is a promise that they have never gone back on. That is something they have never changed their minds on. You know, they speak out of both sides of their mouths at times, but they have never changed that utterance. It has always been the domination of the world. Now General Warner and Admiral Zech in their appearances here, I think, very adequately covered the threat and the need for a strong nation and a strong national defense and the rising power of the Russians, so I won't go into that today.

"But I would talk about the need for strong defense in a little different manner. Deterrence is something which is achieved by the capability to deter, that is military

power and the will to use it. Now, I think that overall, on balance, we are strong enough with the capability. Deterrence is keyed even more so to the perception of people that look at us as to whether or not we have the will to use that power. We have had a couple of examples, one of which is a very excellent example of when we communicated properly. The Cuban missile crisis was a time when we had the capability, and the Russians really perceived that we were going to use it, and that the will of the American people was behind the administration.

"Sadly enough, last year, we had a different situation and I am sure that Hanoi in 1975, when they made their takeover of South Viet Nam, fully perceived that the will of the American people was not to return to combat in Southeast Asia. And thus, it was very simple for them to complete not much of a military task.

"I realize the members of the Washington Senate don't have much but indirect effect on providing the armed forces with their equipment and their appropriations because that is a function of the U.S. Congress, but I am very well aware that you have in the past and you will have in the future, a very direct effect, if you will, on showing the world of the will of the American people, and thus providing the perception for our adversaries that we are, in fact, going to be strong.

"I referred earlier to our strength. We have all been through our economic problems in this country. The armed forces have certainly had to cut back in numbers because the money was not there. We don't quarrel with this. There are changing national policies and priorities that dictate this. But rather than us coming out of this a little less capable, I can guarantee we will come out more capable because with less people and less money we have to be better. We are smaller but we are more motivated because we know that we are still expected to carry out the job that we had when we had more people and more money. The industrial capacity of this country is still the leading industrial capacity of the world, so we know we have that strength.

"We have a younger and better educated armed forces. I think this year less than five percent of the people enlisting in the U.S. Air Force will not be at least high school graduates, and less than one percent will be below the national average of intelligence. Our leaders are young and have had combat experience which means they are mature leaders. Not only that, we are very concerned about our image.

"We didn't come out of the Viet Nam classic with a very good image in the military. We are concerned about that and we know we are not going to have very many chances to prove ourselves without losing all credibility.

"So we are motivated. We can sort of relate this now in the case of the air force to the State of Washington. I think we have got a lot of similarities. We are young. You are the forty-second state, entered into the union in 1889, and so you are still striving for your centennial while the nation celebrates its bicentennial, and we of course are young, born in 1947, and that doesn't make us very old. We are still striving for our thirtieth birthday. But just like the State of Washington, the way it has made tremendous progress and strides, we know that our sister services, one of whom kept us in bondage for many years, the Army, were born in 1776 and in fact, one of them in 1775. So I think that you will share our pride when we say very proudly that we have made two hundred years progress in twenty-nine years, and we are proud of it.

"Now I know that it is very essential for us to have your support, and while we ask for your continued support, I think it is very important for us to also pledge to you that we are fully dedicated, capable and motivated to insure the survival of our cherished heritage and the superb way of life that this great State of Washington has provided for us while we are here in your country, and I say country, not from the standpoint of a body.

"Governor Cherberg, and members of the Senate, on behalf of McChord and all of the men and women there, I would say simply, God bless you for your wonderful support, your hospitality and your supreme patriotism. And before I leave the podium, an apology to the ladies in the Senate that I made a slip sometime in my earlier words of saying, 'gentlemen,' and I want to overcome that little bit of a slip.

"Thank you very much for the tremendous opportunity to be here, and we certainly do cherish being in your state. Thank you very much."

## REMARKS BY THE PRESIDENT

The President: "Our other distinguished war hero is Colonel Gary E. Spohn who is the base commander of the 92nd Combat Support Group and Fairchild Air Force Base, Washington.

"Colonel Spohn, a native of Washington and a graduate of Yakima High School and Whitman College, enlisted in the air force in 1953 as an aviation cadet and was commissioned in 1954.

"Colonel Spohn, after completing numerous assignments throughout the country, served in Thailand where he served as executive officer and then commander of the 544th Reconnaissance Squadron.

"Colonel Spohn is an experienced command pilot with more than 8,000 hours and holds the Distinguished Flying Cross, the Air Medal with three Oak-Leaf Clusters, the Air Force Commendation Medal and the Air Force Outstanding Unit Award with four Oak-Leaf Clusters and many other awards and decorations.

"Colonel Spohn is married to the former Janet Hall of Missoula, Montana and they have one daughter, Marcia."

With permission of the Senate, business was suspended to permit Colonel Spohn to make the following remarks:

## REMARKS BY COLONEL GARY E. SPOHN

Colonel Spohn: "Governor Cherberg and ladies and gentlemen of the Senate, I won't take but one or two of your minutes. I am sure that you have many more important things to do and if I were to say more, I would probably do not much more than echo many of the words that Colonel Campbell spoke to you.

"It is indeed an honor and a pleasure for me to be here as the Air Force representative from Fairchild Air Force Base, Spokane, Washington, the other side of the mountains to you coast people, and again, it is a pleasure to be here on this Air Force Recognition Day. I suppose I should give you a little background on Fairchild Air Force Base, especially for those of you that are unfamiliar with the other side of the mountains. We are also a community of approximately five thousand military personnel with approximately fifteen thousand to twenty thousand dependents, and this is a very large community. We are a part of the community. This is the way we look at it. This is the way we live, day by day, but we also recognize that we do have a responsibility to this country.

"This base, Fairchild Air Force Base — it was named that in 1951 — is one of the furthest, or it is, the most northwest strategic air command base in the Air Force. Our primary mission there is deterrence, is preparedness and deterrence through strikes. This is an important part of our nuclear triad which I am sure you all are very much aware of.

"But I think even more today, this Air Force Recognition Day, the most significant factor would be the point that your own Washington International Guard is moving from Geiger Air Field or Spokane International. They are changing their mission. They are changing aircraft to — transition to one thirty fives which is the air force refueler, and becoming an important part of this Air Force deterrent. They will be moving over this summer and we are looking forward to having them on our installation and we welcome them with open arms.

"Again, thank you very much for including us in your day and recognizing us as members of the Air Force. Greetings from the members of the military at Fairchild and all their families. Thank you."

The President presented a bicentennial Flag to Colonel Campbell and Colonel Spohn.

The committee of honor escorted the honored guests from the Senate Chamber and the committee was discharged.

## MOTION

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

REPORTS OF STANDING COMMITTEES

February 10, 1976.

SENATE BILL NO. 3127, setting forth new procedure for preparation of school district budgets (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3127 be substituted therefor and the substitute bill do pass.

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

Passed to Committee on Rules for second reading.

February 11, 1976.

SUBSTITUTE HOUSE BILL NO. 75, making changes in the laws relating to voter registration (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Beck, Chairman; Grant, Stortini, Washington.

Passed to Committee on Rules for second reading.

February 10, 1976.

REENGROSSED HOUSE BILL NO. 971, pertaining to taxation of leasehold interests (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

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

Passed to Committee on Rules for second reading.

February 11, 1976.

HOUSE BILL NO. 1258, defining horses, mules, and donkeys as agricultural products (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

February 10, 1976.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1470, making changes in the laws relating to civil actions as such actions relate to medical malpractice (reported by Select Committee on Medical Malpractice):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bottiger, Buffington, Clarke, Day, Jones, McDermott, North, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 10, 1976.

Mr. President: The House has passed:

SENATE BILL NO. 3033,

SUBSTITUTE SENATE BILL NO. 3233, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 10, 1976.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 1119,

HOUSE BILL NO. 1272,

ENGROSSED HOUSE BILL NO. 1496,  
 ENGROSSED HOUSE BILL NO. 1524, and the same are herewith transmitted.  
 DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 3033,  
 SUBSTITUTE SENATE BILL NO. 3233.

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1119, by Representatives Parker and Adams:  
 Coordinating and surveying the health care delivery system.  
 Referred to Committee on Social and Health Services.

HOUSE BILL NO. 1272, by Representatives Sherman, Charnley, Chandler,  
 Barnes and Lee:  
 Exempting minibus car pools from commercial transportation regulations.  
 Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 1496, by Representatives Hansen and Pat-  
 terson:  
 Making appropriations to the highway commission and toll bridge authority.  
 Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 1524, by Representatives Sommers, Nelson  
 and Hurley (Margaret) (by State Treasurer and OPP&FM request):  
 Pertaining to the veterans' compensation fund.  
 Referred to Committee on State Government.

#### MOTIONS

On motion of Senator Sellar, Senator Lewis (R. H. "Bob") was excused.  
 On motion of Senator Walgren, the Senate commenced consideration of House  
 Bill No. 38.

#### SECOND READING

HOUSE BILL NO. 38, by Representatives King, Bender, Erickson and Gaines (by  
 request of Committee on Constitution and Elections of the Forty-third Legislature):  
 Implementing law relating to recall of public officials.  
 The Senate resumed consideration of House Bill No. 38. On February 3, 1976, the  
 bill, as amended by the Senate, passed the Senate. On February 4, 1976, a motion for  
 reconsideration by Senator Washington on passage of House Bill No. 38 was held for  
 February 5, 1976. On that date, on motion of Senator Beck, House Bill No. 38, as  
 amended by the Senate, was re-referred to the Committee on Constitution and Elec-  
 tions.

#### REPORT OF STANDING COMMITTEE

February 6, 1976.

HOUSE BILL NO. 38, implementing law relating to recall of public officials (re-  
 ported by Committee on Constitution and Elections):

Recommendation: Do pass with the following amendment by Committee on Con-  
 stitution and Elections without the Beck / Marsh amendment:

On page 1, line 21, strike "time," and insert "approximate".

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

The bill was read the second time by sections.

Senator Beck moved adoption of the committee amendment.

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Beck yield? Senator Beck, what is the difference between the proposed amendment and the current practice as far as recall charges are concerned?"

Senator Beck: "Well, currently if someone wanted to get out a recall against an elected official, all he has to do is to bring some kind of a charge. The charge must be serious enough to make it valid for a recall and that is all. He takes it to the prosecuting attorney or the Attorney General and they check the validity and make sure that the charge that is being made is valid reason for recall. They they go out and get the signatures and then it is submitted to the people for a vote. Now, under this bill, the individual who is filing the charge must be specific. He must give the date, the time, the place and the nature of the charge, and it must be spelled out in precise language and the prosecuting attorney or whatever official it is filed with must then see that the one who is being charged gets a copy of the charge. It is not as strong a bill as I would like to have it but it does strengthen up a little bit because they must be precise as to what the fellow did."

Senator Bailey: "Senator Beck, I do not follow in this bill — the original House bill did just that. Are you now stripping off the proposed Senate amendment . . ."

Senator Beck: "It is practically the same bill that came over from the House."

Senator Bailey: "And returning it to the status of the House bill?"

Senator Beck: "Yes."

Senator Bailey: "Exactly the same as the House bill?"

Senator Beck: "Senator Bailey, you throw me for a loss. The language, I think, is just about the same as it was other than we have to spell out precisely what the charge has been."

Debate ensued.

#### POINT OF INQUIRY

Senator Wilson: "Would Senator Washington yield, please? Then what this bill says is that the complainant has to set forth specific violations as to approximately when the act occurred and so forth and then having done that, I take it the proposal goes to the prosecutor as it does now."

Senator Washington: "That is correct."

Senator Wilson: "And he has the authority to say this could be a valid recall process and then it goes into the petition process and so on. And the superior court, as was the case in the previous Senate amendment, is no longer involved at all."

Senator Washington: "This is correct, except to the point where they have always been involved. That they do not get into the matter of the truth of whether there is evidence to support the charge but they do get into it to assure that the facts as set forth in the petition do, in fact, constitute misfeasance, malfeasance or a breach of the oath of office."

Senator Wilson: "That is presently the case."

Senator Washington: "Which is presently the case."

Senator Wilson: "Thank you."

The motion by Senator Beck carried and the committee amendment was adopted.

On motion of Senator Beck, the rules were suspended, House Bill No. 38, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### PARLIAMENTARY INQUIRY

Senator Washington: "Just as a point of information, we did have on the bill when it left the committee when it was on the floor, we had already adopted the amendment."

Now, there is perhaps a technical question whether or not we should not vote to withdraw the amendments that were placed on the bill when it was before us before."

#### REPLY BY THE PRESIDENT

The President: "Senator Washington, the President has been advised by the Secretary that the bill was referred to the committee with certain amendments that were removed by the committee, and when the bill was returned, the Senate, in its wisdom, has adopted the one committee amendment."

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 38, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 8; absent or not voting, 3; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Goltz, Grant, Guess, Henry, Herr, Knoblauch, Marsh, McDermott, Morrison, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Stortini, Van Hollebeke, Wanamaker, Washington, Wilson, Woody—33.

Voting nay: Senators Day, Gould, Lewis (Harry), Odegaard, Sandison, Talley, von Reichbauer, Walgren—8.

Absent or not voting: Senators Mardesich, Matson, Murray—3.

Excused: Senators Francis, Jolly, Jones, Keefe, Lewis (R. H. "Bob")—5.

HOUSE BILL NO. 38, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of the gubernatorial appointment of Dr. Mendal B. Miller.

#### MOTION

On motion of Senator Sellar, Senator Bluechel was excused.

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Sandison, the appointment of DR. MENDAL B. MILLER as a member of the Higher Education Personnel Board was confirmed.

#### APPOINTMENT OF DR. MENDAL B. MILLER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent or not voting, 3; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Knoblauch, Lewis (Harry), Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Absent or not voting: Senators Mardesich, Matson, Murray—3.

Excused: Senators Bluechel, Francis, Jolly, Jones, Keefe, Lewis (R. H. "Bob")—6.

#### MOTION

At 12:10 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Thursday, February 12, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



**THIRTY-EIGHTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Thursday, February 12, 1976.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Donohue and Keefe. On motion of Senator Knoblauch, Senators Donohue and Keefe were excused.

The Color Guard, consisting of Pages Mark McManus and April Graves, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"GREAT GOD OF LIFE AND LOVE, OF HOPE AND OF HAPPINESS, WE PRAISE AND BLESS YOU. WE ACKNOWLEDGE YOU TO BE THE LORD FOR IT IS YOU THAT HAS MADE US AND NOT WE OURSELVES. WE DO RECOGNIZE THAT WE HAVE NOT ALWAYS DONE ALL WE COULD IN OUR THINKING AND PLANNING TO NOURISH AND ENRICH THE GOOD GIFT OF LIFE. WE ADMIT THAT OUR LOVE HAS NOT ALWAYS BEEN PROPERLY BALANCED BETWEEN INNER AND OUTER DIRECTION. WE CONFESS THAT WE HAVE SOMETIMES STIFLED THE HAPPINESS OF HOPE BY OUR ENCHANTMENT WITH THE STATUS QUO.

"FOR CONCERNED PEOPLE WHO YEARS AGO ESTABLISHED THE PROCESS OF GOVERNMENT WE ARE NOW ENGAGED IN, WE THANK YOU O GOD. FOR THE DEDICATION, THE PERSEVERANCE, THE BLOOD, SWEAT AND TEARS OF THOSE WHO LIVED AND DIED THAT THIS GOVERNMENT MIGHT NOT PERISH FROM THE EARTH, WE THANK YOU, O GOD.

"WE PRAY THAT THESE SENATORS MIGHT ALWAYS BE MINDFUL OF THE TRUST PLACED IN THEM BY YOU AND YOUR PEOPLE THAT THEY MIGHT BE AND BECOME SENSITIVE TO THE NEEDS OF THEIR CONSTITUENTS. FREE THEM TO RIGHTLY USE THE ABILITIES AND GIFTS THEY POSSESS AND PROPERLY MOTIVATE THEM TO FAITHFULLY MEET NEEDS IN WAYS THAT ARE JUST, EQUITABLE AND HONORABLE. IN THE STRONG NAME OF JESUS WE PLACE THIS CONFESSION AND THESE PETITIONS BEFORE YOU. AMEN."

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 12, 1976.

SENATE BILL NO. 3051, permitting clerks of the superior court to make certain investments (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass as amended.

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

Passed to Committee on Rules for second reading.

February 12, 1976.

SENATE BILL NO. 3084, mandating teacher performance review and evaluation salary system (reported by Committee on Education):

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means.

Signed by: Senators Stortini, Chairman; Gould, Murray, Newschwander.  
Referred to Committee on Ways and Means.

February 11, 1976.

SENATE BILL NO. 3176, relating to retirement and pensions (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3176 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Jones, Mardesich, Marsh, Matson, Sandison, Scott, Woody.

MINORITY recommendation: That Substitute Senate Bill No. 3176 do not pass.

Signed by: Senators Wilson, Second Vice Chairman; Bailey, Fleming, Grant, Lewis (Harry), Murray, Rasmussen.

Passed to Committee on Rules for second reading.

February 10, 1976.

ENGROSSED HOUSE BILL NO. 70, providing for licensing and taxing of movie and telecast showing of boxing and wrestling matches (reported by Committee on Commerce):

Recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Cunningham, Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

February 10, 1976.

SUBSTITUTE HOUSE BILL NO. 90, imposing a tax on coin operated gaming devices subject to federal tax credit and authorizing certain forms of gambling (reported by Committee on Commerce):

Recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Cunningham, Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

February 12, 1976.

ENGROSSED HOUSE BILL NO. 304, prohibiting certain mortgage reserve accounts (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

February 11, 1976.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 401, adding new provisions to laws relating to burial (reported by Committee on Social and Health Services).

MAJORITY recommendation: Do pass.

Signed by: Senators Cunningham, Goltz, Gould, McDermott, North, Pullen, Ridder.

Passed to Committee on Rules for second reading.

February 11, 1976.

SUBSTITUTE HOUSE BILL NO. 455, regulating the determination and use of marine fuel tax moneys (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Fleming, Marsh, Matson, Murray, Rasmussen, Scott, Woody.

Passed to Committee on Rules for second reading.

February 12, 1976.

ENGROSSED HOUSE BILL NO. 490, amending law on liability of landowners where recreational (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

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

Passed to Committee on Rules for second reading.

February 12, 1976.

ENGROSSED HOUSE BILL NO. 739, establishing procedures for traveler's checks to be deemed unclaimed property (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

February 11, 1976.

SUBSTITUTE HOUSE BILL NO. 802, providing uniformity in payment of travel expenses for most state officials and employees (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson; Second Vice Chairman; Fleming, Marsh, Matson, Murray, Rasmussen, Scott, Woody.

Passed to Committee on Rules for second reading.

February 12, 1976.

ENGROSSED HOUSE BILL NO. 1082, designating Fort Walla Walla park as a regional park (reported by Committee on Parks and Recreation):

Recommendation: Do pass.

Signed by: Senators Knoblauch, Chairman; Bailey, Gould, Odegaard, Wanamaker.

Passed to Committee on Rules for second reading.

February 10, 1976.

ENGROSSED HOUSE BILL NO. 1107, changing liquor permit and service requirements (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Morrison, Peterson.

Passed to Committee on Rules for second reading.

February 12, 1976.

ENGROSSED HOUSE BILL NO. 1119, coordinating and surveying the health care delivery system (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended and that the bill be referred to the Committee on Ways and Means.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Francis, Goltz, Herr, McDermott, Ridder.

Referred to Committee on Ways and Means.

February 12, 1976.

HOUSE BILL NO. 1257, removing residency and practice requirements for municipal judges (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

February 12, 1976.

HOUSE BILL NO. 1279, providing attorney's fees for the prevailing party in contract and lease disputes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

February 11, 1976.

ENGROSSED HOUSE BILL NO. 1291, permitting the operation of forty-foot school buses (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Bottiger, Vice Chairman; Beck, Benitz, Bluechel, Morrison, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 11, 1976.

HOUSE BILL NO. 1311, removing department of revenue mandatory audit requirement of the work of county assessors (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Mardesich, Marsh, Matson, Murray, Scott, Woody.

Passed to Committee on Rules for second reading.

February 11, 1976.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336, abolishing nonfunctioning advisory committees (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 12, 1976.

HOUSE BILL NO. 1337, allowing the state fire marshal access to state criminal records (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Marsh, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 12, 1976.

ENGROSSED HOUSE BILL NO. 1340, making lesser traffic law violations non-criminal offenses (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

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

Passed to Committee on Rules for second reading.

February 12, 1976.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1345, providing for a priority program of education (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

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

Passed to Committee on Rules for second reading.

February 12, 1976.

SUBSTITUTE HOUSE BILL NO. 1347, correcting technical errors in the Washington criminal code (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

February 12, 1976.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, changing law relating to contractual rights of school district certificated employees (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

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

MINORITY recommendation: Do not pass.

Signed by: Senators McDermott, von Reichbauer.

Passed to Committee on Rules for second reading.

February 10, 1976.

HOUSE BILL NO. 1382, making technical corrections for the implementation of staggered vehicle registration periods (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senatore Henry, Chairman; Bottiger, Vice Chairman; Beck, Benitz, Guess, Knoblauch, Peterson, Walgren, Wanamaker.

Passed to Committee on Rules for second reading.

February 10, 1976.

ENGROSSED HOUSE BILL NO. 1434, relating to outdoor advertising (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Benitz, Guess, Knoblauch, Peterson, Stortini, Walgren, Wanamaker.

Passed to Committee on Rules for second reading.

February 10, 1976.

HOUSE BILL NO. 1436, providing for licensing of specialty electricians (reported by Committee on Commerce):

Recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Cunningham, Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

February 11, 1976.

HOUSE BILL NO. 1439, exempting certain immigrant refugees from the contract enrollment levels of community colleges and institutions of higher education (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard.

Passed to Committee on Rules for second reading.

February 11, 1976.

HOUSE BILL NO. 1445, authorizing resident fees in institutions of higher education for certain refugees from Cambodia and Viet Nam (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess.

Passed to Committee on Rules for second reading.

February 11, 1976.

ENGROSSED HOUSE BILL NO. 1496, making appropriations to the highway commission and toll bridge authority (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Bottiger, Vice Chairman; Beck, Benitz, Bluechel, Guess, Morrison, Peterson, Sellar, Walgren.

Passed to Committee on Rules for second reading.

February 11, 1976.

ENGROSSED HOUSE BILL NO. 1524, pertaining to the veterans' compensation fund (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 10, 1976.

HOUSE BILL NO. 1529, revising laws supporting county operated ferry systems (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Bottiger, Vice Chairman; Beck, Benitz, Guess, Knoblauch, Peterson, Walgren, Wanamaker.

Passed to Committee on Rules for second reading.

### GUBERNATORIAL APPOINTMENTS

February 11, 1976.

NANCY BURNETT, to the position of member of the Board of Trustees of Community College District No. 17, Spokane Community College, appointed by the Governor on April 3, 1975 for the term ending April 3, 1980, succeeding Leonard Stubbs (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment not be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Guess, Odegaard.

MINORITY recommends that said appointment be confirmed.

Signed by: Senator Scott.

Passed to Committee on Rules.

February 11, 1976.

BERNARD CALFEE, to the position of member of the Board of Trustees of Community College District No. 19, Columbia Basin Community College, appointed by the Governor on May 6, 1975 for the term ending April 3, 1980, succeeding O. Conway Adams (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 11, 1976.

REID E. HALE, to the position of member of the Board of Trustees of Community College District No. 9, Highline Community College, appointed by the Governor

on May 1, 1975 for the term ending April 3, 1980, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 11, 1976.

DENNIS S. JOHNSON, to the position of member of the Board of Trustees of Community College District No. 15, Wenatchee Valley Community College, appointed by the Governor on May 5, 1975 for the term ending April 3, 1980, succeeding Dr. Robert M. Kintner (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 11, 1976.

GORDON LIEN, to the position of member of the Board of Trustees of Community College No. 4, Skagit Valley Community College, appointed by the Governor on July 9, 1975 for the term ending April 3, 1980, succeeding Richard M. Hoag (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 11, 1976.

GARY OLSON, to the position of member of the Board of Trustees of Community College District No. 14, Clark Community College, appointed by the Governor on April 21, 1975 for the term ending April 3, 1980, succeeding Richard E. Lawton (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 11, 1976.

PAT RICHARDSON, to the position of member of the Board of Trustees of Community College District No. 20, Walla Walla Community College, appointed by the Governor on June 2, 1975 for the term ending April 3, 1980, succeeding Leslie James (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 11, 1976.

JANE ROMANO, to the position of member of the Board of Trustees of Community College District No. 18, Big Bend Community College, appointed by the Governor on May 1, 1975 for the term ending April 3, 1980, succeeding Dick Ludeman (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 11, 1976.

DR. SPENCER W. SHAW, to the position of member of the Board of Trustees of Community College District No. 10, Green River Community College, appointed by the Governor on April 30, 1975 for the term ending April 3, 1980, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 11, 1976.

SHIRLEY SMITH, to the position of member of the Board of Trustees of Community College District No. 13, Lower Columbia Community College, appointed by the Governor on May 1, 1975 for the term ending April 3, 1980, succeeding herself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 11, 1976.

CLAIRE THOMAS, to the position of member of the Board of Trustees of Community College District No. 8, Bellevue Community College, appointed by the Governor on July 3, 1975 for the term ending April 3, 1980, succeeding Harriet Jaquette (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

#### MESSAGE FROM THE HOUSE

February 11, 1976.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 1380;

HOUSE BILL NO. 1478, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 1380, by Committee on Parks and Recreation (originally sponsored by Representatives Randall, Douthwaite and Hurley (Margaret):

Requiring boat registration.

Referred to Committee on Parks and Recreation.

HOUSE BILL NO. 1478, by Representatives Charette, Moon, Matthews, Chandler, Newhouse and Berentson (by OPP&FM request):

Making an appropriation for the department of emergency services.

Referred to Committee on Ways and Means.

#### MOTION

At 10:15 a.m., on motion of Senator Walgren, the Senate recessed until 12:00 noon.

#### NOON SESSION

The President called the Senate to order at 12:00 noon.



## SECOND READING

SENATE BILL NO. 3172, by Senators Henry, Talley, McDermott, Walgren, Morrison, Bottiger and Mardesich:

Creating the state energy policy commission.

## MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 3172 was substituted for Senate Bill No. 3172 and the substitute bill was placed on second reading and read the second time in full.

Senator Henry moved adoption of the following amendment by Senators Henry, Walgren and Morrison:

On page 2, strike everything after the enacting clause and insert the following:

*NEW SECTION.* Section 1. The legislature finds and declares that it is the continuing purpose of state government, consistent with other essential considerations of state policy, to foster wise and efficient energy use and to promote energy self-sufficiency through the use of indigenous and renewable energy sources, consistent with the promotion of reliable energy sources, the general welfare, and the protection of environmental quality.

*NEW SECTION.* Sec. 2. It is the policy of the state of Washington that:

(1) The development and use of a diverse array of energy resources with emphasis on renewable energy resources shall be encouraged;

(2) The development and use of energy resources shall be consistent with the statutory environmental policies of the state;

(3) Energy conservation and elimination of wasteful and uneconomic uses of energy and materials be encouraged. This conservation should include, but not be limited to, resource recovery and materials recycling;

(4) In energy emergency shortage situations, energy requirements to maintain the public health, safety, and welfare shall be given priority in the allocation of energy resources, and citizens and industry shall be assisted in adjusting to the limited availability of energy in order to minimize adverse impacts on their physical, social, and economic well being; and

(5) State government shall provide a source of impartial and objective information in order that this energy policy may be enhanced.

*NEW SECTION.* Sec. 3. As used in this chapter:

(1) "Energy" means: Petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material; electricity; solar radiation; geothermal resources; organic waste products; wind; tidal activity; or any other substance or process used to produce heat, light, or motion;

(2) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency, or any other entity, public or private, however organized;

(3) "Director" means the director of the state energy office;

(4) "Council" shall mean the energy advisory council created in section 10 of this 1976 amendatory act; and

(5) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, municipal utility, public utility district, joint operating agency, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state.

*NEW SECTION.* Sec. 4. The "state energy office" is hereby created as an agency of state government, responsible to the governor and the legislature for carrying out the purposes of this chapter. The director shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. The salary of the director shall be determined pursuant to the provisions of RCW 43.03.040. The director shall employ such personnel as are necessary to carry out the provisions of this chapter. The employment of such personnel shall be in accordance with the provisions of chapter 41.06 RCW, except as provided in section 12 of this 1976 amendatory act.

*NEW SECTION.* Sec. 5. The energy office shall have the following duties:

(1) To establish and maintain a central repository in state government for collection of data on energy resources, including but not limited to:

(a) Data on energy supply, demand, costs, projections, and forecasts;

(b) Inventory data on energy research projects in the state conducted under public and/or private auspices, and the results thereof;

(2) To prepare analyses of such data as well as projections and/or forecasts of energy supply and demand in the state and region as are necessary for development of recommendations with respect to the timing of construction of additional facilities and other energy programs and the development of other information as is necessary to support the performance of its duties;

(3) To carry out energy related administrative and program functions and activities established by federal law, regulations, or guidelines which are and which have previously been or may be determined to be suitable for implementation by the state of Washington: PROVIDED, That the governor may designate appropriate agencies of the state for implementation of all or parts of certain energy programs of the federal government where such designation is in the interest of efficiency, economy, or utilization of special expertise: PROVIDED FURTHER, That the energy office shall advise such agencies and review the work performed pursuant to such designation by the governor;

(4) To develop and disseminate voluntary conservation plans for use by government, industry, and individual citizens;

(5) To prepare in conjunction with the energy advisory council, contingency plans for implementation by state government in the case of a clear and foreseeable danger of energy shortages or actual energy emergencies. Such plans shall include procedures for determining when such shortages or emergencies exist, the state officers and agencies to participate in such determination, and actions to be taken by various agencies and officers of state government in order to reduce hardship and maintain the general welfare during such emergencies. The components of such plans that require legislation for their implementation shall be presented to the legislature in the form of proposed legislation at the earliest practicable date;

(6) To advise and support agencies of state government whose plans and programs involve the production, conversion, transmission, or end-use of significant amounts of energy, or which require knowledge of the present and projected supply and demand of energy, so that such agencies may evaluate the consequences of such actions with respect to state energy goals;

(7) To advise and support the regulatory functions of state agencies through information, reports, and studies;

(8) To present state interests and concerns on energy matters to local governments, other states, regional interstate energy organizations, federal agencies, and private interests: PROVIDED, That nothing in this subsection shall be construed to abrogate or diminish the functions, powers, or duties of other state agencies established by law;

(9) To present the state's interests in the field of nuclear energy to federal, regional, and local authorities and to private interests as an identifiable activity within its overall program;

(10) To make periodic reports and policy and program recommendations to the governor and the legislature and to submit proposed legislation to the legislature;

(11) To serve as the official state agency responsible for coordination of energy-related activities;

(12) To adopt rules, pursuant to chapter 34.04 RCW, for the implementation of this chapter.

*NEW SECTION.* Sec. 6. In addition to the duties prescribed in section 5 of this 1976 amendatory act, the energy office shall have the authority to:

(1) Obtain all necessary information from energy producers, suppliers, and consumers, doing business within the state of Washington, from political subdivisions in this state, or any person as may be necessary to carry out the provisions of this chapter. Such information may include but not be limited to:

- (a) Sales volume;
- (b) Forecasts of energy requirements; and
- (c) Inventory of energy.

In obtaining information under this subsection, the energy office may subpoena witnesses, material and relevant books, papers, accounts, records and memoranda, in the manner provided in RCW 34.04.105, administer oaths, and may cause the depositions of persons residing within or without the state of Washington to be taken in the manner prescribed for depositions in civil actions in superior courts, to obtain information relevant to energy sources.

Any person who is served with a subpoena to give testimony orally or in writing or to produce books, papers, correspondence, memoranda, agreements, or the documents or records as provided in this chapter, may apply to any superior court in the state for protection against abuse or hardship in the manner provided in superior court civil rule 26(c) relating to discovery procedures in civil cases.

Notwithstanding any other provision of law to the contrary, information furnished under this subsection shall be confidential and maintained as such, if so requested by the person providing the information, if the information meets one of the following requirements: The information is proprietary in nature; or the information consists of geological and geophysical information and data, including maps, concerning oil, gas or geothermal resource wells.

If the information meets one of the two requirements set forth herein it shall be unlawful to disclose such information except as hereinafter provided. A violation shall be punishable, upon conviction, by a fine of not more than one thousand dollars for each offense. In addition, any person who wilfully or with criminal negligence, as defined in RCW 9A.08.010, discloses confidential information in violation of this subsection may be subject to removal from office or immediate dismissal from public employment notwithstanding any other provision of law to the contrary.

Nothing in this subsection prohibits the use of confidential information to prepare statistics or other general data for publication when it is so presented as to prevent identification of particular persons or sources of confidential information.

(2) Engage in research directly, through liaison and contract with the energy research center of the state-supported institutions of higher learning, and through contract with other public and private persons. Such research may relate to:

- (a) Projections of energy supply, demand, and cost and the analysis of trends indicated in such projections;
- (b) Development of energy sources;
- (c) Increased efficiency in production, transmission, distribution, conversion, and use of traditional energy sources;
- (d) Development and use of energy efficient transportation modes;
- (e) The effect of various rate structures on energy consumption and uses;
- (f) Such other studies as are reasonable to support state energy policies and programs as are defined in this chapter, and as are defined by the legislature subsequent to the effective date of this 1976 amendatory act.

(3) Receive and expend funds obtained from the federal government or other sources by means of contracts, grants, awards, payments for services, and other devices in support of energy-related scientific and technical programs, studies, operations, and other activities beneficial to the state of Washington.

*NEW SECTION. Sec. 7.* In addition to the duties and functions assigned by sections 5 and 6 of this 1976 amendatory act, the director of the state energy office shall:

- (1) Supervise the day-to-day functions of the office;
- (2) Assign, reassign, and coordinate personnel of the office and prescribe their duties subject to the provisions of chapter 41.06 RCW;
- (3) Provide staff support to the energy advisory council;
- (4) Advise the governor and the legislature on energy matters and of existing and imminent energy shortages; and
- (5) Carry out the policies developed by the energy facilities site evaluation council.

*NEW SECTION. Sec. 8.* In furtherance of the policy of the state to cooperate with

the federal government in all of the programs included in this chapter, such rules as may become necessary to entitle the state to participate in federal funds may be adopted. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements which are a necessary condition to state receipt of federal funds. Any section or provision of this chapter which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the state energy office. If any part of this chapter is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of this chapter is declared to be inoperative solely to the extent of the conflict.

*NEW SECTION.* Sec. 9. Nothing in this 1976 amendatory act shall be construed to affect any existing rights acquired under the sections amended or repealed herein except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder; and no transfer of powers, duties and functions as provided herein, shall affect the validity of any act performed by such agency or division thereof or any officer thereof prior to the effective date of this 1976 amendatory act.

*NEW SECTION.* Sec. 10. There is hereby created an energy advisory council consisting of nine members.

(1) Members of the council shall be named within thirty days of the effective date of this 1976 amendatory act and shall serve at the pleasure of their appointing authority. The membership shall include the following:

- (a) The director of the state energy office;
- (b) The governor shall appoint four members as follows:
  - (i) One member experienced and knowledgeable in the affairs and operations of electric utility operations;
  - (ii) One member experienced and knowledgeable in the affairs and operations of the natural gas industry;
  - (iii) One member experienced and knowledgeable in the affairs and operations of the petroleum products industry;
  - (iv) One member shall be from an industrial user of electricity, natural gas, and petroleum products; and
- (c) The president of the Senate shall appoint two members;
- (d) The speaker of the house of representatives shall appoint two members. The council shall select one of its members to serve as chairman at the pleasure of the council.

(2) Members of the council shall be compensated at the rate of forty dollars per day for each day engaged in the business of the committee and shall be reimbursed for necessary traveling and lodging expenses actually incurred while engaged in the business of the committee as provided in chapter 43.03 RCW. Legislative members shall be reimbursed according to the provisions of RCW 44.04.120. Five members of the council shall constitute a quorum for conducting business.

*NEW SECTION.* Sec. 11. The council shall have the following duties:

- (1) To advise, monitor, and review the programs and policies of the state energy office and to provide direction and guidance for the activities of the state energy office;
- (2) To act as a source of innovative ideas and policy approaches in energy matters;
- (3) To advise and make recommendations to the governor and the legislature on state energy policies, practices, programs, and legislation;
- (4) To make recommendations to the governor for appropriate emergency curtailment and/or allocation plans and procedures to be used in the event of an energy alert or energy emergency;
- (5) To advise the governor of the time or times, if any, based on pertinent information, when energy supply conditions require execution of energy alert or energy emergency curtailment and/or allocation procedures, and also the time or times when such

procedures can prudently be terminated;

(6) To monitor and review in conjunction with the state energy office, compliance with and effectiveness of orders of the governor issued under sections 20 and 24 of this 1976 amendatory act: PROVIDED, That compliance by regulated distributors shall be reviewed by the Washington utilities and transportation commission and the results thereof shall be reported to the council;

(7) To interpret and coordinate energy related functions and activities established under federal law, regulations, or guidelines which are assigned to or required to be performed by the state of Washington, or which are determined to be suitable for implementation by the state of Washington: PROVIDED, That the governor may designate, with approval of the energy advisory council, appropriate agencies of the state for implementation of all or parts of certain energy programs of the federal government where such designation is in the interest of efficiency, economy, or utilization of special expertise: PROVIDED FURTHER, That the energy advisory council shall advise such agencies and review the work performed pursuant to such designation by the governor; and

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

*NEW SECTION.* Sec. 12. 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 within the state energy office to the director, the director's confidential secretary, the director's deputy director, and to no more than two assistant directors.

Sec. 13. Section 5, chapter 10, Laws of 1965 and RCW 43.31.300 are each amended to read as follows:

The director of the *department of commerce and economic development* through the division of nuclear energy development, known as the office of nuclear energy development, *in cooperation with the state energy office*, shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) Expend such state funds as may be appropriated by the legislature in order to acquire, develop and operate land and facilities which the director believes will foster the development of the state's nuclear economic potential. Such acquisition may be by lease, dedication, purchase, or other arrangement: PROVIDED, *HOWEVER*, That nothing herein shall be deemed to authorize the state to acquire nuclear facilities or property to engage in competition with organizations or persons. The leasing from the [Atomic Energy Commission] *Energy Research and Development Administration* of one thousand acres of land lying within the boundaries of the Hanford works near Richland, Washington, in a lease executed on September 10, 1964, is an example of the proper exercise of powers within the purposes of this chapter.

(2) Lease, sublease, or sell real and personal properties to public or private bodies on a competitive basis and at a fair market value when the director believes that such transactions will foster the development of the state's nuclear economic potential.

The director may, however, on a competitive basis lease real and personal properties at less than fair market value on a short term basis if he believes that the long term gain to the state's economic growth justifies such an agreement. Where the lease or sale requires the lessee or purchaser to use the premises for the operation of a specific type of activity, the notice to bidders shall specify the type of business activity required. Final selection among bidders shall, subject to the provisions herein, be by the director with the advice and consent of the [governor's advisory council on nuclear energy and radiation] *state energy office*.

(3) Enter into contracts with state and private institutions within the state for the carrying out of basic research in such uses of nuclear energy as may be helpful to the economic development of the state.

(4) Assure the maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state of Washington against nuclear incidents that may occur on privately or state controlled nuclear facilities.

(5) Assume responsibility for perpetual surveillance and/or maintenance of radioactive materials held for waste management purposes at any publicly or privately operated facility located within the state, in the event the parties operating such facilities abandon said responsibility, and whenever the federal government or any of its agencies has not assumed said responsibility.

In order to finance such perpetual surveillance and maintenance as the director may undertake, he may collect fees from private or public parties holding radioactive materials for waste management purposes at a total charge of not less than [five cents per cubic foot of space occupied by materials so held, stored, or buried] *the prevailing rates at similar sites in the nation*: PROVIDED, That in the event the estimated total of such fees will be insufficient to defray the estimated cost of administration of this responsibility for any next ensuing fiscal biennium, the director may prescribe additional fees [not exceeding fifty cents per cubic foot,] as may be necessary to defray estimated waste management expenses for future fiscal bienniums. All such fees, when received by the director, shall be transmitted to the state treasurer, who shall act as custodian. The treasurer shall place the money in a special account, in the nature of a revolving fund, which may be designated "perpetual maintenance fund," to be disbursed on authorization of the director, or his designated representative. Disbursement shall be made in the manner prescribed by chapter 42.24 RCW, and shall be subject to post audit by the state auditor. No appropriations shall be required to permit expenditures and payment of obligations from such fund, but the condition of the fund and its administration [by the director] shall be reported biennially to the legislature *by the director*. Moneys in the perpetual maintenance fund shall be invested by the state finance committee in the manner as other state moneys: PROVIDED, HOWEVER, That any interest accruing as a result of investment shall accrue to the perpetual maintenance fund.

Additional moneys as may be specifically appropriated by the legislature, or received from any public or private source, may be placed in the perpetual maintenance fund. The perpetual maintenance fund shall be used exclusively for surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations.

(6) Enter into an agreement with the federal government or any of its authorized agencies to assume perpetual surveillance and/or maintenance of lands leased or purchased from the federal government or any of its authorized agencies and used as a burial or storage site for radioactive wastes.

Sec. 14. Section 1, chapter 207, Laws of 1961 and RCW 70.98.010 are each amended to read as follows:

It is the policy of the state of Washington in furtherance of its responsibility to protect the public health and safety and to encourage, insofar as consistent with this responsibility, the industrial and economic growth of the state [

(1) *and to institute and maintain a regulatory and inspection program for sources and uses of ionizing radiation so as to provide for [(a)] (1) compatibility with the standards and regulatory programs of the federal government, [(b)] (2) a single, effective system of regulation within the state, and [(c)] (3) a system consonant insofar as possible with those of other states [; and*

(2) *To institute and maintain a program to encourage widespread participation in the development and utilization of sources of ionizing radiation and atomic energy for peaceful purposes to the maximum extent consistent with the health and safety of the public].*

Sec. 15. Section 2, chapter 207, Laws of 1961 as amended by section 1, chapter 88, Laws of 1965 and RCW 70.98.020 are each amended to read as follows:

It is the purpose of this chapter to effectuate the policies set forth in RCW 70.98.010 *as now or hereafter amended* by providing for:

(1) A program of effective regulation of sources of ionizing radiation for the protection of the occupational and public health and safety;

(2) A program to promote an orderly regulatory pattern within the state, among the states and between the federal government and the state and facilitate intergovernmental cooperation with respect to use and regulation of sources of ionizing radiation

to the end that duplication of regulation may be minimized;

(3) A program to establish procedures for assumption and performance of certain regulatory responsibilities with respect to byproduct, source, and special nuclear materials[;

(4) A program to permit maximum utilization of sources of ionizing radiation consistent with the health and safety of the public].

Sec. 16. Section 24, chapter 207, Laws of 1961 and RCW 70.98.210 are each amended to read as follows:

The agency [and the council] shall study, formulate, and recommend to the legislature from time to time specific recommendations to further the purposes of this chapter.

*NEW SECTION.* Sec. 17. The legislature finds that energy in various forms is increasingly subject to possible shortages and supply disruptions, to the point that there may be foreseen an emergency situation, and that without the ability to institute appropriate emergency measures to reduce and/or allocate the usage of energy through a program of mandatory usage curtailment and/or allocation, a severe impact on the health, safety, and general welfare of our state's citizens may occur. The prevention or mitigation of the effects of such energy shortages or disruptions is necessary for preservation of the public health and welfare of the citizens of this state.

It is the intent of this chapter to:

(1) Establish necessary energy emergency powers for the governor and define the conditions under which such powers are to be exercised;

(2) Provide penalties for violations of this chapter.

*NEW SECTION.* Sec. 18. As used in this chapter:

(1) "Energy facility" means a facility which produces, extracts, converts, transports, or stores energy.

(2) "Energy" means petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material, or electricity.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency or any other entity, public or private, however organized.

(4) "Council" means the energy advisory council created by section 10 of this 1976 amendatory act.

(5) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, joint operating agencies, municipal utility, public utility district, or cooperative, which engage in or are authorized to engage in the activity of generating, transmitting or distributing energy in this state.

*NEW SECTION.* Sec. 19. It is the intent of the legislature that the governor and the council, in developing provisions for the allocation, conservation, and consumption of energy give due consideration to supplying vital public services such as essential governmental operations, health and safety functions, emergency services, public mass transportation systems, food production and processing facilities, and energy supply facilities. In developing any energy allocation programs, provisions should be made for the equitable distribution of energy among the geographic areas of the state.

*NEW SECTION.* Sec. 20. In addition to his existing powers and duties, the governor shall have the following duties and special energy emergency powers subject to the definitions and limitations in this chapter.

(1) The governor may, upon finding that a situation exists which threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property may be jeopardized, declare a condition or state of "energy supply alert", at which time all of the general and specific emergency powers further enumerated in this section shall become effective. Concurrent with such declaration the governor shall convene the council which shall then meet within five days of the declaration of the alert, if it is not already in session.

(2) The condition of "energy supply alert" shall terminate after sixty consecutive days unless a continuing condition of "energy supply alert" exists, which shall be defined as the occurrence of either of the following: (a) Extension by the governor based on a

declaration by the president of the United States of a national state of emergency in regard to energy supply, or (b) declaration of the legislature by concurrent resolution of a continuing condition of "energy supply alert".

(3) The conditions of an energy supply alert shall alternatively cease to exist upon a declaration to that effect by any of the following: (a) The governor; or (b) the legislature, by concurrent resolution, if in regular or extraordinary session.

(4) In a declared state of energy supply alert, the governor may (a) implement such programs, controls, standards, priorities, and quotas for the production, allocation, conservation, and consumption of energy, as have been recommended by the energy advisory council; (b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

Nothing in this chapter shall be construed to mean that any program, control, standard, priority quota, or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of a declared state of energy supply alert.

If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

Because of the emergency nature of this chapter, all actions authorized or required hereunder, or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including, but not limited to, the requirement for environmental impact statements.

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor.

*NEW SECTION. Sec. 21.* To protect the public welfare during conditions of energy alerts or emergencies, the chief executive of each political subdivision of the state and each state agency is hereby authorized and directed to carry out in his jurisdiction such measures as may be ordered by the governor.

*NEW SECTION. Sec. 22.* In order to attain uniformity, as far as is practicable throughout the country in measures taken to aid in energy crisis management, all action taken under this chapter and all orders and rules made pursuant hereto, shall be taken or made with due consideration for and consistent when practicable with the orders, rules, regulations, actions, recommendations, and requests of federal authorities.

*NEW SECTION. Sec. 23.* Notwithstanding any provision of law or contract to the contrary, all persons who are affected by an order issued or action taken pursuant to this chapter shall comply therewith immediately.

*NEW SECTION. Sec. 24.* The governor may order any distributor to take such action on his behalf as may be required to implement orders issued pursuant to this chapter, and no distributor shall be liable for actions taken in accordance with such order: **PROVIDED**, That orders to regulated distributors shall be issued by the Washington utilities and transportation commission in conformance with orders of the governor.

*NEW SECTION. Sec. 25.* (1) Any person aggrieved by an order issued pursuant to this chapter may petition the governor and request an exception from or modification of such order. The governor may grant, modify, or deny such petition as the public interest may require.

(2) An appeal from any order issued or action taken pursuant to this chapter may be taken to the state supreme court. Such an appeal shall take the form of a petition for a writ of mandamus or prohibition under Article IV, section 4 of the state Constitution, and the supreme court shall have exclusive jurisdiction to hear and act upon such an



appeal. Notwithstanding the provisions of chapter 7.16 RCW, or any other applicable statute, the superior courts of this state shall have no jurisdiction to entertain an action or suit relating to any order issued for action taken pursuant to this chapter, nor to hear and determine any appeal from any such order. The provisions of Rule on Appeal I-58 shall apply to any proceedings in the supreme court brought pursuant to this chapter.

*NEW SECTION.* Sec. 26. Any person willfully violating any provision of an order issued by the governor pursuant to this chapter shall be guilty of a gross misdemeanor.

Sec. 27. Section 43.06.010, chapter 8, Laws of 1965 as amended by section 8, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.010 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

- (1) He shall supervise the conduct of all executive and ministerial offices;
- (2) He shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;
- (3) He shall make the appointments and supply the vacancies mentioned in this title;
- (4) He is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;
- (5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;
- (6) He may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;
- (7) He may require the attorney general to aid any prosecuting attorney in the discharge of his duties;
- (8) He may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state prison or of any person who has committed or is charged with the commission of a felony;
- (9) He shall perform such duties respecting fugitives from justice as are prescribed by law;
- (10) He shall issue and transmit election proclamations as prescribed by law;
- (11) He may require any officer or board to make, upon demand, special reports to him, in writing;
- (12) He may, after finding that a public disorder, disaster, *energy emergency*, or riot exists within this state or any part thereof which affects life, health, property or the public peace, proclaim a state of emergency in the area affected and the powers granted him during a state of emergency shall be effective only within the area described in the proclamation.

Sec. 28. Section 1, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.200 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in RCW 43.06.010, and 43.06.200 through 43.06.270 *each as now or hereafter amended* shall have the following meaning:

"State of emergency" means an emergency proclaimed as such by the governor pursuant to RCW 43.06.010 *as now or hereafter amended*.

"*Energy emergency*" means a condition in which the unavailability or disruption of energy supply poses an immediate and grave threat to life, health, property, or the public peace in the area in which such condition is declared to exist. "*Energy*" shall include the following: (1) Petroleum and other liquid fuels; (2) natural or synthetic fuel gas; (3) solid carbonaceous fuels; (4) fissionable nuclear material; and (5) electricity.

"Governor" means the governor of this state or, in case of his removal, death, resignation or inability to discharge the powers and duties of his office, then the person who may exercise the powers of governor pursuant to the Constitution and laws of this state relating to succession in office.

"Criminal offense" means any prohibited act for which any criminal penalty is imposed by law and includes any misdemeanor, gross misdemeanor, or felony.

Sec. 29. Section 2, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.210 are each amended to read as follows:

The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 *as now or hereafter amended* shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 *as now or hereafter amended*. The state of emergency shall cease to exist upon the issuance of a proclamation of the governor declaring its termination: **PROVIDED**, That the governor must terminate said state of emergency proclamation when order has been restored in the area affected: **PROVIDED, FURTHER**, *That the condition of a state of emergency declared upon a finding that an energy emergency exists shall terminate after thirty consecutive days unless a continuing condition of state of emergency exists, which shall be defined as the occurrence of any of the following: (1) Extension by the governor based on a declaration by the president of the United States of a national emergency; or (2) declaration of the legislature by concurrent resolution of a continuing condition of a state of emergency.*

Sec. 30. Section 3, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.220 are each amended to read as follows:

The governor after proclaiming a state of emergency and prior to terminating such, may, in the area described by the proclamation issue an order prohibiting:

(1) Any person being on the public streets, or in the public parks, or at any other public place during the hours declared by the governor to be a period of curfew;

(2) Any number of persons, as designated by the governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

(3) The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

(4) The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

(5) The possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business;

(6) The sale, purchase or dispensing of alcoholic beverages;

(7) The sale, purchase or dispensing of other commodities or goods, as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;

(8) The use of certain streets, highways or public ways by the public; and

(9) Such other activities as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

In imposing the restrictions provided for by RCW 43.06.010, and 43.06.200 through 43.06.270 *each as now or hereafter amended*, the governor may impose them for such times, upon such conditions, with such exceptions and in such areas of this state he from time to time deems necessary.

*In the event of an energy emergency as defined in RCW 43.06.200 as now or hereafter amended, the governor, after proclaiming a state of emergency therefor, may order such prohibition or curtailment of energy use or allocation, production, or distribution*

of energy as he deems necessary to preserve and protect public health, welfare, and safety, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such an emergency: PROVIDED, That in developing such orders, the governor shall, to the greatest extent practicable, consider the recommendations of the energy advisory council developed for use in the event of an energy alert: PROVIDED FURTHER, That such controls regarding energy use and any other emergency order made by the governor in the event of an energy emergency shall not have any continuing legal effect after the cessation of the declared state of energy emergency.

Any person wilfully violating any provision of an order issued by the governor under this section shall be guilty of a gross misdemeanor.

Sec. 31. Section 1, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.010 are each amended to read as follows:

The legislature finds that the present and predicted growth in [electric power] energy demands in the state of Washington requires the development of a procedure for the selection and utilization of sites for [thermal generating facilities] energy facilities and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites [and the routing of associated transmission lines] will have a significant impact upon the welfare of the population, the location and growth of industry and the use of the natural resources of the state.

It is the policy of the state of Washington [that, while recognizing] to recognize the pressing need for increased [power generation] energy facilities, [the state shall] and to ensure through available and reasonable methods, that the location and operation of [thermal power plants] such facilities will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.

It is the intent to seek courses of action that will balance the increasing demands for [thermal power plant] energy facility location and operation in conjunction with the broad interests of the public. Such action will be based on these premises:

(1) To assure Washington state citizens that, where applicable, operational safeguards are at least as stringent as the criteria established by the federal government and are technically sufficient for their welfare and protection.

(2) To preserve and protect the quality of the environment; to enhance the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; to promote air cleanliness; and to pursue beneficial changes in the environment.

(3) To provide abundant [low-cost electrical] energy at reasonable cost.

(4) To foster the joint use of land for more than one transmission facility, including colocation with an existing transmission facility when practical.

Sec. 32. Section 2, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.020 are each amended to read as follows:

(1) "Applicant" means any [electric utility which] person who makes application for a site location certification pursuant to the provisions of this chapter;

(2) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter;

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized;

(4) ["Electric utility" means cities and towns, public utility districts, regulated electric companies, electric cooperatives and joint operating agencies, or combinations thereof, engaged in or authorized to engage in the business of generating, transmitting or distributing electric energy;

(5) "Site" means any proposed location [wherein the power plant, related or supporting facilities, and associated transmission lines will be located] for an energy facility;

[(6) (5) "Certification" means a binding agreement between an applicant and the

state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted [in] pursuant to RCW 80.50.050 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any [thermal power plant coming under this chapter] energy facility;

(7) "Associated transmission lines" means new transmission lines constructed to operate at nominal voltages in excess of 200,000 volts to connect a thermal power plant to the northwest power grid;

(6) "Associated facilities" means new storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages in excess of 200,000 volts to connect a thermal power plant to the northwest power grid: PROVIDED, That common carrier railroads or motor vehicles shall not be included;

(7) "Transmission facility" means any of the following together with their associated facilities;

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquefied petroleum gas transmission pipeline: A pipeline for the purpose of delivering gas to a distribution facility or more specifically, a "gas transmission line" as defined by the office of pipeline safety, United States department of transportation, except an interstate natural gas pipeline regulated by the United States federal power commission;

(8) "Energy transmission corridor" means land jointly used for more than one new transmission facility;

(8) (9) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies;

(9) (10) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel, including nuclear materials, for distribution of electricity by electric utilities;

(10) "Thermal power plant site evaluation council" or "council" means the body defined under RCW 80.50.030 (11) "Energy facility" means an energy plant, transmission facilities, or an energy transmission corridor: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense;

(11) (12) "Council" means the energy facility site evaluation council created by section 33 of this 1976 amendatory act;

(13) "Counsel for environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080;

(12) (14) "Construction" means on-site work and construction shall not be deemed to have commenced until there has been an expenditure of not less than two hundred fifty thousand dollars in on-site improvements, excluding exploratory work;

(13) (15) "Chairman" means the chairman of the [thermal power plant site evaluation] council;

(14) (16) "Member agency" means departments, agencies and commissions enumerated in RCW 80.50.030(3) as now or hereafter amended;

(17) "Energy plant" means the following facilities together with their associated

facilities;

(a) Any stationary thermal power plant with generating capacity of two hundred fifty thousand kilowatts or more and floating thermal power plants of fifty thousand kilowatts or more, including associated facilities;

(b) Facilities which will result in receipt of liquified natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(c) Facilities which will result in the receipt of more than an average of fifty thousand barrels per day of crude or refined petroleum which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(d) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010; and

(e) Facilities which will result in the processing of more than twenty-five thousand barrels per day of petroleum into refined products.

Sec. 33. Section 3, chapter 45, Laws of 1970 ex. sess. as amended by section 46, chapter 171, Laws of 1974 ex. sess. and RCW 80.50.030 are each amended to read as follows:

(1) There is hereby created and established [a "thermal power plant] the "energy facility site evaluation council".

(2) The *nonvoting* chairman of the council shall be [appointed by the governor with the advice and consent of the senate and shall serve at the pleasure of the governor. The salary of the chairman shall be determined pursuant to the provisions of RCW 43.03.028 as now or hereafter amended] the director of the state energy office: *PROVIDED*, That the director may designate a deputy director or assistant director to serve as chairman.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies [and], commissions and committees or their statutory successors:

(a) [Water pollution control commission] *Department of ecology*

(b) [Department of water resources

(c) Department of fisheries

[(d)] (c) Department of game

[(e) State air pollution control board

(f) (d) Department of parks and recreation

[(g)] (e) Department of [health] *social and health services*

[(h)] (f) Interagency committee for outdoor recreation

[(i)] (g) Department of commerce and economic development

[(j)] (h) Utilities and transportation commission

[(k)] (i) Office of program planning and fiscal management

[(l)] (j) Department of natural resources

[(m)] (k) Planning and community affairs agency

[(n)] (l) Department of emergency services

[(o)] (m) Department of agriculture

(n) *Department of highways.*

(4) The county legislative authority of every county wherein an application for a proposed [thermal power plant] site is filed shall appoint a member or designee to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he represents and such member or designee shall serve until there has been a final acceptance or rejection of such proposed site;

(5) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as an *ex officio* member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he represents and such member or designee shall serve until there has been a final acceptance or rejection of such proposed site. The provisions of this subsection shall not

*apply if the port district is the applicant, either singly or in partnership or association with any other person.*

Sec. 34. Section 4, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.040 are each amended to read as follows:

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

(2) To appoint an executive secretary to serve at the pleasure of the council;

(3) To appoint and prescribe the duties of such clerks, employees and agents as may be necessary to carry out the provisions of this chapter: PROVIDED, That such persons shall be employed pursuant to the provisions of chapter 41.06 RCW;

(4) To develop and apply topical environmental and ecological guidelines in relation to the type, design, and location of [thermal power plant sites and associated transmission line routes] *energy facilities subject to this chapter*;

(5) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.04 RCW;

(6) To prescribe the form, content, and necessary supporting documentation for site certification;

(7) To receive applications for site locations and to investigate the sufficiency thereof;

(8) To make and contract, when applicable, for independent studies of [thermal power plant sites and transmission line routes] *sites* proposed by the applicant;

(9) To conduct hearings on the proposed location of the [thermal power plant] sites [and, when applicable, the associated transmission line routes];

(10) To prepare written reports to the governor which shall include: (a) a statement indicating whether the application is in compliance with the council's topical guidelines, (b) criteria specific to the site and transmission line routing, and (c) a council recommendation as to the disposition of the application;

(11) To prescribe the means for monitoring of the effects arising from the construction and the operation of [thermal power plants, and where applicable, associated transmission lines] *energy facilities* to assure continued compliance with terms of certification;

(12) *To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication; and*

(13) *To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington.*

Sec. 35. Section 5, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.050 are each amended to read as follows:

Promptly after it is organized under this chapter, the council shall give notice, pursuant to the Administrative Procedure Act, chapter 34.04 RCW, of intention to adopt as rules the comprehensive guidelines recommended by the [thermal power plant evaluation] council. The [thermal power plant site evaluation] council shall adopt the proposed guidelines as rules after making any changes or additions that are appropriate in view of facts and testimony presented at the hearing, provided that the guidelines so changed are consistent with the purposes of this chapter.

Sec. 36. Section 6, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.060 are each amended to read as follows:

(1) Provisions of this chapter shall apply to *those energy facilities to be newly constructed or installed anywhere within the state of Washington, or to reconstruction or enlargement of such existing energy facilities where the new physical capacity being added meets or exceeds those capacities defined in section 32 of this 1976 amendatory act. No construction of such energy facilities or energy transmission corridors may be undertaken, except as otherwise provided in this chapter, after the effective date of this 1976 amendatory act, without first obtaining certification in the manner provided in this*

chapter.

(2) Provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity of an energy facility.

(3) Applications for certification of thermal power plants and associated transmission lines made prior to the effective date of this 1976 amendatory act, shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding the effective date of this 1976 amendatory act.

[Any stationary thermal power plant with generating capacity of two hundred fifty thousand kilowatts or more and floating thermal power plants of fifty thousand kilowatts or more, including associated transmission lines installed anywhere within the state of Washington. No construction of any such facility may be undertaken, after February 23, 1970, without first obtaining certification in the manner as herein provided, except that this chapter shall not apply to any such thermal power plant presently operating, or under construction, and its associated transmission lines.

(2)] (4) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

Sec. 37. Section 7, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.070 are each amended to read as follows:

(1) The council shall receive all applications for [thermal power plant] *energy facility* site certification. A fee of twenty-five thousand dollars for each proposed site, to be applied toward the cost of any study authorized in subsection (2) of this section, shall accompany the application and shall be a condition precedent to any further consideration or action on the application by the council.

(2) After receiving an application for site certification, the council shall commission its own, independent consultant study to measure the consequences of the proposed [power plant] *energy facility* on the environment for each site application. The council shall direct the consultant to study any matter which it deems essential to an adequate appraisal of the site. The full cost of the study shall be paid by the applicant: PROVIDED, That said costs exceeding a total of twenty-five thousand dollars shall be payable subject to applicant giving prior approval to such excess amount.

(3) All payments required of the applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the applicant.

Sec. 38. Section 10, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.100 are each amended to read as follows:

(1) The council shall report to the governor its recommendations [for the disposition] *as to the approval or disapproval* of an application for certification within twelve months of receipt by the council of such an application, or such later time as is mutually agreed by the council and the applicant.

(2) Within sixty days of receipt of the council's report the governor shall approve or reject the application for certification.

(3) The issuance of denial of the certification by the governor shall be final as to that application *but shall not preclude submission of a subsequent application for the same site on the basis of changed conditions or new information.*

(4) Upon approval by the governor of the application for certification the chairman of the council shall within thirty days compose and submit a certification agreement for execution by the governor and the applicant.

Sec. 39. Section 11, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.110 are each amended to read as follows:

(1) If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, or any rule or regulation promulgated thereunder, this chapter shall govern and control and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

(2) The state hereby preempts the regulation and certification of [thermal power

plant sites and thermal power plants as defined in RCW 80.50.020] *the location, construction, and operational conditions of certification of the energy facilities included under RCW 80.50.060 as now or hereafter amended.*

Sec. 40. Section 12, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.120 are each amended to read as follows:

(1) Subject to the conditions set forth therein any certification signed by the governor shall bind the state [or any] *and each of its departments, agencies, divisions, bureaus, commissions or boards of this state whether a member of the council or not* as to the approval of the site and the construction and operation of the proposed [thermal power plant and any associated transmission lines] *energy facility.*

(2) The certification shall authorize the [electric utility] *person* named therein to construct and operate the proposed [thermal power plant and any associated transmission lines] *energy facility* subject only to the conditions set forth in such certification.

(3) The issuance of a certification shall be in lieu of any permit, certificate or similar document required by any department, agency, division, bureau, commission or board of this state *whether a member of the council or not.*

Sec. 41. Section 1, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.170 are each amended to read as follows:

It is the intent of RCW 80.50.175 *as now or hereafter amended* to expedite the certification of sites for [thermal power plants and associated transmission lines,] *energy facilities subject to this chapter* to minimize duplication of effort in conducting studies of and preparing environmental impact statements relating to such sites, to authorize and encourage cooperation between the council and counties, other governmental agencies, and municipal or public corporations in connection with such sites, and to provide for a single detailed statement in accordance with RCW 43.21C.030(2)(c) where any proposed [thermal power plants and associated transmission lines] *energy facilities* are subject to certification pursuant to chapter 80.50 RCW, and to further the development of [power generation] facilities to meet pressing needs: PROVIDED, That it is the intent of the legislature that appropriate consideration will be given to protecting and preserving the quality of the environment.

Sec. 42. Section 2, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.175 are each amended to read as follows:

(1) In addition to all other powers conferred on the council under this chapter, the council shall have the powers set forth in this section.

(2) The council, upon request of any potential applicant, is authorized, as provided in this section, to conduct a *preliminary* study of any potential site prior to receipt of an application for site certification. A fee of ten thousand dollars for each potential site, to be applied toward the cost of any study agreed upon pursuant to subsection (3) of this section, shall accompany the request and shall be a condition precedent to any action on the request by the council.

(3) After receiving a request to study a potential site, the council shall commission its own independent consultant to study matters relative to the potential site. The study shall include, but need not be limited to, the preparation and analysis of environmental impact information for the proposed [thermal power plant and associated transmission lines at the] potential site and any other matter the council and the potential applicant deem essential to an adequate appraisal of the potential site. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential site is located, any federal, state, or local governmental agency that might be requested to comment upon the potential site, and any municipal or public corporation having an interest in the matter. The full cost of the study shall be paid by the potential applicant: PROVIDED, That such costs exceeding a total of ten thousand dollars shall be payable subject to the potential applicant giving prior approval to such excess amount.

(4) Any study prepared by the council pursuant to subsection (3) of this section [shall *may* be used in place of the "detailed statement" required by RCW 43.21C.030(2)(c) by any branch of government except the [thermal power plant site evaluation] council created pursuant to chapter 80.50 RCW. Except for actions of the



[thermal power plant site evaluation] council under chapter 80.50 RCW, all proposals for legislation and other actions of any branch of government of this state, including state agencies, municipal and public corporations, and counties, to the extent the legislation or other action involved approves, authorizes, permits, or establishes procedures solely for approving, authorizing or permitting, the location, financing or construction of [one or more thermal power plants or associated transmission lines] *any energy facility* subject to certification under chapter 80.50 RCW, shall be exempt from the "detailed statement" required by RCW 43.21C.030. Nothing in this subsection shall be construed as exempting any action of the [thermal power plant site evaluation] council from any provision of chapter 43.21C RCW.

(5) All payments required of the potential applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the potential applicant.

(6) Nothing in this section shall change the requirements for an application for [thermal power plant] site certification or the requirement of payment of a fee as provided in RCW 80.50.070, or change the time for disposition of an application for certification as provided in RCW 80.50.100.

(7) Nothing in this section shall be construed as preventing a city or county from requiring any information it deems appropriate to make a decision approving a particular location.

Sec. 43. Section 5, chapter 155, Laws of 1973 and RCW 90.48.262 are each amended to read as follows:

(1) The powers established under RCW 90.48.260 shall be implemented by the department through the adoption of rules in every appropriate situation. The permit program authorized under RCW 90.48.260(1) shall constitute a continuation of the established permit program of RCW 90.48.160 and other applicable sections within chapter 90.48 RCW. The appropriate modifications as authorized in this 1973 amendatory act are designed to avoid duplication and other wasteful practices and to insure that the state permit program contains all required elements of and is compatible with the requirements of any national permit system.

(2) Permits for [thermal power plants] *energy facilities* subject to chapter 80.50 RCW shall be issued by the [thermal power plant] *energy facility* site evaluation council: PROVIDED, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to said chapter. The council shall have all powers necessary to establish and administer a point source discharge permit program pertaining to such plants, consistent with applicable receiving water quality standards established by the department, and to qualify for full participation in any national waste discharge or pollution discharge elimination permit system. The council and the department shall each adopt, by rules, procedures which will provide maximum coordination and avoid duplication between the two agencies with respect to permits in carrying out the requirements of this act including, but not limited to, monitoring and enforcement of certification agreements, and in qualifying for full participation in any such national system.

**NEW SECTION.** Sec. 44. There is added to chapter 80.50 RCW a new section to read as follows:

All rules of the thermal power plant site evaluation council in effect on the effective date of this 1976 amendatory act shall continue in full force and effect until amended or rescinded by the energy facility site evaluation council after the effective date of this 1976 amendatory act.

**NEW SECTION.** Sec. 45. Section 7, chapter 207, Laws of 1961, section 4, chapter 88, Laws of 1965, section 1, chapter 44, Laws of 1969, section 18, chapter 18, Laws of 1970 ex. sess. and RCW 70.98.070 are each hereby repealed.

**NEW SECTION.** Sec. 46. (1) Sections 1 through 11 of this 1976 amendatory act shall constitute a new chapter in Title 43 RCW. (2) Sections 17 through 26 of this 1976 amendatory act shall constitute a new chapter in Title 43 RCW.

**NEW SECTION.** Sec. 47. If any provision of this 1976 amendatory act, or its ap-

plication to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

*NEW SECTION.* Sec. 48. This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect March 15, 1976."

#### PARLIAMENTARY INQUIRY

Senator Mardesich: "Mr. President, would it be out of order to request that the President make a ruling that the amendments might well be offered out of order with respect to this measure since there are amendments still being worked on? The amendments may then — adhering to the rule of section by section?"

#### REPLY BY THE PRESIDENT

The President: "The answer is yes, Senator Mardesich."

There being no objection, the amendment by Senator Washington to page 4, line 23 to the amendment by Senators Henry, Walgren and Morrison on the Secretary's desk, was withdrawn.

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

On page 4, line 38 after "34.04 RCW," strike the remainder of the sentence and insert "necessary to carry out the powers and duties enumerated in sections 5 and 6 of this 1976 amendatory act."

There being no objection, the amendment by Senator Washington to page 5, line 33 to the amendment by Senators Henry, Walgren and Morrison on the Secretary's desk, was withdrawn.

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

On page 6, line 39, after "Washington" and before the period insert ": PROVIDED, That expenditures of such funds shall be subject to prior approval by the legislative budget committee"

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

On page 7, line 14, of the amendment, after "chapter," strike "such rules" and insert "the energy office may promulgate rules pursuant to chapter 34.04 RCW"

On page 7, line 32, after "conflict" insert ": PROVIDED, That any action taken pursuant to this section shall be subject to approval by the energy advisory council"

On motion of Senator Mardesich, the following amendment by Senators Washington and Mardesich to the amendment by Senators Henry, Walgren and Morrison was adopted:

On page 7, beginning on line 8 after "shortages" strike all the material through "council" on line 10

Senator Mardesich moved adoption of the following amendment to the amendment by Senators Henry, Walgren and Morrison:

On page 7, beginning on line 22, strike all the material down to and including the period on line 3 on page 8.

Renumber the remaining sections consecutively and change internal references accordingly.

Debate ensued.

The motion by Senator Mardesich carried and the amendment to the amendment was adopted.

On motion of Senator Wilson, the following amendment to the amendment by Senators Henry, Walgren and Morrison was adopted;

On page 8, line 32 after "members" and before "to" insert ", other than the director of the state energy office,"

On motion of Senator Goltz, the following amendments by Senators Goltz and Bluechel to the amendment by Senators Henry, Walgren and Morrison were considered

and adopted simultaneously:

On page 8, on line 6, strike "nine" and insert "eleven"

On page 8, on line 34, insert a new subsection to read as follows:

"(e) In addition to appointments made pursuant subparagraphs (c) and (d) of this subsection the president of the senate and speaker of the house of representatives shall each appoint one additional member who represents the interests of residential consumers of energy."

On page 8, on line 42, after "44.04.120." and before "members" strike "Five" and insert "Seven"

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

On page 8, line 34, insert additional subsections as follows:

"(2) No person appointed to the council under subsections (c) and (d) of subsection (1) of this section shall receive, while a member of the council, any substantial portion of his income directly or indirectly from any utility or other person owning or operating any facility, or from any manufacturer or seller of any major component of any facility. No such member of the council shall be employed by any utility or other person owning or operating any facility, or by any manufacturer or seller of any major component of any facility during the three year period following termination as a member of the council.

(3) No member of the council shall hold any other elected or appointed public office or position.

(4) Members of the council shall make the same reports as are required of elected officials by chapter 42.17 RCW."

Renumber the subsection following consecutively, and correct internal references accordingly.

On motion of Senator Wilson, the following amendments to the amendment by Senators Henry, Walgren and Morrison were adopted:

On page 8, line 34, insert a new subsection as follows:

"(5) Members except for the director of the state energy office shall be appointed to four-year terms except for initial terms as provided for in this subsection as follows:

(a) Two of the initial terms of members appointed by the governor shall expire on January 15, 1978, and two on January 15, 1980;

(b) One of the initial terms of members appointed by the president of the senate shall expire on January 15, 1978, one on January 15, 1979, and one on January 15, 1980.

(c) One of the initial terms of members appointed by the speaker of the house shall expire on January 15, 1978, one on January 15, 1979, and one on January 15, 1980."

Renumber the following subsections consecutively.

On page 8, line 9, after "act" insert a period and strike the remainder of the sentence.

On page 9, on line 5 after "office;" insert "to approve by a majority vote all major programs and policies of the state energy office;"

Senator Mardesich moved adoption of the following amendment to the amendment by Senators Henry, Walgren and Morrison:

On page 8, new section 10, line 34 of the amendment by Senators Henry, Walgren and Morrison, after "council" strike "shall be compensated at the rate of forty dollars per day for each day engaged in the business of the committee and"

#### POINT OF INQUIRY

Senator Morrison: "Would Senator Mardesich yield to a question? Senator Mardesich, in your opinion then, there is no way that we can reimburse these people at all for the time they would invest? I have some concern because the Senate is greatly expanding the duties of this particular council as we take away some of the authority of the governor. You see no way, legally, then that they could be reimbursed . . . ."

Senator Mardesich: "I think that the only way we could do it is to cure the faults we have in the present law and I would suggest that that could be done and should be done."

We have hoped to, of course, achieve total reform. I think that is something that we, as I say, could and should do. I don't know how we could handle it. This is a Senate bill and if we are able to cure that fault by the introduction of another bill which would be in order under our concurrent resolution since it relates to pensions, we could consider that matter and I think that the House and the Senate would be willing to accept it."

Debate ensued.

On motion of Senator Mardesich, the amendment to the amendment was withdrawn.

#### MOTION

At 12:38 p.m., on motion of Senator Walgren, the Senate recessed until 1:45 p.m.

#### AFTERNOON SESSION

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

#### MOTION

Senator Lewis (Harry) moved that Reengrossed House Bill No. 971 be made a special order of business for 3:00 p.m. today.

Debate ensued.

#### POINT OF ORDER

Senator Rasmussen: "Do we have that amendment on our desks? I did not see anything here relating to Hoppe or the Governor or anything. I am wondering what you are talking about."

#### REPLY BY THE PRESIDENT

The President: "The Secretary advises that his office does not have a copy of the amendment."

Debate ensued.

#### POINT OF ORDER

Senator Rasmussen: "I am asking is my point of order well taken or are we arguing about something that is not before us?"

#### RULING BY THE PRESIDENT

The President: "The question before the Senate is the motion by Senator Harry Lewis that House Bill 971 be made a special order of business for three p.m. Subsequent discussion is related to a proposed amendment to the measure but you asked the question, Senator, as to whether or not the amendment was on the desks. The Secretary has not had a copy therefore the amendment is not on the desks of the Senators."

#### MOTION

Senator Walgren moved that the motion by Senator Lewis (Harry) be amended to consider Reengrossed House Bill No. 971 a special order of business at 3:59 p.m., Friday, February 13, 1976.

#### POINT OF INQUIRY

Senator Guess: "Will Senator Walgren yield? Senator Walgren, realizing the gravity of the situation — I do believe that it is a very grave situation — would you accept an amendment to your motion to, say, sometime during this working afternoon?"

Senator Walgren: "Well, Senator Guess, if we could get down to business here and proceed with the energy bill and proceed with some of these matters that we have on the calendar, I think that I would be more than willing to look at an appropriate motion at a time a little bit later this afternoon towards that end but I would like to see some accomplishments made here on the floor."

Senator Guess: "Well, I thought we had —"

Senator Walgren: "In fact, I have one suggestion that maybe Senator Lewis might want to withdraw his motion at this time, and offer it a little bit later this afternoon."

There being no objection, the motion by Senator Lewis (Harry) and the amendment to the motion by Senator Walgren were withdrawn.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 3172, by Committee on Transportation and Utilities (originally sponsored by Senators Henry, Talley, McDermott, Walgren, Morrison, Bottiger and Mardesich):

Creating the state energy pollicy commission.

The Senate resumed consideration of Substitute Senate Bill No. 3172. Earlier today Senator Henry had substituted Substitute Senate Bill No. 3172 for the original bill. Senator Henry had moved adoption of an amendment by Senators Henry, Walgren and Morrison and several amendments to that amendment were adopted. The amendment by Senators Henry, Walgren and Morrison, as amended is pending.

On motion of Senator Scott the following amendment by Senators Scott, Mardesich, Morrison and Jones to the amendment by Senators-Henry, Walgren and Morrison was adopted:

On page 8, line 34, strike subsection (2) and insert a subsection as follows:

"(6) Members of the council shall be compensated at the rate of forty dollars per day for each day engaged in the business of the council and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and RCW 43.03.060 as now existing or hereafter amended. Legislative members shall be reimbursed according to the provisions of RCW 44.04.120. Six members of the council shall constitute a quorum for conducting business. No person appointed to membership on the council who is compensated for service as a member of the council for less than ten days or seventy hours in any month, whichever amount is less, shall receive service credit for such service for that month."

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

On page 15, line 22 after "facilities" and before the period insert "during conditions of an energy supply alert or energy emergency".

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

On page 16, line 14, after "session" and before the period insert "or the energy advisory council by majority vote".

On motion of Senator Wilson, the following amendments to the amendment by Senators Henry, Walgren and Morrison were adopted:

On page 16, line 16, after "may" and before "(a)" insert ", upon recommendation or approval of the energy advisory council," and on page 16, line 19, after "energy" strike all of the material down to and including "council" on line 20.

On page 17, line 17, after "such" and before "measures" insert "energy supply alert or energy emergency:"

On motion of Senator Mardesich, the following amendments to the amendment by Senators Henry, Walgren and Morrison were adopted:

On page 21, line 7 of the amendment, after "terminate" insert "*upon a majority vote of the energy advisory council or*".

On page 21, beginning on line 16 strike section 30 in its entirety and insert the following:

"*NEW SECTION.* Sec. 28. There is added to chapter 43.06 RCW a new section to read as follows:

In the event of an energy emergency as defined in RCW 43.06.200 as now or hereafter amended, the governor, after proclaiming a state of emergency therefor, may order such prohibition or curtailment of energy use or allocation, production, or distribution of energy as he deems necessary to preserve and protect public health, welfare, and safety, and to minimize, to the fullest extent possible, the injurious economic, social,

and environmental consequences of such an emergency: **PROVIDED**, That in developing such orders, the governor shall implement only the recommendations of the energy advisory council developed for use in the event of an energy alert and energy emergencies: **PROVIDED FURTHER**, That such controls regarding energy use and any other emergency order made by the governor in the event of an energy emergency shall not have any continuing legal effect after the cessation of the declared state of energy emergency.

Any person wilfully violating any provision of an order issued by the governor under this section shall be guilty of a gross misdemeanor."

On page 22, line 31, after "*the governor shall*" strike "*, to the greatest extent possible, consider*" and insert "*implement only*".

Senator Mardesich moved adoption of the following amendment to the amendment by Senators Henry, Walgren and Morrison:

On page 22, line 35 after "To" and before "preserve" insert "reasonably".  
Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Washington yield to a question? As I read the words, 'to reasonably preserve and protect' and you are indicating that you would rather have them proceed in an unreasonable manner?"

Senator Washington: "No, I would say that they would proceed the way they have been now. We don't put the word, 'reasonable' in front of everything that we state, we just say that you are going to protect the environment. This would indicate that you feel at the present time they are going overboard in protecting the environment. When you make an amendment such as this, it would indicate that on the floor of the Senate that we feel that the plant setting council has been unreasonable in its manner in which it has handled its duties, and you want to say, 'come on now, let's be reasonable,' and if you make this change, it is an indication that they are to relax the environmental standards that they are now using and don't think that there is any indication that is required."

Further debate ensued.

There being no objection, the amendment by Senator Mardesich to the amendment was withdrawn.

Senator Mardesich moved adoption of the following amendment to the amendment by Senators Henry, Walgren and Morrison:

On page 22, beginning on line 43, strike all material down to and including the period on line 19 on page 37.

Renumber remaining sections consecutively and change internal references accordingly.

Debate ensued.

#### POINT OF INQUIRY

Senator Washington: "Would Senator Morrison respond to a question? What was the basic reason for, it is item four I gather, on page twenty-three for putting that in, as I understood, it was an effort it said, to foster joint use. It did not say it required joint use but it indicated that idea that we are using a tremendous amount of land for various types of easements taking it out of production, causing timber to be removed and it is possible that if we could use these for multi-purpose, that it would be an advantage. Now, I understand that is the reason for number four. Could you perhaps enlighten us on that."

Senator Morrison: "Senator Washington, this probably is not the heaviest part of the bill, the language Senator Mardesich would strike, however you will notice that it relates only to transmission facilities, and this asks that the siting council in considering requests for new power lines, new transmission structures that they foster, the co-location of these facilities. I guess the concept being that it is desirable that we have transmission corridors that we restrict the fact that we have got trails running every direction back and forth across this state and attempt to force them, wherever practical, to co-locate. And I think this perhaps is one of the goals of our entire siting procedure."

Senator Washington: "Thank you very much, Senator Morrison."

Further debate ensued.

The motion by Senator Mardesich carried and the amendment to the amendment was adopted on a rising vote.

Senator Mardesich moved adoption of the following amendment by Senators Mardesich and McDermott to the amendment by Senators Henry, Walgren and Morrison:

On page 27, section 33, line 25, of the amendment by Senators Henry, Walgren and Morrison, strike all of the material down to and including line 22 on page 28 and insert:

"(1) There is hereby created and established [a thermal power plant] *the "energy facility site evaluation council"*.

(2) The chairman of the council shall be appointed by the governor with the advice and consent of the senate and shall serve at the pleasure of the governor. The salary of the chairman shall be determined pursuant to the provisions of RCW 43.03.028 as now or hereafter amended.

(2a) *The council shall consist of nine members, three of whom are to be appointed by the governor subject to confirmation by the senate, three of whom shall be appointed by the president of the senate, and three of whom shall be appointed by the speaker of the house of representatives. None of the members appointed by the president of the senate and the speaker of the house of representatives shall be legislators.*

(3) [The council shall consist] *There shall be an advisory council consisting of the directors, administrators, or their designees, of the following departments, agencies [and], commissions and committees or their statutory successors:*

(a) [Water pollution control commission] *Department of ecology*

(b) [Department of water resources

(c) Department of fisheries

[(d)] (c) Department of game

[(e) State air pollution control board

(f) (d) Department of parks and recreation

[(g)] (e) Department of [health] *social and health services*

[(h)] (f) Interagency committee for outdoor recreation

[(i)] (g) Department of commerce and economic development

[(j)] (h) Utilities and transportation commission

[(k)] (i) Office of program planning and fiscal management

[(l)] (j) Department of natural resources

[(m)] (k) Planning and community affairs agency

[(n)] (l) Department of emergency services

[(o)] (m) Department of agriculture

(n) *Department of highways.*

*The director of the state energy office shall be the chairman of the advisory council or he may designate a deputy director or assistant director to serve as chairman of the advisory council."*

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Mardesich yield? Senator Mardesich, in our discussions in caucus I understood there were to be some restrictions on conflicts of interest which relate to members of this committee. Now, is this still in the bill so that a member having interests, I think all people have an interest in energy, but I would like to be sure that people having an interest in oil or in some form of energy would not have any place in that council."

Senator Mardesich: "Mr. President, I have no disagreement with the position stated by Senator Bailey, and if the Senate would consent, I would for the moment, set this amendment aside and we can very easily and readily develop such language."

There being no objection, the amendment by Senators Mardesich and McDermott to the amendment was withdrawn temporarily.

On motion of Senator Washington, the following amendment to the amendment by Senator Henry, Walgren and Morrison was adopted:

On page 28, line 36, strike "*an ex officio*" and insert "*a nonvoting*"

Senator Lewis (Harry) moved adoption of the following amendment to the amendment by Senators Henry, Walgren and Morrison:

On page 2, line 41, after "act" insert ": PROVIDED, That the state energy office and its powers, duties and functions shall be dissolved and this act as it relates thereto shall have no further force and effect after April 1, 1981: PROVIDED FURTHER, That the legislature may extend this time period through legislative enactment".

#### POINT OF INQUIRY

Senator Walgren: "Would Senator Lewis yield to a question? This amendment refers to quote, this act, close quote. In this act, we are adopting some provisions of current law, and expanding on some of the provisions of current law. If this bill goes out at the end of 1981, we would then be eliminating those existing pieces of law that we now have in existence. Is that right or wrong?"

Senator Lewis (Harry): "No, I think what I am trying to do is to dissolve the force and effect of the energy office and the language in this specific act, and it would include some of the present, all of those things that are included in the act, Senator Walgren, and it would require a reenactment in order to — now I recognize the point that you are driving at. There are some things, frankly, one of the reasons for this amendment is because of the many changes that have been made here on the floor today, some of which I am not quite clear on, and would hope to have an opportunity to read them. The purpose of the amendment was to try to dissolve the new agency's effect at that time."

#### POINT OF INQUIRY

Senator Bluechel: "Would Senator Lewis respond to a question, please? Senator Lewis, even with that wording, when you say 'this act' because we are reenacting a literally statistic act of the several energy siting council acts, could you tell me, does this, with your new wording, repeal the siting council act that is presently in existence or would be as modified by this bill?"

Senator Lewis (Harry): "Senator Bluechel, for the record the intention of the amendment is not to include what you suggested in your remarks. They would not be included under the terms of this amendment — statistics portion of the bill."

Senator Bluechel: "Senator Lewis, may I suggest that rather than using the word, act, because it would seem to me that 'act' applied to the whole bill and could be interpreted as such, that we use 'section' or list the number of sections you are referring to."

Senator Lewis (Harry): "Senator Bluechel, I think we have clarified it with the answer for the record. That is the intent: I think you can accept that."

The motion by Senator Lewis (Harry) carried and the amendment to the amendment was adopted.

Senator Guess moved adoption of the following amendment to the amendment by Senators Henry, Walgren and Morrison:

On page 19, line 41, after "proclamation" insert ": PROVIDED, That in the event of an energy emergency the powers of the governor shall be limited to those actions authorized under new section 28 of this 1976 amendatory act".

#### POINT OF INQUIRY

Senator Morrison: "Would Senator Guess yield to a question, please? Senator Guess, during a state of an energy emergency, I suppose the governor has additional authority other than cited in section thirty, for instance, as Senator Mardesich indicated in the case of a disorder, a riot, and is the intent of your language, once an energy emergency has been declared, to limit his powers to those specified in section thirty, or does he have other emergency powers as he may see fit to employ based on the circumstances?"

Senator Guess: "He continues to have other powers, Senator Morrison, and this would, in no way, limit his other powers. It only has to do with the emergency as described in section thirty."

The motion by Senator Guess carried and the amendment to the amendment was adopted.



Senator Mardesich moved adoption of the following amendment to the amendment by Senators Henry, Walgren and Morrison:

On page 27, section 33, line 25, of the amendment by Senators Henry, Walgren and Morrison, strike all of the material down to and including line 22 on page 28 and insert:

"(1) There is hereby created and established [a thermal power plant] *the "energy facility site evaluation council"*.

(2) The chairman of the council shall be appointed by the governor with the advice and consent of the senate and shall serve at the pleasure of the governor. The salary of the chairman shall be determined pursuant to the provisions of RCW 43.03.028 as now or hereafter amended.

(2a) *The council shall consist of nine members, three of whom are to be appointed by the governor subject to confirmation by the senate, three of whom shall be appointed by the president of the senate, and three of whom shall be appointed by the speaker of the house of representatives. None of the members appointed by the president of the senate and the speaker of the house of representatives shall be legislators.*

(2b) *No person appointed to the council under subsections (c) and (d) of subsection (1) of this section shall receive, while a member of the council, any substantial portion of his income directly or indirectly from any utility or other person owning or operating any facility, or from any manufacturer or seller or any major component of any facility. No such member of the council shall be employed by any utility or other person owning or operating any facility, or by any manufacturer or seller of any major component of any facility during the three year period following termination as a member of the council.*

(3) *No member of the council shall hold any other elected or appointed public office or position.*

(4) *Members of the council shall make the same reports as are required of elected officials by chapter 42.17 RCW."*

*Remember the subsection following consecutively, and correct internal references accordingly.*

(3) [The council shall consist] *There shall be an advisory council consisting of the directors, administrators, or their designees, of the following departments, agencies [and], commissions and committees or their statutory successors:*

(a) [Water pollution control commission] *Department of ecology*

(b) [Department of water resources

(c) [Department of fisheries

[(d)] (c) [Department of game

[(e) State air pollution control board

(f)] (d) [Department of parks and recreation

[(g) (e) Department of [health] *social and health services*

[(h)] (f) [Interagency committee for outdoor recreation

[(i)] (g) [Department of commerce and economic development

[(j)] (h) [Utilities and transportation commission

[(k)] (i) [Office of program planning and fiscal management

[(l)] (j) [Department of natural resources

[(m)] (k) [Planning and community affairs agency

[(n)] (l) [Department of emergency services

[(o)] (m) [Department of agriculture

(n) *Department of highways.*

*The director of the state energy office shall be the chairman of the advisory council or he may designate a deputy director or assistant director to serve as chairman of the advisory council."*The motion by Senator Mardesich carried and the amendment to the amendment was adopted.

#### POINT OF ORDER

Senator Mardesich: "Point of order. Simply so that we are in order, I had raised a question with respect to sections forty-five and forty-six, and I think that matter should

be continued now rather than getting into a discussion with respect to some other matter."

#### POINT OF INQUIRY

Senator Washington: "Would Senator Morrison yield to a question? It was my understanding that you were going to oppose Senator Mardesich's amendment which completely changes the composition of the siting council and I have the feeling that you felt much as I did that we were not voting on that very important, pivotal, question now on the plant siting council, I would like to get your reaction to that and I think we have to pursue some method of getting a reconsideration of this tremendously important amendment."

Senator Morrison: "Senator Washington, I apologize in answering after the question and was not fast enough to immediately halt the proceedings there because your statement is accurate. This is a very vital amendment. In fact I would estimate that it probably will lose a sufficient number of votes on the floor to definitely defeat this measure. I would like to have the opportunity to defend the present siting procedure, and I am sorry that the vote went that fast on the floor that—"

#### MOTION FOR RECONSIDERATION

Senator Bottiger moved the Senate reconsider the vote by which the amendment by Senators Mardesich and McDermott to the amendment by Senators Henry, Walgren and Morrison was adopted.

#### POINT OF ORDER

Senator Mardesich: "Point of order, Mr. President. I had arisen to raise a question with respect to sections forty-five and forty-six. The President had recognized me and that is ensuing business."

#### RULING BY THE PRESIDENT

The President: "Senator Mardesich, in reply to your point of order, the President believes the motion by Senator Bottiger is in order as the bill is still under the consideration of the Senate on second reading."

Debate ensued.

#### MOTION

Senator Mardesich moved that Substitute Senate Bill No. 3172 and the pending amendments be held on the second reading calendar for Friday, February 13, 1976.

Debate ensued.

#### POINT OF INQUIRY

Senator Herr: "Would Senator Rasmussen yield to a question? I thought you were the one that wanted to get the session over. Now, do you want to keep prolonging this? You know, I thought you wanted to go home."

Senator Rasmussen: "Not until nine o'clock tonight. My wife says I can stay out that late, Senator Herr."

#### PERSONAL PRIVILEGE

Senator Mardesich: "I have no desire to kill this measure, the point I will admit to is that I did tell Senator Walgren that I would work on this measure yesterday and last night. I will also admit that yesterday was my birthday and for various and sundry reasons occurring on that night, I — celebrating that august age of fifty-six, did not get around to doing the work I should have been doing and therefore was not in the position to give proper and due consideration to this matter. It was an amendment which was prepared by Mr. Nicolai at my suggestion at the last moment today and I admitted earlier that there are faults in it and I would seek to rectify those faults. I can see no great problem with delaying this matter until tomorrow and I would hope that Senator Walgren would extend to me the same courtesy which I extended to him so many times in the past."

The motion by Senator Mardesich failed on a rising vote. The President voted no.

The motion for reconsideration by Senator Bottiger on adoption of the amendment by Senators Mardesich and McDermott to the amendment by Senators Henry, Walgren and Morrison carried on a rising vote.

The President declared the question before the Senate to be adoption of the amendment to the amendment on reconsideration.

#### PARLIAMENTARY INQUIRY

Senator Mardesich: "Parliamentary inquiry, Mr. President: The Secretary of the Senate may be able to help me out, Mr. President. Did we not adopt an amendment — I think it was offered by either Senator Wilson or Goltz, I believe Wilson, relating to terms of office and that type of thing with respect to the energy council? Not the siting council, energy council, did we not?"

#### REPLY BY THE PRESIDENT

The President: "Senator Wilson proposed such an amendment earlier which was adopted, Senator."

There being no objection, the amendment by Senators Mardesich and McDermott to the amendment was withdrawn.

#### POINT OF INQUIRY

Senator Mardesich: "Would the majority leader yield to a question, Mr. President? I correct my reference to 'the majority floor leader' rather than 'majority leader.' Does the leader intend to continue working for some time and would he indicate what time?"

Senator Walgren: "For some time, and I was going to ask the Secretary to consult with Senator Sandison as to whether or not we could have dinner here a little bit later on."

Senator Mardesich: "Then we will be working the next hour or so?"

Senator Walgren: "Yes."

#### MOTION

On motion of Senator Mardesich, Substitute Senate Bill No. 3172, together with the pending amendment by Senators Henry, Walgren and Morrison, as amended, was made a special order of business for 4:30 p.m. today.

#### MOTION

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

#### SECOND READING

REENGROSSED HOUSE BILL NO. 671, by Representatives Sommers and Randall:

Modifying timber tax revenue distribution dates.

The bill was read the second time by sections.

On motion of Senator Odegaard, the rules were suspended, Reengrossed House Bill No. 671 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 671, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

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

Wanamaker, Washington, Wilson, Woody—45. Absent or not voting: Senator Mar-desich—1.

Excused: Senators Donohue, Keefe, Sellar—3.

REENGROSSED HOUSE BILL NO. 671, having received the constitutional majority, 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. 1329, by Committee on Constitution and Elections (originally sponsored by Representatives Lysen, Erickson and Brown):  
Making changes in the public disclosure laws.

## REPORT OF STANDING COMMITTEE

February 10, 1976.

SUBSTITUTE HOUSE BILL NO. 1329, making changes in the public disclosure laws (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 30, after "contributor" insert ": *PROVIDED, FURTHER, That the income which results from the conducting of a fundraising activity which has previously been reported in accordance with section 9 of this 1976 amendatory act may be reported as one lump sum, with the exception of that portion of such income which was received from persons whose names and addresses are required to be included in the report required by section 9 of this 1976 amendatory act*".

On page 5, line 5, after "made" strike "prior to" and insert "*during such campaign prior to and including*".

On page 6, line 12, after "made" insert "*during the campaign to date*".

On page 10, line 17, after "dollars" and before ";" insert: "*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 by an individual who is an elected official or candidate, the requirements of this subsection (1) (g) shall not apply until March 11, 1977*".

Beginning on page 11, strike all of Sec. 7 and renumber the remaining sections accordingly.

On page 13, line 21, after "with" strike "other provisions of this chapter" and insert "RCW 42.17.060".

On page 15, line 12, beginning with "*NEW SECTION*" strike all the material down to and including "reporting period." on line 23 and insert:

"*NEW SECTION. Sec. 10. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:*

*On or after July 1st but before August 1st of each calendar year, the state treasurer, each county and port district treasurer, and each treasurer of an incorporated city or town whose population exceeds 1,000 shall file with the commission a report disclosing for the previous twelve months ending June 30: (1) The name and address of each financial institution which holds public accounts of governmental entities for which the treasurer is responsible; (2) The aggregate sum of time and demand deposits held in each financial institution on June 30 together with the highest balance held during such reporting period.*"

On page 17, line 19, strike "one thousand" and insert "one hundred".

Beginning on page 18, strike all of Sec. 14 and renumber the remaining sections accordingly.

On page 1, line 10, after the ";" strike all of the material down to and including ";" on line 12.

Signed by: Senators Beck, Chairman; Lewis (R. H. "Bob"), Pullen, Stortini.

The bill was read the second time by sections.

On motion of Senator Beck, the committee amendments to page 2, line 30; page 5; line 5; and page 6, line 12 were adopted.

On motion of Senator Beck, the committee amendment to page 10, line 17 was not adopted.

Senator Bottiger moved adoption of the following amendment:

On page 11, beginning on line 31, strike all the material down through line 5 on page 13, and insert:

"There is hereby established a "Public Disclosure Commission" which shall be composed of five members who shall be appointed by the governor, with the consent of the senate. All appointees shall be persons of the highest integrity and qualifications. No more than three members shall have an identification with the same political party. The original members shall be appointed within sixty days after the effective date of this act. The term of each member shall be five years except that the original five members shall serve initial terms of one, two, three, four and five years, respectively, as designated by the governor. No member of the commission during his tenure, shall (1) hold or campaign for elective office; (2) be an officer of any political party or political committee; (3) permit his name to be used, or make contributions, in support of or in opposition to any candidate or proposition; (4) participate in any way in any election campaign; or (5) lobby or employ or assist a lobbyist. No member shall be eligible for appointment to more than one full term. A vacancy on the commission shall be filled within thirty days of the vacancy by the governor, with the consent of the senate, and the appointee shall serve for the remaining term of his predecessor. A vacancy shall not impair the powers of the remaining members to exercise all of the powers of the commission. Three members of the commission shall constitute a quorum. The commission shall elect its own chairman and adopt its own rules of procedure in the manner provided in chapter 34.04 RCW. Any member of the commission may be removed by the governor, but only upon grounds of neglect of duty or misconduct in office.

Each member shall receive per diem in the amount of [forty] *one hundred* dollars in lieu of expenses for each day or portion thereof spent in performance of his duties as a member of the commission, and in addition shall be reimbursed for travel expenses actually incurred while engaged in the business of the commission as provided in chapter 43.03 RCW. The compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state.

Nothing in this section shall prohibit the commission, or any of its members or staff on the authority of the commission, from responding to communications from the legislature or any of its members or from any state agency or from appearing and testifying at an open public meeting (as defined by RCW 42.30.030) or a hearing to adopt rules held pursuant to RCW 34.04.025 on matters directly affecting the exercise of their duties and powers under this chapter."

#### POINT OF INQUIRY

Senator Scott: "Would Senator Bottiger yield? Senator, I would be interested in hearing a little more of your rationale for the hundred dollar figure. The highest commission rate that I know anything of is the seventy-five dollars a day paid the highway commission. I would think that in the case of these individuals serving on the PDC, they have no vast service overhead as you would in the legal business and therefore perhaps a rate that is in line with the highest present rate might be in order."

Senator Bottiger: "Senator Scott, I would have no objection to changing it to seventy-five, but when you ask somebody like Mr. Oles to come down, and for forty dollars a day, that is probably half of his hourly rate charge in his office. There are a lot of people like that. What I am saying is that we are simply not recognizing the expense to them to leave their business to serve on these commissions, and, as I say, I have never had any success before. I am not sure I will have any today."

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

On motion of Senator Beck, the committee amendments to page 11 and page 13, line 21 were adopted.

Senator Beck moved the committee amendment to page 15, line 12 not be adopted.

Senator Grant moved the committee amendment be adopted.

The President declared the question before the Senate to be the positive motion by Senator Grant.

The motion by Senator Grant failed. The committee amendment was not adopted on a rising vote.

Senator Beck moved adoption of the committee amendment to page 17, line 19.

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

On page 17, line 19, strike "one thousand" and insert "five hundred".

#### POINT OF ORDER

Senator Bailey: "Point of order, Mr. President. How can Senator Beck, the chairman of a committee, come out with a committee amendment and then propose to change the committee amendment by a personal, oral amendment? I don't think it is a very good practice but what would be the procedure that would be proper?"

#### RULING BY THE PRESIDENT

The President: "Senator Bailey, there is a proposed amendment to the committee amendment on the list of amendments on each Senator's desk. The amendment is the same as the oral amendment that Senator Beck is offering and it is by Senator Beck."

#### PARLIAMENTARY INQUIRY

Senator Grant: "Parliamentary inquiry, Mr. President. I also have an amendment to this particular section that is different from Senator Beck's. It provides for a five hundred dollar maximum penalty for individual violations and a one thousand dollar maximum penalty for a series of violations. Now, which should be considered first? I would think that first we should move to not adopt the committee amendment."

#### REPLY BY THE PRESIDENT

The President: "Senator Beck has already moved that the committee amendment be adopted, Senator Grant, and his motion is a positive one and will be put."

Senator Beck moved that the committee amendment to page 17, line 19 not be adopted.

Senator Lewis (Harry) moved the committee amendment to page 17, line 19 be adopted.

Debate ensued.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator North served notice that she would, at the proper time, move for reconsideration of the vote by which the committee amendment to page 15, line 12 was not adopted.

There being no objection, the amendment by Senator Beck to the committee amendment to page 17, line 19 was withdrawn.

The President declared the question before the Senate to be the positive motion by Senator Lewis (Harry) that the committee amendment to page 17, line 19 be adopted.

Debate ensued.

Senator von Reichbauer demanded a roll call and the demand was sustained by Senators Herr, Washington, Bailey, Gould, Goltz, Grant, Talley, Van Hollebeke and Wilson.

#### POINT OF INFORMATION

Senator Beck: "Point of information. Yes, as I understand what we are doing now, the committee amendment set that figure at one hundred dollars, I made a motion to make it five hundred dollars and now Senator Grant wants to amend it to a thousand. I withdrew my motion so he could get his thousand dollar motion. I have another amendment on the desk that sets it at five hundred dollars. Now, after we vote on Senator Grant's amendment, then can we take my amendment to make it —?"

## REPLY BY THE PRESIDENT

The President: "Yes, Senator Beck."

## ROLL CALL

The Secretary called the roll and the committee amendment to page 17, line 19 was not adopted by the following vote: Yeas, 17; nays, 29; excused, 3.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Guess, Herr, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, Pullen, Wanamaker—17.

Voting nay: Senators Bailey, Beck, Bottiger, Fleming, Francis, Goltz, Gould, Grant, Henry, Jolly, Knoblauch, Mardesich, Marsh, McDermott, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—29.

Excused: Senators Donohue, Keefe, Sellar—3.

The committee amendment to page 17, line 19 was not adopted.

Senator Beck moved adoption of the following amendment:

On page 17, line 19, strike "one thousand" and insert "five hundred".

Debate ensued.

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

On motion of Senator Beck, the committee amendment beginning on page 18 was adopted.

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen and McDermott:

On page 2, following line 11, insert an additional section as follows:

"Sec. 2. Section 2, chapter 1, Laws of 1973 as amended by section 2, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.020 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, public official, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, city and county, school district, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision or other voting constituency from and after the time when such proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" unless the context requires a narrower meaning; includes payment in any form for real or personal property or services of any kind: *PROVIDED*, That for the purpose of compliance with RCW 42.17.240, as now or hereafter amended, the term "compensation" shall not include per diem allowances or other pay-

ments made by a governmental entity to reimburse a public official for expenses incurred while such official is engaged in the official business of such governmental entity.

(9) "Continuing political committee" means a political committee which is an organization of continuing existence not established in anticipation of any particular election, *including any account or fund maintained by or for the benefit of an elected official during said official's term of office and containing any campaign contributions or surplus.*

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of "part time" personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of twenty-five dollars personally paid for by such worker. "Part time" services, for the purposes of this chapter, means services in addition to regular full time employment, or, in the case of an unemployed person, service not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

(11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: *PROVIDED*, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported, or payment of service charges against a political committee's campaign account.

(15) "Final report" means the report described as a final report in RCW 42.17.080(2).

(16) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

(17) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the governor.

(18) "Lobby" and "lobbying" each mean attempting to influence the passage or



defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure acts, chapter 34.04 RCW and chapter 28B.19 RCW.

(19) "Lobbyist" includes any person who shall lobby either in his own or another's behalf.

(20) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(21) "Person" includes an individual partnership, joint venture, public or private corporation, association, federal, state or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(22) "Person in interest" means the person who is the subject of a record or any representative designated by said person, except that if such person be under a legal disability, the term "person in interest" shall mean and include the parent or duly appointed legal representative.

(23) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(24) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of or opposition to, any candidate or any ballot proposition.

(25) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(26) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(27) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Renumber the remaining sections.

#### POINT OF ORDER

Senator Lewis (Harry): "Mr. President, I would like to raise a question of scope and object on this amendment and speak to that briefly. If you will notice, the entire amendment includes substantial amendment of the title which I think clearly includes another section and I believe, under our rules which admittedly are very tight, I think it does expand the scope and object, and I would appreciate your ruling."

#### REMARKS BY THE PRESIDENT

The President: "If it meets with the approval of the Senate, in the interest of time, perhaps the members would like to proceed with further amendments and then come back to this one at a later time."

Senator Bluechel moved the following amendments be considered and adopted simultaneously:

On page 9, section 6, line 14, after "compensation;" insert : "PROVIDED, That this information shall be kept confidential by the public disclosure commission: PROVIDED FURTHER, That if the public disclosure commission finds there is a potential conflict of interest with any specific entity listed, the public disclosure commission after

conferring with the individual candidate or office holder may make such information a matter of public record;”.

On page 9, section 6, line 36, after “service” insert:

“PROVIDED FURTHER, That this information shall be kept confidential by the public disclosure commission: PROVIDED FURTHER, That if the public disclosure commission finds there is a potential conflict of interest with any specific entity listed, the public disclosure commission after conferring with the individual candidate or office holder may make such information a matter of public record;”.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: “Will Senator Bluechel yield to a question? Senator Bluechel, I can gather the intent of your amendment here but in reading the main part of the law, how would it reveal anything to your competitors when you say all you do is list them as doing business over five hundred dollars? They cannot know how you are bidding on a contract or any other thing that would be relevant to how close you are shaving your margin.”

Senator Bluechel: “Senator Rasmussen, let me give you an example, but first let me state one thing. I am not at the present time nor do I anticipate in the future going back into the manufacturing business of the type I have been in. But I will give you an example of what happened in the manufacturing business of the type I was in. We were and other people were making containers, consolidation containers. You bid these around the United States. You bid them all over. The margin between winning and losing per unit is in the sense of a fraction of a cent. Now, in developing customers I may find a customer over in Spokane that nobody over here knows about and I am still selling him at the same price I would over here with my very thin margin. I am talking about businesses that basically are very highly competitive and you bid almost everything. Now, if I find a customer in Spokane and nobody knows about it, fine. I have got that customer for as long as nobody knows about it. But then, if I publish a list of that customer, immediately my five competitors say, ‘Aha! We didn’t know he was buying containers but we are going to bid them’ and the probability is that I will lose that business because they will know my business within a fraction of a cent and I will know theirs within a fraction of a cent. And if he happens to be in Yakima instead of in Seattle, he has an advantage on freight on me and I have lost a customer and that is really the problem.”

Senator Rasmussen: “Well, you have a valid point all right and I don’t know how we could approach that. I think it is a dangerous thing for the public disclosure commission to decide what they will keep secret and what they will release to the public. Would a higher limit solve your problem?”

Senator Bluechel: “No, I don’t think so, Senator Rasmussen. The problem with this whole thing is that the people you are competing against don’t have to list their customers. That is the essence. Now, I realize that we want to provide disclosure for the public but I think there is really a serious problem right here and for those of you who have not been in your own business, you cannot recognize how much a good customer means and what it means to a relative small or even a medium sized business if one of your competitors takes that customer away. What you are doing is giving him an open book and saying to that competitor ‘Here are my customers, come and get ‘em.’”

Senator Rasmussen: “I can see you would furnish a pigeon list for them all right. I don’t know what the answer is.”

Further debate ensued.

#### POINT OF INQUIRY

Senator Wilson: “Mr. President, would Senator Bluechel yield? Senator, I guess I don’t quite understand how this would work. Now, a person who has not been in public office decides to file for an office and he is in a business. At this time he files various reports and among the information he discloses may be customers and so on who are doing a substantial amount of business with him. And let’s say that in this case the indi-

vidual's business receives a substantial amount of its income from oil companies, for example. Now, at that point in time, I don't see how the commission could assume that a conflict of interest had developed. It happened to be a business man who received a fair amount of his income from oil companies. If he is elected, becomes a member of the legislature, various bills of importance to oil companies begin to come before the body, you might then well assume that the potential for conflict of interest had developed.

"I guess what I am getting at, in a broader sense, is it not true that whether a conflict of interest exists or not is dependent upon factors which may change from time to time and then if the public disclosure commission having decided that enough factors have changed to produce the possibility of a conflict of interest should then release the information when there is a particular issue afloat or brewing, there would be a stronger implication of guilt because of the timing of the announcement than even the public disclosure commission would wish to make."

Senator Bluechel: "Senator Wilson, to answer your question, I think you are oversimplifying a problem. I think that in ninety-nine percent of the cases, the list of customers, whether he be retail, or manufacturing, or selling, or whatever it was, is going to be somewhat consistent throughout the span of his business unless he has a great growth or he falls off or he changes location or something like that. For the average day-to-day deal, they are going to remain in the same category. For instance, if I am selling containers, I am selling containers to people who use containers and I am not selling oil or something like that.

"Now, there has to be in all of these things a common sense used by the public disclosure commission. I would say that whenever they had even the slightest suspicion or if there is a change, fine. I don't think that any change will jeopardize if they bring it out. They say 'this one is confidential' and it was, to answer your question. He changed his business and is now selling oil companies and is going to vote on oil bills, fine, let them bring it out. But that isn't liable to happen. I think we can pick out of this a series of horrors. We could all imagine this horror and that horror and the other horror that could happen. But what I am trying to do here is just make the thing work, and Senator Bot-tiger is exactly right in the fact that these lists are saleable and you pay a lot of money for them and if you should sell your company, it is called good will and you get a lot of money for those lists.

"Now, unless we put something in like this, there is a diminishing probability of getting competent people in the legislature. And at the same time, I don't mind disclosing the whole thing as long as it does not affect the day-to-day business which nobody cares about, anyway except the guy over there who is willing to buy the sales list and he is one, two or three people, or maybe you get ten customers ten competitors. But this is a very serious proposition.

"And this has been one of the key elements in 276 that have caused enormous problems that don't come to the surface. People look at the job of a school board member. They look at the job of running for something. They say, 'No, I have to disclose this, I will lose my insurance business to John Jones across the street,' and that is exactly it. I think common sense with this, with the public disclosure commission, could solve most of the problem."

Further debate ensued.

#### POINT OF INQUIRY

Senator Cunningham: "Thank you, Mr. President. Would Senator Grant yield to a question? Senator Grant, one of the questions you mentioned or brought up was the fact that there could be within a public disclosure commission a confidential file. Is it true or not that at present there are confidential files in the public disclosure commission as a result of evidence taken in during executive sessions on the request of exemptions?"

Senator Grant: "I have not followed the hardship exemption hearings to that extent, Senator Cunningham, so I don't feel qualified to answer."

Further debate ensued.

Senator Washington demanded a roll call and the demand was sustained by Sena-

tors Goltz, von Reichbauer, Wilson, Talley, Grant, Jolly, Van Hollebeke, McDermott and Fleming.

The President declared the question before the Senate to be the roll call on the amendments by Senator Bluechel.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 19; nays, 26; absent or not voting, 1; excused, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Wanamaker—19.

Voting nay: Senators Bailey, Beck, Day, Fleming, Francis, Goltz, Grant, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—26.

Absent or not voting: Senator Henry—1.

Excused: Senators Donohue, Keefe, Sellar—3.

Senator Grant moved adoption of the following amendment:

On page 4, line 29, after "itself" insert "*equals twenty-five dollars or more*".

#### POINT OF INQUIRY

Senator Bottiger: "Mr. President, isn't anybody going to speak to this? Senator Grant, would you yield to a question? Senator Grant, I understand that your amendment would mean that everyone who contributes twenty-five dollars to a political campaign would have to fill out a C-6 form."

Senator Grant: "That is correct."

Senator Bottiger: "Not only do we report the receipt but they report the contribution. Right now, the law is one hundred dollars."

Senator Grant: "In the aggregate, it is a hundred dollars if you have — at least a hundred dollars. There could be more than one candidate, of course."

Senator Bottiger: "Any idea how many more employees that the disclosure commission would estimate that they would need to handle this amendment?"

There being no objection, the amendment by Senator Grant was withdrawn.

Senator Grant moved adoption of the following amendment:

On page 9, beginning on line 36, after "service", strike all the material down through "*dollars; and*" on page 10, line 17, and insert:

"(iii) The name [ , address, and occupation of every other director and/or officer of any bank or commercial lending institution, the name of which is required to be reported under this subsection or all interest paid by a borrower on loans from and all interest paid to a depositor by such bank or commercial lending institution if such interest exceeds six hundred dollars] *of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union or other business or commercial entity for which such entity has held a time or demand deposit of either one hundred thousand dollars or one-tenth of one percent of the total of all time and demand deposits held by such entity, whichever is less, at any time during the preceding twelve months; and "*

Debate ensued.

Senator von Reichbauer demanded a roll call and the demand was sustained by Senators Grant, Pullen, Ridder, Washington, Goltz, Van Hollebeke, Fleming, Talley and Knoblauch.

Further debate ensued.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 9; nays, 36; absent or not voting, 1; excused, 3.

Voting yea: Senators Fleming, Francis, Grant, Herr, Ridder, von Reichbauer, Washington, Wilson, Woody—9.

Voting nay: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Goltz, Gould, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker—36.

Absent or not voting: Senator Scott—1.

Excused: Senators Donohue, Keefe, Sellar—3.

There being no objection, the amendment by Senator Grant to page 11, line 13 on the Secretary's desk, was withdrawn.

Senator Grant moved adoption of the following amendment:

On page 15, after section 10, add a new section, Sec. 11, as follows, and renumber existing sections:

**"NEW SECTION.** Sec. 11. (1) In order to avoid unnecessary or duplicate reporting, or to eliminate unnecessary multiple exemption hearings, the public disclosure commission is authorized and directed to adopt regulations of general applicability, pursuant to chapter 34.04 RCW, suspending or modifying particular reporting requirements of this act, pursuant to appropriate findings, in the following cases:

(a) When, in the judgment of the commission, the basis for the exemption is applicable to all members of the group or class to be included in the regulation, and the individual members of the group or class would be entitled to exemption under RCW 42.17.370(9);

(b) Where the information which would be produced by the reporting requirement in the class of cases covered by the regulation in the commission's judgment is clearly irrelevant or unnecessary for the purposes of chapter 42.17 RCW;

(c) Where because of the volume or kind of information required or geogralhic location of entities or other reasonable cause the information otherwise reportable would be clearly and grossly disproportionate to any reasonable public benefit to be gained from the full disclosure of such information in the commission's judgment.

The commission's acts in granting exemptions under this amendatory section shall be subject to review in the same manner as exemptions granted under RCW 42.17.370(9).

Exemptions established pursuant to this amendatory act may be granted on an automatic basis or upon individual application, as the commission shall determine by regulation.

(2) A regulation adopted by the commission under this amendatory section, as a condition of its applicability, may require persons exempted to supply alternative information reasonably designed to disclose the existence of economic interests which may conflict with the proper performance of public duty by a candidate or public official.

(3) The commission may by regulation of general applicability provide that all or any class of exemption granted pursuant to this amendatory section or any other provision of chapter 42.17 RCW may be revoked, and the person exempted may be required to file a report for the period covered by the exemption, within twelve months after the exemption was granted, for reasonable cause established by regulation. The regulation shall provide for appropriate notice and hearing, pursuant to chapter 34.04 RCW, for the exercise of the power of revocation.

(4) Commencing January, 1977, and in each January in which the legislature is in session thereafter, the commission shall file with the president of the senate and the speaker of the house of representatives its written report, giving a detailed account of its regulations enacted under this amendatory section, exemptions granted pursuant to such regulations, and the effectiveness of this amendatory section."

Debate ensued.

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

President Pro Tempore Henry assumed the Chair.

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

On page 15, line 29, strike "thirty" and insert "ten".

On motion of Senator Wilson, the following amendment by Senators Wilson and Grant was adopted:

On page 15, line 29, after "filed," and before "a" insert "the commission shall notify said person by written notice sent by certified or registered mail that the statement or report is past due and failure to file it will subject the person to the penalties prescribed by this chapter. If the person fails to file within seven days of the mailing of such notice."

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

On page 17, line 17, after "That" insert "no individual penalty assessed by the commission shall exceed five hundred dollars and".

Senator Bottiger moved adoption of the following amendment:

On page 18, following new section 14, add a new section to read as follows:

"*NEW SECTION.* Sec. 15. Subject to the reporting and disclosure requirements of chapter 42.17 RCW any municipal corporation or quasi-municipal corporation of every kind of nature may compensate and pay the necessary travel and living expenses incurred by its officers or employees for necessary services rendered on behalf of such municipal corporation or quasi-municipal corporation in connection with (1) providing information to or communicating with, or (2) advocating the official position or interests of the employer municipal corporation or quasi-municipal corporations to other municipal corporations or quasi-municipal corporations or elected state officials or any of the agencies or political subdivisions of such institutions, the federal government or any of its agencies or political subdivisions or the officials and employees of such agencies."

Renumber the following sections.

#### POINT OF INQUIRY

Senator Bluechel: "Would Senator Bottiger answer a question? Yes, does that apply also to school district employees?"

Senator Bottiger: "We say municipal corporations and I think that picks up just about everybody I can think of."

Senator Bluechel: "Well, Senator Bottiger, that has been a question in point. Do municipal corporations include schools? We have had some argument on that specific question."

Senator Bottiger: "You see, it says 'municipal corporation or quasi-municipal corporations,' and in asking the staff attorneys I used that example, the school director, the school superintendent or the principal who may come down to testify on Senator Stortini's matter. We really don't want to exclude them. Now, the attorney general said the solution is for us to send the money up to pay them their time down here and their salary while they are here testifying and I don't, unless that is what the body wants, it does not make sense to me."

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Bottiger yield to a question? Senator Bottiger, I don't have your amendment here. I glanced at it before. From the language — what restrictions does it have on the hiring of lobbyists?"

Senator Bottiger: "Well, it says the employees of the municipal corporations and quasi-municipal corporations and their elected officials are entitled to come down here and express their opinion on legislation. Now, it does not allow them expense accounts to take you and I to dinner or to do any of those kinds of things. It just allows them to come down here during working hours in the company car and to, I guess, stay over night if they—"

Senator Rasmussen: "Employee or employees?"

Senator Bottiger: "Employees in the plural or singular, Senator."

Senator Rasmussen: "That is what bothers me. I can remember when we had practically more lobbyists down here on Saturday from the city of Seattle than we had legislators and I hate to open that door again."

Senator Bottiger: "I think that is up to the city of Seattle and their elected officials and if the voters think they are overdoing it, throw them out."

Senator Rasmussen: "The voters never know anything about it. They have no idea what goes on down here or what is really being done with their money."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "Could we distribute copies of that in the record on our desks?"

Senator Rasmussen: "I didn't hear that. Did Senator Bailey ask a question?"

President Pro Tempore Henry: "No, he just commented—"

Senator Bailey: "I just wanted to have copies of that statement put in the record and distributed to the members tomorrow morning. I thought he was referring only to Pierce County."

Senator Rasmussen: "Oh, I would even add, Mr. President, that three or four of you legislators don't know what we are doing with the people's money — but we try."

#### POINT OF INQUIRY

Senator Lewis (Harry): "I wonder if Senator Bottiger would yield? Senator Bottiger, I understand that your amendment includes school district employees? Does it include state employees?"

Senator Bottiger: "That is not included in this amendment. The Attorney General's opinion was restricted to municipal employees. Mrs. Unsoeld mentioned that to me and in reflecting on that, I think they already have that authority to come here and testify. The highway committee employees testify before the transportation committee. I don't believe there is any question as to their authority. For that reason, I did not include it."

Senator Lewis (Harry): "But on school employees, any school district can send any number of employees down and pay their travel and living expenses incurred by its officers or employees for necessary services. 'Necessary' what are the services that are deemed necessary by the school district?"

Senator Bottiger: "Perhaps — would you like to limit it, Senator—?"

Senator Lewis (Harry): "Well, I don't know. I really don't know and I am just wondering if this amendment was carefully scrutinized by Senator Beck in the committee. I just wonder who is left out and whether we haven't gone too far with one group and perhaps — if state employees, for example, are included, I am quite sure that their living expenses and travel are not covered in any unlimited amount and it appears that your amendment may do that. And while I recognize what you are trying to achieve, I am wondering if you don't go a little further than you wanted to go or if you wanted to go there, I would like to know that."

Senator Bottiger: "Senator Lewis, I would presume that elected school board officials of a district who desired to send the superintendent and a principal down to testify before a committee — that would be the check. Now, if the legislature, in its wisdom, wants to limit the number of school district employees who come down here, obviously, we can."

Senator Lewis (Harry): "Senator Bottiger, if you read your amendment all the way through, 'pay the necessary travel and living expenses for positions, advocating the official position or interest of a long list of municipal corporations but you also include the positions of elected state officials or any of the agencies or any of the political subdivisions of such institutions. I just wonder who this really includes.'"

Senator Bottiger: "Senator Lewis, I asked the staff to make sure that they drew the amendment so that what we have been doing for years, the process that has existed for years, would not be interfered with by the attorney general's opinion."

"Now, I think you are absolutely right. If the City of Seattle wanted to send all of their firemen down here on company time and at the expense of the city to testify on a bill, I am sure the language here would permit them to do it. The likelihood of that kind of irresponsible action by the City of Seattle is so remote. They have never done it before, why would we presume they would do it now?"

Senator Lewis (Harry): "Supposing we take the situation last year where the school directors apparently had a day off for all the school teachers to come down to Olympia. Is it not possible that at least some of the districts in Eastern Washington to try to provide equity for the districts over here wouldn't have provided travel and living expenses,

or — I may be making a mountain out of a mole hill, Senator, but I am a little nervous about the amendment.”

Senator Bottiger: “Well, from what Senator Donohue tells me about Eastern Washington school districts, I doubt very much that they would ever do anything like that.”

Debate ensued.

The motion by Senator Bottiger carried and the amendment was adopted on a rising vote.

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

On page 18, following new section 15 added by the Bottiger amendment, insert the following:

“**NEW SECTION.** Sec. 16. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.”

Senator Guess moved adoption of the following amendment:

On page 18, line 22, add a new section 14 as follows:

“Chapter 1, section 16, Laws of 1973 as last amended by chapter 294, section 9, Laws of 1975 1st ex. sess. and RCW 42.17.160 are each amended as follows:

The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, 42.17.190, and 42.17.200:

(1) Persons who limit their lobbying activities to appearance before public sessions of committees of the legislature, or public hearings of state agencies.

(2) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station.

[(3) Persons who lobby without compensation or other consideration for acting as a lobbyist: PROVIDED, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. Any person exempt under this subsection (3) may at his option register and report under this chapter.]

(4) Persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed fifteen dollars: PROVIDED, That the commission shall promulgate regulations to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection (4) may at his option register and report under this chapter.

(5) The governor.

(6) The lieutenant governor.

(7) Except as provided by RCW 42.17.190(1), members of the legislature.

(8) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties.

(9) Except as provided by RCW 42.17.190 elected state officers, state officers appointed by the governor subject to confirmation by the senate, and employees of any state agency.”

ReNUMBER remaining sections consecutively.

Debate ensued.

#### POINT OF INQUIRY

Senator Guess: “Will Senator Ridder yield? Senator Ridder, do you think that the fact that the PTA would register would be any undue burden on them, and wouldn't they be willing to take part in good government which PDC is supposed to promote?”



Senator Ridder: "Many of the organizations do have registered lobbyists, Senator Guess, however, individual members come down. They may be here for longer than four days or parts thereof on given measures. I feel that it would be a restriction on these people to have to register particularly when perhaps, at the start of the season, if you will, they don't know that they are going to be called upon to do that."

Senator Guess: "Would it not be possible if they get into a situation where there is a bill that is going to require it, it is a mere matter of going by their beautiful office that the PDC is ensconced in down there and filling out a little piece of paper? What is so burdensome about that?"

Senator Ridder: "If they have to do it before an eight o'clock hearing, I think it would be exceedingly burdensome."

Senator Guess: "They could do it after the hearing on the third day. They could go down and do that. It seems to me that this is swallowing at the gnat when you ask one class of people to register and not ask the other people to register."

Senator Ridder: "I hope, Senator Guess, that you and I have in mind the same group that has been doing some extensive lobbying here and I can sympathize with your reaction to that because I share it. But I think that we would be in turn, we are straining at a gnat now in that we might be able to tolerate some of that kind of lobbying whereas the other is really to the benefit of the group and the state."

#### REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Senator Guess wants to swallow the gnat, Senator Ridder wants to strain him. I will call him Senator Gnat."

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

There being no objection, the amendment by Senator Morrison on page 18 on the Secretary's desk, was withdrawn.

On motion of Senator Lewis (Harry), the following amendment was adopted:

On page 13, section 8, line 14, strike "*two or more days*" and insert "*on or*".

#### MOTION FOR RECONSIDERATION

Having served prior notice, on motion of Senator North, the Senate moved to reconsider the vote by which the committee amendment to page 15, line 12 was not adopted.

On reconsideration, the committee amendment to page 15, line 12 was adopted.

#### RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Ruling on the point of order by Senator Harry Lewis on the Rasmussen amendment. In ruling on the point of order as raised by Senator Lewis, the President finds that Substitute House Bill 1329 is an encompassing measure dealing with amendments to existing public disclosure law. Section three of the measure makes it clear the purpose of the new bill is to bring within the purview of the original act certain funds not previously reportable. This same section is even so broad that it permits the public disclosure commission to make rules to implement the purposes of the entire chapter.

"The proposed amendment likewise brings within the scope of the jurisdiction of the commission other funds not previously reportable by here merely enlarging the definition of continuing political committee. The proposed amendment is precisely within the scope and object of the bill.

"The point of order is not well taken."

The amendment by Senators Rasmussen and McDermott was ruled in order.

Debate ensued.

#### POINT OF ORDER

Senator Lewis (Harry): "Point of order, Mr. President. I don't believe Senator Rasmussen is speaking on his amendment. I don't know what he is reading. He just takes off and starts reading something and I think that is out of order."

## RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Please confine your remarks to your amendment, Senator."

Debate ensued.

## POINT OF ORDER

Senator Lewis (Harry): "The Senator's remarks are far beyond what is necessary here and I would ask the Chair to direct Senator Rasmussen to speak to his amendment directly, and avoid the kind of subject matter if possible, and names, in this bill."

## RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Would you so confine yourself, Senator Rasmussen?"

Debate ensued.

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

On motion of Senator Rasmussen, the following amendment to the title was adopted:

On page 1, line 2 of the title, after "29.18.040;" and before "amending" insert "amending section 2, chapter 1, Laws of 1973 as amended by section 2, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.020;".

On motion of Senator Beck, the committee amendment to the title was adopted.

On motion of Senator Beck, the rules were suspended, Substitute House Bill No. 1329, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1329, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Woody—36.

Voting nay: Senators Grant, Lewis (Harry), Matson, McDermott, Murray, Newschwander, Scott, von Reichbauer, Washington, Wilson—10.

Excused: Senator Donohue, Keefe, Sellar—3.

SUBSTITUTE HOUSE BILL NO. 1329, as amended by the Senate, having received the constitutional 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 Lewis (Harry), moved that the Senate immediately consider Reengrossed House Bill No. 971.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Will Senator Newschwander yield to a question? Senator Newschwander, it still isn't clear to me. The leasehold bill, as it was worked over up in Ways and Means, I thought was all right. You said something about stopping the valentines. The valentines are already put in the mail as of tomorrow morning, and to delay it before the morning of the fourteenth, how are you going to stop them with a bill here?"

Senator Newschwander: "Senator Rasmussen, if you would read the amendment that is before you. I have it on my desk. It was turned in three hours ago, and it says 'provided' it is at the end of that first paragraph, 'that the county treasurer shall, in no

case, collect such taxes or issue receipts for the same or enter payment for satisfaction of such taxes upon said assessment rolls before the fifteenth day of February.' Now, if we pass something before the fifteenth and change it to March the fifteenth, if the same thing holds, he cannot collect them and issue receipts until such time."

Senator Rasmussen: "Well, that would not bother me. I wait until the last minute and the last hour to pay my taxes."

Senator Scott demanded a roll call and the demand was sustained by Senators Newschwander, Lewis (Harry), Matson, Herr, Jones, Benitz, Cunningham, Morrison and Murray.

The President declared the question before the Senate to be the motion by Senator Lewis (Harry) that the Senate immediately consider Reengrossed House Bill No. 971.

#### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 20; nays, 26; excused, 3.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Gould, Grant, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Wanamaker, Washington—20.

Voting nay: Senators Bailey, Beck, Bottiger, Day, Fleming, Francis, Goltz, Henry, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wilson, Woody—26.

Excused: Senators Donohue, Keefe, Sellar—3.

#### SPECIAL ORDER OF BUSINESS SECOND READING

SUBSTITUTE SENATE BILL NO. 3172, by Committee on Transportation and Utilities (originally sponsored by Senators Henry, Talley, McDermott, Walgren, Morrison, Bottiger and Mardesich):

Creating the state energy policy commission.

The time having arrived, the Senate resumed consideration of Substitute Senate Bill No. 3172 from earlier today. An amendment by Senators Henry, Walgren and Morrison, as amended, is under consideration.

Senator Mardesich moved that the following amendments to the amendment by Senators Henry, Walgren and Morrison be considered and adopted simultaneously:

On page 10, line 3, of the amendment by Senators Henry, Walgren and Morrison, insert a new subsection to read as follows:

"(8) To review and make final decisions upon siting certification as provided for in section 38 of this 1976 amendatory act."

Renumber the following subsections.

On page 32, section 38, line 37 of the amendment by Senators Henry, Walgren and Morrison, insert two new subsections to read as follows:

"(3) *Denial of certification by the governor may be appealed by the applicant to the energy advisory council created by section 10 of this 1976 amendatory act for final approval or denial within sixty days of appeal.*

"(4) *If the governor approves an application for certification which was recommended for disapproval by the council the application must be reviewed within sixty days for final approval or disapproval by the energy advisory council as created in section 10 of this 1976 amendatory act.*"

On page 32, section 38, line 38, after "governor" insert "*for the energy advisory council*".

On page 32, section 38, line 43, after "governor" insert "*or the energy advisory council*".

Renumber the following subsections.

Debate ensued.

## POINT OF INQUIRY

Senator Herr: "Question, Senator Mardesich? Senator Mardesich, you know, I think many of us here are worried about the environment and with this new amendment that you presented here, do you think this will protect the environment better?"

Senator Mardesich: "Well, if the amendment is adopted, of course there will be some citizens who are concerned with the environment on that group, I am sure, and it would seem to me that the result, the answer to that question would be yes. I would like to make a continuing speech, but for fear of cluttering the record, I won't."

Further debate ensued.

Senator Washington demanded a roll call and the demand was sustained by Senators Herr, Rasmussen, Knoblauch, Bottiger, Fleming, Grant, Bailey, Ridder and Wilson.

The President declared the question before the Senate to be the roll call on the amendments by Senator Mardesich to the amendment by Senators Henry, Walgren and Morrison.

## ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; nays, 24; excused, 3.

Voting yea: Senators Beck, Cunningham, Day, Guess, Herr, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, McDermott, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Stortini, Van Hollebeke, von Reichbauer, Walgren, Woody—22.

Voting nay: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Fleming, Francis, Goltz, Gould, Grant, Henry, Jolly, Knoblauch, Marsh, Morrison, Murray, North, Ridder, Scott, Talley, Wanamaker, Washington, Wilson—24.

Excused: Senators Donohue, Keefe, Sellar—3.

There being no objection, the amendment by Senator Washington to page 22, line 43 on the Secretary's desk, was withdrawn.

Senator Mardesich moved adoption of the following amendment to the amendment by Senators Henry, Walgren and Morrison:

On page 22, beginning on line 43, strike all material down to and including the period on line 19 on page 37.

Re-number the remaining sections consecutively and change internal references accordingly.

Debate ensued.

## PERSONAL PRIVILEGE

Senator Mardesich: "Personal privilege, Mr. President. I would like Senator Bailey to point out which of my amendments he thought were detrimental to the measure."

## REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, it is not only the amendments he presented here today, but the ones that the bills that were held over until tomorrow, the twenty or thirty more that he would have concocted by morning."

Senator Mardesich demanded a roll call and the demand was sustained by Senators Fleming, Washington, Rasmussen, McDermott, Woody, Beck, Guess, Clarke and Herr.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senator Mardesich to the amendment by Senators Henry, Walgren and Morrison.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; nays 27; excused, 3.

Voting yea: Senators Clarke, Cunningham, Day, Guess, Herr, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, McDermott, Newschwander, Odegaard, Pullen, Rasmussen, Sandison, von Reichbauer, Walgren, Woody—19.

Voting nay: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Fleming, Francis, Goltz, Gould, Grant, Henry, Jolly, Knoblauch, Marsh, Morrison, Murray,

North, Peterson, Ridder, Scott, Stortini, Talley, Van Hollebeke, Wanamaker, Washington, Wilson—27.

Excused: Senators Donohue, Keefe, Sellar—3.

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

Senator Henry moved adoption of the following amendment by Senators Henry, Walgren and Morrison to the title:

On page 1, line 1 of the title after "energy;" strike the remainder of the title and insert "amending section 43.31.040, chapter 8, Laws of 1965 as last amended by section 2, chapter 221, Laws of 1967 and RCW 43.31.040; amending section 5, chapter 10, Laws of 1965 and RCW 43.31.300; amending section 1, chapter 207, Laws of 1961 and RCW 70.98.010; amending section 2, chapter 207, Laws of 1961 as amended by section 1, chapter 88, Laws of 1965 and RCW 70.98.020; amending section 24, chapter 207, Laws of 1961 and RCW 70.98.210; amending section 43.06.010, chapter 8, Laws of 1965 as amended by section 8, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.010; amending section 1, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.200; amending section 2, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.210; amending section 3, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.220; amending section 1, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.010; amending section 2, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.020; amending section 3, chapter 45, Laws of 1970 ex. sess. as amended by section 46, chapter 171, Laws of 1974 ex. sess. and RCW 80.50.030; amending section 4, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.040; amending section 5, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.050; amending section 6, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.060; amending section 7, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.070; amending section 10, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.100; amending section 11, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.110; amending section 12, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.120; amending section 1, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.170; amending section 2, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.175; amending section 5, chapter 155, Laws of 1973 and RCW 90.48.262; creating new chapters in Title 43 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 80.50 RCW; repealing section 7, chapter 207, Laws of 1961, section 4, chapter 88, Laws of 1965, section 1, chapter 44, Laws of 1969, section 18, chapter 18, Laws of 1970 ex. sess. and RCW 70.98.070; defining crimes; prescribing penalties; prescribing an effective date; and declaring an emergency."

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

On page 39, on line 2 of the second page of the title after "chapter 41.06 RCW;" insert "adding a new section to chapter 43.06 RCW;"

The motion by Senator Henry carried and the amendment to the title, as amended, was adopted.

Senator Bottiger moved the rules be suspended and Engrossed Substitute Senate Bill No. 3172 be advanced to third reading.

Senator Mardesich demanded a roll call. The demand was not sustained.

The motion by Senator Bottiger carried.

The rules were suspended, Engrossed Substitute Senate Bill No. 3172 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Just to keep the record straight and for the record, as chairman of the committee that put this bill out, it was not the intent that the committee do the forecasting. The intent of this was to gather records from people who are doing the forecasting and then we would make our forecast, and Senator Guess, you were in that committee meeting. You heard those statements made."

Further debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3172, and the bill passed the Senate by the following vote: Yeas, 34; nays, 12; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—34.

Voting nay: Senators Benitz, Cunningham, Day, Guess, Lewis (R. H. "Bob"), Mardesich, Matson, Newschwander, Pullen, Rasmussen, von Reichbauer, Woody—12.

Excused: Senators Donohue, Keefe, Sellar—3.

ENGROSSED SUBSTITUTE 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.

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

## MESSAGE FROM THE HOUSE

February 12, 1976.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 2990,

ENGROSSED SENATE BILL NO. 3061, and the same are herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2990

SENATE BILL NO. 3061.

## PERSONAL PRIVILEGE

Senator Knoblauch: "Point of personal privilege. Mr. President, this will just take a minute but all day long I have sat here and I have almost heard the voice of a former Senator ring out in the Senate Chambers. The very lovable late Senator always gave us a Lincoln's Day address on February the eleventh. This was his big day and he sat in the desk now occupied by Senator Guess. Many years ago there was a custom in the State Senate that we would adjourn in honor of the former Senator. I would like to have this pleasure in moving that today we adjourn in honor of Senator Ernest Lennart."

## PERSONAL PRIVILEGE

Senator Lewis (Harry): "Mr. President, speaking in support of that motion, we feel the same way. We felt the Senate was tired tonight, Senator Knoblauch, and Senator Guess has prepared a speech to try to in some way follow in the footsteps of Ernie Lennart. The resolution and the speech will be with us tomorrow. We hope that you can extend Lincoln's birthday one more day."

## MOTION

At 7:10 p.m., on motion of Senator Knoblauch, the Senate adjourned in memory of former Senator Ernest W. Lennart. The Senate will convene at 10:00 a.m., Friday, February 13, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**THIRTY-NINTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Friday, February 13, 1976.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Keefe. On motion of Senator Knoblauch, Senator Keefe was excused.

The Color Guard, consisting of Pages Scott Frodle and Jean Cherberg, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

**"STRONG AND FAITHFUL GOD! WE LOOK TO YOU FOR PURPOSE — MOTIVATION AND DIRECTION IN OUR DAY TO DAY LIVING AND IN OUR SPECIAL CALLING AS THOSE WHO SPEAK FOR AND ACT FOR THE COMMON GOOD OF THE PEOPLE OF THIS GREAT STATE OF WASHINGTON.**

**"WE ARE COGNIZANT OF OUR HUMANNES, OUR FALLIBILITY, AND THE EASE WITH WHICH WE FALL PREY TO THE TEMPTATION TO ACT OUT OF VESTED INTERESTS. FORGIVE US FOR THESE FAILURES AND HELP US TO LOOK ABOVE THE BANAL, THE COMMON AND THE ORDINARY TO THE DIVINE AND THE IDEAL.**

**"WE THANK YOU, O GOD, FOR CREATING THESE MEN AND WOMEN WITH MINDS TO THINK CLEARLY, WITH HEARTS TO FEEL NEED AND THE ABILITY TO ACT WITH A FUNCTIONAL COMBINATION OF FEELING AND THINKING. HELP THEM TO USE THESE GIFTS IN A WAY THAT WILL BE A CREDIT TO YOU AND A REAL HELP TO THOSE WHOM THEY SERVE. TEMPER THEIR REALISM WITH IDEALISM AND THEIR IDEALISM WITH REALISM THAT GOOD MAY ACCRUE AND YOUR WILL MAY BE DONE.**

**"WE OFFER OUR PRAISE AND THANKS AND SPEAK OUR SUPPLICATIONS IN THE STRONG NAME OF JESUS. AMEN."**

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 12, 1976.

SENATE BILL NO. 3235, establishing a maximum fine for waste of a scarce resource (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass as amended and be referred to Committee on Transportation and Utilities.

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

Referred to Committee on Transportation and Utilities.

**MESSAGES FROM THE HOUSE**

February 11, 1976.

Mr. President: The Speaker has signed:

SENATE BILL NO. 3033,

SUBSTITUTE SENATE BILL NO. 3233, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 12, 1976.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 38, and has passed the bill as amended by the Senate.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

February 12, 1976.

Mr. President: The House has passed:  
 SECOND SUBSTITUTE HOUSE BILL NO. 993,  
 ENGROSSED HOUSE BILL NO. 1314,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1316,  
 HOUSE BILL NO. 1342,  
 SUBSTITUTE HOUSE BILL NO. 1366,  
 ENGROSSED HOUSE JOINT RESOLUTION NO. 65, and the same are here-  
 with transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

### INTRODUCTION AND FIRST READING

SECOND SUBSTITUTE HOUSE BILL NO. 993, by Committee on Ways and Means (originally sponsored by Representatives Conner and Warnke):

Regulating dangerous wastes.

Referred to Committee on Ecology.

ENGROSSED HOUSE BILL NO. 1314, by Representative Bauer:

Limiting school board responsibility to provide detailed descriptions of rights and responsibilities of teachers to those with respect to discipline of pupils.

Referred to Committee on Education.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1316, by Committee on Ways and Means—Appropriations (originally sponsored by Representatives Fortson, Bauer, Adams, Bagnariol, Boldt, Charnley, Charette, Cochrane, Ehlers, Eng, Erickson, Fischer, Gaines, Gallagher, Greengo, Hansen, Hansey, Hurley (Margaret), Kalich, Knowles, Laughlin, Leckenby, Lee, Lux, Martinis, Maxie, May, McCormick, Moon, Moreau, Nelson, North, O'Brien, Parker, Peterson, Sherman, Shinpoch, Smith (Rick), Tilly, Warnke, Williams and Wojahn):

Authorizing state funding of senior citizens' nutrition program.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1342, by Representatives Tilly, Hayner and Barnes:

Establishing procedures for payment of costs by convicted criminal defendants.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 1366, by Committee on Parks and Recreation (originally sponsored by Representatives North, Chandler, Matthews, Fortson and Sherman):

Preserving Mount Si.

Referred to Committee on Parks and Recreation.

ENGROSSED HOUSE JOINT RESOLUTION NO. 65, by Representatives Randall, Pardini, Sommers, Hurley (Margaret), Polk, Paris and Hayner (by Department of Parks and Recreation request):

Amending the Constitution to permit current use assessment of designated historic sites and improvements thereon.

Referred to Committee on Ways and Means.



## MOTIONS

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

On motion of Senator Lewis (Harry), the following resolution was unanimously adopted:

## SENATE RESOLUTION 1976-189

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

WHEREAS, The story of Abraham Lincoln from his humble beginnings through a political career that had its ups and downs to the exacting job as president during the nation's greatest crisis, is one of the greatest stories ever told; and

WHEREAS, No man ever displayed a greater insight into the complex motives which shaped the public opinion of a free country than Abraham Lincoln, and he possessed, almost to the degree of instinct, the supreme quality of a statesman, of making the right decision, of making it at the right time and of expressing it in language of the right mode; and

WHEREAS, Lincoln's teaching was and is that no party or partisan can escape responsibility to the people; that no party or presumed party advantage should ever divert us from the plain path of duty and honor; that rising above the temptation of temporary party advantage will be lasting gain in the respect and confidence of the people; and

WHEREAS, By his leadership he took a confederation of sovereign states and shaped it into a nation, in the course of which this noble experiment in a democratic republic survived its severest test; and

WHEREAS, Our heritage is the inspiration of the accomplishments of this self-taught frontier lawyer whose steadfastness of purpose, sound judgment and indomitable will brought order out of chaos, and in addition, a legacy of writings of incomparable dignity, strength and simplicity not only profound, compassionate and inspirational but classic in content and style as well; and

WHEREAS, Realizing Abraham Lincoln was dedicated to the educational process, the improvement of which is the avowed purpose of this legislative session;

NOW, THEREFORE, BE IT RESOLVED, By the Senate in legislative session assembled, that we here highly resolve to rededicate ourselves to finish the work Abraham Lincoln started in order to provide a new birth of freedom and equality of opportunity for everyone within this state to the end that the government of the people by the people and for the people of the State of Washington shall flourish and be a model for all to emulate.

## REMARKS BY SENATOR GUESS

Senator Guess: "Thank you Mr. President, ladies and gentlemen of the Senate. I think that it is fitting that we pause at this time in our deliberations to pay honor to that great American, Abraham Lincoln, and the vein of the procedures which were started last year in the absence of the silver-tongued orators of yesteryear, Senator Lennart, Senator John McCutcheon, Perry Woodall, Mike Gallagher, Clyde Tisdale, John Happy and Ward Bowden, who was our Secretary of the Senate for many years, to name a few of those who have gone before us. I would like to review some of the history that has gone before us.

"It was the greatest teacher of all times and of all ages who said, 'Love thy neighbor as thyself' and I believe that legislators who have served in this body have obeyed and listened to that command.

"All of us see life from a different perspective and different backgrounds of environment. The businessman sees life through the businessman's outlook. His problems

naturally take all of his time and energy and affect his point of view. The same is true of the doctor, the lawyer and many other professionals. Their own problems are most important ones to them. The laborer toils from day to day and thinks about the problems that he faces, of his immediate environment and occupation.

"In every walk of life men and women strive and work to support their families, their relatives and their friends. These are indeed high virtues without which our state and nation could not survive but the profession which has the greatest dignity and merit is that of the person who serves the man and woman he will never see, whom he may never know, and whose voice he never hears and whose hands he may never touch.

"Such is the service given by those who serve and have served in this legislature. The legislator thinks of the welfare and serves not only the man and woman he never sees and may never meet face to face but he also strives to cling to the principles he sincerely believes will bring the greatest good to the greatest number. He strains his ear to catch the call of the distressed whose distant voice is often drowned out in the welter and confusion of this, our life. He sees the light sometimes with conscience torn by doubt. Oftentimes he is forced to make decisions without all of the facts at hand. He is often misunderstood and vilified by those he seeks to serve. His tools have been and will always be an understanding mind, heart and good judgment. His test of manhood, moral courage in the midst of a clash of wills, ambition, conflicting interests and ideals. He risks losing lifelong friends. His call of duty leaves no other choice as government of and by the people can only come through us, the legislators.

"Such is the service that has been given by those men and women in whose memory we pause today. Because they lived, and served and died, we pause today and again remember the high dignity of our calling.

"No man who has ever served in either branch of this legislature has failed to be impressed by the fact that his fellow member is just a little different from the average man or woman whose energy and time are absorbed in their ordinary pursuits. The characters of these men and women have not been molded in any standard pattern but they are indeed individuals from every walk of life. Those who served here have caught a glimpse of something bigger than themselves or their own particular surroundings. They have visioned the state as justice blindfolded holding even the scales of justice.

"The men and women in whose memory we meet today know that mankind was forced to band itself together and pass laws for its own self preservation. They sensed that our state is made up of many kinds and conditions of men and women of varying religions, that we represent not a class but a common denominator. They knew that men and women earn their livings and advance the general welfare in a multitude of ways and that each, individually and collectively, are entitled to be given consideration at our hands that none should be allowed an unfair advantage. They also realized that mankind cannot live by bread alone and that the cultural side of life must not be forgotten, that human beings live and grow, nurtured by truth and culture and courage and fair dealings, that you can honestly differ with a man without losing his friendship.

"Those men who sat in this place had an idea which, as a body, we must always strive to live up to. That is to struggle to keep alive that small spark of celestial fire known as conscience; to strive to look at the whole picture at all times no matter how we may be pulled and hauled and importuned and do right as we see it between man and man.

"The sovereign state of which we are a part represents something much bigger than any one of us or a single interest. Our coming and going are but incidents in its history. Those members of the House and Senate who have passed from our midst would tell us now, if they could speak, that civic virtue is the highest and the cornerstone of our institutions.

"Here where it may be invoked by the love of their families and friends, that their spirits hover near us, let us draw new faith and hope and courage for the tasks ahead and we shall not fail or waver or fall.

"I believe it is most fitting that even though yesterday we did not have a chance to say it that we now pause in memory of those who have gone before us."

The Senate observed a moment of silence.

## MOTIONS

On motion of Senator Bailey, all members were permitted as additional sponsors to Senate Resolution 1976-189.

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

On motion of Senator Lewis (Harry), Senator Walgren concurring, the Senate commenced consideration of Reengrossed House Bill No. 971.

## SECOND READING

REENGROSSED HOUSE BILL NO. 971, by Representatives Randall, Pardini, Sommers and Newhouse:

Pertaining to taxation of leasehold interests.

## REPORT OF STANDING COMMITTEE

February 10, 1976.

REENGROSSED HOUSE BILL NO. 971, pertaining to taxation of leasehold interests (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after the enacting clause, strike the remainder of the bill and insert:

*"NEW SECTION.* Section 1. The legislature hereby recognizes that properties of the state of Washington, counties, school districts, and other municipal corporations are exempted by Article 7, section 1 of the state Constitution from property tax obligations, but that private lessees of such public properties receive substantial benefits from governmental services provided by units of government.

The legislature further recognizes that a uniform method of taxation should apply to such leasehold interests in publicly owned property.

The legislature finds that lessors of publicly owned property are entitled to those same governmental services and does hereby provide for a leasehold excise tax to fairly compensate governmental units for services rendered to such lessors of publicly owned property.

*NEW SECTION.* Sec. 2. As used in this chapter the following terms shall be defined as follows, unless the context otherwise requires:

(1) "Leasehold interest" shall mean an interest in publicly owned real or personal property which exists by virtue of any lease, permit, license, or any other agreement, written or verbal, between the public owner of the property and a person who would not be exempt from property taxes if that person owned the property in fee, granting possession and use, to a degree less than fee simple ownership: **PROVIDED**, That no interest in personal property (excluding land or buildings) which is owned by the United States, whether or not as trustee, or by any foreign government shall constitute a leasehold interest hereunder when the right to use such property is granted pursuant to a contract solely for the manufacture or production of articles for sale to the United States or any foreign government. The term "leasehold interest" shall not include road or utility easements or rights of access for the purpose of removing materials or products purchased from a public owner or the lessee of a public owner.

(2) "Taxable rent" shall mean contract rent as defined in subsection (a) of this subsection in all cases where the lease or agreement has been established or renegotiated through competitive bidding, or negotiated or renegotiated in accordance with statutory requirements regarding the rent payable, or negotiated or renegotiated under circumstances established by public record, clearly showing that the contract rent was the maximum attainable by the lessor: **PROVIDED**, That after January 1, 1986, with respect to any lease which has been in effect for ten years or more without renegotiation, taxable rent may be established by procedures set forth in subsection (b) of this subsection. All other leasehold interests shall be subject to the determination of taxable rent under the terms of subsection (b) of this subsection.

(a) "Contract rent" shall mean the amount of consideration due as payment for a leasehold interest, including: The total of cash payments made to the lessor or to another party for the benefit of the lessor according to the requirements of the lease or agree-

ment; expenditures for the protection of the lessor's interest when required by the terms of the lease or agreement; and expenditures for improvements to the property to the extent that such improvements become the property of the lessor.

"Contract rent" shall not include: (i) Expenditures made by the lessee, which under the terms of the lease or agreement, are to be reimbursed by the lessor to the lessee; (ii) expenditures made by the lessee for the replacement or repair of facilities due to fire or other casualty or for alterations or additions made necessary by an action of government taken after the date of the execution of the lease or agreement; (iii) improvements added to publicly owned property by a sublessee under an agreement executed prior to January 1, 1976, which have been taxed as personal property of the sublessee prior to January 1, 1976, or improvements made by a sublessee of the same lessee under a similar agreement executed prior to January 1, 1976, and such improvements shall be taxable to the sublessee as personal property; (iv) improvements added to publicly owned property if such improvements are being taxed as personal property to any person.

Any prepaid contract rent shall be considered to have been paid in the year due and not in the year actually paid with respect to prepayment for a period of more than one year. Expenditures for improvements with a useful life of more than one year which are included as part of contract rent shall be treated as prepaid contract rent and prorated over the useful life of the improvement or the remaining term of the lease or agreement if the useful life is in excess of the remaining term of the lease or agreement. Rent prepaid prior to January 1, 1976, shall be prorated from the date of prepayment.

With respect to a "product lease", the value of agricultural products received as rent shall be the value at the place of delivery as of the fifteenth day of the month of delivery; with respect to all other products received as contract rent, the value shall be that value determined at the time of sale under terms of the lease.

(b) If it shall be determined by the department of revenue, upon examination of a lessee's accounts or those of a lessor of publicly owned property, that a lessee is occupying or using publicly owned property in such a manner as to create a leasehold interest and that such leasehold interest has not been established through competitive bidding, or negotiated in accordance with statutory requirements regarding the rent payable, or negotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor, the department may establish a taxable rent computation for use in determining the tax payable under authority granted in this chapter based upon the following criteria: (i) Consideration shall be given to rental being paid to other lessors by lessees of similar property for similar purposes over similar periods of time; (ii) consideration shall be given to what would be considered a fair rate of return on the market value of the property leased less reasonable deductions for any restrictions on use, special operating requirements or provisions for concurrent use by the lessor, another person or the general public.

(3) "Product lease" as used in this chapter shall mean a lease of property for use in the production of agricultural or marine products to the extent that such lease provides for the contract rent to be paid by the delivery of a stated percentage of the production of such agricultural or marine products to the credit of the lessor or the payment to the lessor of a stated percentage of the proceeds from the sale of such products.

(4) "Renegotiated" means a change in the lease agreement which changes the agreed time of possession, restrictions on use, the rate of the cash rental or of any other consideration payable by the lessee to or for the benefit of the lessor, other than any such change required by the terms of the lease or agreement. In addition "renegotiated" shall mean a continuation of possession by the lessee beyond the date when, under the terms of the lease agreement, the lessee had the right to vacate the premises without any further liability to the lessor.

(5) "City" means any city or town.

**NEW SECTION.** Sec. 3. There is hereby levied and shall be collected a leasehold excise tax on the act or privilege of occupying or using publicly owned real or personal property through a leasehold interest on and after January 1, 1976, at a rate of twelve percent of taxable rent: PROVIDED, That after the computation of the tax there shall be allowed credit for any tax collected pursuant to section 4 of this 1976 amendatory

act.

**NEW SECTION.** Sec. 4. The legislative body of any county or city is hereby authorized to levy and collect a leasehold excise tax on the act or privilege of occupying or using publicly owned real or personal property through a leasehold interest in publicly owned property within the territorial limits of such county or city. The tax levied by a county under authority of this section shall not exceed six percent and the tax levied by a city shall not exceed four percent of taxable rent: **PROVIDED,** That any county ordinance levying such tax shall contain a provision allowing a credit against the county tax for the full amount of any city tax imposed upon the same taxable event.

The department of revenue shall perform the collection of such taxes on behalf of such county or city.

**NEW SECTION.** Sec. 5. (1) The leasehold excise taxes provided for in sections 3 and 4 of this 1976 amendatory act shall be paid by the lessee to the lessor and the lessor shall collect such tax and remit the same to the department of revenue. The tax shall be payable at the same time as payments are due to the lessor for use of the property from which the leasehold interest arises, and in the case of payment of contract rent to a person other than the lessor, at the time of payment. The tax payment shall be accompanied by such information as the department of revenue may require. In the case of pre-paid contract rent the payment may be prorated in accordance with instructions of the department of revenue and the prorated portion of the tax shall be due, one-half not later than May 31 and the other half not later than November 30 each year.

(2) The lessor receiving taxes payable under the provisions of this chapter shall remit the same together with a return provided by the department, to the department of revenue on or before the fifteenth day of the month following the month in which the tax is collected. The department may relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year. The lessor shall be fully liable for collection and remittance of the tax. The amount of tax until paid by the lessee to the lessor shall constitute a debt from the lessee to the lessor. The tax required by this chapter shall be stated separately from contract rent, and if not so separately stated for purposes of determining the tax due from the lessee to the lessor and from the lessor to the department, the contract rent does not include the tax imposed by this chapter. Where a lessee has failed to pay to the lessor the tax imposed by this chapter and the lessor has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the lessee for collection of the tax: **PROVIDED,** That taxes due where contract rent has not been paid shall be reported by the lessor to the department and the lessee alone shall be liable for payment of the tax to the department.

(3) Each person having a leasehold interest subject to the tax provided for in this chapter arising out of a lease of federally owned or federal trust lands shall report and remit the tax due directly to the department of revenue in the same manner and at the same time as the lessor would be required to report and remit the tax if such lessor were a state public entity.

**NEW SECTION.** Sec. 6. All administrative provisions in chapters 82.02 and 82.32 RCW, as now or hereafter amended shall be applicable to taxes imposed pursuant to this chapter: **PROVIDED,** That this section shall not authorize the issuance of any levy upon any property owned by the public lessor.

In selecting leasehold excise tax returns for audit the department of revenue shall give priority to any return an audit of which is specifically requested in writing by the county assessor or treasurer or other chief financial officer of any city or county affected by such return. Notwithstanding the provisions of RCW 82.32.330, determinations of the amount of taxable rent made pursuant to the provisions of this chapter shall be subject to inspection under chapter 42.17 RCW.

**NEW SECTION.** Sec. 7. All moneys received by the department of revenue from taxes levied under provisions of section 3 of this 1976 amendatory act shall be transmitted to the state treasurer and deposited in the general fund.

**NEW SECTION.** Sec. 8. The counties and cities shall contract, prior to the effec-

tive date of an ordinance imposing a leasehold excise tax, with the department of revenue for administration and collection. The department of revenue shall deduct a percentage amount, as provided by such contract, not to exceed two percent of the taxes collected, for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by section 4 of this 1976 amendatory act which is collected by the department of revenue shall be deposited by the state department of revenue in a special fund under the custody of the state treasurer to be known as the local leasehold excise tax revolving fund.

**NEW SECTION.** Sec. 9. Bimonthly the state treasurer shall make distribution from the local leasehold excise tax revolving fund to the counties and cities the amount of tax collected on behalf of each county or city.

**NEW SECTION.** Sec. 10. Any moneys received by a county from the leasehold excise tax provided for under section 4 of this 1976 amendatory act shall be distributed proportionately by the county treasurer in accordance with RCW 84.56.230 as though such moneys were receipts from ad valorem property tax levies within such county: PROVIDED, That no distribution shall be made to the state or any city: AND PROVIDED FURTHER, That the pro rata calculation for proportionate distribution to taxing districts shall not include consideration of any rate(s) of levy by the state or any city.

**NEW SECTION.** Sec. 11. It is the intent of this chapter that any local leasehold excise tax adopted pursuant to this chapter be as consistent and uniform as possible with the state leasehold excise tax. It is further the intent of this chapter that the local leasehold excise tax shall be imposed upon an individual taxable event simultaneously with the imposition of the state leasehold excise tax upon the same taxable event. The department shall, as soon as practicable, and with the assistance of the appropriate associations of county prosecutors and city attorneys, draft a model ordinance.

**NEW SECTION.** Sec. 12. After computation of the taxes imposed pursuant to sections 3 and 4 of this 1976 amendatory act there shall be allowed the following credits in determining the tax payable:

(1) With respect to a leasehold interest arising out of any lease or agreement, the terms of which were binding on the lessee prior to July 1, 1970, where such lease or agreement has not been renegotiated since that date, and excluding from such credit (a) any leasehold interest arising out of any lease of property covered by the provisions of RCW 28B.20.394 and (b) any lease or agreement including options to renew which extends beyond January 1, 1985, as follows:

With respect to taxes due in calendar year 1976, a credit equal to eighty percent of the tax otherwise due.

With respect to taxes due in calendar year 1977, a credit equal to sixty percent of the tax otherwise due.

With respect to taxes due in calendar year 1978, a credit equal to forty percent of the tax otherwise due.

With respect to taxes due in calendar year 1979, a credit equal to twenty percent of the tax otherwise due.

(2) With respect to a product lease, a credit of thirty-three percent of the tax otherwise due.

**NEW SECTION.** Sec. 13. The following leasehold interests shall be exempt from taxes imposed pursuant to sections 3 and 4 of this 1976 amendatory act:

(1) All leasehold interests constituting a part of the operating properties of any public utility which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold interests in facilities owned or used by a school, college or university which leasehold provides housing for students and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.

(3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.

(4) All leasehold interests used for fair purposes of a nonprofit fair association

that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States, the state of Washington or any of its political subdivisions: PROVIDED, That this exemption shall not apply to the leasehold interest of any sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.

(5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.

(6) (a) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; (b) all leasehold interests held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this 1976 amendatory act.

(7) All leasehold interests for which annual taxable rent is less than two hundred fifty dollars per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor shall be deemed a single leasehold interest.

(8) All leasehold interests which give use or possession of the leased property for a continuous period of less than thirty days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use or possession of the same property to the same lessee shall be deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest shall be deemed to give use or possession for a period of less than thirty days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(9) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.

(10) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.

*NEW SECTION.* Sec. 14. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

The following property shall be exempt from taxation:

Any and all rights to occupy or use any real or personal property owned in fee or held in trust by the United States, the state of Washington, or any political subdivision or municipal corporation of the state of Washington, including any leasehold interest arising from such property as defined in section 2 of this 1976 amendatory act: PROVIDED, That this exemption shall not apply to any such leasehold interests which are a part of operating properties of public utilities subject to assessment under chapter 84.12 RCW nor be construed to modify the provisions of RCW 84.40.230.

Sec. 15. Section 84.40.175, chapter 15, Laws of 1961 and RCW 84.40.175 are each amended to read as follows:

At the time of making the assessment of real property, the assessor shall enter each description of property exempt under the provisions of RCW 84.36.005 through 84.36.060, and value and list the same in the manner and subject to the same rule as he is required to assess all other property, designating in each case to whom such property belongs, and for what purpose used, to entitle it to exemption, and he shall require from every person claiming such exemption proof of the right to such exemption: PROVIDED, That with respect to publicly owned property exempt from taxation under provisions of RCW 84.36.010, the assessor shall value only such property as is leased to or occupied by a private person under an agreement allowing such person to occupy or use such property for a private purpose when a request for such valuation is received

*from the department of revenue for use in an audit of the taxable rent as provided for in section 2(2)(b) of this 1976 amendatory act.*

**NEW SECTION.** Sec. 16. The department of revenue of the state of Washington shall make such rules and regulations consistent with chapter 34.04 RCW and the provisions of this 1976 amendatory act as shall be necessary to permit its effective administration including procedures for collection and remittance of taxes imposed by this chapter, and for intervention by the cities and counties levying under section 4 of this 1976 amendatory act, in proceedings involving such levies and taxes collected pursuant thereto.

**NEW SECTION.** Sec. 17. All assessments or levies of property taxes for collection in calendar year 1976 are hereby canceled with respect to values arising out of property exempted by section 14 of this 1976 amendatory act.

**NEW SECTION.** Sec. 18. Notwithstanding any other provision of this 1976 amendatory act, improvements owned or being acquired by contract purchase or otherwise by any lessee or sublessee shall be taxable to such lessee or sublessee under Title 84 RCW.

**NEW SECTION.** Sec. 19. Sections 1 through 13, and 16 through 18 of this 1976 amendatory act are each added to chapter 15, Laws of 1961 and to Title 82 RCW and shall constitute a new chapter in Title 82 RCW.

**NEW SECTION.** Sec. 20. The following acts or parts of acts are each hereby repealed:

- (1) Section 2, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.010;
- (2) Section 3, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.020;
- (3) Section 4, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.030;
- (4) Section 5, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.040;
- (5) Section 6, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.050;
- (6) Section 7, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.060;
- (7) Section 8, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.070;
- (8) Section 9, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.080;
- (9) Section 10, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.090;
- (10) Section 11, chapter 187, Laws of 1973 1st ex. sess. and RCW 84.36.450;
- (11) Section 14, chapter 187, Laws of 1973 1st ex. sess. and RCW 84.36.455; and
- (12) Section 15, chapter 187, Laws of 1973 1st ex. sess. and RCW 84.36.460.

**NEW SECTION.** Sec. 21. There is hereby appropriated to the department of revenue one hundred and thirty-five thousand dollars from the general fund to administer the provisions of this 1976 amendatory act for the biennium ending June 30, 1977.

**NEW SECTION.** Sec. 22. This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately: **PROVIDED**, That in the event the cancellation of assessments or levies of property taxes for collection in calendar year 1976 as provided for in section 17 of this 1976 amendatory act is declared null and void, then the effective date of this 1976 amendatory act shall be January 1, 1977.

**NEW SECTION.** Sec. 23. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

On line 21 of the title, after "effective dates;" insert "making an appropriation;"

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

The bill was read the second time by sections.

Senator Donohue moved adoption of the committee amendment.

#### POINT OF INQUIRY

Senator Bailey: "Will Senator Donohue yield? Senator Donohue, I think it was on page two of the original bill and page two of the amendment, you have left out the definition of economic rent which is the way they currently have assessed the leasehold.



Now, my question is this: in those contracts of people who lease space and have two sets of agreements, one is for the lease of the space which would come under a leasehold tax. I understand that but if they also have an agreement where they would take a certain percentage of the gross or the net of the business, would this also be subject to leasehold tax?"

Senator Donohue: "There is a formula, if I am correct, maybe Senator Woody can assure me I am correct, that this would be called part of the leasehold, yes."

Senator Bailey: "Then, Senator, I understand that the point of where you share-crop is something like that, where you have to pay no rent but you pay a share of the crop. That is one thing but if you are leasing a concession and that is taking also, in a separate agreement, a percentage of the gross, is it your understanding this would tax that gross?"

Senator Donohue: "That is correct."

Senator Bailey: "In other words, this is not only a leasehold tax or property tax but also is an excise tax and like a B & O tax in business."

Senator Donohue: "I suppose in a sense that is true. It is after your twelve percent tax on the total rent. That could include any kind of an agreement made by the lessor and the lessee whether it is part of the gross or whatever. It also has to be included and the twelve percent will apply to that agreement."

#### POINT OF INQUIRY

Senator McDermott: "Mr. President, will Senator Donohue yield to a question? Senator Donohue, on this new leasehold tax structure, if a special levy is passed in an area in which a leasehold exists, will there be any increase in the tax or will it remain at the basic twelve percent?"

Senator Donohue: "It would remain at twelve percent. This is one thing that we discussed in the committee and it would mean that if we assessed that levy or that levy was used that there would have to be new contracts written every time there was a levy passed."

"Now the reason for using the twelve percent is that hopefully the twelve percent would be and is, according to the fiscal note, a greater amount of dollars. In other words, a larger number of dollars will be accrued from a twelve percent which in essence would include supposedly part of so-called special levy if that did occur. It is nearly impossible every year to change the contract just due to the differences in whether the levy has passed or whether the levy has failed."

Senator McDermott: "Thank you."

Senator Newschwander moved adoption of the following amendment by Senators Newschwander and Lewis (Harry) to the committee amendment:

On page 11, line 42, after section 17, insert the following new sections:

"Sec. 18. Section 2, chapter 7, Laws of 1965 ex. sess. and RCW 84.56.010 are each amended to read as follows:

On or before the first Monday in January next succeeding the date of levy of taxes the county auditor shall issue to the county treasurer his warrant authorizing the collection of taxes listed on the tax rolls of his county as certified by the county assessor for such assessment year, and said rolls shall be preserved as a public record in the office of the county treasurer. The amount of said taxes levied and extended upon said rolls shall be charged to the treasurer in an account to be designated as treasurer's "Tax roll account" for . . . . . and said rolls with the warrants for collection shall be full and sufficient authority for the county treasurer to receive and collect all taxes therein levied: *PROVIDED*, That the county treasurer shall in no case collect such taxes or issue receipts for the same or enter payment or satisfaction of such taxes upon said assessment rolls before the fifteenth day of [February] *March* following.

Sec. 19. Section 84.56.070, chapter 15, Laws of 1961 and RCW 84.56.070 are each amended to read as follows:

On the fifteenth day of [February] *March* succeeding the levy of taxes, the county treasurer shall proceed to collect all personal property taxes. He shall give notice by mail to all persons charged with personal property taxes, and if such taxes are not paid

before they become delinquent, he shall forthwith proceed to collect the same. In the event that he is unable to collect the same when due, he shall prepare papers in distraint which shall contain a description of the personal property, the amount of taxes, the amount of the accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner, and he shall without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same, with interest at the rate provided by law from the date of delinquency, together with all accruing costs, and shall proceed to advertise the same by posting written notices in three public places in the county in which such property has been distrained, one of which places shall be at the county court house, such notice to state the time when and place where such property will be sold. The county treasurer, or his deputy, shall tax the same fees for making the distraint and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution; traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which such property is distrained, and the interest and costs accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the taking of such property, such treasurer shall proceed to sell such property at public auction, or so much thereof as shall be sufficient to pay such taxes, with interest and costs, and if there be any overplus of money arising from the sale of any personal property, the treasurer shall pay such overplus to the owner of the property so sold or to his legal representative: *PROVIDED*, That whenever it shall become necessary to distraint any standing timber owned separately from the ownership of the land upon which the same may stand, or any fish trap, pound net, reef net, set net or drag seine fishing location, or any other personal property as the treasurer shall determine to be incapable or reasonably impracticable of manual delivery, it shall be deemed to have been distrained and taken into possession when the said treasurer shall have, at least thirty days before the date fixed for the sale thereof, filed with the auditor of the county wherein such property is located a notice in writing reciting that he has distrained such property, describing it, giving the name of the owner or reputed owner, the amount of the tax due, with interest and the time and place of sale; a copy of said notice shall also be sent to the owner or reputed owner at his last known address, by registered letter at least thirty days prior to the date of sale: *AND PROVIDED FURTHER*, That if the county treasurer has reasonable grounds to believe that any personal property upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been assessed, or is about to be destroyed, sold or disposed of, the county treasurer may demand such taxes, without the notice provided for in this section, and if necessary may forthwith distraint sufficient goods and chattels to pay the same.

Renumber the remaining sections consecutively.

On page 11, line 36, after section 20, insert the following new section:

"NEW SECTION. Sec. \_\_\_\_\_. Sections 18 and 19 of this act shall be effective with respect to 1976 collections of all real and personal property taxes, and shall expire on December 31, 1976."

Renumber the remaining sections consecutively.

#### POINT OF INQUIRY

Senator Mardesich: "Mr. President, I would like to ask Senator Newschwander to yield to a question. Senator Newschwander, I would like you to start at the very beginning and explain this to me as to the necessity of it. I assume when I ask that question that you are making some distinction between an ordinary roll-back such as we had last time and what might be proposed this time? If you are not making a distinction between the two, I don't understand what the problem is."

Senator Newschwander: "Senator Mardesich, the problem is that the levies that were passed last year are going to be collected this spring and next fall. The money taken in this spring does not bother me, but the money taken in next fall which is for the 1976-1977 school year, the funds — the first half of that school year also could be under the Bottiger proposal, or the Republican proposal — a double dip. Because if we have a

statewide special levy under our program, we plan to raise the money for the 1976-1977 school year. We have the means of putting the money out there on a per pupil basis within the school district. So we have a complete funding for the one school year. The problem we have in all these levies is that we pass the levy one year and then it finances the last half of the next school year and the first half of the following school year. So you have an overlapping of funding between one school year and the next school year if we have a new funding proposal."

Senator Mardesich: "How, if I might continue the question, Mr. President, do you distinguish between the refund or rebate we gave last time, quota — term it whatever you wish — we did give a credit against taxes last year when we passed the sixty-five million dollars. How do you distinguish our ability to do that in the future with our ability to have done it in the past?"

Senator Newschwander: "The problem is that the taxpayer is going to pay the money into the treasurer and then what are we going to do with it? Are we going to let the schools keep it or are we going to let the general fund deduct that amount of money? It is going to be in the general fund."

Senator Mardesich: "Senator Newschwander, we did not pass our sixty-five million dollar figure until late May or June of last year."

Senator Newschwander: "And it is going to be . . . ."

Senator Mardesich: "The trouble with it, it affected the same second year for those districts which lost before. Number four, Seattle lost — there were districts which had lost — there were levies which had passed and they got in that second year money. How were we able to give those districts credit then and why are we not able to give it the same type of credit in the future?"

Senator Newschwander: "The credit we gave last session will show up in the valentines this following year. Why should the taxpayer even pay it if it is not necessary? I just don't trust we are going to roll it back."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, members of the Senate. Coming partially to Senator Newschwander's rescue — I should not say rescue, but assistance — when we rolled the taxes back last time, what we did is tell the school districts that since you certify to the treasurer the amount of dollars necessary for him to put out in the form of a levy, if you accept that portion of the sixty-five million dollars, reduce that in what you send down to the treasurer. So they did that and these school taxes reflect that reduction of the sixty-five million.

"Now Senator Newschwander has a new problem here, so I disagree with him. The Hodde plan does not require this, the Newschwander plan does. Senator Newschwander's proposal would be for us to set the dollar amount for each school district and to appropriate that amount of money to them. If they collected the second half taxes, there would be a windfall to the school districts. That is not true under the Hodde plan and this is why I disagree with what he said because under the Hodde plan each school district would certify their need or their necessity in the form of the special levy that they requested of their own particular district. In a sense we are trusting them not to ask the taxpayers for more than they would be expending under their budget. The Hodde plan does not have that difficulty that the Newschwander plan does.

"I would suggest that we cooperate with Senator Newschwander because, as I have told him personally, if his plan is the one I get to vote for, I am going to do that. I think the Hodde plan is better and I would like to leave him his options to at least present his plan to the Senate and the rest of the legislature."

Debate ensued.

#### POINT OF INQUIRY

Senator Mardesich: "Will Senator Newschwander yield again? Senator Newschwander, it would follow your line of thinking, and since the first half taxes are not due until April 30th and since the bulk of all the payments come in very close to April 30th, why don't we logically make this date April 15th then because in the event the Seattle

levy should fail before we achieve any solution to the problem, either your or the Hodde plan, what have you achieved with this date of March 15th?"

Senator Newschwander: "Once again, I am just biding time to solve the whole funding program. I don't wish to postpone the final collection or even hurry it up. If we go to April 15th then we have only fifteen days between then and the 30th and I am sure we won't be around here on April 15th and this simple amendment is just to make sure we know what we are doing."

#### POINT OF INQUIRY

Senator Walgren: "Would Senator Newschwander yield to a question? Senator Newschwander, I have received some communications from my local treasurer with regard to costs involved and she tells me that for Kitsap County they have always spent some sixty-eight hundred dollars in postage. I suspect that this is the situation around the state. Do you have any estimate as to the total cost to the state of Washington local governments if this amendment is put on the bill?"

Senator Newschwander: "If the amendment is put on the bill, there will be no cost unless this body changes the funding and if we do, they have all got to be made out again and mailed again. We are talking about six hundred and fifty thousand dollars. The requests then would be made by myself in Ways and Means and maybe we should appropriate that money back to the counties because we should not carry this obligation to them."

#### POINT OF INQUIRY

Senator Donohue: "Mr. President, will Senator Newschwander yield? I heard that word 'appropriate' on the Ways and Means committee, Senator. I am sure you recognize the fiscal problems we had. I would assume that, based upon that previous statement, you are willing to vote for tax increases which could include many other things than school funding."

Senator Newschwander: "I would be glad to vote for anything if I can save the taxpayers seventy-six million dollars. I think that six hundred and fifty thousand dollars is a drop in the bucket if I can save the folks back home seventy-six million dollars in a double dip. But I have a feeling, knowing the Ways and Means committee, that we are going to Band-Aid and go home and do nothing. That is my impression. But in case we do get to the point where we are going to fund schools, I don't want to be in the box."

Senator Donohue: "Senator, let me ask you another question. Isn't it true that another property tax roll-back on top of the one that we have already accomplished for 1976 could, in fact, roll back some districts more than the amount of their special levy?"

Senator Newschwander: "It is possible."

Further debate ensued.

#### POINT OF ORDER

Senator Donohue: "I am concerned and I think the real concern I have with this particular bill is that Reengrossed House Bill No. 971 in my judgment deals particularly with a method of taxation. The amendment that you are proposing deals particularly with a date change, while it seems to me like there is quite a difference, and Mr. President, I would like to raise the issue of scope and object."

Debate ensued.

#### RULING BY THE PRESIDENT

The President: "In ruling on the point of order as raised by Senator Donohue, the President finds that Reengrossed House Bill No. 971 is a measure which pertains only to the taxation of leasehold interests on certain governmental property.

"The amendment as proposed by Senators Newschwander and Lewis (Harry), however, pertains to the date on which the county treasurer may accept and collect all taxes.

"The amendment, therefore, does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Newschwander and Lewis (Harry) to the committee amendment was ruled out of order.

#### POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Donohue yield to a question? Senator Donohue, are you saying to me that the problem raised by Senator Newschwander really has no validity and there is no potential problem?"

Senator Donohue: "Potential problem with what, Senator?"

Senator Lewis (Harry): "Of the problem of the type that Senator Newschwander describes of a double dip by schools or the problem of returning money to the taxpayer?"

Senator Donohue: "In answer to your question, there perhaps would be a problem if this Senate had already voted on the Newschwander plan and I think that this is what we are really talking about. Now, there may be coming out of the Senate a different kind of a proposal to take care of that and if that is true perhaps this amendment would not be needed; consequently, that was the reason that I raised the issue."

Senator Lewis (Harry): "Senator Donohue, without this amendment would this in your best judgment kill the Newschwander plan?"

Senator Donohue: "No, I don't think it would. It is still alive. It is up in Ways and Means and we intend to address ourselves to that as rapidly as possible and any other issues before us, Senator."

Senator Lewis (Harry): "Then, Senator Donohue, one further question if I might. If you say it doesn't kill the plan, how would you handle the problem of the seventy-six million dollars to prevent the schools from having a double dip on it, and how would you propose to return the money to the taxpayer in the event the Newschwander plan were to pass without this amendment. The problem I have is that if you say that everything is still wide open and there is that potential and that is one of the purposes, of course, in proposing the amendment was just to keep the options open. But without the amendment, how do you handle the seventy-six million dollar roll-back problem? How do you return the money to the taxpayer?"

Senator Donohue: "Senator, we have an apportionment formula. We also can change dates and can change laws pertaining to the 1977 collection and roll-back, so I don't think there is really any problem."

#### MOTION

Senator Woody moved adoption of the following amendment by Senators Woody and McDermott to the committee amendment:

On page 1 of the Senate committee amendment to Reengrossed Substitute House Bill No. 971, beginning on line 4, strike the remainder of the committee amendment and insert:

*NEW SECTION.* Section 1. The legislature hereby recognizes that properties of the state of Washington, counties, school districts, and other municipal corporations are exempted by Article 7, section 1 of the state Constitution from property tax obligations, but that private lessees of such public properties receive substantial benefits from governmental services provided by units of government.

The legislature further recognizes that a uniform method of taxation should apply to such leasehold interests in publicly owned property.

The legislature finds that lessees of publicly owned property are entitled to those same governmental services and does hereby provide for an excise tax to fairly compensate governmental units for services rendered to such lessees of publicly owned property.

*NEW SECTION.* Sec. 2. As used in this chapter the following terms shall be defined as follows, unless the context otherwise requires:

(1) "Lease" shall mean any lease, permit, license, use, or any other agreement, written or verbal, granting possession and use of such public property between the owner of public property and a person who would not be exempt from property taxes if that person owned the property in fee.

(2) "Lessor" shall mean the federal government, the state of Washington, counties, school districts, or any political subdivision or municipal corporation of the state of Washington which leases public property.

(3) "Multiple leases" shall mean more than one lease of the same public property existing at the same time between the owner of public property and persons who would not be exempt from property taxes if such persons owned the property in fee.

(4) "Public property" shall mean all real or personal property of the federal government, the state of Washington, counties, school districts, or any political subdivision or municipal corporation of the state of Washington.

*NEW SECTION.* Sec. 3. When any public property which for any reason is exempt from taxation pursuant to RCW 84.36.010 is leased by a private individual, association or corporation, the lessees or users thereof shall be subject to taxation for the act or privilege of using or possessing such property in the same amount and to the same extent as though the lessee or user were the owner in fee of such property: PROVIDED, HOWEVER, That the foregoing shall not apply to federal property for which payments are made in lieu of taxes in amounts equivalent to taxes which might otherwise be lawfully assessed.

*NEW SECTION.* Sec. 4. Public property leased for farm and agricultural purposes as defined in RCW 84.34.020(2) shall be assessed and valued according to the use to which such property is currently applied under the provisions of chapter 84.34 RCW and the assessor shall not consider potential uses of such property.

*NEW SECTION.* Sec. 5. (1) Where multiple leases exist on public property, valuation may be determined on a pro rata basis or by segregation.

(2) Where partial uses exist on public property, valuation may be determined on a pro rata basis or by segregation.

(3) Lessees or users of all public property shall be taxed on a pro rata basis when the property is leased for a period of less than one year.

*NEW SECTION.* Sec. 6. Taxes shall be assessed to such lessees or users of public property and collected in the same manner as taxes assessed owners of real or personal property, except that such taxes shall not become a lien against the property: PROVIDED, That any unpaid taxes shall constitute a lien against any other real or personal property of the lessee or user of public property as provided in RCW 84.56.070 and 84.60.020.

*NEW SECTION.* Sec. 7. The following leasehold interests shall be exempt from taxes imposed pursuant to this chapter:

(1) All leasehold interests constituting a part of the operating properties of any public utility which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold interests in facilities owned or used by a school, college or university which leasehold provides housing for students and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.

(3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.

(4) All leasehold interests used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States, the state of Washington or any of its political subdivisions: PROVIDED, That this exemption shall not apply to the leasehold interest of any sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.

(5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.

(6) All leasehold interests held by enrolled Indians of lands owned or held by any Indian tribe where the fee ownership of such property is vested in or held in trust by the United States.

(7) All leasehold interests for which annual rent is less than two hundred fifty dollars per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor shall be deemed a single leasehold interest.

(8) All leasehold interests which give use or possession of the leased property for a continuous period of less than thirty days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use of possession of the same property to the same lessee shall be deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest shall be deemed to give use or possession for a period of less than thirty days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(9) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.

(10) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.

*NEW SECTION.* Sec. 8. All lessors of public property shall offer to renegotiate in good faith with its lessees the terms of all leases in existence at the effective date of this act. The lessors and lessees of public property shall have until July 1, 1977, to renegotiate the terms of the leases. If the lessors and lessees are unable to renegotiate the terms of the leases by July 1, 1977, the lessees of public property may petition the superior court of the county where the property is located for a determination of good faith bargaining by the lessors. If the court shall find that the lessors have failed to bargain in good faith, the court may order the lessor to bargain in good faith or the court may release the lessee from the terms of the lease. The determination of good faith bargaining shall be without jury.

Whenever the court shall determine that the lessor has failed to negotiate in good faith with the lessee, the lessor shall be responsible for all court costs and for the reasonable attorney fees of the lessee.

An aggrieved party may secure a review of any final judgment of the superior court under this chapter by appeal to the supreme court or the court of appeals. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.

*NEW SECTION.* Sec. 9. All lessors of public property shall notify the assessor of the county in which the property is located of the description of the property leased and the name and address of the lessee. Notification shall be made within twenty days of the lease agreement.

All lessors of public property shall promptly furnish an assessor with any other information requested by the assessor or the lessee concerning leased property and/or the terms of a lease.

*NEW SECTION.* Sec. 10. The excise tax imposed by provisions of this chapter shall first be payable during 1977, and nothing in this chapter shall affect any property taxes otherwise due and payable in 1976.

*NEW SECTION.* Sec. 11. The following acts or parts of acts are each hereby repealed:

- (1) Section 2, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.010;
- (2) Section 3, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.020;
- (3) Section 4, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.030;
- (4) Section 5, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.040;
- (5) Section 6, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.050;
- (6) Section 7, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.060;
- (7) Section 8, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.070;
- (8) Section 9, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.080;
- (9) Section 10, chapter 198, Laws of 1973 1st ex. sess. and RCW 82.29.090;

- (10) Section 11, chapter 198, Laws of 1973 1st ex. sess. and RCW 84.36.450;  
 (11) Section 14, chapter 187, Laws of 1973 1st ex. sess. and RCW 84.36.455; and  
 (12) Section 15, chapter 187, Laws of 1973 1st ex. sess. and RCW 84.36.460.

*NEW SECTION.* Sec. 12. Sections 1 through 10 of this act are each added to chapter 15, Laws of 1961 and to Title 82 RCW and shall constitute a new chapter in Title 82 RCW.

*NEW SECTION.* Sec. 13. 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. 14. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

#### POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Woody yield to a question, please? I have been noticing section six that you just mentioned which reads that all lessors of public property shall have offered to renegotiate in good faith with its lessees in terms of all leases in existence at the effective date of this act. First of all, can we impair this contract and what is the purpose of the paragraph?"

Senator Woody: "The purpose of the paragraph has nothing to do with impairing the contract because, of course, we are not impairing the validity of a contract. We are merely taxing something. Anybody can own an automobile, purchase an automobile, and we can tax the ownership of the automobile. That does not impair the contract but the purpose of section eight is to permit those situations, for example, where one lessee leased a large geographic area of undeveloped property from one public entity and then subleased it off into cabins or vacation property and it was bare land. Naturally the terms of his rental to the sublessees is very slight because it is a bare land ground lease, so to speak.

"Now, if we impose a tax on the lessee under this bill, it will be probably more. The tax itself will be more than his entire gross income from all of those sublessees. We have to require the lessor, that is the public lessor, to renegotiate the lease so that it will be enough so that the lessee will not be paying more out in taxes than he is receiving in income."

Senator Van Hollebeke: "I don't see what the paragraph or what the section really accomplishes. At the same time, it says they must renegotiate. It does not say that they have to end up with a different lease. This is why I talk about impairment. We are saying that you have got to take another look at your present agreement. I don't know if we can do it."

Senator Woody: "If they agree, there is no impairment — they amended the contract."

Senator Van Hollebeke: "You say in here then, and this is your intention, that they have got to take another look but they don't necessarily have to come up with a new agreement."

Senator Woody: "That is correct. We can't force them to enter into a new contract but we can force the lessor to negotiate in good faith about the new contract."

Debate ensued.

#### POINT OF INQUIRY

Senator Fleming: "Mr. President and members of the Senate, would Senator Woody yield to a question? Senator, I think you have done a good job on this and I have talked to you about it but not in detail. I am concerned about subsection six. Your subsection six is the same as the subsection six on the pink amendment in the book and that is the only bill in with the Indian lease. The language in subsection six in the exemptions, you do leave out quite a bit of language. In sort of a rush by, you indicated that yours were a little tighter than the pink amendment and you do leave out the first language in that amendment. Then at the end of that subsection, after 'by the United States' you also leave out 'and which are not subleased' so forth and so on. My question is,



could you justify a little bit more as to why or the extent that you are tightening up compared to the other bill on the Indian leased and owned land?"

Senator Woody: "Yes, it is rather simple. The language that I have is the language that the House committee rather insists upon but that avoids your question. The issue is whether or not non-Indians leasing Indian land will be taxed or not. Under my language if you are non-Indian leasing Indian land, you will be taxed. Under the more inclusive language, all Indian land being leased is exempt. That is the difference."

Further debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Mardesich: "Parliamentary inquiry, Mr. President. The situation we have is a Senate committee amendment to the bill which strikes everything after the enacting clause and inserts all new matter. Is there any doubt in the President's mind but what in the event the House disagrees with this amendment and the measure goes to conference that the whole issue would be open and the whole subject matter, including elements to Senator Woody's proposal even, might be then the subject of conference?"

#### REPLY BY THE PRESIDENT

The President: "Senator Mardesich, in reply to your inquiry, the President believes that if the measure were to go into conference between the two houses, that that particular conference would dedicate its efforts towards settling the differences between the two houses. However, if the two houses, in their judgment, decided to grant the power of free conference, the President believes then the matter would be opened up considerably and would be left to the conferees to determine what they should consider."

#### PARLIAMENTARY INQUIRY

Senator Mardesich: "In the conference then, it would be either the adoption of the Senate amendment or the House version, am I not correct? We changed the amendment. The amendment is the whole thing, the amendment is the bill. I am trying to get some distinction here."

#### REPLY BY THE PRESIDENT

The President: "The President believes it would open up the original bill and the committee amendment to the bill and subsequent amendments to the committee amendment."

#### PARLIAMENTARY INQUIRY

Senator Mardesich: "In the conference stage or the free conference stage?"

#### REPLY BY THE PRESIDENT

The President: "In the conference stage."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I still don't know too much about this bill but I think Senator Mardesich has pointed out a reason we should either defeat the amendment or send the bill back to committee because I do not like to see tax bills written in conference rooms and brought out here on the last day of the session for very technical changes which we know not how they affect people until after we go home and read them.

"I just think this is a very bad practice. Probably we are getting back now to the stage where we have to determine whether we are going to pass a bill that is fairly near the House's version and which had hearing in Ways and Means or whether we are going to take a chance that it goes to a conference and is decided upon by six people in a closed room and their rapid report at the end of the session. I say, we don't know what happened until after we get home. I would suggest that we defeat the amendment just for that reason alone."

## PARLIAMENTARY INQUIRY

Senator Mardesich: "Mr. President, the point I am trying to clarify is that this, an amendment which strikes everything, and the whole subject matter then would come up. And that is the point I would like . . . ."

## REPLY BY THE PRESIDENT

The President: "The President believes that the entire subject matter would come up, Senator, in that certainly the conferees would consider Reengrossed House Bill No. 971 in its original form and the committee amendment and subsequent amendments to the committee amendment."

## REMARKS BY SENATOR MARDESICH

Senator Mardesich: "With respect to Senator Bailey's remarks, I think the acceptance or rejection of the Woody amendment to the amendment means nothing."

## REPLY BY THE PRESIDENT

The President: "That is the President's opinion as far as consideration of the content."

## REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, it does mean something because Senator Woody's amendment rewrites the whole bill. The Senate committee amendment is fairly similar to the House bill with a few changes and I think that that is the difference. We have a complete new concept here and maybe a good one, Senator Woody. I am not arguing that but I think this is not the place to do it. It either should go back to committee or I would rather see it go back to committee than go to conference. I don't trust conference committees very much."

## REMARKS BY THE PRESIDENT

The President: "Senator Bailey, the President did not mean that the proposed amendment by Senator Woody was not significant."

Further debate ensued.

The motion by Senator Woody failed and the amendment to the committee amendment was not adopted.

## PERSONAL PRIVILEGE

Senator Bailey: "Point of personal privilege. Senator Rasmussen, if you can show me in the rules where we opened up conference committees to the public I would be very happy to read it. I think that was a bone of contention in which you joined us in keeping it private, but look it up. If you can find it, I would be very interested in reading it."

The motion by Senator Donohue carried and the committee amendment was adopted.

On motion of Senator Donohue, the committee amendment to the title was adopted.

On motion of Senator Donohue, the rules were suspended, Reengrossed House Bill No. 971, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 971, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Walgren, Wanamaker, Washington, Wilson—39.

Voting nay: Senators Bottiger, Day, Fleming, Francis, McDermott, Van Hollebeke, von Reichbauer, Woody—8.

Absent or not voting: Senator Grant—1.

Excused: Senator Keefe—1.

REENGROSSED HOUSE BILL NO. 971, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Donohue, Reengrossed House Bill No. 971, as amended by the Senate, was ordered immediately transmitted to the House.

#### MOTIONS

On motion of Senator Knoblauch, Senator Grant was excused.

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 425.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 425, by Representatives Perry and Gallagher:

Providing for enforcement of the state predetermined wage act.

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, Engrossed House Bill No. 425 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 425, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senator Matson—1.

Absent or not voting: Senators Bottiger, Day—2.

Excused: Senators Grant, Keefe—2.

ENGROSSED HOUSE BILL NO. 425, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 769, by Committee on Commerce (originally sponsored by Representatives Newhouse and Bagnariol):

Permitting certain domestic wineries to wholesale their own products.

The bill was read the second time by sections.

On motion of Senator Lewis (Harry), the following amendment was adopted:

On page 1, line 22, after "allowances:" insert "*PROVIDED, That pursuant to rules promulgated by the board, in accordance with chapter 34.04 RCW, manufacturers, wholesalers and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; and perform such similar normal business services as the board may by regulation prescribe.*"

On page 1, line 23, after "PROVIDED" strike the comma and insert "[,] *FURTHER*,"

Senator Morrison moved adoption of the following amendment by Senators Morrison and Van Hollebeke:

On page 2, line 3, after "is" strike "*one hundred*" and insert "*seventy-five*"

#### MOTION

On motion of Senator Mardesich, Substitute House Bill No. 769, as amended, together with the pending amendment by Senators Morrison and Van Hollebeke, was ordered placed at the end of today's second reading calendar.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1244, by Representatives Conner, Adams, Thompson, North, Becker, Charnley, Erickson, Fischer, Gallagher, Hendricks, Lux, Sherman and Sommers:

Authorizing coroners to provide corneal tissue from decedents to eye banks under certain conditions.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Engrossed House Bill No. 1244 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1244, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senators Pullen, Talley, Van Hollebeke—3.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Grant, Keefe—2.

ENGROSSED HOUSE BILL NO. 1244, having received the constitutional majority, 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. 1344, by Representatives Cochrane, Haussler, Blair, Charnley, Lee, Lux, Bender, Zimmerman, Chandler, Bauer, Boldt, Eng, Kilbury and Paris:

Establishing responsibility for enforcement of the uniform fire code.

#### REPORT OF STANDING COMMITTEE

February 2, 1976.

ENGROSSED HOUSE BILL NO. 1344, establishing responsibility for enforcement of the uniform fire code (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 9, after "14.08.120" and before "shall" strike "(2)"

On page 1, line 24, insert a new paragraph as follows:

"Each county is authorized to impose fees sufficient to pay the cost of inspections, administration, and enforcement pursuant to this 1976 act."

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

"NEW SECTION. Sec. 2. There is added to chapter 19.27 RCW a new section to read as follows:

Nothing in this 1976 act shall affect the provisions of RCW 19.27.080."

Renumber the remaining section consecutively.

In line 1 of the title after "adding"; and before "to" strike "a new section" and insert "new sections"

Signed by: Senators Jolly, Lewis (R. H. "Bob"), North, Sellar, Talley.

The bill was read the second time by sections.

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

#### POINT OF INQUIRY

Senator Mardesich: "Mr. President, before we move on to the title, I wonder if Senator Fleming would yield to a question? Senator Fleming, if you will glance at lines six through eleven of the bill, which is actually the substance of the whole measure, it provides that every county government shall administer and enforce the uniform fire code in the unincorporated areas of the county provided that any political subdivision or municipal corporation providing fire protection shall at its sole option be responsible for administration of the uniform fire code. I assume that means that within the balance of the county. I am wondering whether that is what is really intended. It seems to me that under that language you could get a situation where for instance in Gold Bar in Snohomish County, Gold Bar could then assert its position and take it upon itself at its sole option to be responsible for administration and enforcement of the uniform fire code within the county and I doubt that that is what is intended."

Senator Fleming: "What is intended there is with the option and with the understanding and consideration of the county itself who would have the full responsibility for fire codes that they could agree through the Intergovernmental Cooperation Act that

Senator Mardesich: "I understand that, so I say, but it says on lines nine and ten 'act with sole option' and I wonder whether they need to confer with anyone."

No reply.

#### MOTION

On motion of Senator Fleming, Engrossed House Bill No. 1344, as amended, will be considered following House Bill No. 1357 on the second reading calendar today.

#### SECOND READING

HOUSE BILL NO. 1356, by Representatives Charette, Knowles and Seeberger (by Code Reviser's Office request):

Pertaining to education; RCW corrections.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, House Bill No. 1356 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, a question of Senator Walgren. Senator Walgren, we have about six of these code revision bills and we have looked at them but we are taking your word. I think the intent of the whole body is that no substantive change is made in any one of these bills and if that is the intent of the whole body, and I think it is, then I would be in favor of progressing and voting on each one of them. However, I think that once in a while somebody has changed a little bit in some of the code revisions. Is it your understanding that there is no change?"

Senator Walgren: "It is my understanding that there is no change and that they are technical amendments only. I said that I was not going to make any other remarks but if there was somebody that had a particular point with regard to any of these bills, then of course, they might indicate."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "This is the customary way of doing this and I will agree with Senator Bailey that we do rely on the code reviser's office at least I have. When I was chairman of House Judiciary, we used to sponsor those things and there is a sort of a tacit agreement two ways on that. One of them is that they don't throw us any curves. If we ever find that they have been making substantive changes, why then they are going to lose this prerogative. The one other thing too, Senator, is kind of an agreement that you can't use those titles to hang anything else on it. So it works two ways. However, if you would like perhaps, a question and answer, you might ask the floor leader, so it gets on the record, that is the intent. You did that. Thank you."

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1356, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Keefe—1.

HOUSE BILL NO. 1356, having received the constitutional majority, 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. 1357, by Representatives Charette, Knowles and Seeberger (by Code Reviser's Office request):

Relating to teachers' retirement; RCW correction.

The bill was read the second time by sections.

On motion of Senator Buffington, the rules were suspended, House Bill No. 1357 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1357, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Keefe—1.

HOUSE BILL NO. 1357, having received the constitutional majority, 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. 1344, by Representatives Cochrane, Haussler,

Blair, Charnley, Lee, Lux, Bender, Zimmerman, Chandler, Bauer, Boldt, Eng, Kilbury and Paris:

Establishing responsibility for enforcement of the uniform fire code.

The Senate resumed consideration of Engrossed House Bill No. 1344. The committee amendments had been adopted earlier today.

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

On page 1, line 11, after "code" insert "on its facility"

On motion of Senator Fleming, the committee amendment to the title was adopted.

On motion of Senator Fleming, the rules were suspended, Engrossed House Bill No. 1344, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

There being no objection, Senator Goltz was excused.

#### POINT OF INQUIRY

Senator Guess: "Will Senator Fleming yield? Senator Fleming, as we get into this bill, I am wondering now if we are changing it at the local option of the county where they will take over the inspections being done by the fire district because the wording of 'at its local option' bothers me there. Is it intended to make the county the sole inspector of all of the fire permits in the area?"

Senator Fleming: "Senator Guess, as you know, there is a case over in your area right now and from my understanding the purpose of this bill was to make sure that the counties did have the responsibility for enforcing the fire code. With that option through the intergovernmental cooperation act, other local government units such as fire districts, and so forth, would have that responsibility if they had some agreement. If it was an unincorporated area it is where right now the problem is, there are some areas where no one is enforcing that and we have some problems. This would allow the counties in those areas which they said they are short of money to be able to charge a fee to have that responsibility."

Senator Guess: "Thank you."

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Fleming yield to a question? Senator Fleming, one of the amendments that was adopted, 'each county is authorized to impose fees sufficient to pay the cost of inspection, administration and enforcement pursuant to this 1976 act.' Now my question is: you are paying your fire district fees, are paying your Bottiger bill assessments as the people vote for it in the fire district. In addition to all of those fees, the county is going to charge an additional fee for inspection, administration and enforcement. That rather bothers me. Is there any limit to it and will it be a fee on an individual basis or on a uniform across-the-county basis they will charge you so much? A dollar or two dollars or how is that going to be handled?"

Senator Fleming: "Senator Rasmussen, I have not gotten into any great detail on this matter. First of all, in the areas that we are talking about in the unincorporated areas, they are not doing it now and the fire marshals are not doing it and there is no fire district covering those areas that would be doing it, so it is being left undone. What the county is saying is that in their normal and customary manner in which they charge fees that if they have the sole responsibility of enforcing the fire codes, that is basically all we are talking about, then they should be allowed to charge a fee to go in and do that."

Senator Rasmussen: "You have no idea what it will be, Senator."

Senator Fleming: "Senator Talley is interested in this bill. He might want to address that."

#### REMARKS BY SENATOR TALLEY

Senator Talley: "Senator Rasmussen, when this bill was passed last session we thought we were passing it so that the counties would make the fire inspections. As a result of an attorney general's opinion, it said the rural fire districts should do it. There was no intent of the legislature whatsoever that rural fire districts should go into the fire inspection business. They are unpaid and all volunteers and they can't accept this re-

sponsibility. All this does is put back what was originally intended by the legislature, that the counties shall make fire inspections. They will not be responsible to the rural fire district."

Senator Rasmussen: "I might say, Mr. President, neither Senator Talley nor Senator Fleming has answered the question as yet. The part about the inspection is one thing but then the part that they may assess, impose fees sufficient to pay the cost of inspection. I can well see that a person in a rural area might be visited by two inspectors and takes probably two hours going out and two hours coming back and a couple of hours making an inspection and have quite a fee that this amendment would permit which is not in existence at the present time."

Senator Fleming: "Senator Rasmussen, under the state building code and so forth that we passed, included in that was adopted by reference and unified fire code. And fees are being charged to administer those programs at the present time. You pay for it one way or another. What they are saying here is that we are clarifying because right now over in Spokane I think there is a case in court. They are arguing who has the responsibility for it. All the county is saying is in those areas where they do not enforce it now that they would be able to enforce it by charging fees. It is the same manner in which they operate and deal with fees at the present time. How much that is going to be, I couldn't tell you."

Senator Rasmussen: "Until I have a better explanation how much it is going to be, I am going to have to vote against the bill as it is amended."

Debate ensued.

#### REMARKS BY SENATOR WILSON

Senator Wilson: "Mr. President, in further reply to Senator Rasmussen, the bill used the word 'fee'. It is not a tax or an assessment of general application to everybody living in the area. It is a specific fee that the owner of the property being inspected would pay in return for the services of the inspection. It is impossible to state how much this fee will amount to because it will vary widely from area to area. Even today, if a building in Seattle is inspected with respect to its plumbing and there is a fee applicable, that fee is likely to be quite different from the fee that would be paid for the same service in Colville, Washington. We would hope and assume that these will be a moderate and justifiable level of fees but there can be no statement made on this floor, under any circumstances, as to how much the fee might amount to in each local area."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1344, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

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

Voting nay: Senators Guess, Rasmussen—2.

Excused: Senators Goltz, Keefe—2.

ENGROSSED HOUSE BILL NO. 1344, as amended by the Senate, having received the constitutional majority, 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. 1358, by Representatives Charette, Knowles and Seeberger (by Code Reviser's Office request):

Relating to state government; RCW corrections.



The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, House Bill No. 1358 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1358, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Goltz, Keefe—2.

HOUSE BILL NO. 1358, having received the constitutional majority, 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. 1359, by Representatives Charette, Knowles and Seeberger (by Code Reviser's Office request):

Relating to motor vehicles; RCW corrections.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, House Bill No. 1359 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1359, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Goltz, Keefe—2.

HOUSE BILL NO. 1359, having received the constitutional majority, 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. 1360, by Representatives Charette, Knowles and Seeberger (by Code Reviser's Office request):

Relating to industrial insurance; RCW correction.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, House Bill No. 1360 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1360, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Goltz, Keefe—2.

HOUSE BILL NO. 1360, having received the constitutional majority, 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. 1361, by Representatives Charette, Knowles and Seeberger (by Code Reviser's Office request):

Relating to alcoholic beverages; RCW correction.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, House Bill No. 1361 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1361, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

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

Absent or not voting: Senator Morrison—1.

Excused: Senators Goltz, Keefe—2.

HOUSE BILL NO. 1361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

At 12:30 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 2:10 p.m.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 676, by Committee on Ecology (originally sponsored by Representatives Conner, Kalich, Haussler, Laughlin, North, Fortson, Schumaker, Hansey, Wilson, Erickson, Jastad, Savage and Bond):

Modifying certain shoreline management procedures.

The bill was read the second time by sections.

On motion of Senator Washington, the rules were suspended, Substitute House Bill

No. 676 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 676, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

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

Absent or not voting: Senator Sellar—1.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO 676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1470, by Judiciary Committee (originally sponsored by Representatives Knowles, Ceccarelli, Adams, Pardini, Hayner, Seeberger, Parker and Bagnariol):

Making changes in the laws relating to civil actions as such actions relate to medical malpractice.

#### REPORT OF STANDING COMMITTEE

February 10, 1976.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1470, making changes in the laws relating to civil actions as such actions relate to medical malpractice (reported by Select Committee on Medical Malpractice):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 9, delete all of section 1 and insert:

"Section 1. Section 1, chapter 80, Laws of 1971 and RCW 4.16.350 are each amended to read as follows:

Any civil action for damages against [a hospital which is licensed by the state of Washington or against the personnel of any hospital, or against a member of the healing arts including, but not limited to, a physician licensed under chapter 18.71 RCW or chapter 18.57 RCW, chiropractor licensed under chapter 18.25 RCW, a dentist licensed under chapter 18.32 RCW, or a nurse licensed under chapter 18.88 or 18.78 RCW.]:

(1) *A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;*

(2) *An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or*

(3) *An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment,*

*including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative: based upon alleged professional negligence shall be commenced within [(1) three years from the date of the alleged wrongful act, or (2) one year from the time that plaintiff discovers the injury or condition was caused by the wrongful act, whichever period of time expires last] three years of the act or omission alleged to have caused the injury, or one year of the time the patient or his representative discovered or reasonably should have discovered that the injury was caused by said act or omission, whichever period expires later, except that in no event shall an action be commenced more than eight years after said act or omission. Any action not commenced in accordance with this section shall be barred: PROVIDED, That the limitations in this section shall not apply to persons under a legal disability as defined in RCW 4.16.190."*

On page 2, beginning on line 6, delete all of section 3, and renumber the remaining sections consecutively and change internal references accordingly.

On page 2, beginning on line 28, delete all of section 4 and insert:

*"NEW SECTION. Sec. 3. There is added to Title 5 RCW a new section to read as follows:*

*In any civil action for personal injuries which is based upon alleged professional negligence and which is against:*

*(1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;*

*(2) An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or*

*(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative; evidence of furnishing or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury is not admissible to prove liability for the injury."*

On page 3, beginning on line 4, delete section 5 and insert:

*"Sec. 4. Section 1, chapter 157, Laws of 1969 ex. sess. as amended by section 1, chapter 114, Laws of 1975 1st ex. sess. and RCW 4.24.240 are each amended to read as follows:*

*(1) [Physicians licensed under chapters 18.71 or 18.57 RCW, dentists licensed under chapter 18.32 RCW, and pharmacists licensed under chapter 18.64 RCW who are members of review committees for medical, dental, or pharmaceutical societies, and licensed hospitals, or committees whose duties require evaluation of credentials and qualifications of physicians, dentists, or pharmacists]:*

*(a) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, including, in the event such person is deceased, his estate or personal representative;*

*(b) An employee or agent of a person described in subparagraph (a) of this subsection, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or*

*(c) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subparagraph (a) of this subsection, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, trustee, employee, or agent thereof acting in the course and scope of his*

employment, including in the event such officer, director, employee, or agent is deceased, his estate or personal representatives; shall be immune from civil action for damages arising out of the good faith performance of their duties on such committees, where such actions are being brought by or on behalf of the person who is being evaluated.

(2) No member, employee, staff person, or investigator of a professional review committee shall be liable in a civil action as a result of acts or omissions made in good faith on behalf of the committee; nor shall any person be so liable for filing charges with or supplying information or testimony in good faith to any professional review committee; nor shall a member, employee, staff person, or investigator of a professional society, of a professional examining or licensing board, of a professional disciplinary board, of a governing board of any institution, or of any employer of professionals be so liable for good faith acts or omissions made in full or partial reliance on recommendations or decisions of a professional review committee or examining board."

On page 6, section 11, line 24, after "required" and before "treatment" delete "medical".

On page 8, after line 12, add a section to read as follows:

"NEW SECTION. Sec. 16. The provisions of this 1976 amendatory act shall be effective on and after July 1, 1976."

On line 6 of the title after "chapter 4.56 RCW;" delete the remainder of the title and insert "adding a new section to Title 5 RCW; creating a new chapter in Title 7 RCW; and prescribing an effective date."

Signed by: Senators Woody, Chairman; Bottiger, Buffington, Clarke, Day, Jones, McDermott, North, Sellar, von Reichbauer.

The bill was read the second time by sections.

On motion of Senator Woody, the committee amendment to page 1, beginning on line 9 was adopted.

Senator Woody moved adoption of the committee amendment on page 2, beginning on line 6.

Debate ensued.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Woody moved that the Senate reconsider the vote by which the committee amendment to page 1, beginning on line 9 was adopted.

The motion for reconsideration carried.

The President declared the question before the Senate to be adoption of the committee amendment to page 1, beginning on line 9 on reconsideration.

On motion of Senator Woody, the following amendments to the committee amendment were adopted:

On page 2, of the amendments, line 13, after "injury" add "or condition".

On page 2 of the amendments, line 15, after "injury" add "or condition".

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

On page 1, line 10 of the amendment, after "damages" insert "for injury occurring as a result of health care which is provided after the effective date of this 1976 amendatory act".

The committee amendment to page 1, beginning on line 9, as amended, on reconsideration, was adopted.

Senator Bottiger moved adoption of the following amendment:

On page 2, line 16, after "make" insert ", upon reimbursement for reasonable costs incurred, copies of".

On page 2, line 17, strike "for inspection and copying by" and insert "to".

Debate ensued.

The motion by Senator Bottiger failed and the amendments were not adopted.

The motion by Senator Woody made previously carried and the committee amendment to page 2, beginning on line 6 was adopted.

On motion of Senator Woody, the committee amendments to page 2, beginning on line 28; page 3, beginning on line 4; and page 6, line 24 were adopted.

Senator Woody moved the committee amendment to page 8, after line 12 not be adopted.

#### POINT OF INQUIRY

Senator Buffington: "Will Senator Woody please yield to a question? Senator Woody, what happens if we don't Sine Die until next September or October?"

Senator Woody: "I think we will all resign. Well, to answer your question straightforward, if we don't Sine Die until then, this bill would not be in effect for ninety days after that. I guess that is as good a reason as any other to Sine Die before next fall."

The motion by Senator Woody carried and the committee amendment to page 8, after line 12 was not adopted.

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

On page 4, line 7, after "action" insert "or arbitration".

On page 4, line 7, after "court" insert "or the dispute is resolved by arbitration"

On page 4, line 8, after "court" insert "or arbitrator".

On page 4, line 10, after "judgment" insert "or award".

On page 5, line 4, after "action" insert "or arbitration".

On page 5, line 29, after "case" insert "or arbitration".

On motion of Senator Woody, the committee amendment to the title was adopted.

On motion of Senator Woody, the rules were suspended, Engrossed Substitute House Bill No. 1470, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1470, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

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

Voting nay: Senators Bottiger, Francis, Jones, Mardesich—4.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1470, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3257.

#### SECOND READING

SENATE BILL NO. 3257, by Senator Donohue:

Authorizing teachers' retirement allowances to be paid from interest earnings on the pension reserve fund for certain years.

#### REPORT OF STANDING COMMITTEE

January 28, 1976.

SENATE BILL NO. 3257, authorizing teachers retirement allowances to be paid from interest earnings on the pension reserve fund for certain years (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On line 9, after "1975-77" strike ", 1977-79, and 1979-81 biennia" and insert "biennium."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Clarke, Lewis (Harry), Mardesich, Murray, Rasmussen, Sandison, Scott.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendment was adopted.

Senator Donohue moved adoption of the following amendment:

On page 1, line 8, after "RCW 41.32.498(2)" strike "shall" and insert "may".

#### POINT OF INQUIRY

Senator Francis: "Mr. President, will Senator Donohue yield to a question? Senator Donohue, before I vote on this amendment, I want to understand what the bill does because I can't see what effect the amendment has, partly because unless you explain the bill to us and what its purpose is, I don't see where we are going on it."

Senator Donohue: "Senator Francis, in 1973 we authorized the payment of retirement benefits from the interest earned on the retirement fund. This authority expired in June of 1975. Now, what we are actually doing is providing that this authority be continued through the rest of this biennium. If we do not do this, we will be asked to provide ten point nine million dollars out of the general fund instead of using the interest to do the job of paying the benefits."

Senator Francis: "And if we did not authorize that then the interest would simply have to accrue to build up the reserve account?"

Senator Donohue: "That is true, Senator, and this was authorized in 1973 and we are extending it to the end of this biennium. We actually should have done it last June and probably should have but we did not get at it and it is here before us today."

#### POINT OF INQUIRY

Senator Mardesich: "Will Senator Donohue submit to another question? Am I correct in my understanding, Senator Donohue, that this increases the unfunded liability and as long as we understand that, to know what we are doing, it is quite all right, I guess. It seems to have been the practice for so many years that we now have a billion, eight hundred million in unfunded liabilities."

Senator Donohue: "I understand that, Senator, and there isn't any doubt about it that there would be a minute increase in the unfunded liability due to this. The same as has been occurring in the last couple of years. You are so correct."

#### MOTION

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

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

On motion of Senator Donohue, the rules were suspended, Engrossed Senate Bill No. 3257 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3257, and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—41.

Voting nay: Senators Jones, Lewis (R. H. "Bob"), Mardesich, Marsh, Scott—5.

Absent or not voting: Senator Murray—1.

Excused: Senators Keefe, Wanamaker—2.

ENGROSSED SENATE BILL NO. 3257, having received the constitutional ma-

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Day, Engrossed Substitute House Bill No. 1470, as amended by the Senate, was ordered immediately transmitted to the House.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 769, by Committee on Commerce (originally sponsored by Representatives Newhouse and Bagnariol):

Permitting certain domestic wineries to wholesale their own products.

The Senate resumed consideration of Substitute House Bill No. 769. An amendment by Senator Lewis (Harry) to page 1, line 22 was adopted earlier today and the following amendment by Senators Morrison and Van Hollebeke had been moved for adoption by Senator Morrison:

On page 2, line 3, after "is" strike "*one hundred*" and insert "*seventy-five*".

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

There being no objection, Senator Goltz was excused.

#### POINT OF INQUIRY

Senator Mardesich: "Before we move on from that, I wonder if Senator Morrison will yield to a question? Senator Morrison, is this in effect providing for automatic class H licenses to those people who are described?"

Senator Morrison: "I think, Senator Mardesich, you are looking at an amendment that is being offered by Senator Grant as opposed to the one that we have just adopted. My amendment just strikes one hundred and inserts seventy-five."

On motion of Senator Lewis (Harry), the following amendment was adopted:

On page 2, after line 5, add a section as follows:

"Sec. 2. Section 12, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 111, Laws of 1959 and RCW 66.20.010 are each amended to read as follows:

Upon application in the prescribed form being made to any employee authorized by the board to issue permits accompanied by payment of the prescribed fee and upon the employee being satisfied that the applicant should be granted a permit under this title, the employee shall issue to the applicant under such regulations and at such fee as may be prescribed by the board a permit of the class applied for, as follows:

(1) Where the application is for a special permit by a physician or dentist, or by any person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, a special liquor purchase permit;

(2) Where the application is for a special permit by a person engaged within the state in mechanical or manufacturing business or in scientific pursuits requiring alcohol for use therein, or by any private individual, a special permit to purchase alcohol for the purpose named in the permit;

(3) Where the application is for a special permit to consume liquor at a banquet, at a specified date and place, a special permit to purchase liquor for consumption at such banquet, to such applicants as may be fixed by the board;

(4) Where the application is for a special permit by a manufacturer to import alcohol, malt, and other materials containing alcohol to be used in the manufacture of liquor, or other products, a special import permit;

(5) Where the application is for a special permit by a person operating a drug store to purchase liquor at retail prices only, to be thereafter sold by such person on the prescription of a physician, a special liquor purchase permit;

(6) Where the application is for a special permit by an authorized representative of a military installation operated by or for any of the armed forces within the geograph-



ical boundaries of the state of Washington, a special permit to purchase liquor for use on such military installation at prices to be fixed by the board;

(7) *Where the application is for a special permit by a manufacturer, importer, wholesaler, or agent thereof to serve liquor without charge to delegates and guests at a convention of a trade association composed of licensees of the board, when the said liquor is served in a hospitality room or from a booth in a board-approved suppliers' display room at the convention, and when the liquor so served is for consumption in the said hospitality room or display room during the convention, anything in Title 66 RCW to the contrary notwithstanding. Any such spirituous liquor shall be purchased from the board or a class H licensee and any such beer and wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210;*

(8) *Where the application is for a special permit by a manufacturer, importer, wholesaler or agent thereof, to donate liquor for a reception, breakfast, luncheon, or dinner for delegates and guests at a convention of a trade association composed of licensees of the board, when the liquor so donated is for consumption at the said reception, breakfast, luncheon, or dinner during the convention, anything in Title 66 RCW to the contrary notwithstanding. Any such spirituous liquor shall be purchased from the board or a class H licensee and any such beer and wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210."*

Senator Grant moved adoption of the following amendment:

On page 2, following section 1, add a new section to read as follows:

"*NEW SECTION. Sec. 2. There is added to chapter 66.24 RCW a new section to read as follows:*

*Notwithstanding any other provision of this chapter, on and after the effective date of this 1976 amendatory act any holder of a beer retailers license issued pursuant to RCW 66.24.330, and having a tavern which has a seating capacity for five hundred or more persons and provides live entertainment at regular intervals at least five evenings each week shall be entitled upon application and the proper payment of fees therefore to a class H license as provided for in RCW 66.24.400."*

#### POINT OF ORDER

Senator Cunningham: "Mr. President, I would ask for a ruling on scope and object of this amendment."

#### RULING BY THE PRESIDENT

The President: "Senator Cunningham brings the point of order that the amendment changes the scope and object of the bill. A ruling upon the point of order as presented by Senator Cunningham, the President finds that Substitute House Bill No. 769 is a bill permitting certain domestic wineries to wholesale their own products, and whereas you have a good bill here, Senator Grant, it does not quite fit. The point is well taken."

The amendment by Senator Grant was ruled out of order.

On motion of Senator Lewis (Harry), the following amendment to the title was adopted:

On line 4 of the title after "66.28.025" insert:

"and amending section 12, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 111, Laws of 1959 and RCW 66.20.010".

On motion of Senator Van Hollebeke, the rules were suspended, Substitute House Bill No. 769, as amended by Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 769, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesch, Marsh, Mc-

Dermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—45.

Absent or not voting: Senator Matson—1.

Excused: Senators Goltz, Keefe, Wanamaker—3.

SUBSTITUTE HOUSE BILL NO. 769, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 779 and the Senate proceeded in order.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 779, by Committee on State Government (originally sponsored by Representatives King, Hendricks and Thompson):

Permitting employees of political subdivisions of the state to join the state employee's insurance and health care system.

#### REPORT OF STANDING COMMITTEE

February 9, 1976.

SUBSTITUTE HOUSE BILL NO. 779, permitting employees of political subdivisions of the state to join the state employee's insurance and health care system (reported by Committee on State Government):

Recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"*NEW SECTION.* Section 1. There is added to chapter 41.04 RCW a new section to read as follows:

(1) Notwithstanding the provisions of RCW 41.04.180, the employees, with their dependents, of any county, municipality, or other political subdivision of this state shall be eligible to participate in any insurance program administered under chapter 41.05 RCW if the legislative authority of any such county, municipality, or other political subdivisions of this state determines a transfer to an insurance program administered under chapter 41.05 RCW should be made: **PROVIDED**, That this section shall have no application to school district personnel provided for in RCW 28A.58.420 and members of the law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW.

(2) When the legislative authority of a county, municipality, or other political subdivision determines to so transfer, the state employees' insurance board, as defined in RCW 41.05.010 as now or hereafter amended, shall:

(a) Establish the conditions under which the transfer may be made, which shall include the requirements that:

(i) All the eligible employees of the political subdivision transfer as a unit, and  
(ii) the political subdivision involved obligate itself to make employer contributions in an amount at least equal to those provided by the state as employer; and

(b) Hold public hearings on the application for transfer; and

(c) Have the sole right to reject the application.

Approval of the application by the state employees' insurance board shall effect a transfer of the employees involved to the insurance or health care program applied for.

Sec. 2. Section 1, chapter 39, Laws of 1970 ex. sess. as amended by section 12, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.05.010 are each amended to read as follows:

Unless the context clearly indicates otherwise, words used in this chapter have the following meaning:

(1) "Board" means the state employees' insurance board established under the provisions of RCW 41.05.020.

(2) "Employee" shall include all full time and career seasonal employees of the state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full time members of boards, commissions, or committees; and shall include any or all part time and temporary employees under the terms and conditions established by the board; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or the legislative branch of any county, municipality, or other political subdivision of the state who are elected to office after February 20, 1970.

(3) "Panel medicine plan" means a health care plan which can be offered by a health care service contractor which itself furnishes the health care service contracted for by means of a group practice prepaid medical care plan.

(4) "Trustee" shall mean the director of personnel.

Sec. 3. Section 2, chapter 39, Laws of 1970 ex. sess. as amended by section 1, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.05.020 are each amended to read as follows:

(1) There is hereby created a state employees' insurance board to be composed as follows: The governor or his designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The senate and house members of the board shall serve in ex officio capacity only. All appointments shall be made effective immediately. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, and the representative of an employee union shall be for four years: PROVIDED, That the first term of one faculty member and one employee association or union representative member shall be for three years. The first meeting of the board shall be held as soon as possible thereafter at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman at its first meeting and annually thereafter. Members of the board shall receive no compensation for their services, but shall be paid for their necessary and actual expenses while on official business and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for state employees, employees of county, municipal, or other political subdivisions of the state, and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: PROVIDED, That liability insurance shall not be made available to dependents. The board shall design benefits, device specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: PROVIDED, That all contracts for insurance, health care plans, or protection applying to employees covered by [this 1973 amendatory act] RCW 28B.10.660 and 48.24.010 and chapters 41.04 and 41.05 RCW shall provide that the beneficiaries of such insurance, health care plans, or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: PROVIDED FURTHER, That the boards of trustees and boards of regents of the several institutions of

higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide employee health care benefit plans; at least one plan will provide major medical benefits as its primary feature, at least one plan will provide basic first-dollar benefits as its primary feature plus major medical, either or all of which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and another plan to be provided by a panel medicine plan in its service area only when approved by the board. Except for panel medicine plans, no more than one insurance carrier or health care service contractor shall be contracted with to provide the same plan of benefits: PROVIDED, That employees may choose participation in only one of the health care benefit plans sponsored by the board: PROVIDED FURTHER, That employees of the institutions of higher education shall be retained as a separate actuarial and experience group and the board shall report its recommendation on such retention to the legislative budget committee by November 1, 1974.

Sec. 4. Section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 2, chapter 38, Laws of 1975 1st ex. sess. and RCW 41.05.050 are each amended to read as follows:

(1) Every department, division, or separate agency of state government, *and such county, municipal, or other political subdivisions as are covered by this chapter*, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the state employees insurance board. Such contributions, *which shall be paid by the county, the municipality, or other political subdivision for their employees*, shall include an amount determined by the state employee's insurance board to pay the administrative expenses of the board and the salaries and wages and expenses of the benefits supervisor and other necessary personnel: PROVIDED, That this administrative service charge *for state employees* shall not result in an employer contribution in excess of the amount authorized by the governor and the legislature as prescribed in RCW 41.05.050(2), and that the sum of an employee's insurance premiums and administrative service charge in excess of such employer contribution shall be paid by the employee. All such contributions will be paid into the state employees insurance fund to be expended in accordance with RCW 41.05.030.

(2) The contributions of any department, division, or separate agency of the state government, *and such county, municipal, or other political subdivisions as are covered by this chapter*, shall be set by the state employees insurance board, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose: PROVIDED, That nothing herein shall be a limitation on employees employed under chapter 47.64 RCW: PROVIDED FURTHER, That provision for school district personnel shall not be made under this chapter.

(3) The trustee with the assistance of the department of personnel shall annually survey private industry in the state of Washington to determine the maximum average employer contribution for group insurance programs under the jurisdiction of the state employees insurance board. Such survey shall be reported to the board for its use in setting the amount of the contributions to the various insurance programs [by departments, divisions, and separate agencies of state government] *as are covered by this chapter*.

Sec. 5. Section 7, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.070 are each amended to read as follows:

The cost of any health care insurance contracts or plans to any department, division or separate agency of state, *county, municipal, or other political subdivision of state government* shall be deemed additional compensation to the employees or officials covered thereby for services rendered, and any officer authorized to disburse such funds shall pay to the trustee for payment of the contributions due pursuant to any such contract authorized by the board.

Sec. 6. Section 8, chapter 39, Laws of 1970 ex. sess. as amended by section 7,

chapter 147, Laws of 1973 1st ex. sess. and RCW 41.05.080 are each amended to read as follows:

Retired or disabled state employees, or employees of county, municipal, or other political subdivisions covered by this chapter who are retired, may continue their participation in insurance plans and contracts after retirement or disablement, under the qualifications, terms, conditions, and benefits set by the board: PROVIDED, That the rates charged such retired or disabled [state] employees for health care coverage shall be identical to that charged active participants: PROVIDED FURTHER, That such retired or disabled employees shall bear the full cost of premiums required to provide such coverage. The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office.

Sec. 7. Section 36.32.400, chapter 4, Laws of 1963 and RCW 36.32.400 are each amended to read as follows:

Any county by a majority vote of its board of county commissioners may enter into contracts to provide health care services and/or group insurance for the benefit of its employees, and may pay all or any part of the cost thereof. Any two or more counties, by a majority vote of their respective boards of county commissioners may, if deemed expedient, join in the procuring of such health care services and/or group insurance, and the board of county commissioners of each participating county may, by appropriate resolution, authorize their respective counties to pay all or any portion of the cost thereof.

*Nothing in this section shall impair the eligibility of any employee of a county, municipality, or other political subdivision under section 1 of this 1976 amendatory act.*

In line 7 of the title after "chapter" strike ". . . (House Bill No. 218)" and insert "38".

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the committee amendment.

#### POINT OF INQUIRY

Senator Mardesich: "Mr. President, I took that as the quickest and easiest way to bring the question up. I was not aware that the cost of insurance was deemed additional compensation under the law and I am wondering whether that is an additional amount added to the final average two years of compensation for retirement purposes. I was never aware of that before until I just started to glance through this measure and I am wondering if anyone has any knowledge on the subject."

Senator Rasmussen: "Mr. President, in answer to Senator Mardesich, I think that the attorney general's office ruled that in the case of a legislator, such as a county commissioner or some other elected official, that if they adopted an insurance plan during their term of office, that it was classed as an increase in compensation and they could not participate in it until such a time as their term had expired and they were elected to a new term."

Senator Mardesich: ". . . then to get these people into the pension system or what?"

Senator Rasmussen: "No."

Senator Mardesich: "No? If my reaction is correct, should we not put a proviso on here that for pension purposes the term 'compensation' shall not be deemed to include these people within the pension's . . ."

Senator Rasmussen: "In answer to that, Mr. President, to the best of my knowledge, that is one of the fringe benefits that is not classed as compensation for wages as far as the pension is concerned."

Debate ensued.

## MOTION

On motion of Senator Mardesich, Substitute House Bill No. 779, together with the pending committee amendment, was made a special order of business for 3:59 p.m. today.

## SECOND READING

HOUSE BILL NO. 1259, by Representatives Kilbury, Haussler, Hansen, Boldt and Tilly:

Making certain changes in the laws relating to agricultural water supplies.

The bill was read the second time by sections.

On motion of Senator Jolly, the rules were suspended, House Bill No. 1259 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1259, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

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

Absent or not voting: Senator Guess—1.

Excused: Senators Goltz, Keefe, Wanamaker—3.

HOUSE BILL NO. 1259, having received the constitutional majority, 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. 455, by Committee on Ways and Means-Revenue (originally sponsored by Representatives Thompson, Patterson and Erickson):  
Regulating the determination and use of marine fuel tax moneys.

## REPORT OF STANDING COMMITTEE

February 11, 1976.

SUBSTITUTE HOUSE BILL NO. 455, regulating the determination and use of marine fuel tax moneys (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 27, after "[RCW 43.99.160,]" strike "[costs of carrying out the provisions of this section shall be paid from the marine fuel tax refund account created in RCW 43.99.040] *The costs of carrying out the provisions of this section shall be paid from such funds as the legislature may appropriate.*" and insert,"] Costs of carrying out the provisions of this section shall be paid from the marine fuel tax refund account created in RCW 43.99.040, upon legislative appropriation."

On page 2, strike all of section 2 and renumber the remaining sections consecutively.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Fleming, Marsh, Matson, Murray, Rasmussen, Scott, Woody.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendments were considered and adopted simultaneously.

On motion of Senator Donohue, the rules were suspended, Substitute House Bill No. 455, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 455, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

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

Absent or not voting: Senators Jones, Mardesich—2.

Excused: Senators Keefe, Wanamaker—2.

SUBSTITUTE HOUSE BILL NO. 455, as amended by the Senate, having received the constitutional majority, 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. 70, by Representative Conner:

Providing for licensing and taxing of movie and telecast showing of boxing and wrestling matches.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed House Bill No. 70, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Donohue: "Would Senator Van Hollebeke yield? In section five, line thirty-two, it says 'pay to the commission a tax equal to five percent.' Where does that money go?"

Senator Van Hollebeke: "I believe that money goes into the general fund. Senator Woody called my attention to it. On page four, Senator, at the top of the page it says 'such receipts shall be immediately paid by the commission into the state general fund' so I think we are OK."

Senator Donohue: "OK. Thank you."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 70, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wilson, Woody—43.

Absent or not voting: Senators Grant, Guess, Lewis (Harry), Washington—4.

Excused: Senators Keefe, Wanamaker—2.

ENGROSSED HOUSE BILL NO. 70, having received the constitutional majority, 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. 739, by Representatives Ceccarelli, Pardini, Leckenby, Fischer, Blair, Chatalas, Parker, Polk, Charette, Eikenberry, Lysen, McCormick and Greengo:

Establishing procedures for traveler's checks to be deemed unclaimed property.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, Engrossed House Bill No. 739, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 739, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

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

Absent or not voting: Senator Washington—1.

Excused: Senators Keefe, Wanamaker—2.

ENGROSSED HOUSE BILL NO. 739, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1237, by Representatives Whiteside, Seeberger, Fortson and Wojahn:

Increasing from three to five the number of aged persons not related by blood who may live in a boarding home.

## REPORT OF STANDING COMMITTEE

February 5, 1976.

ENGROSSED HOUSE BILL NO. 1237, increasing from three to five the number of aged persons not related by blood who may live in a boarding home (reported by Committee on Social and Health Services).

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Section 11, chapter 172, Laws of 1969 Ex. Sess. and RCW 74.08.044 are each amended to read as follows:

The department is authorized to promulgate rules and regulations establishing eligibility for alternate living arrangements, *and license the same*, including minimum standards of care, based upon need for personal care and supervision beyond the level of board and room only, but less than the level of care required in a hospital or a skilled nursing home as defined in the federal social security act."

In line 1 of the title, after "to" strike the rest of the title and insert "old age assistance; amending section 11, chapter 172, Laws of 1969 Ex. Sess. and RCW 74.08.044."

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, Gould, North, Ridder, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment was adopted.

On motion of Senator Day, the committee amendment to the title was adopted.

On motion of Senator Day, the rules were suspended, Engrossed House Bill No. 1237, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.



## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1237, as amended by Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused.

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

Absent or not voting: Senators Benitz, Donohue, Henry—3.

Excused: Senators Keefe, Wanamaker—2.

ENGROSSED HOUSE BILL NO. 1237, as amended by the Senate, having received the constitutional majority, 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. 1257, by Representative Hendricks:

Removing residency and practice requirements for municipal judges.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, House Bill No. 1257 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Bailey: "Will Senator Francis yield? Does this in any way rule out the use of a non-attorney police judge in these small towns?"

Senator Francis: "Not at all, Senator Bailey, and it is certainly not intended to do so. All it does is strike the language in the present law which is RCW 3.50.040 which in listing the qualifications for a judge requires they practice law in that community or live in that community and that is the only part it strikes. It does not affect whether or not it is an attorney that they are going to hire."

Senator Bailey: "Senator Francis, one further question. In striking that language, though, have you made it necessary that a person has to practice law in order to be a police judge?"

Senator Francis: "No, nor have we reduced the requirements."

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1257, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

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

Absent or not voting: Senator Mardesich—1.

Excused: Senators Keefe, Wanamaker—2.

HOUSE BILL NO. 1257, having received the 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 Day: "Mr. President, will Senator Walgren yield? In your opinion, this solid waste disposal bill, 721, is that an energy bill, Senator?"

Senator Walgren: "There is no reference directly of energy in that measure, Senator Day, but as I recall the bill, it does indicate that the county commissioners would have the power of making the determination as to how by-products might be utilized from solid waste disposal plant. I think it is common knowledge that one of those by-products is methane gas and that, of course, would be an energy product with an energy growth."

Senator Day: "It would be my feeling that it would be an energy matter. Thank you."

### MOTION

On motion of Senator Walgren, Substitute House Bill No. 802 will be considered following House Bill No. 1436.

### SECOND READING

ENGROSSED HOUSE BILL NO. 1291, by Representatives May and Gaines:  
Permitting the operation of forty-foot school buses.

### REPORT OF STANDING COMMITTEE

February 11, 1976.

ENGROSSED HOUSE BILL NO. 1291, permitting the operation of forty-foot school buses (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 16, after "highway" and before "shall" insert "*within the jurisdictional boundaries of any city or county*".

On page 1, line 17, after "commission" and before the comma, insert "*after consultation and agreement with the local legislative authority*".

Signed by: Senators Henry, Chairman; Bottiger, Vice Chairman; Beck, Benitz; Bluechel, Morrison, Peterson, Wanamaker.

The bill was read the second time by sections.

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

On motion of Senator Henry, the rules were suspended, Engrossed House Bill No. 1291, 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 North: "Will Senator Bottiger yield? In all the time that I have been here and in the House, this bill has been on the agenda year after year and in all the floor discussions there has been serious question of the safety of a forty foot school bus. In fact, that has been the overriding reason for the defeat of this bill in the times past. I would appreciate any comments about the testimony before the transportation committee as to the safety of this long bus for school children."

Senator Bottiger: "Mr. President and Senator North, the testimony in the committee pointed out that the bill specifically provides three axles, and the point was made that under the federal standards, this then requires a double braking system and that this would mean ten tires on the road as opposed to six tires on the road. That under the new safety standards there may not be children standing any longer and it also requires padding of the seat backs. The total effect, in my opinion, was that these buses will be much safer than what we are currently using."

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1291, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—43.

Voting nay: Senators Bluechel, Cunningham, Pullen—3.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Keefe, Wanamaker—2.

ENGROSSED HOUSE BILL NO. 1291, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PARLIAMENTARY INQUIRY

Senator Lewis (Harry): "Mr. President, a point of parliamentary inquiry. Mr. President, House Bill No. 1166 now lies upon the desk. It has a title dealing with revenue and taxation and the subject matter of the bill has to do with the methodology of levying taxes. With a four o'clock deadline facing us, I recognize the bill is not before us, would you please rule as to whether we could consider that bill after the four o'clock deadline today?"

#### REPLY BY THE PRESIDENT

The President: "Senator Lewis, Engrossed House Bill No. 1166 does fall under the provisions of Senate Concurrent Resolution No. 125 and could be considered after four P.M. today."

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1347, by Judiciary Committee (originally sponsored by Representative Smith):

Correcting technical errors in the Washington criminal code.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, Substitute House Bill No. 1347 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1347, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

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

Absent or not voting: Senator Mardesich—1.

Excused: Senators Keefe, Wanamaker—2.

SUBSTITUTE HOUSE BILL NO. 1347, having received the constitutional majority, 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. 1434, by Representatives Hansen and Gilleland:

Relating to outdoor advertising.

## REPORT OF STANDING COMMITTEE

February 10, 1976.

ENGROSSED HOUSE BILL NO. 1434, relating to outdoor advertising (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following title amendments:

On line 1 of the title, after the semicolon and before "amending" strike "and".

On line 3 of the title after "RCW 47.42.080" and before the period insert "; and amending section 5, chapter 62, Laws of 1971 as last amended by section 1, chapter 154, Laws of 1974 1st ex. sess. and RCW 47.42.045".

Signed by: Senators Henry, Chairman; Beck, Benitz, Guess, Knoblauch, Peterson, Stortini, Walgren, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Henry, the committee amendments to the title were adopted.

On motion of Senator Henry, the rules were suspended, Engrossed House Bill No. 1434, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1434, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 1; excused, 2.

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

Voting nay: Senators Bluechel, Francis—2.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Keefe, Wanamaker—2.

ENGROSSED HOUSE BILL NO. 1434, as amended by the Senate, having received the constitutional majority, 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. 1436, by Representatives Wojahn, Juelling and May:

Providing for licensing of specialty electricians.

The bill was read the second time by sections.

On motion by Senator Van Hollebeke, the rules were suspended, House Bill No. 1436 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Cunningham: "Would Senator Van Hollebeke yield to a question? Senator, even during committee I never was too certain, but will this allow these specialty electricians working in residences to work on other than one hundred and ten volts?"

Senator Van Hollebeke: "That will be up to the Department of Labor and Industries, Senator."

Senator Cunningham: "There is no restriction then on the voltage they can work with, whether it is romex or conduit?"

Senator Van Hollebeke: "The department will make that determination, what the restrictions will be. It will be for a lesser license."

## POINT OF INQUIRY

Senator Cunningham: "Would Senator Woody yield to a question? Have you got an answer to the one I just asked?"

Senator Woody: "I know that if it deals with home builders that that has got to include two-twenty because that includes your heat elements for your dryers and your hot water tanks. I can tell you that I never fiddle with it unless they cut off the line between the house and the power line. I am that much concerned with it. I don't see it defined in here."

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1436, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

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

Absent or not voting: Senators Donohue, Mardesich—2.

Excused: Senators Keefe, Wanamaker—2.

HOUSE BILL NO. 1436, having received the constitutional majority, 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. 802, by Committee on Ways and Means-Appropriations (originally sponsored by Representatives Shinpoch, Polk, Thompson and Wojahn):

Providing uniformity in payment of travel expenses for most state officials and employees.

#### REPORT OF STANDING COMMITTEE

February 11, 1976.

SUBSTITUTE HOUSE BILL NO. 802, providing uniformity in payment of travel expenses for most state officials and employees (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 67, after line 3, insert a section as follows:

"Sec. 94. Section 43.03.050, chapter 8, Laws of 1965 as last amended by section 1, chapter 34, Laws of 1970 ex. sess. and RCW 43.03.050 are each amended to read as follows:

(1) The director of the office of program planning and fiscal management shall prescribe for all state agencies per diem rates of allowance, not exceeding twenty-five dollars in lieu of subsistence and lodging to elective and appointive officials and state employees while engaged on official business away from their designated posts of duty, but within the state of Washington, and not exceeding thirty-five dollars per day while engaged on official business elsewhere. The director of the office of program planning and fiscal management may within the limits established herein prescribe and regulate the per diem rates to be allowed in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed.

(2) *Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to reimbursement of travel expenses, shall be reimbursed pursuant to a special schedule at the daily per diem rate prescribed in accordance with subsection (1) of this section by the office of program planning and fiscal management, for each day or portion thereof spent on official business of the board, commission, or committee.*"

Renumber remaining sections consecutively.

In the title, page 5, after line 6, insert "amending section 43.03.050, chapter 8, Laws of 1965 as last amended by section 1, chapter 34, Laws of 1970 ex. sess. and RCW 43.03.050;"

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Fleming, Marsh, Matson, Murray, Rasmussen, Scott, Woody.

The bill was read the second time by sections.

On motion of Senator Odegaard, the committee amendment was adopted.

On motion of Senator Odegaard, the committee amendment to the title was adopted.

On motion of Senator Odegaard, the rules were suspended, Substitute House Bill No. 802, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 802, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 4; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—42.

Voting nay: Senator Bottiger—1.

Absent or not voting: Senators Buffington, Donohue, Mardesich, Talley—4.

Excused: Senators Keefe, Wanamaker—2.

SUBSTITUTE HOUSE BILL NO. 802, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PARLIAMENTARY INQUIRY

Senator Guess: "I wonder, what time does the clock say?"

#### PARLIAMENTARY INQUIRY

Senator Bailey: "Mr. President, was that next on the list?"

#### REPLY BY THE PRESIDENT

The President: "There was supposed to be a special order of business at three fifty-nine."

#### PARLIAMENTARY INQUIRY

Senator Bailey: "779 was the number of the bill, though?"

#### REPLY BY THE PRESIDENT

The President: "Yes, Senator, 779."

#### SPECIAL ORDER OF BUSINESS SECOND READING

SUBSTITUTE HOUSE BILL NO. 779, by Committee on State Government (originally sponsored by Representatives King, Henricks and Thompson):

Permitting employees of political subdivisions of the state to join the state employee's insurance and health care system.

The time having arrived, the Senate resumed consideration of Substitute House Bill No. 779 and the pending committee amendment moved for adoption by Senator Rasmussen earlier today.

There being no objection, the amendment by Senator Mardesich to the committee amendment to page 6, line 22 on the Secretary's desk was withdrawn.

There being no objection, the amendment by Senator Grant to the committee amendment to page 6, line 27 on the Secretary's desk was withdrawn.

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

On motion of Senator Rasmussen, the committee amendment to the title was adopted.

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 779, was amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 779, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Keefe, Wanamaker—2.

SUBSTITUTE HOUSE BILL NO. 779, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PARLIAMENTARY INQUIRY

Senator Grant: "I would like to inquire, Mr. President, whether or not Substitute House Bill 771 is outside the limitations imposed by the cut-off resolution. It occurs to me that this is a licensing measure for liquor agents and it may have a fiscal impact and be potentially a revenue measure. I should think it should be available for consideration after four o'clock in the days ahead."

#### REPLY BY THE PRESIDENT

The President: "Senator Grant, in reply to your inquiry, there appears to be the possibility that it may fit but the President should like to study it further. It may fit within the provisions of the cut-off resolution."

#### PARLIAMENTARY INQUIRY

Senator Grant: "You are saying, Mr. President, it may be available for consideration?"

#### REPLY BY THE PRESIDENT

The President: "It may be. The President does not like to say definitely but there is a possibility."

#### MOTION

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

#### REPORT OF STANDING COMMITTEE

February 13, 1976.

SUBSTITUTE HOUSE BILL NO. 1366, preserving Mount Si (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators Knoblauch, Chairman; Bailey, Gould.

Passed to Committee on Rules for second reading.

## MOTION

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

## MESSAGE FROM THE HOUSE

February 13, 1976.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 1166, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1166, by Representative Randall:  
Relating to revenue and taxation.

## MOTION

Senator Lewis (Harry) moved the rules be suspended and Engrossed House Bill No. 1166 be advanced to second reading.  
Debate ensued.

## MOTION

At 4:20 p.m., on motion of Senator Bailey, the Senate recessed until 4:50 p.m.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 4:50 p.m.

The President declared the question before the Senate to the motion by Senator Lewis (Harry) that the rules be suspended and Engrossed House Bill No. 1166 be advanced to second reading.

Senator Donohue demanded a roll call and the demand was sustained by Senators Odegaard, Rasmussen, Lewis (Harry), Jones, Woody, Benitz, Sellar, Gould and Morrison.

## ROLL CALL

The Secretary called the roll and the motion by Senator Lewis (Harry) failed by the following vote: Yeas, 31; nays, 16; excused, 2.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Guess, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, Newschwander, North, Pullen, Ridder, Scott, Sellar, Stortini, Van Hollebeke, Washington—31.

Voting nay: Senators Beck, Day, Donohue, Henry, Jolly, Mardesich, McDermott, Odegaard, Peterson, Rasmussen, Sandison, Talley, von Reichbauer, Walgren, Wilson, Woody—16.

Excused: Senators Keefe, Wanamaker—2.

Debate ensued.

## POINT OF ORDER

Senator Lewis (Harry): "Mr. President, point of order, are we required to have a two-thirds vote of those present on this motion?"

## REPLY BY THE PRESIDENT

The President: "The President believes so, but will double check, Senator."  
Debate ensued.

## RULING BY THE PRESIDENT

The President: "Senator Lewis, in response to your inquiry, rule twenty-eight, the President believes covers this particular situation. May I quote from that portion of the



rule, 'adoption of permanent rules may be by simple majority without notice, but a rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present.' There were forty-seven members present. Thirty-one voted 'aye', sixteen 'nay'. It would require thirty-two votes."

Further debate ensued.

#### POINT OF ORDER

Senator Woody: "Mr. President, point of order. Did the President rule and did the gavel fall on the vote?"

#### RULING BY THE PRESIDENT

The President: "The gavel has not fallen as yet. The President announced the vote, and announced that the results—."

#### MOTION

Senator Walgren moved the Senate do now adjourn until 11:00 a.m., Monday, February 16, 1976.

#### NOTICE OF RECONSIDERATION

Senator Lewis (Harry): "I would like to move to immediately reconsider the vote by which House Bill No. 1166 failed to pass."

#### REPLY BY THE PRESIDENT

The President: "Senator, the President is required under the rules to state Senator Walgren's motion."

Senator Lewis (Harry) demanded a roll call on the motion by Senator Walgren and the demand was sustained by Senators Ridder, Herr, Francis, Newschwander, Gould, Benitz, Stortini, Pullen and Matson.

The President declared the question before the Senate to be the motion by Senator Walgren that the Senate do now adjourn until 11:00 a.m., Monday, February 16, 1976.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Walgren failed by the following vote: Yeas, 21; nays, 26; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Henry, Jolly, Mardesich, Marsh, McDermott, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Woody—21.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Francis, Goltz, Gould, Grant, Guess, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Ridder, Scott, Sellar, Stortini, Washington, Wilson—26.

Excused: Senators Keefe, Wanamaker—2.

#### MOTION FOR RECONSIDERATION

Having served prior notice, on motion of Senator Woody, the Senate moved to reconsider the vote by which the Senate failed to suspend the rules and advance Engrossed House Bill No. 1166 to second reading.

The President declared the question before the Senate to be the motion, on reconsideration, that the rules be suspended and Engrossed House Bill No. 1166 be advanced to second reading.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "I would like to ask Senator Lewis a question. Is it your intention to offer this amendment then, Senator Lewis, that is on our desks which changes the date from the fifteenth day to the first of March?"

Senator Lewis (Harry): "Senator Rasmussen, that is actually the bill. This is the House bill. We are not trying to amend anything. This is the House bill that was passed

by the House by a vote of sixty-five to twenty-seven with five absent. Sixty-five members of the House voted for this bill and we are not trying to amend it."

Senator Rasmussen: "This would then say that that little old widow comes up there with her few dollars, her widow's mite in her hand to pay her taxes on the appropriate time that she has paid it for years and years, being a conscientious citizen and knowing how the district needs the money, that he will then turn her down and say that the legislature said, 'no, you come back in two weeks.' Is this your intention?"

Senator Lewis (Harry): "Senator Rasmussen, we all respect widows very much and our purpose is to prevent that widow from having to pay taxes that she may not have to pay and have to go through the problem of trying to get the money back to her which would be a difficulty if Senator Bottiger's plan, or a combination of plans, were to pass.

"So what we are really trying to do is to protect that widow that you are concerned about. All this will do is make it possible for us to deal more easily with possible solutions to the school problems. Unless we do this and pass this bill, it will be much more difficult and perhaps impossible, and that, very frankly, is all we are trying to accomplish. What solution we have, we don't know. This will be the will of the legislature but I think many people on both sides of the aisle, sixty-five house members agreed, that this could be necessary and that is all we are trying to do. This is not a partisan effort at all."

Senator Rasmussen: "In effect, you are saying, Senator Lewis, then, that because the legislature has not been able to make up its mind, we are going to confound and confuse all the little taxpayers for a two weeks' delay? I agree with Senator Odegaard that there is at the present time, you only pay one-half of your taxes and they can make the adjustment on your last half just as easily as they can in making this delay that is going to confuse all of those people that want to be loyal citizens and pay their taxes early. Being one of those confused taxpayers, Senator Newschwander, this is the picture that I arrive at. You are going to have a lot of people that are going to be just as confused as Senator Rasmussen is. It may not be as clear to those taxpayers as it is to you people but I am sure there are many other methods. Now the valentine roll-back is being handled without any change and the taxpayers are aware of what is going on. They are going to get their regular statements. Many of them will be delivered tomorrow morning and the rest will be delivered by Monday. Then they are going to be faced with the fact that — Oh Ho, those fellows down there, those ladies and gentlemen with that wisdom, they have changed the law on us.

"I agree with Senator Odegaard. We should not move in this fashion at all."

Further debate ensued.

Senator Mardesich demanded a roll call and the demand was sustained by Senators von Reichbauer, Day, Sandison, Woody, Odegaard, Donohue, Herr, Goltz and Washington.

The President declared the question before the Senate to be the motion, on reconsideration, that the Senate suspend the rules and advance Engrossed House Bill No. 1166 to second reading.

#### ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion carried by the following vote: Yeas, 33; nays, 14; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Guess, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Pullen, Ridder, Scott, Sellar, Stortini, Van Hollebeke, Washington—33.

Voting nay: Senators Day, Donohue, Henry, Jolly, Mardesich, Odegaard, Peterson, Rasmussen, Sandison, Talley, von Reichbauer, Walgren, Wilson, Woody—14.

Excused: Senators Keefe, Wanamaker—2.

#### MOTIONS

On motion of Senator Lewis (Harry), the rules were suspended, Engrossed House Bill No. 1166 was advanced to second reading and read the second time in full.

Senator Lewis (Harry) moved the rules be suspended, Engrossed House Bill No. 1166 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Senator Mardesich demanded a roll call. The demand was not sustained.

The motion by Senator Lewis (Harry) carried and Engrossed House Bill No. 1166 was advanced to third reading and final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1166 and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Guess, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, Newschwander, North, Ridder, Scott, Sellar, Stortini, Van Hollebeke, Washington—31.

Voting nay: Senators Day, Donohue, Henry, Jolly, Mardesich, McDermott, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Talley, von Reichbauer, Walgren, Wilson, Woody—16.

Excused: Senators Keefe, Wanamaker—2.

ENGROSSED HOUSE BILL NO. 1166, having received the 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

February 13, 1976.

#### EXPLANATION FOR VOTING "NO" ON HOUSE BILL 1166 (EXTEND PROPERTY TAX DATE)

Mr. President, those of us who voted no on this proposal would like to enter into the record some of our many objections and concerns about not only the need for this measure, but also we question whether the body has been properly informed as to total implications. As you know, the proposal to extend the property tax date back fifteen days did not go through the normal legislative process; it was not heard in committee; members did not get the opportunity to examine the impact this would have on tax districts, taxpayers, and the tax collectors. We feel that votes from the Democratic side of the aisle that helped pass this bill came from knowledgeable members who did not have the chance to fully appreciate all of the implications of the bill.

House Bill 1166 is a political move by the Governor to force the legislative majority, the Democrats, into voting for a tax increase such as the so-called Newschwander Plan advocates. If there is a need for this legislation, and we question the need, why was it not done earlier. Everyone is aware that tax statements go out February 15th each year. This extension comes too late. It will be costly to the counties and confusing to the taxpayer. Who is to notify the Treasurers that they cannot accept tax payments Monday? Who is to help the taxpayers who get their property tax payments returned? For those counties that can get the tax statements back from the post office before they are delivered, who reimburses the county for lost postage credits? These questions could have been answered in committee, there should have been a chance to do so.

There are many other serious problems .(n. . besides administrative . . . that the passage of this measure suggests. On a purely emotional and speculative appeal, the Republicans, along with some of our caucus members have passed an assurance package that is too costly to local government . . . with no assurance that the legislature will act. What acts are the Governor and his Republican followers trying to force us into? A tax increase and rollback plan. This plan is completely incompatible with the Democratic philosophy; it asks for additional tax money for all school districts, regardless of need; it could give double rollbacks to some districts which would be more than the amount of their special levy. These are just some of the concerns of those of us who voted no on this bill.

We also might add that this action today may eliminate any consideration of a supplemental budget and salary increase for state employees without massive tax increases. We, this legislature, have given substantial property tax relief to all citizens for this year . . . calendar 1976 already. Now is the time to consider the needs of our children and their education.

Signed by: Senators Woody, Walgren, Donohue, Day, Henry, Sandison, Mardesich, Odegaard, Talley, Rasmussen and Peterson.

#### MOTION

At 5:20 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, February 16, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-SECOND DAY

### MORNING SESSION

Senate Chamber, Olympia, Monday, February 16, 1976.

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

The Color Guard, consisting of Pages Bruce Whittaker and Virginia Christensen, presented the Colors. Reverend William B. Airhart, pastor of First Church of the Nazarene of Olympia, offered the following prayer:

"ALMIGHTY GOD, THE DISPOSER OF ALL OF THE AFFAIRS OF THE WORLD, ON THIS DAY OF NATIONAL SIGNIFICANCE TEACH US AGAIN THAT THERE IS NO PERSON OR CIRCUMSTANCE THAT IS NOT SUBJECT TO THY POWER. CULTIVATE WITHIN US A READINESS TO MAKE OUR JUDGMENTS IN THE LIGHT OF OUR LOVE FOR GOD, OUR LOVE FOR OUR NATION, AND OUR LOVE FOR OUR FELLOWMAN. GRANT THAT THE RIGHTEOUSNESS THAT WILL SURELY EXALT ANY PEOPLE WILL BE OUR POSSESSION TODAY. MAY THY BENEDICTION AND GRACE BE UPON THOSE WHO HAVE THE GRAVE RESPONSIBILITIES OF STATE, THAT FROM THIS CHAMBER MAY FLOW THE EFFECTS OF WISE AND COMPASSIONATE CHOICES. IN THE NAME OF OUR LORD. AMEN."

#### MOTION

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

REPORTS OF STANDING COMMITTEES

February 13, 1976.

SENATE BILL NO. 3225, relating to education (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3225 be substituted therefor and the substitute bill do pass.

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

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 11, 1976.

ROBERT ARKELL, to the position of member of the Public Employee Relations Commission, appointed by the Governor on October 22, 1975 for the term ending September 8, 1979 (reported by the Committee on Labor)

Recommends that said appointment be confirmed.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules.

February 11, 1976.

MICHAEL H. BECK, to the position of member of the Public Employee Relations Commission, appointed by the Governor on October 22, 1975 for the term ending September 8, 1978 (reported by the Committee on Labor):

Recommends that said appointment be confirmed.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules.

February 11, 1976.

PROFESSOR PHILIP K. KIENAST, to the position of Chairman of the Public Employee Relations Commission, appointed by the Governor on October 22, 1975 for the term ending September 8, 1980 (reported by the Committee on Labor):

Recommends that said appointment be confirmed.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 13, 1976.

Mr. President: The House has passed:

SENATE BILL NO. 3000,  
 SUBSTITUTE SENATE BILL NO. 3001,  
 SENATE BILL NO. 3058,  
 SENATE BILL NO. 3067,  
 SENATE BILL NO. 3076,  
 SENATE BILL NO. 3138, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 13, 1976.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2990,  
 SENATE BILL NO. 3061, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 13, 1976.

Mr. President: The Speaker has signed HOUSE BILL NO. 38, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 13, 1976.

Mr. President: The Speaker has signed HOUSE BILL NO. 1166, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 38,  
HOUSE BILL NO. 1166.

## MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.  
On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 1529.

## SECOND READING

HOUSE BILL NO. 1529, by Representatives Berentson, Thompson, Hansey and Gallagher:

Revising laws supporting county operated ferry systems.

The bill was read the second time by sections.

On motion of Senator Beck, the rules were suspended, House Bill No. 1529 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1529, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 2; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Absent or not voting: Senators Herr, Pullen—2.

Excused: Senators Fleming, Francis, Keefe, Lewis (Harry), Mardesich, Murray, Sandison—7.

HOUSE BILL NO. 1529, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 1382.

## SECOND READING

HOUSE BILL NO. 1382, by Representatives Hansen and Leckenby:  
Making technical corrections for the implementation of staggered vehicle registration periods.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, House Bill No. 1382 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Grant: "Senator Henry, will you yield? Senator Henry, it would appear that the bill does provide for less revenue from this source because of the proration of fees for partial use during the year's time. What is the impact of the reduction? How much reduced revenue or license fees will be . . . ."

Senator Henry: "There is no reduction, Senator Grant. That law is in effect now. All this does is make the staggered license law conform as far as the way they now purchase their truck licenses. They purchase them quarterly but when you go into a staggered license situation where you are buying licenses on the month instead of at the first of the year, they had to make some provision for this and they had left it out of the original bill. It was a departmental request."

Senator Grant: "I am not sure then, Senator Henry, just what the bill does. I wish you would explain it a little further."

Senator Henry: "I am not sure I can explain it any plainer than that to you, Senator Grant."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1382, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Voting nay: Senator Grant—1.

Absent or not voting: Senator Herr—1.

Excused: Senators Fleming, Francis, Keefe, Lewis (Harry), Mardesich, Murray, Sandison—7.

HOUSE BILL NO. 1382, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 1340.

SECOND READING

ENGROSSED HOUSE BILL NO. 1340, by Representative Smith (Rick):  
Making lesser traffic law violations noncriminal offenses.

REPORT OF STANDING COMMITTEE

February 12, 1976.

ENGROSSED HOUSE BILL NO. 1340, making lesser traffic law violations non-criminal offenses (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 14 after "*chapter*" strike all of the material down to and including the semicolon on line 22 and insert "*or violation of any local ordinance relating to traffic, parking, standing, stopping, and pedestrian offenses is a misdemeanor. A misdemeanor under this chapter shall be punishable by imposition of a fine not to exceed two hundred fifty dollars, and shall not be punishable by confinement in any jail or correc-*

*tional institution: PROVIDED, That offenses described in the following sections of RCW shall be classified and punishable as prescribed in those sections and where the offense is classified as a misdemeanor and no specific penalty is prescribed shall be punishable by imprisonment in the county jail for a maximum term of not more than 90 days or by a fine of not more than five hundred dollars or by both such imprisonment and fine."*

Beginning on page 2 strike sections 2 and 3 and renumber the remaining section consecutively.

In line 2 of the title after "RCW 46.61.010;" strike all of the material down to and including the semicolon on line 6.

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

The bill was read the second time by sections.

On motion of Senator Clarke, the committee amendment beginning on page 2 striking sections 2 and 3 was adopted.

#### MOTION

At 11:33 a.m., on motion of Senator Walgren, the Senate was declared to be at ease.

The President called the Senate to order at 11:45 a.m.

The Senate resumed consideration of Engrossed House Bill No. 1340 on second reading.

Senator Clarke moved adoption of the committee amendment to page 1, line 14.

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

On line 3 of the committee amendment to page 1, line 14, strike "traffic," and insert "automobile"

The motion by Senator Clarke carried and the committee amendment to page 1, line 14 was adopted.

Having voted on the prevailing side, Senator Walgren moved that the Senate reconsider the vote by which the committee amendment, as amended, was adopted.

The motion for reconsideration carried.

There being no objection, the amendment by Senator Walgren to the committee amendment to page 1, line 14 was withdrawn.

The President declared the question before the Senate to be adoption of the committee amendment, on reconsideration, to page 1, line 14.

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

On line 3 of the committee amendment to page 1, line 14, strike "traffic," and insert "vehicular"

The President declared the question before the Senate to be adoption of the committee amendment to page 1, line 14, as amended, on reconsideration.

The committee amendment, as amended, on reconsideration, was adopted.

#### MOTION

On motion of Senator Walgren, Engrossed House Bill No. 1340, as amended, was ordered placed on today's second reading calendar following Second Substitute House Bill No. 721.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Second Substitute House Bill No. 721.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 721, by Committee on Local Government (originally sponsored by Representatives Zimmerman, Douthwaite, Moon, Haussler, Hawkins, Blair, Sommers, Brown and Charnley):

Revising laws relating to county solid waste collection and disposal.



The bill was read the second time by sections.

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

On page 1, line 26, strike "provided" and insert "provide"

On page 2, line 26, after "valuable" insert "items"

On motion of Senator North, the rules were suspended, Second Substitute House Bill No. 721, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Bottiger: "Would Senator North yield to a question, please? Senator North, in section four there is a proviso that provides that the ownership of the waste material will remain with the original owner until some kind of a transfer. Is there anything else in this bill or the intent of the committee that would permit the county to restrict the methods by which an owner might do reclaiming himself?"

Senator North: "None at all, Senator Bottiger."

Debate ensued.

#### POINT OF INQUIRY

Senator Guess: "Would Senator North yield? Senator North, is it possible that the counties can establish a fee for people taking individual pick-up loads of garbage to the transfer station site?"

Senator North: "I think they can now, Senator Guess. You see, in order to get into this at all, every county had to adopt a comprehensive garbage disposal plan and it has to be approved by the legislative body. You just don't suddenly open up a disposal site. It is something that has had hearings on it. It has been worked over and had the approval of the county legislative body."

Senator Guess: "I suppose I did not ask my question correctly. Can they levy a tax on all of the individual households within the county to defray the cost of picking up the garbage at these sites? I don't see it in the language is the reason I asked. It says that the legislative authority of each county may, by ordinance, provide for the establishment of a system but it does not say in the unincorporated areas but it does not say that they can establish a tax for that."

Senator North: "No, Senator Guess, it is my understanding that the county is not permitted to go into the collection business at all. That is strictly in the hands of the present people who hold the franchises. It is done by a private enterprise system and they are not in the garbage collection. This is to allow them to control the final disposal, the end disposing of the garbage, and that is all."

Senator Guess: "That is all. Thank you."

#### POINT OF INQUIRY

Senator Talley: "Mr. President, will Senator Guess yield? Senator Guess, I would be glad to join with you in sponsoring legislation that would allow the PUDs to go into the garbage and sewer business."

Senator Guess: "Senator Talley, I think that I would sponsor legislation that would put the PUDs into other businesses that are far more reaching than garbage disposal; solid waste, liquid waste and others. I don't think it would make a great deal of difference now."

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator North yield to a question? Senator North, I noted on line three, page two it says 'nothing in this section shall be construed to authorize the operation of a solid waste collection system by counties.' Is there anything in there that would prohibit them from operating a part of a system? In effect, it prohibits a county-wide system but in an area where it is not now presently served, could they start a system?"

Senator North: "No, Senator Rasmussen. It is my understanding that they are not to be in the collection business at all."

Senator Rasmussen: "Then that leads to my second question. Is it possible that they could force a person that has a disposal franchise to take in an area of the county not presently served?"

Senator North: "No. That remains under the control of the Utilities and Transportation Commission."

Senator Rasmussen: "What I am trying to find out is why my county officials opposed this — and they do. They say that presently the disposal sites are under the control of the county. They say that the local franchise people are doing an excellent job at a less cost than the counties and this is what I fail to understand is why they would be in opposition to this bill."

Senator North: "I can't answer your Pierce County situation, Senator Rasmussen. I am sorry, I don't know."

Senator Rasmussen: "We have an excellent franchise hauler and you maybe could tell us what are the difficulties that King County is having that they are sponsoring this bill. That might clear up the matter."

Senator North: "All right, I will try that. At present, the King County system has a one point seven million dollars per year subsidy of the final disposal of garbage in King County. Senator Rasmussen, that money has to come out of the county road millage fund. King County would like to have that money to apply to its roads. It has a large road system that it needs to repair and to take care of. If this bill goes through and the county puts in extensive investments in leaching to preserve the quality of the ground water to install large scales to weigh the amount of garbage that comes so they can charge the proper fees, there is a big capital investment involved and the county wants to be sure that the volume of garbage disposal will justify that big capital expense."

"At present when you have a private collection franchise if you want to pick up the garbage in the unincorporated part of the county and you want to truck it down to Senator Talley's Cowlitz County and dump it there, you can do so. This bill would prohibit that. If a private collection group wants to take its garbage to another county then it would be up to an inter-local cooperation agreement between the two counties to work this out so that it is very clear as to who is receiving the ultimate garbage disposal."

"This also assures King County or any county that it is going to continue to have in the future quite a garbage disposal business to justify that huge capital investment."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator North, there is something in this that is going to cost the people a lot of money and to help King County out. At the present time King County is dumping tons of sludge from the metro sewer plant in Pierce County. You mean this will give us the authority to charge mucho additional for all of these tons of sludge that they are dumping up in the Eatonville area? If so, I might vote for it."

Senator North: "I can't speak to that particular problem. Let me use another example. Maybe I can make this clear. Presently, King County, the collection group in the county, charge about two-fifty a month per household for collecting garbage. In the city it runs about four-fifty a month. Now, when King County installs all of this environmentally pure equipment and we stop subsidizing it out of our county road fund, then the county is going to have to increase the charges it makes to the private haulers when they collect the garbage and bring it there for ultimate disposal. What we are doing is asking for an honest, open, above-board accounting."

"Instead of the taxpayers of the county subsidizing something, you are going to see the true value and the true cost of this thing. It undoubtedly will result in an increase to the people in unincorporated King County for the collection of their garbage because right now they are not breaking even. It is not a true reflection of what it actually costs."

"Now, Senator Rasmussen, I know that you are a firm believer in honesty in government and you certainly want the charges out there reflecting the true charges of collecting garbage."

Senator Rasmussen: "Thank you, Senator North. My only concern is that the government as a whole does not keep the charges down where the people can afford to live in the area."

## POINT OF INQUIRY

Senator Grant: "Will Senator North yield to another question? Senator North, on page two in section three it says when you have developed a comprehensive plan which incorporates the use of transfer stations such stations shall be considered part of the disposal site and they shall be exempt from regulation by the Washington Utilities and Transportation Commission. Does that mean, Senator North, that if you have a transfer station that the county may, if they see fit, use any kind of vehicle for transportation of the garbage from one of those stations to a landfill, or any place within the county, or if the intergovernmental cooperation act is entered into, they can use any kind of vehicle for transportation? You don't have to be concerned with the normal safety standards because it would be considered part of a disposal site? And we are going to have some potentially unsafe vehicles — vehicles that are overloaded, really a hazard — traveling between transfer stations and disposal sites? I would like to know, basically, why section three is necessary, what is intended to be accomplished by that particular section."

Senator North: "Okay, I am not on the transportation and utilities committee so perhaps somebody who is more expert in this field can address the safety regulations that are required for any vehicle that is passing along on a public road. I will leave that to somebody else on the transportation committee to address. In the disposal site, Senator Grant, I think authority is here. We are trying to encourage all local governments in resource reclamation, recycling, making something out of their garbage — not just figuring that it is a lost cause. This would enable at your county transfer stations that you can sort that out, that you can if it is feasible, start to do some kind of resource recovery and reclamation and I read that as part of the reason for this particular language."

"Perhaps someone on the transportation committee would like to address your question regarding the safety of vehicles on the public roadways."

Senator Guess: "Mr. President, if I may answer that, the vehicles coming on the state highway system will be under the rules and regulations of the patrol and that body of law is not touched at all by this. The uniform committee on uniform equipment has the rules and regulations that have been enacted into law and they would have to have the same brakes, the same lights, as every other vehicle. So I do not believe that they would be exempt in any way. I think what the law is driving at is that the public utility commission would not set the rates for hauling. You see a dump truck, for instance, is regulated by the public utility commission and they set the price per cubic yard for a ton mile, in other words. But this would exempt the garbage hauler from the PUC rate and it would let the counties bid the rate of haul so I think that this is the purpose of the section."

## POINT OF INQUIRY

Senator Wilson: "Would Senator North yield? Senator North, is my understanding correct that this bill does not compel any county to do anything?"

Senator North: "That is correct, Senator Wilson, and being a strong believer in local government, you know that is important."

Further debate ensued.

## MOTION

On motion of Senator Bottiger, Second Substitute House Bill No. 721, as amended by the Senate, was ordered placed at the beginning of the third reading calendar for Tuesday, February 17, 1976.

## SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 3000,  
 SUBSTITUTE SENATE BILL NO. 3001,  
 SENATE BILL NO. 3058,  
 SENATE BILL NO. 3067,

SENATE BILL NO. 3076,  
SENATE BILL NO. 3138.

#### MOTION

At 12:20 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, February 17, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

### FORTY-THIRD DAY

#### MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 17, 1976.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Francis, Keefe, Lewis (Harry) and Mardesich. On motion of Senator Knoblauch, Senators Bottiger, Francis, Keefe and Mardesich were excused. On motion of Senator Lewis (R. H. "Bob"), Senator Lewis (Harry) was excused.

The Color Guard, consisting of Pages Dean Talley and Mary Kay Braymer, presented the Colors. Reverend Willard B. Airhart, pastor of First Church of the Nazarene of Olympia, offered the following prayer:

"O GOD, WE ACKNOWLEDGE YOU AS THE FATHER OF ALL MANKIND, THE GIVER OF ALL THAT WE HAVE AND AS HE TO WHOM WE MUST ALL ULTIMATELY RENDER AN ACCOUNTING. THERE IS A STEWARDSHIP OF RESPONSIBILITY THAT FAR OUTREACHES MERE POLITICAL ENDS. GIVE US INSIGHT AND MORAL INTEGRITY TO USE OUR MEASURE OF POWER AS CONSISTENTLY FOR THE RIGHT AS WE ARE ABLE TO DETERMINE. MAY OUR CONCERN BE FOR ALL PEOPLE. LET THE MOTIVATIONS BY WHICH WE ARE CONTROLLED BE DIVINELY APPROVED. GRANT THAT THE IMPACT OF OUR ACTS WILL BE EVIDENCES OF OUR AWARENESS THAT THAT WHICH IS FINALLY SOCIALLY BENEFICIAL IS FIRST HONORING GOD. FOR THESE LOFTY PURPOSES WE INVOKE YOUR BLESSING. IN THE NAME OF OUR LORD. AMEN."

#### MOTION

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

REPORT OF STANDING COMMITTEE

February 16, 1976.

HOUSE BILL NO. 1272, exempting minibus car pools from commercial transportation regulations (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Bottiger, Vice Chairman; Benitz, Bluechel, Guess, Jolly, Knoblauch, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 16, 1976.

Mr. President: The House has concurred in the Senate amendments to EN-GROSSED HOUSE BILL NO. 1434, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 16, 1976.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 802, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 16, 1976.

Mr. President: The House has concurred in the Senate amendments to EN-GROSSED HOUSE BILL NO. 1344, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 16, 1976.

Mr. President: The Speaker has signed HOUSE BILL NO. 1344, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 16, 1976.

Mr. President: The Speaker has signed HOUSE BILL NO. 1434, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 16, 1976.

Mr. President: The Speaker has signed:  
 SENATE BILL NO. 3000,  
 SUBSTITUTE SENATE BILL NO. 3001,  
 SENATE BILL NO. 3058,  
 SENATE BILL NO. 3067,  
 SENATE BILL NO. 3076,  
 SENATE BILL NO. 3138, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 16, 1976.

Mr. President: The Speaker has signed:  
 HOUSE BILL NO. 70,  
 HOUSE BILL NO. 425,  
 HOUSE BILL NO. 671,  
 SUBSTITUTE HOUSE BILL NO. 676,  
 HOUSE BILL NO. 739,  
 HOUSE BILL NO. 1244,

HOUSE BILL NO. 1257,  
 HOUSE BILL NO. 1259,  
 SUBSTITUTE HOUSE BILL NO. 1347,  
 HOUSE BILL NO. 1356,  
 HOUSE BILL NO. 1357,  
 HOUSE BILL NO. 1358,  
 HOUSE BILL NO. 1359,  
 HOUSE BILL NO. 1360,  
 HOUSE BILL NO. 1361,  
 HOUSE BILL NO. 1436, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
 HOUSE BILL NO. 70,  
 HOUSE BILL NO. 425,  
 HOUSE BILL NO. 671,  
 SUBSTITUTE HOUSE BILL NO. 676,  
 HOUSE BILL NO. 739,  
 HOUSE BILL NO. 1244,  
 HOUSE BILL NO. 1257,  
 HOUSE BILL NO. 1259,  
 HOUSE BILL NO. 1344,  
 SUBSTITUTE HOUSE BILL NO. 1347,  
 HOUSE BILL NO. 1356,  
 HOUSE BILL NO. 1357,  
 HOUSE BILL NO. 1358,  
 HOUSE BILL NO. 1359,  
 HOUSE BILL NO. 1360,  
 HOUSE BILL NO. 1361,  
 HOUSE BILL NO. 1434,  
 HOUSE BILL NO. 1436.

#### MOTION

At 10:10 a.m., on motion of Senator Bailey, the Senate recessed until 11:35 a.m.

#### SECOND MORNING SESSION

The President called the Senate to order at 11:35 a.m.

#### MESSAGE FROM THE HOUSE

February 13, 1976.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2060, with the following amendments:

On page 2, line 19, following "state:" and before "Provided" on line 20, insert the following:

"Provided, That the provisions of this act shall not apply in any manner to the operation of the state legislature except as requested by said legislature:"

On page 7, beginning on line 30, after "procedures" strike all material down to and including "board" on line 31

On page 8, line 4, before "Initial" insert:

"NEW SECTION. Sec. 6."

Renumber the remaining sections consecutively.

On page 8, line 4, strike "above" and after "functions" insert "described in section 5 of this 1976 amendatory act"

On page 9, line 5, before "The provisions" insert:  
 "NEW SECTION. Sec. 7."

Renumber the remaining sections consecutively.

On page 9, line 5, strike "this" and after "section" insert "5 of this 1976 amendatory act"

On page 9, line 8, strike "this" and after "section" insert "5 of this 1976 amendatory act"

On page 10, line 15, after "management" strike "policy" and insert "advisory"

On page 11, line 36, after "that" strike "sale of" and after "property" insert ","

On page 12, line 1, after "be" strike all material down to and including "property" and insert "sold or disposed of prior to reasonable efforts by the division of purchasing to determine if other state agencies have a requirement for such personal property. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known"

On page 13, line 11, after "indirectly, a" and before "financial" insert "personal"

On page 13, line 24, strike "1975" and insert "1976"

On page 13, line 28, strike "1975" and insert "1976", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2060.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2060, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 4; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Absent or not voting: Senators Guess, Matson, Pullen, Sellar—4.

Excused: Senators Bottiger, Francis, Keefe, Lewis (Harry), Mardesich—5.

ENGROSSED SENATE BILL NO. 2060, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 13, 1976.

Mr. President: The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 2088, with the following amendments:

On page 2, line 2, after "such" strike "licenses" and insert "license"

On page 2, beginning on line 8, strike all of section 3, and renumber the following sections consecutively.

On page 2, line 17, after "applicants" insert ", as specified in this section,"

On page 2, line 27, after "director a" insert "property bond, or a", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

Senator Talley moved that the Senate concur in the House amendments to Reengrossed Substitute Senate Bill No. 2088.

## POINT OF INQUIRY

Senator Rasmussen: "Will Senator Talley yield to a question?, Senator Talley, you said that the House amendment did away with the personal license?"

Senator Talley: "We require the fisherman himself to have a two hundred dollar license. It did say a man who was helping him had to have a ten dollar license. It took out the ten dollar license."

Senator Rasmussen: "That is taking it out of conformity. At the present time on a troller or any other commercial salmon fishing boat the helper has to have a license also."

Senator Talley: "He still has to have his — I think that is the reason the House took it out was the fact that when he is fishing for salmon, he has to have that license. They didn't think he should have to buy another ten dollar license if he helps somebody fish for smelt."

Senator Rasmussen: "Thank you."

The motion by Senator Talley carried and the Senate concurred in the House amendments to Reengrossed Substitute Senate Bill No. 2088.

## ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 2088, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senator Rasmussen—1.

Absent or not voting: Senator Jolly—1.

Excused: Senators Bottiger, Francis, Keefe, Lewis (Harry), Mardesich—5.

REENGROSSED SUBSTITUTE SENATE BILL NO. 2088, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, Engrossed Substitute Senate Bill No. 2130 and Engrossed Substitute Senate Bill No. 2243 were ordered held on the concurrence calendar for Wednesday, February 18, 1976.

## MOTION

On motion of Senator Lewis (R. H. "Bob"), Senators Matson and Gould were excused.

## MESSAGE FROM THE HOUSE

February 13, 1976.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2635, with the following amendment:

Beginning on page 4, strike all of sections 5 and 6, and renumber the remaining sections consecutively., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.



MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendments to Substitute Senate Bill No. 2635.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2635, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 3; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Grant, Guess, Henry, Herr, Jones, Knoblauch, Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

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

Excused: Senators Francis, Gould, Keefe, Lewis (Harry), Mardesich, Matson—6.

SUBSTITUTE SENATE BILL NO. 2635, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 13, 1976.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2660, with the following amendments:

On page 1, line 3 of the title, after "84.34.220;" strike "and", and on line 6, after "84.36.260" insert ";"; and adding a new section to chapter 84.34 RCW"

On page 1, line 12, strike "RCW 84.36.260" and insert "*section 4 of this 1976 amendatory act*"

On page 1, lines 22 and 23, strike "RCW 84.36.260" and insert "*section 4 of this 1976 amendatory act*"

On page 2, line 3, strike "RCW 84.36.260" and insert "*section 4 of this 1976 amendatory act*"

On page 2, line 15, strike "RCW 84.36.260" and insert "*section 4 of this 1976 amendatory act*"

On page 2, lines 18 and 19, strike "RCW 84.36.260" and insert "*section 4 of this 1976 amendatory act*"

On page 2, line 23, strike "RCW 84.36.260" and insert "*section 4 of this 1976 amendatory act*"

On page 2, line 31, after "RCW 84.34.220" insert "*as now or hereafter amended*"

On page 3, line 2, strike "Such" and insert "[Such] *To the extent feasible considering the nature of the property interest involved, such*"

On page 3, line 9, strike the semicolon and insert "[:];,"

On page 3, following line 23, strike the remainder of the section and insert the following:

"*NEW SECTION.* Sec. 4. There is added to chapter 84.34 RCW a new section to read as follows:

As used in RCW 84.34.210, as now or hereafter amended, and RCW 84.34.220, as now or hereafter amended, "nonprofit nature conservancy corporation or association" means an organization which qualifies as being tax exempt under 26 U.S.C. section 501(c) (of the Internal Revenue Code) as it exists on the effective date of this 1976 amendatory act and one which has as one of its principal purposes the conducting or facilitating of scientific research; the conserving of natural resources, including but not limited to biological resources, for the general public; or the conserving of open spaces, including but not limited to wildlife habitat to be utilized as public access areas, for the use and enjoyment of the general public.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator North, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2660.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2660, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—42.

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

Excused: Senators Francis, Keefe, Lewis (Harry), Mardesič—4.

ENGROSSED SENATE BILL NO. 2660, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

February 12, 1976.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2989, with the following amendments:

On page 2, line 24 beginning with "*failure*" strike all the material down to and including "*from*" on line 25

On page 4, line 30 beginning with "*failure*" strike all the material down to and including "*from*" on line 31, and the same is herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

## MOTION

Senator Beck moved the Senate do concur in the House amendments to Engrossed Senate Bill No. 2989.

## POINT OF INQUIRY

Senator Benitz: "Will Senator Beck yield to a question? Does the House amendment take out the so-called 'wild card' day?"

Senator Beck: "Yes. All the county auditors wanted that out of it."

Debate ensued.

The motion by Senator Beck carried on a rising vote and the Senate concurred in the House amendments to Engrossed Senate Bill No. 2989.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2989, as amended by the House.

Debate ensued.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Grant moved the Senate reconsider the vote by which the Senate concurred in the House amendments to Engrossed Senate Bill No. 2989.

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained by Senators Grant, Woody, Fleming, Stortini, Matson, Jones, Morrison, Walgren and Clarke.

## ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 30; nays, 15; excused, 4.

Voting yea: Senators Bailey, Bottiger, Clarke, Day, Fleming, Goltz, Grant, Guess, Herr, Jolly, Jones, Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Odegaard, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—30.

Voting nay: Senators Beck, Benitz, Bluechel, Buffington, Cunningham, Donohue, Gould, Henry, Knoblauch, Newschwander, North, Peterson, Pullen, Rasmussen, von Reichbauer—15.

Excused: Senators Francis, Keefe, Lewis (Harry), Mardesich—4.

PARLIAMENTARY INQUIRY

Senator Grant: "Mr. President, is it a higher rank to move that the Senate recede or ask the House to recede or do they have equal rank?"

REPLY BY THE PRESIDENT

The President: "The one to concur is of the higher rank inasmuch as it would bring the two bodies closer together."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Clarke: "Matter of parliamentary inquiry. If the body should vote not to concur, that automatically requests the House to recede."

REPLY BY THE PRESIDENT

The President: "Your remarks are well taken, Senator Clarke."

The President declared the question before the Senate to be the motion, on reconsideration, by Senator Beck that the Senate concur in the House amendments to Engrossed Senate Bill No. 2989.

Senator Van Hollebeke demanded a roll call and the demand was sustained by Senators Grant, Bottiger, Woody, Fleming, Knoblauch, Day, Goltz, Jones and Matson.

ROLL CALL

The Secretary called the roll and the Senate refused, on reconsideration, to concur in the House amendments to Engrossed Senate Bill No. 2989 by the following vote: Yeas, 12; nays, 33; excused, 4.

Voting yea: Senators Beck, Buffington, Cunningham, Donohue, Jones, Knoblauch, Murray, Newschwander, Peterson, Pullen, Rasmussen, von Reichbauer—12.

Voting nay: Senators Bailey, Benitz, Bluechel, Bottiger, Clarke, Day, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, North, Odegaard, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—33.

Excused: Senators Francis, Keefe, Lewis (Harry), Mardesich—4.

The Senate refused to concur in the House amendments to Engrossed Senate Bill No. 2989 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 10, 1976.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2994, with the following amendments:

On page 1, line 13, after "authorized" insert ", subject to rules and regulations of the state board of education, to" and strike all material down to and including "convey," on line 16

On page 1, line 16, after "mortgage, or" strike "encumber otherwise," and insert "convey a purchase money security interest in", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

Senator Woody moved the Senate do concur in the House amendments to Engrossed Senate Bill No. 2994.

## MOTION

On motion of Senator Marsh, the House Message together with the motion by Senator Woody, was ordered held following Engrossed Senate Bill No. 3003 on the concurrence calendar.

## MESSAGE FROM THE HOUSE

February 12, 1976.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2996, with the following amendments:

On page 1, line 20, strike "*and Friday*" and on line 21, strike "[Day] *Holiday*;" and insert "*Day; the day immediately following Thanksgiving Day*;"

On page 1, line 22, after "*Christmas Day*" strike ";"

On page 1, line 27, after "*paid*" strike "*legal*"

On page 1, line 29, after "*subdivisions*" strike "*shall elect*" and insert "*may select*"

On page 1, line 29, after "*which*" strike "*he*" and insert "*the employee*"

On page 2, line 1, after "*with*" strike "*his*" and insert "*the*"

On page 2, line 2, after "*authority*" insert "*, or in the case of local government by ordinance or resolution of the legislative authority*"

On page 2, following line 2, insert a new paragraph as follows:

*"Nothing in this section shall be construed to have the effect of adding or deleting the number of paid holidays provided for in an existing agreement between employees and employers of political subdivisions of the state."*, and the same is herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

## MOTION

Senator Rasmussen moved the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 2996.

## MOTION

At 12:25 p.m., on motion of Senator Walgren, the Senate recessed until 1:25 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

## MOTIONS

On motion of Senator Knoblauch, Senator Herr was excused.

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

The Senate resumed consideration of the House Message on Engrossed Substitute Senate Bill No. 2996 and the House amendments thereto.

Prior to the noon recess, Senator Rasmussen had moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 2996.

## POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Rasmussen yield? Senator Rasmussen, what are left with here now compared to the way we sent it over to the House — with more holidays or less holidays, or where are we?"

Senator Rasmussen: "There has been no change in the number of holidays. What you will have under the bill is general election day as a holiday is stricken, and moved

over to the day after Thanksgiving. Columbus Day will no longer be a legal holiday, but in lieu of that the employee will be able to select some other day of his choice to take that day off. There is no change in the number of holidays. I mentioned before when we were debating the bill, when the wage and salary survey is completed which includes the fringe benefits, we will have a better basis for determining whether or not state employees are better off, or worse off than employees in private employment. Other than the technical corrections, there were some corrections to — some male chauvinist drew the bill and they had 'his' in there and that was changed to 'the employee' so that it conformed to the general use of persons rather than individuals his or her."

POINT OF INQUIRY

Senator Wilson: "Will Senator Rasmussen yield? Senator, does the bill still permit local government to set rules and regulations governing the wild card holidays so that, for example, they don't lose an employee in the license department during the peak of the license-issuing season and that sort of thing?"

Senator Rasmussen: "This is correct. The determination will be handled by rules and regulations and each department head, of course, is expected to release no more employees than will allow the department to run efficiently. Just like holidays or vacation days, they have to schedule that so that the departments can continue running."

The motion by Senator Rasmussen carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2996.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2996, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; nays, 7; absent or not voting, 4; excused, 6.

Voting yea: Senators Beck, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Goltz, Grant, Henry, Jolly, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—32.

Voting nay: Senators Benitz, Bluechel, Guess, Jones, Murray, Newschwander, Scott—7.

Absent or not voting: Senators Bailey, Gould, Pullen, Sellar—4.

Excused: Senators Clarke, Francis, Herr, Keefe, Lewis (Harry), Mardesich—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2996, 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

January 13, 1976.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3003, with the following amendments:

In the title, page 1, strike all after "AN ACT" and insert "Relating to archaeological resources; amending section 2, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.020; amending section 6, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.060; amending section 7, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.070; amending section 9, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.090; amending section 31, chapter 1, Laws of 1973 as amended by section 17, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.310; and adding a new section to chapter 27.53 RCW."

Strike all after the enacting clause and insert:

"Section 1. Section 2, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.020 are each amended to read as follows:

The location, excavation, and study of the state's archaeological resources, the providing of information on archaeological sites for their nomination to the state and na-

tional registers of historic places, the maintaining of a complete inventory of archaeological sites and collections, and the providing of information to state, federal, and private construction agencies regarding the possible impact of construction activities on the state's archaeological resources, are proper public functions; and the Washington archaeological research center, *created under the authority of chapter 39.34 RCW as now existing or hereafter amended*, is hereby designated as an appropriate agency to carry out these functions. *The director of the state parks and recreation commission in consultation with the Washington archaeological research center shall provide guidelines for the selection of depositories designated by the state for archaeological resources.* The legislature directs that there shall be full cooperation amongst the office of [archaeological] *archaeology* and historic preservation, the Washington archaeological research center, and other agencies of the state.

Sec. 2. Section 6, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.060 are each amended to read as follows:

On the private and public lands of this state it shall be unlawful for any person, firm, [or] corporation, or any agency or institution of the state or a political subdivision thereof to wilfully alter, dig into, or excavate by use of any mechanical, hydraulic, or other means, or to damage, deface, or destroy any historic or prehistoric archaeological resource or site, American Indian or aboriginal camp site, dwelling site, rock shelter, cave dwelling site, storage site, grave, burial site, or skeletal remains and grave goods, cairn, or tool making site, or to remove from any such land, site, or area, grave, burial site, cave, rock shelter, or cairn, any skeletal remains, artifact or implement of stone, bone, wood, or any other material, including, but not limited to, projectile points, arrowheads, knives, awls, scrapers, beads or ornaments, basketry, matting, mauls, pestles, grinding stones, rock carvings or paintings, or any other artifacts or implements, or portions or fragments thereof without having obtained [the] written permission [of] from the director of the state parks and recreation commission for such activities on public property or from the private landowner for such activities on private land. A private landowner may request the director of the state parks and recreation commission to assume the duty of issuing such permits. The director must obtain the consent of the public property owner or agency responsible for the management thereof, prior to issuance of the permit. The director of the state parks and recreation commission in consultation with the Washington state archaeological research center shall develop guidelines for the issuance and processing of such permits. Such written permission shall be physically present while any such activity is being conducted. The provisions of this section shall not apply to the removal of artifacts found exposed on the surface of the ground nor to the excavation and removal of artifacts from state owned shorelands below the line of ordinary high water and from state owned tidelands below the line of ordinary high tide.

Sec. 3. Section 7, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.070 are each amended to read as follows:

It is the declared intention of the legislature that field investigations on privately owned lands should be discouraged except in accordance with both the provisions and spirit of this chapter and persons having knowledge of the location of archaeological sites or resources are encouraged to communicate such information to the Washington archaeological research center. *Such information shall not constitute a public record which requires disclosure pursuant to the exception authorized in RCW 42.17.310, as now or hereafter amended, to avoid site depredation.*

Sec. 4. Section 9, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.090 are each amended to read as follows:

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. Each day of continued violation of any provision of this chapter shall constitute a distinct and separate offense. *Violations shall be reported to the appropriate law enforcement agency or to the director of the state parks and recreation commission.*

Sec. 5. Section 31, chapter 1, Laws of 1973 as amended by section 17, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.310 are each amended to read as follows:

(1) The following shall be exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, except as the complainant may authorize: PROVIDED, That this subsection shall not apply to persons who file complaints with the public disclosure commission about any elected official or candidate for elective office: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) *Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.*

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records, exempt under the provisions of this section, may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records, is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

*NEW SECTION.* Sec. 6. There is added to chapter 27.53 RCW a new section to read as follows:

The director of the state parks and recreation commission may require as a condition to granting a permit required pursuant to RCW 27.53.060 as now or hereafter amended that the grantee agrees to provide an appropriate, secure area to display and interpret for the public interest a representative sample of those artifacts recovered.”, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Washington, the Senate concurred in the House amendments to Engrossed Substitute Bill No. 3003 with the exception of Section 6 and asks the House to recede therefrom.

#### MOTION

On motion of Senator Walgren, the Senate resumed consideration of the House Message on Engrossed Senate Bill No. 2994 and the motion by Senator Woody made earlier today that the Senate do concur in the House amendments to Engrossed Senate Bill No. 2994.

The motion by Senator Woody carried.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2994, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 3; absent or not voting, 4; excused, 6.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Fleming, Goltz, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (R. H. “Bob”), Marsh, Matson, McDermott, Morrison, Newschwander, North, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—36.

Voting nay: Senators Donohue, Odegaard, von Reichbauer—3.

Absent or not voting: Senators Bailey, Gould, Murray, Pullen—4.

Excused: Senators Clarke, Francis, Herr, Keefe, Lewis (Harry), Mardesich—6.

ENGROSSED SENATE BILL NO. 2994, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 10, 1976.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3009, with the following amendment:

On page 1, line 22, after “dollars.” insert “*The cost of any public work, improvement or repair for the purposes of this section shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or inter-related project where work is to be performed simultaneously or in close sequence.*”, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Woody, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3009.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3009, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 3; excused, 6.



Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Goltz, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—40.

Absent or not voting: Senators Gould, Murray, Wilson—3.

Excused: Senators Clarke, Francis, Herr, Keefe, Lewis (Harry), Mardesich—6.

ENGROSSED SENATE BILL NO. 3009, 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 FOR RECONSIDERATION

On motion of Senator Washington, the Senate moved to reconsider the vote by which the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3003 with the exception of Section 6 and asked the House to recede therefrom.

#### MOTION

On motion of Senator Washington, the House Message on Engrossed Substitute Senate Bill No. 3003 and the motion to concur in all House amendments with the exception of Section 6 will be held for reconsideration at the proper time.

#### MESSAGE FROM THE HOUSE

February 12, 1976.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3047, with the following amendment:

On page 1, line 9, after "any" strike "[such] otherwise eligible" and insert "otherwise eligible", and the same is herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

#### MOTION

On motion of Senator Ridder, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3047.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3047, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 4; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Goltz, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Absent or not voting: Senators Fleming, Gould, Murray, Sandison—4.

Excused: Senators Clarke, Francis, Herr, Keefe, Lewis (Harry), Mardesich—6.

ENGROSSED SENATE BILL NO. 3047, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

February 13, 1976.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3056, with the following amendments:

On page 1, line 1, after "elections;" and before "adding" insert "amending section 6, chapter 156, Laws of 1965 ex. sess. as last amended by section 2, chapter 127, Laws of 1974 1st ex. sess. and RCW 29.04.100;"

On page 1, following line 5, insert a new section as follows:

"Section 1. Section 6, chapter 156, Laws of 1965 ex. sess. as last amended by section 2, chapter 127, Laws of 1974 1st ex. sess. and RCW 29.04.100 are each amended to read as follows:

All poll books or current lists of registered voters shall be public records and be made available for inspection under such reasonable rules and regulations as the county auditor may prescribe. The county auditor shall promptly furnish current lists or mailing labels of registered voters in his possession, at actual reproduction cost, to any person requesting such information: PROVIDED, That such lists and labels shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product or service or for the purpose of mailing or delivering any solicitation for money, services or anything of value: PROVIDED, HOWEVER, That such lists and [books] labels may be used for any political purpose. In the case of political subdivisions which encompass portions of more than one county, the request may be directed to the secretary of state who shall contact the appropriate county auditors and arrange for the timely delivery of the requested information [: PROVIDED, That the secretary of state shall promptly furnish, without cost and upon application therefor, an annual state-wide listing or computer tape of registered voters to the state central committee of any major political party that received at least ten percent of the total votes cast for the office of president at the preceding presidential election]."

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

DEAN R. FOSTER, Chief Clerk.

## MOTION

Senator Beck moved the Senate do concur in the House amendments to Engrossed Senate Bill No. 3056.

## POINT OF INQUIRY

Senator von Reichbauer: "Mr. President, would Senator Beck yield to a question? Senator Beck, looking at this amendment, it is not numbered so you have to bear with me. It is about the tenth line down. It reads, 'service or for the purpose of mailing or delivering any solicitation for money.' Would a candidate who sent out a brochure, included with that would be a request for aid in door belling, etc. which also often includes a solicitation for contributions fall into this?"

Senator Beck: "If you are asking for money, that would be a solicitation, and you are not allowed to do that with this."

## REMARKS BY SENATOR WALGREN

Senator Walgren: "If I may respond to that question, Senator von Reichbauer. There is a specific proviso in the amendment, 'Provided however, That such lists and labels may be used for any political purpose,' and of course, as we all know, our solicitations for money in campaigns is a political purpose."

## POINT OF INQUIRY

Senator Benitz: "Will Senator Beck yield to a question? The wording of the amendment with the stricken language would appear that the one free copy to each of the major political parties is gone, and is that the intent of the amendment?"

Senator Beck: "This has that you go to the county auditor and it is a public record. You pay the cost of it, anyone that wants it. It is a public record. You can go and get it and you have to pay him the cost of the record."

POINT OF INQUIRY

Senator von Reichbauer: "Mr. President, will Senator Beck yield to a question? You stated in your answer to Senator Benitz that anybody could go to the county auditor and get a copy of this. Not all counties, particularly Pierce County for example, maintain the quality of lists perhaps that we have in King County. Would this make a county such as Pierce County maintain a list that we can buy?"

Senator Beck: "Pierce County does maintain it and I bought it. You can get it up there anytime. If you will start reading the amendment it says right here, 'all poll books or current lists of registered voters shall be public records and shall be made available for inspection under such reasonable rules and regulations that the county auditor may prescribe. The county auditor shall promptly furnish lists . . . ' and so on, 'at actual reproduction cost.' You can get them in Pierce County. We are not so old fashioned up there we haven't got to the computer yet."

The motion by Senator Beck carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 3056.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3056, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senators Murray, Sandison—2.

Excused: Senators Clarke, Francis, Herr, Keefe, Lewis (Harry), Mardesich—6.

ENGROSSED SENATE BILL NO. 3056, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 13, 1976.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3066, with the following amendments:

On page 1, line 11, strike "*or dispose of*"

On page 1, line 14, strike "[examination] *utilization*" and insert "examination"

On page 1, line 15, after "court" and before "Costs" on line 18, strike everything and insert ". *When the autopsy or post mortem requires examination in the region of the pituitary gland, that gland may be removed and utilized for any desirable or needful purpose: PROVIDED, That a reasonable effort to obtain consent as required under RCW 68.08.510 shall be made if that organ is to be so utilized.*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Day moved the Senate do concur in the House amendments to Engrossed Senate Bill No. 3066.

## MOTION

On motion of Senator Marsh, the House Message on Engrossed Senate Bill No. 3066, together with the motion by Senator Day that the Senate do concur in the House amendments to Engrossed Senate Bill No. 3066, will be considered following Senate Bill No. 3026 on today's concurrence calendar.

## MESSAGE FROM THE HOUSE

February 13, 1976.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3094, with the following amendment:

Strike all after the enacting clause and insert:

"*NEW SECTION.* Section 1. There is hereby established the Washington library network, hereinafter called the network, which shall consist of the Washington library network computer system, telecommunications systems, interlibrary systems, and reference and referral systems.

Responsibility for the network shall reside with the Washington state library commission, except for certain automated data processing components as provided for and defined in chapter 43.105 RCW: PROVIDED, That all components, systems and programs operated pursuant to this section shall be approved by the data processing authority created pursuant to chapter 43.105 RCW. The commission shall adopt and promulgate policies, rules, and regulations consistent with the purposes and provisions of this act pursuant to chapter 34.04 RCW, the administrative procedure act, except that nothing in this chapter shall abrogate the authority of a participating library, institution, or organization to establish its own policies for collection development and use of its library resources.

*NEW SECTION.* Sec. 2. As used in this chapter, unless otherwise required by the context, the following definitions shall apply:

(1) "Washington library network computer system" means the communication facilities, computers, and peripheral computer devices supporting the automated library system developed by the state of Washington;

(2) "Network" means the Washington library network which is an organization of autonomous, geographically dispersed participants using the Washington library network computer system, telecommunications systems, interlibrary systems, and reference and referral systems;

(3) "Resources" are library materials which include but are not limited to print, nonprint (e.g., audiovisual, realia, etc.), and microform formats; network resources such as software, hardware, and equipment; electronic and magnetic records; data bases; communication technology; facilities; and human expertise;

(4) "Telecommunications" includes any point to point transmission, emission, or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, microwave radio, optical, or other electromagnetic system, including any intervening processing and storage serving a point to point system;

(5) "Interlibrary loan system" means the accepted procedures among libraries by which library materials are made available in some format to users of another library;

(6) "Reference and referral system" pertains to procedures among libraries whereby subject or fact-oriented queries may be referred to another institution when the answering resource or subject expertise is unavailable in the institution originally queried.

*NEW SECTION.* Sec. 3. Sections 1 and 2 of this act shall constitute a new chapter in Title 27 RCW., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Wilson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3094.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3094, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senator Matson—1.

Absent or not voting: Senator Sandison—1.

Excused: Senators Clarke, Francis, Herr, Keefe, Lewis (Harry), Mardesich—6.

ENGROSSED SENATE BILL NO. 3094, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 10, 1976.

Mr. President: The House has passed SENATE BILL NO. 3026, with the following amendment:

On page 1, line 12, after "through" and before "in" strike "six" and insert "twelve", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Gould moved the Senate do not concur in the House amendment to Senate Bill No. 3026 and asks the House to recede therefrom.

POINT OF INQUIRY

Senator Talley: "Would Senator Gould yield, please? Senator Gould, is this the bill that repeals the fact that you have a limited number in one to fourth grades?"

Senator Gould: "No. No, this is a different bill, Senator Talley."

The motion by Senator Gould carried and the Senate refused to concur in the House amendment to Senate Bill No. 3026 and asks the House to recede therefrom.

MOTION

On motion of Senator Walgren, the Senate resumed consideration of the House Message on Engrossed Senate Bill No. 3066.

The Senate resumed consideration of the House Message on Engrossed Senate Bill No. 3066 and the motion by Senator Day that the Senate do concur in the House amendments to Engrossed Senate Bill No. 3066.

There being no objection, the motion by Senator Day was withdrawn.

MOTION

Senator Day moved that the Senate do concur in the House amendments to page 1, line 14 and page 1, line 15 and asked the House to recede from the House amendment to page 1, line 11 of Engrossed Senate Bill No. 3066.

The motion by Senator Day carried. The Senate concurred in the House amendments to page 1, line 14 and page 1, line 15 and asks the House to recede from the House amendment to page 1, line 11 of Engrossed Senate Bill No. 3066.

POINT OF INQUIRY

Senator Knoblauch: "Senator Day, to make it easier to understand, would you explain it to the Senators as you did in the caucus, using the same terms?"

Senator Day: "Someone asked where the pituitary gland was located in the body, and of course, it is inside the skull in the sella turcica of the sphenoid bone. It is the master gland which controls the endocrine system which are the glands of internal secretion. It is very important to growth factor and they do use the extract from these glands to help children who have growth problems. This is a very important bill for them."

#### MESSAGE FROM THE HOUSE

February 16, 1976.

Mr. President: The House has concurred in the Senate amendments to EN-GROSSED SUBSTITUTE HOUSE BILL NO. 1470, except the following amendment:

"On page 2, beginning on line 6, delete all of section 3, and renumber the remaining sections consecutively and change internal references accordingly.", and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

Senator Woody moved that the Senate recede from the Senate amendment to En-grossed Substitute House Bill No. 1470 to page 2, beginning on line 6, and pass the bill with the remaining amendments.

Debate ensued.

#### POINT OF INQUIRY

Senator Fleming: "Mr. President, would Senator Woody yield to a question? Senator Woody, to what extent would this cut down on the possibility of suits that are brought on if they were able to get these records before? Are the chances that they would cut down, or would this have any effect on it in one way or another?"

Senator Woody: "In answer, there is no question about that. It would cut down on some losses that are brought merely to get the records in order that you obtain finances. Let me tell you from a practical matter what happens.

"A client comes in and says, 'I think wrong was done to me. I know that I hurt, so was injured as a result, but I think something wrong was done.' You are talking to a person who has never seen their medical records. They are usually in bed, and can't see their charts which are usually at the other end of the bed. They don't even leave them there any more. They take them back to the medical records librarian. You don't know the essential facts as a patient or a client and the attorney doesn't know either. It doesn't do you very much good to call up the proposed defendant doctor and say, 'will you agree with me that you were negligent, or not?' because he is going to say, 'call my carrier.' He can't discuss the matter with you.

"Oftentimes in order to take a highly complex matter to other physicians and say, 'I would appreciate it if you would review this and give me your opinion as to whether or not you think that there was some professional negligence.' The first thing they are going to ask for is the doctor's and hospital's records. They cannot rely solely upon what the patient says because, like in an operation, all the patient knows is that 'they rolled me in, and they gave me anesthesia. They rolled me out several hours later. I woke up, and I have this problem.' You absolutely need those records in order to make any sort of a determination whether you can bring a claim or not. Currently, you bring the law suit. You issue a subpoena duces tecum to the medical records librarian and to the doctor's office, and you just get copies of those records before a court reporter. You take those copies, not the originals — the copies, and you go around and find out whether or not there is any professional negligence based upon what some doctor can examine those and find out what he thinks."

#### POINT OF INQUIRY

Senator Guess: "Senator Woody, would you yield? Senator Woody, the last thing that you said bothers me greatly. You said that he could take these records around and

find out if there was some damage. Now, is this going to be the new route for the ambulance chaser — if he finds somebody that is complaining of a backache out on the golf course and he says, 'Well, gee whiz, let me take a look at your records and I might be able to find you some money.'

Senator Woody: "To answer your question, it is not the original records. It is the copies. You never get the original records. The original records retain the ownership of the hospital and the doctor. Number two, under current practice, if somebody comes in and says, 'something negligent was done to me and I was injured,' you bring a lawsuit, you get those same copies, and since the lawyer is for the most part — there are a few lawyers who are also doctors — but, for the most part, they do not qualify as expert medical or chiropractic health care witnesses — they must then take that to somebody who is an expert witness. Oftentimes, for example, on a very complicated case they will take them to the chief person at the University of Washington Hospital in that expertise area and say, 'I would appreciate it if you would review this and tell me, is there anything here or has my client just had an unfortunate result?'"

Senator Guess: "Senator Woody, if the records contain a series — an extensive series of x-rays and most of the time when you go in for something these days they take about forty or fifty of them, are you going to get copies of all of those x-rays?"

Senator Woody: "You cannot copy x-rays except in a very unusual form. What is the normal practice is you get authority for whoever your expert witness is to look at those in the doctor or hospital's office in their own shadow box."

Senator Guess: "And they don't take them out of the building, out of the office?"

Senator Woody: "No, I have seen situations in which x-rays have been subpoenaed into court and after the lawsuit is all over whether it be a malpractice or an automobile accident case, they sort of languish there in the clerk's office for years. But that is a wholly different issue. They just sit there gathering dust."

Further debate ensued.

#### POINT OF INQUIRY

Senator Buffington: "Mr. President and members of the Senate, I have tried to keep still on this particular issue but I am afraid I do have to ask Senator Woody a question. Senator Woody, tell me, if I understand what you are saying, you are saying that under the present law you can obtain patients' records from a physician's office under subpoena after you have started a claim."

Senator Woody: "That is correct."

Senator Buffington: "And did the section three that you are hoping to retain in the House Bill No. 1470 — it would allow an attorney to go to a physician's office and obtain patients' records before filing for a suit?"

Senator Woody: "Yes, copies with the authorization signed by the patient."

Senator Buffington: "Yes, copies, I understand, signed by a patient. An attorney or his representative may walk into a physician's office and obtain copies of said records."

Senator Woody: "That is correct."

Senator Buffington: "I have a difficult time there. My question to you is, would that not encourage more lawsuits?"

Senator Woody: "No, first, you have to have a client walk into your office and unless you get a client who is an ex-patient who feels that they have an injury which was the result of a medical malpractice walk into an attorney's office, there is nothing to start a claim about."

Senator Buffington: "Well, I understand that. But if a patient walks into your office and the attorney can go and acquire the patient's records without having filed the claim, it appears to me that that might just be a little more availability for a claim to be filed, as opposed to having to go through the procedures. And I understand what the argument is, Senator Woody. I just wanted to bring this point out to the floor, to the body of this Senate, so you would understand why I would encourage a vote 'no' on this particular motion."

Senator Woody: "Well, I assume you are still asking me a question. The difference

between the two is thirty-two dollars, not just thirty-two dollars, but thirty-two dollars plus probably about two thousand dollars worth of defense attorney's expenses."

The motion by Senator Woody failed on a rising vote.

The Senate refused to recede from the Senate amendment to page 2, beginning on line 6 and asks the House to concur therewith.

#### MESSAGES FROM THE HOUSE

February 17, 1976.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 455, and has passed the bill as amended by the Senate:

DEAN R. FOSTER, Chief Clerk.

February 17, 1976.

Mr. President: The House has concurred in the Senate amendments to EN-GROSSED HOUSE BILL NO. 1237, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 17, 1976.

Mr. President: The House has concurred in the Senate amendments to EN-GROSSED HOUSE BILL NO. 1291, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

At 2:17 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Wednesday, February 18, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



**FORTY-FOURTH DAY**

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 18, 1976.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Keefe, Lewis (Harry) and Mardesich. On motion of Senator Knoblauch, Senators Keefe and Mardesich were excused. On motion of Senator Lewis (R. H. "Bob"), Senator Lewis (Harry) was excused.

The Color Guard, consisting of Pages Steve Sundstrom and Christine Doughty, presented the Colors. Reverend Willard B. Airhart, pastor of First Church of the Nazarene of Olympia, offered the following prayer:

"ALMIGHTY GOD, WE COME TO YOU THIS MORNING IN A SPIRIT OF HUMILITY SEEKING STRENGTH OF CHARACTER AND PURPOSE TO HONORABLY PERFORM THE DUTIES THAT HAVE BEEN ENTRUSTED TO US. GRANT THAT THE ABILITIES WE POSSESS MAY BE USED HONESTLY IN A QUEST FOR THOSE THINGS THAT WILL ENNOBLE THE LIFE STYLE OF THE PEOPLE OF THIS STATE. GIVE US COURAGE AND INTEGRITY TO SUSTAIN THE RIGHT AS INDICATED IN THE MORAL LAWS OF GOD. MAY WE BE NUMBERED AMONG THOSE WHO SEEK PEACE AND PURSUE IT. GIVE US THE GOOD JUDGMENT TO KNOW THAT THE PRICE FOR DECEPTION AND GREED IS TOO HIGH. MAY OUR CONDUCT THIS DAY BRING HONOR TO THE HIGH OFFICE GRANTED US. WE ARE FIRST OF ALL YOUR SERVANTS. LET US LIVE AND WORK THESE HOURS AS GOOD STEWARDS OF OUR OPPORTUNITIES. WE PRAY IN THE NAME OF OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 17, 1976.

SENATE BILL NO. 3077, revising qualifications for pilots in state waters (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Bottiger, Vice Chairman; Beck, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Talley, Walgren, Wana-maker.

Passed to Committee on Rules for second reading.

February 17, 1976.

SECOND SUBSTITUTE HOUSE BILL NO. 993, regulating dangerous wastes (reported by Committee on Ecology):

MAJORITY recommendation: That the bill be referred to Committee on Ways and Means.

Signed by: Senators Washington, Chairman; Donohue, Guess, Murray, North, Sandison.

Referred to Committee on Ways and Means.

## MESSAGE FROM THE GOVERNOR

Office of the Governor, February 17, 1976.

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

I have the honor to advise that on February 17, 1976, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 3033: Deleting mutual corporations of hospitals insurance against liability from definition as "insurer".

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

## MESSAGES FROM THE HOUSE

February 17, 1976.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 1237,

HOUSE BILL NO. 1382,

HOUSE BILL NO. 1529, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 17, 1976.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 802, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MESSAGE FROM THE HOUSE

February 16, 1976.

Mr. President: The House refuses to concur in the Senate amendments to REENGROSSED HOUSE BILL NO. 971 and asks the Senate for a conference thereon. The Speaker has appointed as the House conferees on Reengrossed House Bill No. 971 and the Senate amendments thereto: Representatives Randall, Sommers and Nelson, and the same is herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

## MOTION

On motion of Senator Walgren, the request of the House for a conference on Reengrossed House Bill No. 971 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Reengrossed House Bill No. 971 and the Senate amendments thereto: Senators Donohue, Matson and Woody.

## MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 2060,  
 SUBSTITUTE SENATE BILL NO. 2088,  
 SUBSTITUTE SENATE BILL NO. 2635,  
 SENATE BILL NO. 2660,  
 SENATE BILL NO. 2994,  
 SUBSTITUTE SENATE BILL NO. 2996,  
 SENATE BILL NO. 3009,  
 SENATE BILL NO. 3047,  
 SENATE BILL NO. 3056,  
 SENATE BILL NO. 3094.

SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE HOUSE BILL NO. 802,  
 HOUSE BILL NO. 1237,  
 HOUSE BILL NO. 1382,  
 HOUSE BILL NO. 1529.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Mrs. Julia Herrmann and the Honorable Karl Herrmann and appointed Senators Day, Herr, Guess, Henry, Talley, Peterson and Sandison to escort the honored guests to a place on the Senate rostrum.

MOTIONS

On motion of Senator Day, all members were permitted as additional sponsors to Senate Resolution 1976-190.

On motion of Senator Day, the following resolution was unanimously adopted:

SENATE RESOLUTION 1976-190

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

WHEREAS, Julia Herrmann, ninety-two years young and about to celebrate another birthday, is visiting the Washington State Senate, today: and

WHEREAS, Julia is a close friend to many of the members of the Senate and the mother of former Senator and now Insurance Commissioner Karl Herrmann; and

WHEREAS, Julia was born in 1884 in the state of Iowa and traveled to the Pacific Northwest in a covered wagon before the turn of the century and more than 71 years ago came from Montana to Washington; and

WHEREAS, Herself from a family of nine, reared eight children in the Wenatchee Valley and Okanogan area where she and her husband operated variety stores for many years; and

WHEREAS, Julia recently was selected to be inducted into the Joe Kappler Hall of Fame for Senior Citizens, an award which she so richly deserves; and

WHEREAS, Julia was an employee of the Washington State Senate for 18 years, just retiring this past year; and

WHEREAS, Her gracious and kindly personality has caused much joy and happiness among all who have come to know her and the members of the Senate miss her presence;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate do hereby congratulate Julia Herrmann on her induction into the Joe Kappler Senior Citizen Hall of Fame and express to her their appreciation for the many years of faithful and friendly service; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and he is hereby instructed to prepare and forward copies of this resolution to Julia Herrmann and to her son Insurance Commissioner Karl Herrmann.

Business was suspended to permit appropriate remarks by President Cherberg, Senators Day, Herr and Knoblauch; also Karl Herrmann and Mrs. Julia Herrmann.

Mrs. Herrmann was presented a gift of red roses and the committee of honor escorted the honored guests from the Senate Chamber and the committee was discharged.

### MOTION

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

### THIRD READING

SECOND SUBSTITUTE HOUSE BILL NO. 721, by Committee on Local Government (originally sponsored by Representatives Zimmerman, Douthwaite, Moon, Haussler, Hawkins, Blair, Sommers, Brown and Charnley:

Revising laws relating to county solid waste collection and disposal.

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

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 721, as amended by the Senate.

### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 721, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 2; excused, 3.

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

Voting nay: Senators Grant, Pullen—2.

Absent or not voting: Senators Herr, von Reichbauer—2.

Excused: Senators Keefe, Lewis (Harry), Mardesich—3.

SECOND SUBSTITUTE HOUSE BILL NO. 721, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

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

### SECOND READING

ENGROSSED HOUSE BILL NO. 1340, by Representative Smith (Rick):

Making lesser traffic law violations noncriminal offenses.

The Senate resumed consideration of Engrossed House Bill No. 1340. On February 16, 1976, the committee amendments were adopted.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, and have served prior notice, Senator Woody moved the Senate reconsider the vote by which the committee amendment to page 1, line 14, as amended, was adopted.

Debate ensued.

The motion for reconsideration failed on a rising vote.

There being no objections, an amendment by Senator Woody on the Secretary's desk, was withdrawn.

On motion of Senator Clarke, the rules were suspended, Engrossed House Bill No. 1340, 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 Wanamaker: "Will Senator Clarke yield to a question, please? I notice here that it includes driving under the influence of liquor and drugs. What does this do to the implied consent law?"

Senator Clarke: "My understanding is that those particular offenses are not included in the amendment. These are minor traffic offenses. Senator Francis could probably answer that question."

Senator Francis: "Senator Wanamaker, the exceptions that are listed in the amendment and the amendment doesn't change the exceptions that are listed in the bill. The exceptions except all of those things relating to driving while drinking, reckless driving, and so forth. With all those things that are generally regarded as serious and ought to be handled as criminal matters with the potential for jail time. So, none of that is changed. Therefore, the answer to your question would be there is no effect on the implied consent law at all or on anything relating to it."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1340, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Keefe, Lewis (Harry), Mardesich—3.

ENGROSSED HOUSE BILL NO. 1340, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Joint Resolution No. 64.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 131, by Senators Bailey, Walgren and Lewis (Harry):

Suspension of Rules for Engrossed House Joint Resolution No. 64.

MOTION

Senator Walgren moved the rules be suspended and Senate Concurrent Resolution No. 131 be advanced to second reading and read the second time in full.

Debate ensued.

## POINT OF INQUIRY

Senator Guess: "Will Senator Fleming yield? Senator Fleming, would you tell the body what county you come from?"

Senator Fleming: "I come from King County."

Senator Guess: "Senator Fleming, would you tell the body that King County already has a home rule charter?"

Senator Fleming: "King County already has a home rule charter, but, Senator Guess, I am the chairman of the local government committee and I am concerned about all areas of local government not just King County. I am a state senator not a Seattle senator."

Senator Guess: "I am glad to hear that, Senator, but would you also tell us the amount of money and the percentage that the cost of King County government rose at the time that King County adopted the home rule charter and also adopted a number of commissioners instead of the three they had, they went up to seven. How many dollars extra does it cost a year?"

Senator Fleming: "No, Senator Guess, I don't know those figures and that is not in my purview. The fact of the matter is this has nothing to do with whether I think King County government has rose in cost or what have you. The matter before us is all we have to give the local government units alternative methods of framing their charters. I think that is the question and then they, as local government people, have to stand before the people on the local level as to, whether they are willing to accept this.

"And thirdly, this is just a measure to put to the vote of the people and you usually like to do that."

Senator Guess: "Senator Fleming, would you also tell us that in the bill that it—"

## POINT OF ORDER

Senator Knoblauch: "Point of order. It would seem to me that Senator Guess is going far beyond the motion before the Senate."

## RULING BY THE PRESIDENT

The President: "The motion before the Senate is nondebatable, Senator."  
Debate ensued.

## REMARKS BY SENATOR FLEMING

Senator Fleming: "Senator Guess, I would just like to close and say that some of the questions that you are asking are very obvious questions and I think that the members of this body will be able to recognize that and cast an intelligent vote."

Senator Guess: "We hope it is negative."

## POINT OF INQUIRY

Senator Herr: "Would Senator Guess yield to a question? Senator Guess, you know I know you believe in local government. Is this correct?"

Senator Guess: "That is correct."

Senator Herr: "And don't you think that we, here in Olympia, should probably give more local control rather than trying to direct everything for the counties from the State Senate?"

Senator Guess: "Senator Herr, I am awfully glad you asked that question because this says that if the commission that is elected cannot come up with a home rule charter to the satisfaction so it contrives (sic) then the governor rewrites that. Now, this is what I don't want to happen. I don't want the governor coming in and writing the charters for local government."

Senator Herr: "Would you answer my question on local government?"

## POINT OF ORDER

Senator Knoblauch: "Mr. President, I have to restate my point of order, I think we are far beyond the scope of the motion."

RULING BY THE PRESIDENT

The President: "The Senator's remarks are well taken."

MOTION

At 11:00 a.m., on motion of Senator Walgren, the Senate recessed until 12:10 p.m.

NOON SESSION

The President called the Senate to order at 12:10 p.m.

MOTION

At 12:10 p.m., on motion of Senator Walgren, 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 Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

February 18, 1976.

Mr President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 455,

HOUSE BILL NO. 1291, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 455,

HOUSE BILL NO. 1291.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 131, by Senators Bailey, Walgren and Lewis (Harry):

Suspension of Rules for Engrossed House Joint Resolution No. 64.

The Senate resumed consideration of the motion by Senator Walgren, made earlier today, that the rules be suspended and Senate Concurrent Resolution No. 131 be advanced to second reading and read the second time in full.

The motion by Senator Walgren carried.

On motion of Senator Fleming, the rules were suspended, Senate Concurrent Resolution No. 131 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Guess demanded a roll call and the demand was sustained by Senators Rasmussen, Goltz, Bailey, Clarke, Beck, Cunningham, Jones, Sellar and Scott.

The President declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 131.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 131 and the resolution passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 2; excused, 3.

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

Voting nay: Senators Guess, Pullen—2.

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

Excused: Senators Keefe, Lewis (Harry), Mardesich—3.

SENATE CONCURRENT RESOLUTION NO. 131, having received the constitutional majority, was declared passed.

## SECOND READING

ENGROSSED HOUSE JOINT RESOLUTION NO. 64, by Representatives Hausler and Lee:

Establishing alternate methods for the framing of county "home rule" charters.

## REPORT OF STANDING COMMITTEE

February 10, 1976.

ENGROSSED HOUSE JOINT RESOLUTION NO. 64, establishing alternate methods for the framing of county "home rule" charters (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 6, beginning with "Notwithstanding" strike everything down to and including the "." on line 12.

Signed by: Senators Fleming, Chairman; McDermott, North, Walgren, Wilson.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendment as adopted.

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

On page 1, line 14, strike "then" and insert "than".

On motion of Senator Fleming, the rules were suspended, Engrossed House Joint Resolution No. 64 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Will Senator Fleming yield to a question? Senator Fleming, did you amend off on page two, line four? This is striking the income tax?"

Senator Fleming: (inaudible).

Senator Rasmussen: "I am glad you struck that because we would not want thirty-nine separate income taxes in thirty-nine counties and a new one that Senator Grant is working on, it would be forty counties then. But, on line four the home rule charter, including 'shall become the organic law of the county, and supersede any existing charter, including amendments thereto or any existing form of county government and all special laws inconsistent with such charter.' That is my question now. As I understand it, when a county adopts a new charter, it does not abolish all laws and ordinances they have been operating by.

"This apparently would abolish . . . I don't know of any special laws but I presume it would be all laws and ordinances that they had adopted in previous — what would you call 'special laws inconsistent with such charter'?"

Senator Fleming: "I would think, Senator Rasmussen, that there have been laws that have passed in the area that they would be redrafting of the charter. Things that they have done they would like to do a little different and then drawing up that charter, they would be able to submit that to a vote of the people to say that from this point on, we would like to do business in this fashion. The people would have the right to vote that up or down. I think that that it is what you are talking about and as far as special laws are concerned, I wouldn't know but I think this is the normal language that you would have in a situation like this."

Senator Rasmussen: "Did you say there was a termination date on this?"

Senator Fleming: "I didn't say. Termination date on what?"

Senator Rasmussen: "On this ability to draft and keep on redrafting proposals? I didn't see it in the bill and I was going to get it — terminated in 1977?"



Senator Fleming: "In implementing legislation which this legislature would have to draft up, that question would be addressed. We will draft the enabling legislation to decide what this commission will do, when and how long. They have to come back to us." Further debate ensued.

#### POINT OF INQUIRY

Senator Donohue: "Will Senator Fleming yield? On line two, Senator, it says the charter 'shall become the organic law.' What is the 'organic law;?'"

Senator Fleming: "I have asked two or three attorneys around here and I can't find out the definition."

Senator Donohue: "'It shall become the organic law of the county.' I am not so confused about—"

Senator Fleming: "I am not going to touch that one."

Senator Donohue: "Mr. President, I have had several calls during the noon hour from several of my county commissioners and they seem to be in favor of this. However, as I read it, I suddenly wonder if they really know what is in this bill. On line four, Senator Fleming, it says that 'charter shall become the organic law of the county or supersede any existing charter including amendments thereto or any existing form of county government and all special laws inconsistent with such charter.' What are those special laws you are talking about?"

Senator Fleming: "Senator Donohue, that is the same question Senator Rasmussen

—"

Senator Donohue: "This has nothing to do with 'organic', Senator."

Senator Fleming: "I mean the latter part of your question is the same question that Senator Rasmussen asked and I am sure that he did not ask about organic but he did ask about the existing—"

Senator Donohue: "In other words, you don't have the answer to that. Is that correct?"

Senator Fleming: "Senator Donohue, I would think that what you are talking about in that matter is whenever you draw up a new charter, such as King County, there are certain kinds of things, laws that are on the books, and as a result of that the county legislative body and others might have passed as they relate to that charter. If a new charter is drawn up and if the people of the area vote that new charter in, in that charter it would indicate certain kinds of things, for instance, how the legislative body would be elected, and these kinds of things whether one would be partisan or non-partisan. They are all laws on the books with ordinances and so forth that deal with parts of the county charters and if you drew up a new charter, one of the reasons you would be drawing up a new charter is to do some things different from what you do now. That would be submitted to a vote of the people and they would decide whether they wanted to live under that form of government or not."

Senator Donohue: "Then, also, Senator, the way the explanation that I have heard here on the floor, I think Senator Guess raised the point, it is very possible that at a later date the King County charter could be changed by some other device other than the people involved in that county."

Senator Fleming: "No, anyway, this is just another form of changing your charters but with the approval or rejection of the voters in that area. All this says is that now you can elect freeholders to draw up a charter. This gives you other alternative methods. Whereas that recognizing the different parts of the state have different needs if they wanted to go the freeholder route, they could elect to do so. If they wanted to go the other route and accept one of these other charters that would be drawn up, as Senator Rasmussen said, a small commission. We don't know whether it would be small or not because this legislative body will decide how many people will serve on that commission, what will be the make-up of that commission. If the people vote for this, the legislature has to come back and come forth with enabling legislation and those kinds of things that you are concerned about. If the people say they want to go this route, then the legislature will deal with those and come with implementing legislation."

Further debate ensued.

## PARLIAMENTARY INQUIRY

Senator Guess: "Mr. President, actually, it is a parliamentary question here. Senator Washington has misquoted the resolution and I would like to point out to him that it says that the home rule charter may be submitted to the voters for approval and ratification, rejection by either a resolution of the county legislative authority. Now, this means that the county could approve it by a resolution of the county commissioners."

Senator Washington: "But it still has to be submitted to the people—"

Senator Guess: "No, not to the people. That is the second way. Now, this is the thing that I want to bring out. The bill is very poorly drafted."

## POINT OF ORDER

Senator Bailey: "Point of order, Senator Guess. I think that Senator Guess should allow argument from anyone that is on the floor and should not try to inject with a question that goes in the record to state his own point of view."

## RULING BY THE PRESIDENT

The President: "Senator Bailey's remarks are well taken."  
Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Joint Resolution No. 64, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Resolution No. 64, as amended by the Senate, and the resolution failed to pass the Senate by the following vote: Yeas, 29; nays, 17; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Goltz, Gould, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Marsh, McDermott, Murray, North, Odegaard, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson—29.

Voting nay: Senators Benitz, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Grant, Guess, Matson, Morrison, Newschwander, Peterson, Pullen, Rasmussen, Wanamaker, Woody—17.

Excused: Senators Keefe, Lewis (Harry), Mardesich—3.

ENGROSSED HOUSE JOINT RESOLUTION NO. 64, as amended by the Senate, having failed to receive the constitutional two-thirds majority, was declared lost.

## NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Fleming served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed House Joint Resolution No. 64, as amended by the Senate, failed to pass the Senate.

## MOTION

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

## MESSAGE FROM THE HOUSE

February 12, 1976.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2130 with the following amendments:

On page 3, line 20, after "materials" strike "or energy or combinations thereof" and after "from solid wastes" insert ", the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof."

On page 3, line 21, strike "1469" and insert "1969".

On page 5, line 8, strike "1975" and insert "1976".

On page 5, line 17, strike "1975" and insert "1976".

On page 6, line 24, after "removal" strike "industry" and insert "[industry] and resource recovery industries".

On page 7, line 1, after "referendum 26" insert "(chapter 43.83A RCW)".

On page 7, line 7, strike "1975" and insert "1976", and the same is herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

MOTION

On motion of Senator Washington, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2130, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2130, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Keefe, Lewis (Harry), Mardesich—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2130, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 13, 1976.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2243, with the following amendments:

Strike all after the enacting clause and insert:

"NEW SECTION. Section 1. There is added to Title 26 RCW a new chapter to read as set forth in sections 2 through 21 and in sections 42 through 45 of this 1976 amendatory act.

NEW SECTION. Sec. 2. As used in this chapter, "parent and child relationship" means the legal relationship existing between a child and his natural or adoptive parents in addition to which the law confers or imposes rights, privileges, duties, and obligations. It includes the mother and child relationship and the father and child relationship.

NEW SECTION. Sec. 3. The parent and child relationship extends equally to every child and to every parent, regardless of the marital status of the parents.

NEW SECTION. Sec. 4. The parent and child relationship between a child and

(1) the natural mother may be established by proof of her having given birth to the child, or under this chapter;

(2) the natural father may be established under this chapter;

(3) an adoptive parent may be established by proof of adoption or under the provisions of chapter 26.32 RCW.

NEW SECTION. Sec. 5. A man is presumed to be the natural father of a child if:

(1) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity, divorce, or dissolution, or after a decree of separation is entered by a court;

(2) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and the child is born within three hundred days after the termination of cohabitation;

(3) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and

(a) he has acknowledged his paternity of the child in writing filed with the registrar of vital statistics,

(b) with his consent, he is named as the child's father on the child's birth certificate, or

(c) he is obligated to support the child under a written voluntary promise or by court order;

(4) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his child; or

(5) He acknowledges his paternity of the child in a writing filed with the registrar of vital statistics, who shall promptly inform the mother of the filing of the acknowledgment, and she does not dispute the acknowledgment within a reasonable time after being informed thereof, in a writing filed with the registrar of vital statistics. If another man is presumed under subsections (1), (2), (3), or (4) of this section to be the child's father, such acknowledgment shall give rise to the presumption of paternity only with the written consent of the otherwise presumed father or after such other presumption has been rebutted.

A presumption under this section may be rebutted in an appropriate action only by clear, cogent, and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man.

*NEW SECTION.* Sec. 6. (1) If, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband is treated in law as if he were the natural father of a child thereby conceived. The husband's consent must be in writing and signed by him and his wife. The physician shall certify their signatures and the date of the insemination, and file the husband's consent with the registrar of vital statistics, where it shall be kept confidential and in a sealed file.

(2) The donor of semen provided to a licensed physician for use in artificial insemination of a woman other than the donor's wife is treated in law as if he were not the natural father of a child thereby conceived unless the donor and the woman agree in writing that said donor shall be the father. The agreement must be in writing and signed by the donor and the woman. The physician shall certify their signatures and the date of the insemination and file the agreement with the registrar of vital statistics, where it shall be kept confidential and in a sealed file.

(3) The failure of the licensed physician to perform any administrative act required by this section shall not affect the father and child relationship. All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only in exceptional cases upon an order of the court for good cause shown.

*NEW SECTION.* Sec. 7. (1) A child, his natural mother, or a man presumed to be his father under section 5 of this 1976 amendatory act may bring an action

(a) at any time for the purpose of declaring the existence of the father and child relationship presumed under section 5 of this 1976 amendatory act; or

(b) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 5(1), (2), (3) or (4) of this 1976 amendatory act only if the action is brought within a reasonable time after obtaining knowledge of relevant facts. After the presumption has been rebutted, paternity of the child by another man may be determined in the same action, if he has been made a party.

(2) Any interested party or the department of social and health services or the state of Washington may bring an action at any time for the purpose of determining the existence or nonexistence of the father and child relationship.

(3) In an action brought by the state pursuant to this chapter, the state may be rep-

resented by either the prosecuting attorney for the county where the action is brought or by the attorney general.

(4) An action to determine the existence of the father and child relationship with respect to a child who has no presumed father under section 5 of this 1976 amendatory act may be brought by the child, the mother or personal representative of the child, the department of social and health services, the state of Washington, the personal representative or a parent of the mother if the mother has died, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor. If a child has no presumed father under section 5 of this 1976 amendatory act and the action to determine the existence of the father and child relationship has not been brought and proceedings to adopt the child have not been instituted within one year after the child's birth, an action to determine the existence of the relationship may be brought promptly on behalf of the child by the department of social and health services or the state of Washington.

(5) Regardless of its terms, no agreement between an alleged or presumed father and the mother or child, shall bar an action under this section.

(6) If an action under this section is brought before the birth of the child, all proceedings may be stayed until after the birth, except service of process and discovery, including the taking of depositions to perpetuate testimony.

(7) No action may be brought by the department of social and health services to establish the duty of someone who is not a presumed parent under section 5 of this 1976 amendatory act to support a child after five years (a) from the date of the child's birth, or (b) from any date the alleged parent ceases to contribute to the care, education, and support of the child, as required by chapter 26.20 RCW, whichever is later: PROVIDED, That the time during which the alleged parent is absent from the state shall not be included in the time periods described above.

**NEW SECTION.** Sec. 8. (1) The petitioner in an action to determine the existence of the father and child relationship may petition the court to issue a warrant for the arrest of the alleged father at any stage of the proceeding including after a judgment has been entered. When such petition is filed, the court shall examine on oath the petitioner and any witnesses the court may require, take their statements, and cause the statements and the petition to be subscribed under oath by the person or persons making such.

(2) If it appears from such evidence that there is reasonable cause to believe that the father and child relationship exists as alleged in the petition the court shall issue a warrant for the arrest of the alleged father: PROVIDED, That in the case of a prejudgment petition, a warrant shall only be issued if there is reasonable cause to believe that: (a) The alleged father will not appear in response to a summons; or (b) the summons cannot be served; or (c) the alleged father is likely to leave the jurisdiction; or (d) the safety of the petitioner would be endangered if the warrant did not issue.

(3) In the case of a petition for the arrest of a person pursuant to the continuing jurisdiction of the court described in section 17 of this 1976 amendatory act or as an aid to enforcement of a judgment and order previously rendered under this chapter, a warrant shall issue only if there is reasonable cause to believe that: (a) The respondent is delinquent in complying with court's order and conceals himself or has absconded or absented himself from his usual place of abode in this state so that ordinary process of law may not be served upon him; or (b) the respondent has or is about to remove any of his property from this state with the intent to delay or otherwise frustrate the court's order; or (c) the respondent has or is about to assign, secrete, convert, or dispose of any of his property with the intent to delay or otherwise frustrate the court's order.

(4) Any person arrested pursuant to this section shall be entitled upon request to a preliminary hearing as soon as practically possible, and in any event not later than the close of business of the next judicial day following the day of arrest. The court may, for good cause stated, enlarge the time prior to preliminary hearing.

(5) If a person arrested pursuant to this section is not afforded a preliminary hearing upon request as required by subsection (4) of this section, the court shall order such person brought before the court forthwith, and in default thereof, the court shall order his immediate release unless good cause to the contrary be shown.

(6) Any person arrested pursuant to this section shall at this first court appearance be ordered released on his personal recognizance pending trial, unless the court determines that such recognizance will not reasonably assure (a) his appearance, when required, or (b) compliance with the court's order. When such determination is made the court shall order the person returned to custody or impose such other conditions as will reasonably assure his appearance or compliance with the court's order.

*NEW SECTION.* Sec. 9. (1) The superior courts have jurisdiction of an action brought under this chapter. The action may be joined with an action for divorce, dissolution, annulment, declaration of invalidity, separate maintenance, filiation, support, or any other civil action in which paternity is an issue including proceedings in juvenile court.

(2) A person who has sexual intercourse in this state thereby submits to the jurisdiction of the courts of this state as to an action brought under this chapter with respect to a child who may have been conceived by that act of intercourse. In addition to any other method provided by statute, personal jurisdiction may be acquired by personal service of summons outside this state or by service in accordance with RCW 4.28.185 as now or hereafter amended.

(3) The action may be brought in the county in which the child or the alleged father resides or is found or, if the father is deceased, in which proceedings for probate of his estate have been or could be commenced.

*NEW SECTION.* Sec. 10. The child shall be made a party to the action. If he is a minor he shall be represented by his general guardian or a guardian ad litem appointed by the court. The child's mother or father may not represent the child as guardian or otherwise. The natural mother, each man presumed to be the father under section 5 of this 1976 amendatory act, and each man alleged to be the natural father, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and an opportunity to be heard. The court may align the parties.

*NEW SECTION.* Sec. 11. (1) The court may, and upon request of a party shall, require the child, mother, or alleged father to submit to blood tests. The tests shall be performed by an expert qualified as an examiner of blood types, appointed by the court.

(2) The court, upon reasonable request by a party, shall order that independent tests be performed by other experts qualified as examiner of blood types.

(3) In all cases, the court shall determine the number and qualifications of the experts.

*NEW SECTION.* Sec. 12. Evidence relating to paternity may include:

(1) Evidence of sexual intercourse between the mother and alleged father at any possible time of conception;

(2) An expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy;

(3) Blood test results, weighted in accordance with evidence, if available, of the statistical probability of the alleged father's paternity;

(4) Medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests; and

(5) All other evidence relevant to the issue of paternity of the child.

*NEW SECTION.* Sec. 13. (1) An action under this chapter is a civil action governed by the rules of civil procedures. The mother of the child and the alleged father are competent to testify and may be compelled to testify.

(2) Upon refusal of any witness, including a party, to testify under oath or produce evidence of any other kind on the ground that he may be incriminated thereby, and if a prosecuting attorney requests the court to order that person to testify or provide the evidence, the court shall then hold a hearing and shall so order, unless it finds that to do so would be clearly contrary to the public interest, and that person shall comply with the order.

If, but for this section, he would have been privileged to withhold the answer given

or the evidence produced by him, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination; but he shall not be prosecuted or subjected to criminal penalty or forfeiture for or on account of any transaction, matter, or fact concerning which he has been ordered to testify pursuant to this section. He may nevertheless be prosecuted for failing to comply with the order to answer, or for perjury or for offering false evidence to the court.

(3) Testimony of a physician concerning the medical circumstances of the pregnancy and the condition and characteristics of the child upon birth is not privileged.

(4) In an action against an alleged father, evidence offered by him with respect to a man who is not subject to the jurisdiction of the court concerning his sexual intercourse with the mother at or about the probable time of conception of the child is admissible in evidence only if he has undergone and made available to the court blood tests the results of which do not exclude the possibility of his paternity of the child. A man who is identified and is subject to the jurisdiction of the court shall be made a defendant in the action.

(5) The trial shall be by the court without a jury.

**NEW SECTION.** Sec. 14. (1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship is determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order may contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement.

(4) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just: **PROVIDED HOWEVER,** That the court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(5) In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, the court shall consider all relevant facts, including, but not limited to:

- (a) the needs of the child;
- (b) the standard of living and circumstances of the parents;
- (c) the relative financial means of the parents;
- (d) the earning ability of the parents;
- (e) the need and capacity of the child for education, including higher education;
- (f) the age of the child;
- (g) the responsibility of the parents for the support of others; and
- (h) the value of services contributed by the custodial parent.

(6) In determining custody, a court, in accordance with the best interests of the child, shall consider all relevant facts including:

- (a) The wishes of the child's parents or parent as to his custody and as to visitation;
- (b) The wishes of the child as to his custodian and as to visitation privileges;
- (c) The interaction and interrelationship of the child with his parent or parents, his siblings, and any other person who may significantly affect the child's best interests;
- (d) The child's adjustment to his home, school, and community; and
- (e) The mental and physical health of all individuals involved.

The court shall not consider conduct of a proposed custodian that does not affect the welfare of the child.

(7) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a

period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

**NEW SECTION.** Sec. 15. The court may order reasonable fees of counsel, experts, and the child's guardian ad litem, and other costs of the action, including blood tests, to be paid by the parties in proportions and at times determined by the court.

**NEW SECTION.** Sec. 16. (1) If existence of the father and child relationship is declared, or paternity or a duty of support has been acknowledged or adjudicated under this chapter or under prior law, the obligation of the father may be enforced in the same or other proceedings by the mother, the child, the state of Washington, the public authority that has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, support, or funeral, or by any other person, including a private agency, to the extent he has furnished or is furnishing these expenses.

(2) The court may order support payments to be made to the department of social and health services pursuant to chapters 74.20 and 74.20A RCW, to a parent, the clerk of the court, or a person, corporation, or agency designated to administer them for the benefit of the child under the supervision of the court.

(3) All remedies for the enforcement of judgments apply.

**NEW SECTION.** Sec. 17. The court has continuing jurisdiction to prospectively modify a judgment and order for future education and future support, and with respect to matters listed in sections 14 (3) and (4), and 16(2) of this 1976 amendatory act upon showing a substantial change of circumstances.

**NEW SECTION.** Sec. 18. Any interested party may bring an action to determine the existence or nonexistence of a mother and child relationship. Insofar as practicable, the provisions of this chapter applicable to the father and child relationship apply.

**NEW SECTION.** Sec. 19. Any promise in writing to furnish support for a child, growing out of a supposed or alleged father and child relationship, does not require consideration and is enforceable according to its terms, subject to section 7(5) of this 1976 amendatory act.

**NEW SECTION.** Sec. 20. If a parent relinquishes or proposes to relinquish for adoption a child, the other parent shall be given notice of the adoption proceeding and have the rights provided under the provisions of chapter 26.32 RCW.

**NEW SECTION.** Sec. 21. Notwithstanding any other rule of law concerning public hearings and records, any hearing or trial held under this chapter shall be held in closed court without admittance of any person other than those necessary to the action or proceeding. All papers and records, other than the final judgment, pertaining to the action or proceeding, whether part of the permanent record of the court or of a file in the department of social and health services, are subject to inspection only upon an order of the court for good cause shown following reasonable notice to all parties of the hearing where such order is to be sought.

Sec. 22. Section 2, chapter 131, Laws of 1959 and RCW 4.28.185 are each amended to read as follows:

(1) Any person, whether or not a citizen or resident of this state, who in person or through an agent does any of the acts in this section enumerated, thereby submits said person, and, if an individual, his personal representative, to the jurisdiction of the courts of this state as to any cause of action arising from the doing of any of said acts:

- (a) The transaction of any business within this state;
- (b) The commission of a tortious act within this state;
- (c) The ownership, use, or possession of any property whether real or personal situated in this state;
- (d) Contracting to insure any person, property or risk located within this state at the time of contracting;
- (e) *The act of sexual intercourse within this state with respect to which a child may have been conceived.*

(2) Service of process upon any person who is subject to the jurisdiction of the courts of this state, as provided in this section, may be made by personally serving the



defendant outside this state, as provided in RCW 4.28.180, with the same force and effect as though personally served within this state.

(3) Only causes of action arising from acts enumerated herein may be asserted against a defendant in an action in which jurisdiction over him is based upon this section.

(4) Personal service outside the state shall be valid only when an affidavit is made and filed to the effect that service cannot be made within the state.

(5) In the event the defendant is personally served outside the state on causes of action enumerated in this section, and prevails in the action, there may be taxed and allowed to the defendant as part of the costs of defending the action a reasonable amount to be fixed by the court as attorney's fees.

(6) Nothing herein contained limits or affects the right to serve any process in any other manner now or hereafter provided by law.

Sec. 23. Section 11.02.005, chapter 145, Laws of 1965 and RCW 11.02.005 are each amended to read as follows:

When used in this title, unless otherwise required from the context:

(1) "Personal representative" includes executor, administrator, special administrator, and guardian.

(2) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the estate.

(3) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to the intestate, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the intestate who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the intestate but who left issue surviving the intestate; each share of a deceased person in the nearest degree shall be divided among those of his issue who survive the intestate and have no ancestor then living who is in the line of relationship between them and the intestate, those more remote in degree taking together the share which their ancestor would have taken had he survived the intestate. Posthumous children are considered as living at the death of their parent.

(4) "Issue" includes all the lawful lineal descendants of the ancestor[,] and all lawfully adopted children [, and illegitimates as specified in RCW 11.04.001].

(5) "Degree of kinship" shall mean the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(6) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on his death intestate.

(7) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.

(8) "Wills" includes all codicils.

(9) "Codicil" shall mean an instrument executed in the manner provided by this title for wills, which refers to an existing will for the purpose of altering or changing the same, and which need not be attached thereto.

(10) "Guardian" means a personal representative of the estate of an incompetent person as defined in RCW 11.88.010 and the term may be used in lieu of "personal representative" wherever required by context.

(11) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(12) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever

required by context.

(13) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(14) Words that import the singular number only, may also be applied to the plural of persons and things.

(15) Words importing the masculine gender only may be extended to females also.

Sec. 24. Section 11.04.081, chapter 145, Laws of 1965 and RCW 11.04.081 are each amended to read as follows:

For the purpose of inheritance to, through, and from [an illegitimate] *any* child, [such child shall be treated the same as if he were the legitimate child of his mother, so that he and his issue shall inherit from his mother and from his maternal kindred, in all degrees, and they may inherit from him. Such child shall also be treated the same as if he were a legitimate child of his mother for the purpose of determining homestead rights, the distribution of exempt property and the making of family allowances. When the parents of an illegitimate child shall marry subsequent to his birth, or the father shall acknowledge said child in writing, such child shall be deemed to have been made the legitimate child of both of the parents for purposes of intestate succession] *the effects and treatment of the parent-child relationship shall not depend upon whether or not the parents have been married.*

Sec. 25. Section 6, page 405, Laws of 1854 as last amended by section 2388, Code of 1881 and RCW 26.04.060 are each amended to read as follows:

A marriage solemnized before any person professing to be a minister or a priest of any religious denomination in this state or professing to be an authorized officer thereof, is not void, nor shall the validity thereof be in any way affected on account of any want of power or authority in such person, if such marriage be consummated with a belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage. [Illegitimate children become legitimate by the subsequent marriage of their parents with each other.]

Sec. 26. Section 3, chapter 291, Laws of 1955 as amended by section 2, chapter 134, Laws of 1973 and RCW 26.32.030 are each amended to read as follows:

Written consent to such adoption must be filed prior to a hearing on the petition, as follows:

(1) By the person to be adopted, if such person is fourteen years of age or older, but the filing of such consent shall not obviate the necessity of securing any other consent herein required;

(2) If the person to be adopted is [of legitimate birth or legitimized thereafter, and] a minor, then by each of his living parents, except as [hereinafter] provided *in RCW 26.32.040 and 26.32.050 as now or hereafter amended;*

(3) [If the person to be adopted is illegitimate and a minor, then by his mother and father, if living, except as provided in this 1973 amendatory act;

(4) If a legal guardian has been appointed for the person of the child, then by such guardian;

[(5)] (4) If the person to be adopted is a minor and has been permanently committed upon due notice to his parents by any court of general jurisdiction to an approved agency, then by such approved agency, in which event neither notice to nor consent by its parents in the adoption proceeding shall be necessary: **PROVIDED**, That if the approved agency refuses to consent to the adoption, the court, in its discretion, may order that such consent be dispensed with.

Sec. 27. Section 4, chapter 291, Laws of 1955 as amended by section 3, chapter 134, Laws of 1973 and RCW 26.32.040 are each amended to read as follows:

No consent for the adoption of a minor shall be required as follows:

(1) From a parent deprived of civil rights when in a hearing for that purpose, as provided in RCW 26.32.050, the court finds that the circumstances surrounding the loss of said parent's civil rights were of such a nature that the welfare of the child would be best served by a permanent deprivation of parental rights;

(2) From a parent who has been deprived of the custody of the child by a court of

competent jurisdiction, after notice: PROVIDED, That a decree in an action for divorce, separate maintenance, [or] annulment, *dissolution, declaration of invalidity, declaration of paternity, or any other order in a civil or criminal proceeding including proceedings in juvenile court*, which grants to a parent any right of custody, control, or visitation of a minor child, or requires of such parent the payment of support money for such child, shall not constitute such deprivation of custody;

(3) From a parent who, more than one year prior to filing of a petition hereunder, has been adjudged to be mentally ill or otherwise mentally incompetent, and who has not thereafter been restored to competency by the court making such adjudication, and the court at a hearing called for such purpose, as provided in RCW 26.32.050, finds that the best interests of the child will be served by a permanent deprivation of custody;

(4) From a parent who has been found by a court of competent jurisdiction, upon notice as herein provided to such parent, to have deserted or abandoned such child under circumstances showing a wilful substantial lack of regard for parental obligations;

(5) From a parent of [an illegitimate] *a child who has not been acknowledged by such parent and action has not been taken to establish such relationship in accordance with sections 3 through 20 of this 1976 amendatory act, and who prior to entry of the interlocutory decree of adoption has not contested the proposed adoption after having been provided with notice of a hearing on an adoption petition pursuant to the notice provisions of RCW 26.32.085;*

(6) From a parent who has surrendered the child pursuant to RCW 26.37.010.

Sec. 28. Section 5, chapter 291, Laws of 1955 as amended by section 4, chapter 134, Laws of 1973 and RCW 26.32.050 are each amended to read as follows:

If the court in an adoption proceeding, after a hearing for that purpose upon notice thereof as hereinafter provided having been given to a parent, finds any of the conditions set forth in RCW 26.32.040 *as now or hereafter amended* to be a fact as to the parent, the court may decree that consent of such parent shall not be required prior to adoption.

Sec. 29. Section 7, chapter 291, Laws of 1955 and RCW 26.32.070 are each amended to read as follows:

(1) The written consent shall be acknowledged before a notary public and filed with the petition or at all events before any action is taken by the court in such proceeding. Such consent shall recite that it is given subject to the approval of the court to be requested in an adoption proceeding and to have no force or effect until such court has approved the same. Such consent shall also provide therein that, after it is approved by the court and the order of relinquishment issued and filed, as required by RCW 26.36.010 *as now or hereafter amended*, and the child relinquished to the petitioners, it is not revocable except for fraud practiced by the petitioners or mental incompetency of the person signing the consent at the time of signing the same;

(2) If the parent signing the consent is a minor, the court shall appoint a guardian ad litem, who shall make an investigation and report prior to the order of relinquishment, covering the competency of the person signing the consent and certifying that the consent was voluntarily made and for the best interests of the child;

(3) The court, prior to signing an order of relinquishment, may appoint a next friend, as hereinafter provided in RCW 26.32.090, who shall report to the court either orally or in writing as to the competency of the parent signing the consent, whether or not such consent is voluntary, and whether or not at that time anything affirmatively appears that the best interests of the child would not be served by the adoption. The order of relinquishment shall not be signed without the written approval of the next friend and without the court calling a hearing as to the advisability of the relinquishment, whenever the court appoints a next friend.

Sec. 30. Section 8, chapter 291, Laws of 1955 as amended by section 5, chapter 134, Laws of 1973 and RCW 26.32.080 are each amended to read as follows:

(1) The court shall direct notice of any hearing under RCW 26.32.050 to be given to any nonconsenting parent or guardian, if any, and to any person or association having the actual care, custody, or control of the child: PROVIDED, That where a parent has been deprived of the custody of such child and such child has been set over for

adoption by an order of a court of competent jurisdiction, after due notice in a proceeding regularly had for such purpose, no notice need be given to the parent so deprived and the record of such deprivation proceedings shall be deemed prima facie proof of such deprivation;

(2) Such notice shall be given in the following manner: The court shall direct the clerk to issue a notice of such hearing directed to the persons entitled to notice, notifying such persons of the filing of the petition, stating briefly the object of the petition and the purpose of the hearing, and notifying such persons of the date, time and place of the hearing. A copy of the notice shall be served in the manner provided by law for the service of the summons upon the persons entitled thereto at least ten days prior to the hearing;

(3) In the event it shall appear by the affidavit of the petitioners that the persons entitled to notice, or either of them, are nonresidents of the state or that they cannot, after diligent search, be found within the state, and that a copy of said notice has been deposited in the post office, postage prepaid, directed to such person or persons at their last known place of residence, unless it is stated in the affidavit that such residence is unknown to petitioners, then the court shall order said notice published in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. Proof of service of notice shall be filed in the cause as required by law for making proof of the service of summons or summons by publication;

(4) Personal service of the notice out of the state, made twenty-five days or more prior to the date fixed for the hearing, shall be deemed equivalent to service by publication;

(5) [If the court is satisfied of the illegitimacy of the child to be adopted, and so finds, then] Notice to any nonconsenting parent of such child shall be made as required under the provisions of RCW 26.32.085 as now or hereafter amended.

(6) Except as provided in subsection (5) of this section, a notice in substantially the following form will be deemed sufficient:

IN THE SUPERIOR COURT  
OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF \_\_\_\_\_

In the Matter )  
of the Adoption of ) No. \_\_\_\_\_  
JANE DOE ) NOTICE

To John Doe (nonconsenting parent) and to all whom it may concern:

You are hereby notified that there has been filed in this court a petition for the adoption of the above named, praying also that there be first an adjudication that the consent of John Doe to such adoption is not required by law.

A hearing for such purpose will be had on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of 9:30 a.m., at the courtroom of said superior court, at \_\_\_\_\_, or to such other department of the court to which said matter may be then and there transferred, when and where all persons interested shall appear and show cause why such adjudication should not be made, and why, if made, such petition should not be thereafter heard forthwith and the prayer thereof granted.

WITNESS, The Honorable, .....  
Judge of said Superior court, and the seal of said court hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Deputy Clerk

(SEAL)

Sec. 31. Section 6, chapter 134, Laws of 1973 and RCW 26.32.085 are each amended to read as follows:

The following requirements regarding notice of hearing on a petition for adoption shall apply to [the] *an alleged parent of [an illegitimate] a child who has not acknowledged the relationship and action has not been taken to establish such relationship in accordance with sections 3 through 20 of this 1976 amendatory act, and who has not consented to the adoption of such child:*

(1) Where the court has reason to believe or suspect that any person not before the court is or might be the parent of such child, the court shall direct the clerk to issue the notice prescribed in subsection (3) of this section to such person. The notice required under this subsection shall be served in the manner provided by law for the service of summons upon the person entitled thereto at least ten days prior to the hearing. In the event that a person entitled to notice under this subsection is a nonresident of the state or cannot after diligent search be found within the state, then:

(a) If the last known place of residence of such person is known, a copy of notice shall be deposited in the post office, postage prepaid, directed to such person at his last known place of residence.

(b) If the last known place of residence of such person is not known, then notice shall be made by publication in the manner required under subsection (2) of this section and as prescribed under subsection (3) of this section.

(2) Notice by publication shall be made in every case, except where service of the notice has been made on a person who either:

- (a) acknowledges that he is a parent and the court finds him to be a parent, or
(b) has been found to be the father pursuant to chapter 26.24 RCW.

In addition, the court may require notice by publication whenever the court believes such notice might be necessary to protect the validity of adoption proceedings and any decree of adoption. Whenever notice by publication is required, the court shall direct the clerk to publish the notice in a legal newspaper [printed in the county,] qualified to publish summons, *printed in the county or counties in which in the exercise of sound judicial discretion the court determines the alleged parent is likely to reside*, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. The notice shall be in the form prescribed under subsection (3) of this section.

(3) The notice required under subsections (1) and (2) of this section shall be in substantially the following form:

IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
FOR THE COUNTY OF \_\_\_\_\_

In the Matter )
of the Adoption of )
JANE DOE )

No. \_\_\_\_\_
NOTICE

To all whom it may concern:

You are hereby notified that there has been filed in this court a petition for the adoption of the above named, praying also that there be first an adjudication that the consent of the \_\_\_\_\_ (father or mother) of such child is not required by law.

You are also notified that the consent of the \_\_\_\_\_ (mother or father) of the above named, such \_\_\_\_\_ (mother's or father's) name being \_\_\_\_\_, has already been given or is not required by law.

A hearing for such purpose will be had on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of 9:30 a.m., at the courtroom of said superior court, at \_\_\_\_\_, or to such other department of the court to which said matter may be then and there transferred, when and where all persons interested shall appear and show cause why such adjudication should not be made, and why, if made, such petition should not be thereafter heard forthwith and the prayer thereof granted.

WITNESS, The Honorable,
Judge of said Superior Court, and the seal of said court hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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 Clerk
 

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 Deputy Clerk
 

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(SEAL)

Sec. 32. Section 10, chapter 134, Laws of 1973 and RCW 26.32.300 are each amended to read as follows:

Where a natural parent (or parents) of [an illegitimate] a child successfully petitions to have the adoption of the child set aside, the parent shall be liable to the adoptive parents (or parent) for their direct and indirect costs in supporting such child.

The term "direct and indirect costs" as used in this section shall include both actual expenditures and the value of services rendered by the adoptive parents in caring for the child.

Sec. 33. Section 11, chapter 134, Laws of 1973 and RCW 26.32.310 are each amended to read as follows:

In each action brought by a natural parent (or parents) of [an illegitimate] a child to set aside the adoption of the child, no hearing or trial on the merits of the action shall be conducted until such time as the natural parent (or parents) posts a bond equal to one hundred dollars for each period of thirty days which the adoptive parents (or parent) had custody of the child. Such bond shall be used to satisfy the adoptive parents' right under RCW 26.32.300 to compensation for support in the event the adoption is set aside.

Sec. 34. Section 1, chapter 49, Laws of 1903 as amended by section 7, chapter 134, Laws of 1973 and RCW 26.37.010 are each amended to read as follows:

Any benevolent or charitable society incorporated under the laws of this state for the purpose of receiving, caring for or placing out for adoption, or improving the condition of orphan, homeless, neglected or abused minor children of this state shall have authority to receive, control, and dispose of children under eighteen years of age under the following provisions:

(1) When the father and mother or the person or persons legally entitled to act as guardian of the person of any minor child shall, in writing, surrender such child to the charge and custody of said society, such child shall thereafter be in legal custody of such society for the purposes herein provided.

(2) In case of death or legal incapacity of a father or his abandonment or neglect to provide for his family, the mother shall have authority to make such surrender, and in case of the death or legal incapacity of a mother, or her abandonment of such child, then the father shall have authority to make such surrender.

(3) In all cases where the person or persons legally authorized to make such surrender are not known, any judge of superior court may cause a notice of hearing to be published in any newspaper of general circulation printed and published in the county, and if he deems it best for such orphan, homeless, neglected or abused child, he may surrender it to any benevolent or charitable society incorporated under the laws of Washington and having for its object the care of such children.

(4) In cases where the child to be surrendered [is illegitimate] *has not been acknowledged by either parent and action has not been taken to establish such relationship in accordance with sections 3 through 20 of this 1976 amendatory act*, and is surrendered in writing by either parent, but not both parents, then the court shall hold a hearing on the surrender in the manner provided under RCW 26.37.015, and if the parent who has not agreed to the surrender in writing does not contest the surrender at such hearing, then such parent shall be deemed to have surrendered the child and the court shall authorize the surrender. This subsection shall not apply to or bar surrenders authorized under subsection (2) of this section.

(5) When any child shall have been surrendered in accordance with any of the preceding clauses and such child shall have been accepted by such society, then, (but not otherwise), the rights of its natural parents or of the guardian of its person (if any) shall cease and such corporation shall become entitled to the custody of such child, and shall have authority to care for and educate such child or place it either temporarily or per-

manently in a suitable private home in such manner as shall best secure its welfare. Such corporation shall have authority when any such child has been surrendered to it in accordance with any of the preceding provisions, and it is still in its control, to consent to its adoption under the laws of Washington. The custody or control of any such child by any such corporation or by any other corporation, institution, society or person may be inquired into, and, in the discretion of the court, terminated at any time by the superior court of the county where the child may be, upon the complaint of any person, and a showing that such custody is not in the interest of the child.

Sec. 35. Section 8, chapter 134, Laws of 1973 and RCW 26.37.015 are each amended to read as follows:

(1) Whenever one parent, but not both parents, of [an illegitimate] a child who has not been acknowledged by either parent and action has not been taken to establish such relationship in accordance with sections 3 through 20 of this 1976 amendatory act, surrenders the child in writing pursuant to subsection (4) of RCW 26.37.010, the surrender shall not be valid unless a petition for surrender is granted by the court in conformity with the provisions of this section. The court shall grant such petition if the parent who did not provide the surrender in writing fails to contest the petition at the hearing held thereon.

(2) Where the court has reason to believe or suspect that any person not before the court is or might be the parent of such child, the court shall direct the clerk to issue the notice prescribed in subsection (4) of this section to such person. The notice required under this subsection shall be served in the manner provided by law for the service of summons upon the person entitled thereto at least ten days prior to the hearing. In the event that a person entitled to notice under this subsection is a nonresident of the state or cannot after diligent search be found within the state, then:

(a) If the last known place of residence of such person is known, a copy of the notice shall be deposited in the post office, postage prepaid, directed to such person at his last known place of residence.

(b) If the last known place of residence of such person is not known then notice shall be made by publication in the manner required under subsection (3) of this section and as prescribed under subsection (4) of this section.

(3) Notice by publication shall be made in every case, except where service of the notice has been made on a person who either:

- (a) acknowledges that he is a parent and the court finds him to be a parent, or
- (b) has been found to be the father pursuant to chapter 26.24 RCW.

In addition, the court may require notice by publication whenever the court believes such notice might be necessary to protect the validity of adoption proceedings and any decree of adoption. Whenever notice by publication is required, the court shall direct the clerk to publish the notice in a legal newspaper [printed in the county,] qualified to publish summons, *printed in the county or counties in which the exercise of sound judicial discretion the court determines the alleged parent is likely to reside*, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-four days prior to the date fixed for the hearing. The notice shall be in the form prescribed under subsection (4) of this section.

(4) The notice required under subsections (2) and (3) of this section shall be in substantially the following form:

IN THE SUPERIOR COURT  
OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF \_\_\_\_\_

In the Matter	)	
of the Surrender of	)	No. _____
JANE DOE	)	NOTICE

To all whom it may concern:

You are hereby notified that there has been filed in this court a petition for the surrender of the above named, praying also that there be first an adjudication that the \_\_\_\_\_ (father's or mother's) written surrender of such child is not required by law.

You are notified that the written surrender of the above-named by the \_\_\_\_\_ (father or mother) of the above-named, such \_\_\_\_\_ (father's or mother's) name being \_\_\_\_\_, has already been given or is not required by law.

You are further notified that your failure to contest the surrender of the above-named at the hearing described in this notice may result in the relinquishment of your rights to custody and control of the above-named and the adoption of the above-named.

A hearing for such purpose will be had on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of 9:30 a.m., at the courtroom of said superior court, at \_\_\_\_\_, or to such other department of the court to which said matter may be then and there transferred, when and where all persons interested shall appear and show cause why such adjudication should not be made, and why, if made, such petition should not be thereafter heard forthwith and the prayer thereof granted.

WITNESS, The Honorable , .....

Judge of said Superior Court, and the seal of said court hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Deputy Clerk

(SEAL)

Sec. 36. Section 43.20.090, chapter 8, Laws of 1966 as last amended by section 1, chapter 25, Laws of 1970 ex. sess. and RCW 43.20.090 are each amended to read as follows:

The state registrar shall, upon request, furnish an applicant with a certified copy of the record of any birth, death, fetal death, marriage or decree of divorce, annulment or separate maintenance, registered under the provision of law, or that portion of the record of any birth which shows the child's full name, sex, date of birth, and date of filing of the certificate, for the making and certification of which he shall charge a fee of three dollars to be paid by the applicant: PROVIDED, [That a certified copy of the record of any birth may not disclose the fact of illegitimacy of birth, nor of information from which it can be ascertained, except upon order of the court or in cases where written notice is received from an attorney, court official, or adoption agency that the illegitimate child is to be adopted: PROVIDED FURTHER,] That no fee shall be demanded or required for furnishing a certified copy of a birth, death, fetal death, marriage, divorce, annulment or separate maintenance record for use in connection with a claim for compensation or pension pending before the veterans administration.

For any search of the files and the records when no certified copy is made, the state registrar shall be entitled to a fee of three dollars for each hour or fractional part of an hour employed in such search, to be paid by the applicant.

The state department of health shall keep a true and correct account of all fees received and turn the same over to the state treasurer on or before the first day of January, April, July and October.

Health officers in cities of the first class may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, and shall be entitled to charge for searching of records when no certified copy is made the same fee as hereinabove provided. All such fees collected shall be paid to the jurisdictional health department: PROVIDED, That health officers of cities of the first class may issue certified copies only if they have an original certificate in their possession at the time of issuance of a certified copy or a copy of the original certificate transmitted to the state registrar which was produced by a photographic or other exact reproduction method. Health officers of counties or districts normally served by full time health officers may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, during the period that the original certificates are in their possession prior to transmittal of the original certificates to the state registrar. All such fees collected shall be paid to the jurisdictional health department. Certified copy forms used by health officers furnishing cer-



tified copies while the original records are temporarily in their possession shall be supplied or approved by the state registrar and no other forms shall be used.

Sec. 37. Section 51.08.030, chapter 23, Laws of 1961 as last amended by section 1, chapter 65, Laws of 1972 ex. sess. and RCW 51.08.030 are each amended to read as follows:

"Child" means every natural born child, posthumous child, stepchild, child legally adopted prior to the injury, and dependent child in the legal custody and control of the claimant [, and illegitimate child legitimated prior to the injury], all while under the age of eighteen years, or under the age of twenty-one years while permanently enrolled at a full time course in an accredited school, and over the age of eighteen years if the child is a dependent invalid child.

Sec. 38. Section 21, chapter 5, Laws of 1961 ex. sess. and RCW 70.58.095 are each amended to read as follows:

The state registrar of vital statistics shall establish a new certificate of birth for a person born in this state when he receives a request that a new certificate be established and such evidence as required by regulation of the state board of health proving that such person has been [legitimated] *acknowledged*, or that a court of competent jurisdiction has determined the paternity of such person. When a new certificate of birth is established, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence of paternity, or [legitimation] *acknowledgment* shall not be subject to inspection except upon order of a court of competent jurisdiction. If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed registration of birth shall be filed with the state registrar of vital statistics as provided in RCW 70.58.120.

Sec. 39. Section 6, chapter 159, Laws of 1945 as last amended by section 2, chapter 279, Laws of 1969 ex. sess. and RCW 70.58.200 are each amended to read as follows:

The forms of birth, death, fetal death, marriage, and decrees of divorce, annulment, or separate maintenance certificates filed with the state registrar of vital statistics shall include the items required by the respective standard certificate as recommended by the federal agency responsible for national vital statistics which became effective on January 1, 1968, except that no information shall be required on the certificate of divorce relative to the date the couple separated or the number of children under eighteen years of age: PROVIDED, That none of the information contained in the confidential section of the forms of marriage, divorce, annulment or separate maintenance shall be required: PROVIDED FURTHER, That no information shall be required on the certificate of live birth relative to the education of the parents of the child. The Washington state board of health by regulation may require additional pertinent information relative to the birth and manner of delivery as it may deem necessary for statistical study. This information shall be placed in a confidential section of the birth certificate form [together with the item pertaining to illegitimacy] and shall not be subject to the view of the public or for certification purposes except upon order of a court: PROVIDED, That the state board of health may eliminate from the forms any such items that it determines are not necessary for statistical study.

Sec. 40. Section 1, chapter 133, Laws of 1939 as amended by section 1, chapter 12, Laws of 1943 and RCW 70.58.210 are each amended to read as follows:

Whenever a decree of adoption has been entered declaring a child, born in the state of Washington, adopted in any court of competent jurisdiction in the state of Washington or any other state, a certified copy of the decree of adoption shall be recorded with the proper department of registration of births in the state of Washington and a certificate of birth shall issue upon request, bearing the new name of the child as shown in the decree of adoption, the names of the foster parents of the said child, age, sex, date of birth, but no reference in any birth certificate shall have reference to the adoption of the said child. However, original registration of births shall remain a part of the record of the said board of health [: PROVIDED, HOWEVER, There shall be no difference in the color of birth registration cards or certificates, whether the child be legitimate or illegitimate].

*NEW SECTION.* Sec. 41. The following acts or parts of acts are each repealed:

- (1) Sections 1 through 8, chapter 203, Laws of 1919 and RCW 26.24.010 through 26.24.080;
- (2) Section 9, chapter 203, Laws of 1919, section 1, chapter 29, Laws of 1973 and RCW 26.24.090;
- (3) Sections 10 through 18, chapter 203, Laws of 1919 and RCW 26.24.100 through 26.24.180;
- (4) Section 19, chapter 203, Laws of 1919, section 1, chapter 134, Laws of 1973 and RCW 26.24.190; and
- (5) Section 9, chapter 134, Laws of 1973 and RCW 26.28.110.

*NEW SECTION.* Sec. 42. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

*NEW SECTION.* Sec. 43. This act may be cited as the Uniform Parentage Act.

*NEW SECTION.* Sec. 44. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

*NEW SECTION.* Sec. 45. The provisions of this 1976 amendatory act shall apply to all actions or proceedings which shall have been commenced at the date this act becomes effective, except that the provisions of section 13(5) of this act relating to trial by jury, and the amendments to RCW 26.32.085(2) and 26.37.015(3) accomplished by sections 31(2) and 35(3) of this act shall not apply to actions or proceedings commenced prior to the effective date of this act."

In the title, strike all after "AN ACT" and insert "Relating to parentage; amending section 2, chapter 131, Laws of 1959 and RCW 4.28.185; amending section 11.02.005, chapter 145, Laws of 1965 and RCW 11.02.005; amending section 11.04.081, chapter 145, Laws of 1965 and RCW 11.04.081; amending section 6, page 405, Laws of 1854 as last amended by section 2388, Code of 1881 and RCW 26.04.060; amending section 3, chapter 291, Laws of 1955 as amended by section 2, chapter 134, Laws of 1973 and RCW 26.32.030; amending section 4, chapter 291, Laws of 1955 as amended by section 3, chapter 134, Laws of 1973 and RCW 26.32.040; amending section 5, chapter 291, Laws of 1955 as amended by section 4, chapter 134, Laws of 1973 and RCW 26.32.050; amending section 7, chapter 291, Laws of 1955 and RCW 26.32.070; amending section 8, chapter 291, Laws of 1955 as amended by section 5, chapter 134, Laws of 1973 and RCW 26.32.080; amending section 6, chapter 134, Laws of 1973 and RCW 26.32.085; amending section 10, chapter 134, Laws of 1973 and RCW 26.32.300; amending section 11, chapter 134, Laws of 1973 and RCW 26.32.310; amending section 1, chapter 49, Laws of 1903 as amended by section 7, chapter 134, Laws of 1973 and RCW 26.37.010; amending section 8, chapter 134, Laws of 1973 and RCW 26.37.015; amending section 43.20.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 25, Laws of 1970 ex. sess. and RCW 43.20.090; amending section 51.08.030, chapter 23, Laws of 1961 as last amended by section 1, chapter 65, Laws of 1972 ex. sess. and RCW 51.08.030; amending section 21, chapter 5, Laws of 1961 ex. sess. and RCW 70.58.095; amending section 6, chapter 159, Laws of 1945 as last amended by section 2, chapter 279, Laws of 1969 ex. sess. and RCW 70.58.200; amending section 1, chapter 133, Laws of 1939 as amended by section 1, chapter 12, Laws of 1943 and RCW 70.58.210; adding a new chapter to Title 26 RCW; repealing sections 1 through 8, chapter 203, Laws of 1919 and RCW 26.24.010 through 26.24.080; repealing section 9, chapter 203, Laws of 1919, section 1, chapter 29, Laws of 1973 and RCW 26.24.090; repealing sections 10 through 18, chapter 203, Laws of 1919 and RCW 26.24.100 through 26.24.180; repealing section 19, chapter 203, Laws of 1919, section 1, chapter 134, Laws of 1973 and RCW 26.24.190; and repealing section 9, chapter 134, Laws of 1973 and RCW 26.28.110.", and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Francis, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2243, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2243, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington—41.

Voting nay: Senators von Reichbauer, Wilson, Woody—3.

Absent or not voting: Senators Fleming, Goltz—2.

Excused: Senators Keefe, Lewis (Harry), Mardesich—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2243, 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.

RECONSIDERATION OF MOTION TO CONCUR (WITH EXCEPTION)

The Senate resumed consideration of the House Message on Engrossed Substitute Senate Bill No. 3003 and the House amendments thereto.

On February 17, 1976, on motion of Senator Washington, the Senate moved to reconsider the vote by which the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3003 with the exception of Section 6.

MOTION

Senator Washington moved the Senate, on reconsideration, concur in the House amendments to Engrossed Substitute Senate Bill No. 3003 with the exception of Section 6 and ask the House to recede therefrom.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Washington yield to a question? Senator Washington, you spoke of all House amendments. I only have one House amendment."

Senator Washington: "It is one amendment and I am asking that we accept all of that amendment with the exception of section six which is the last of that whole amendment. They struck the Senate bill and inserted in lieu thereof their own House bill on the same subject."

Senator Rasmussen: "Oh, and then the separate one is the amendment to the House amendment."

Senator Washington: "So, we are accepting everything in the House amendment except the last one which is section six."

Senator Rasmussen: "Let me ask this question, Senator Washington. May an individual, on his own property, knowing that he has Indian arrow heads on his property, go out and dig—"

Senator Washington: "Yes, oh yes."

Senator Rasmussen: "—without receiving permission from the parks department?"

Senator Washington: "Right. Right."

Senator Rasmussen: "Where does it say that?"

Senator Washington: "It doesn't say that. No place is that taken away. Now, there is no effort to take away anyone's right on their own property. It does provide, however, the bill as it now stands provides that if you wanted to go on my property you would have to get written permission from me to go on the property. This new bill provides that there are some large landowners that have a substantial number of archeological

sites that they are not too familiar with. This provides that they themselves could turn over to the parks department the right to grant permission but that would have to be at their own request. This takes no one's right away from their own property but it does prevent someone from trespassing on your property and digging on it."

Senator Rasmussen: "Thank you."

#### PARLIAMENTARY INQUIRY

Senator Clarke: "Mr. President, parliamentary inquiry. As I understand it, this is one House amendment. Is it proper, Mr. President, I thought that when there was a single amendment made by the House that the only procedure that the Senate could follow was either to accept or to reject the entire amendment. Frankly, it is a new procedure to me where we are purporting to accept a part of a single amendment and reject another portion of a single amendment. I am asking merely for a clarification of the procedural problem."

#### REMARKS BY SENATOR WASHINGTON

Senator Washington: "Not presupposing what the ruling will be, in the past when there has been a situation where an entire bill has been taken and another new bill has been put on, there are precedents where we have done this before, where we have not gone into the middle of the bill but where we have agreed to accept all of this large amendment with the exception of stated paragraphs. In other words, it is real simple for the House to know what we have done. They can either accept it or reject it. If they don't want to accept it, they will have to come back, of course, and have a conference."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "I did not wish to raise a parliamentary objection. It was merely a question on my part."

#### REPLY BY THE PRESIDENT

The President: "Senator Clarke, the Secretary advises that the remarks of Senator Washington are correct in the sense that this procedure has been followed on the budget bill and, I believe, the landlord-tenant bill."

The motion by Senator Washington carried. The Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3003 with the exception of Section 6 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

February 18, 1976.

Mr. President: The House has receded from its amendment to page 1, line 11, to ENGROSSED SENATE BILL NO. 3066 and has passed the bill without the amendment, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

The President declared the question before the Senate to be the roll call on Engrossed Senate Bill No. 3066, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3066, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent or not voting, 1; excused, 2.

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

Voting nay: Senators Matson, Talley, Van Hollebeke, von Reichbauer—4.

Absent or not voting: Senator Goltz—1.

Excused: Senators Keefe, Lewis (Harry)—2.

ENGROSSED SENATE BILL NO. 3066, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 18, 1976.

Mr. President: The House insists on its position regarding the House amendment to SENATE BILL NO. 3026 and asks the Senate to concur thereon, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

Senator Gould moved the Senate adhere to its position on Senate Bill No. 3026 and ask the House for a conference thereon.

#### POINT OF INQUIRY

Senator Day: "Would Senator Gould yield? Senator Gould, are you sure that the motion that you want to put is that we adhere to our position because if the House does not demand a conference on this that means that the bill is dead?"

Senator Gould: "Whatever does the job, Senator."

Senator Day: "Adhere means that we are immovable, you know, and that is our final word."

Senator Gould: "I would be very glad if somebody would suggest the proper wording to do what I want to do. — Insist on our position. All right, thank you."

#### MOTION

On motion of Senator Gould, the Senate refused to concur in the House amendment to Senate Bill No. 3026 and asks the House for a conference thereon.

#### MESSAGE FROM THE HOUSE

February 17, 1976.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1329, except the following amendments: On page 1, line 2 of the title; On page 1, line 10 of the title; On page 2, following line 11; Beginning on page 11, strike all of Sec. 7; On page 15, line 29, strike "thirty"; On page 17, line 17; On page 17, line 19; Beginning on page 18, strike all of section 14; and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Beck, the Senate insists on its position on the Senate amendments to Substitute House Bill No. 1329 and once again asks the House to concur in the Senate amendments.

#### MESSAGE FROM THE HOUSE

February 18, 1976.

Mr. President: The House has concurred in the Senate amendment to EN-

GROSSED SUBSTITUTE HOUSE BILL NO. 1470, on page 2, beginning on line 6, delete all of section 3, and renumber the remaining sections consecutively, and has passed the bill as amended by the senate.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

At 2:35 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Thursday, February 19, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

### FORTY-FIFTH DAY

#### MORNING SESSION

Senate Chamber, Olympia, Thursday, February 19, 1976.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Francis, Keefe, McDermott and Rasmussen. On motion of Senator Knoblauch, Senators Francis, Keefe, McDermott and Rasmussen were excused.

The Color Guard, consisting of Pages Jeff Larsen and Julie Lord, presented the Colors. Reverend Willard B. Airhart, pastor of the First Church of the Nazarene of Olympia, offered the following prayer:

"O GOD, OUR FATHER, WE ACKNOWLEDGE THAT GOOD COUNSELS AND JUST WORKS PROCEED FROM YOU. IF WE WOULD KNOW A PEACE THAT THE WORLD CANNOT GIVE, WE MUST FIND IT THROUGH YOU. SET OUR MINDS TO OBEY YOUR COMMANDS. GIVE US INSIGHT TO REALIZE THAT THE FEAR OF THE LORD IS THE BEGINNING OF WISDOM. MAY YOUR SPIRIT INSPIRE US TO STRIVE TO BREAK DOWN BARRIERS THAT DIVIDE MAN FROM MAN. UNITE US IN A SEARCH FOR THE GOOD THAT HAS YOUR DIVINE APPROVAL. WHEN WE ARE WEIGHING THE ISSUES, GRANT THAT WE MAY ALWAYS COME DOWN HEAVILY ON THE SIDE OF WHAT WE BELIEVE IS IN KEEPING WITH YOUR WILL FOR US. HELP US TO ACT WITH SUCH MORAL CONSISTENCY THAT, WHETHER WE ARE UNDERSTOOD BY OTHERS OR NOT, WE MAY BE ABLE TO STAND CONFIDENTLY BEFORE THE SEAT OF YOUR JUDGMENT. WE PRAY THIS IN THE NAME OF OUR LORD. AMEN."

#### MOTION

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

REPORTS OF STANDING COMMITTEES

February 19, 1976.

SENATE BILL NO. 3267, relating to vocational education (reported by Committee on Higher Education):

Recommendation: That Substitute Senate Bill No. 3267 be substituted therefor and the substitute bill do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules for second reading.

February 19, 1976.

HOUSE BILL NO. 1315, placing educational service districts on same holiday schedule as provided for public schools (reported by Committee on Education):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

February 19, 1976.

REENGROSSED HOUSE BILL NO. 1404, allowing proceeds from sale of school district real property to be used for acquisition of improved or unimproved real property (reported by Committee on Education):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

Office of the Governor, February 18, 1976.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on February 18, 1976, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 3061: Allowing parties to public collective bargaining to modify negotiation and mediation periods by mutual consent.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

MESSAGE FROM THE HOUSE

February 18, 1976.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2060,

SUBSTITUTE SENATE BILL NO. 2088,

SUBSTITUTE SENATE BILL NO. 2635,

SENATE BILL NO. 2660,

SENATE BILL NO. 2994,

SUBSTITUTE SENATE BILL NO. 2996,

SENATE BILL NO. 3009,

SENATE BILL NO. 3047,

SENATE BILL NO. 3056,

SENATE BILL NO. 3094, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 18, 1976.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1470, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE SENATE BILL NO. 2130,  
 SUBSTITUTE SENATE BILL NO. 2243,  
 SENATE BILL NO. 3066.

#### SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE HOUSE BILL NO. 1470.

#### MOTION

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

#### MOTION FOR RECONSIDERATION

Having served prior notice, on motion of Senator Fleming, the Senate moved to reconsider the vote by which Engrossed House Joint Resolution No. 64 failed to pass the Senate on February 18, 1976.

Senators Walgren, North and Talley demanded a Call of the Senate. A Call of the Senate was ordered.

#### CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senators Francis, Herr, Keefe, McDermott and Rasmussen.

#### MOTION

Senator Mardesich moved the rules be suspended and the Senate dispense with the Call of the Senate.

There being no objection, the motion by Senator Mardesich was temporarily withdrawn.

#### MOTION

On motion of Senator Walgren, the rules were suspended and the Senate dispensed with the Call of the Senate.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Joint Resolution No. 64, on reconsideration.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Resolution No. 64, on reconsideration, and the resolution passed the Senate by the following vote: Yeas, 36; nays, 9; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Donohue, Fleming, Goltz, Gould, Grant, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—36.

Voting nay: Senators Benitz, Cunningham, Day, Guess, Mardesich, Matson, Newschwander, Pullen, Woody—9.



Absent or not voting: Senator Herr—1.

Excused: Senators Francis, Keefe, Rasmussen—3.

ENGROSSED HOUSE JOINT RESOLUTION NO. 64, having received the constitutional two-third majority, on reconsideration, was passed.

MOTION

On motion of Senator Fleming, Engrossed House Joint Resolution No. 64 was ordered immediately transmitted to the House.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 3026: Senators Stortini, Gould and McDermott.

MOTION

On motion of Senator Walgren, the conferees were confirmed.

MOTION

At 10:42 a.m., on motion of Senator Walgren, the Senate recessed until 12:20 p.m.

NOON SESSION

The President called the Senate to order at 12:20 p.m.

MOTION

At 12:22 p.m., on motion of Senator Walgren, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3261.

SECOND READING

SENATE BILL NO. 3261, by Senator Rasmussen (by Lieutenant Governor request):

Relating to state government.

REPORT OF STANDING COMMITTEE

February 2, 1976.

SENATE BILL NO. 3261, relating to state government (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

“Section 1. Section 24, chapter 1, Laws of 1973 as amended by section 13, chapter 294, Laws of 1975 1st ex. sess. 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 director of the office of program planning and fiscal management, the director of the department of personnel, and every member appointed to the state board for community college education, data processing authority, forest practices board, forest practices appeals board, gambling commission, game commission, council on higher education, higher education personnel board, state highway commission, horse racing commission, liquor control board, personnel board, public disclosure commission, public pension commission, University of Washington board of regents, Wash-

*ington State University board of regents, board of tax appeals, Central Washington State College board of trustees, Eastern Washington State College board of trustees, Evergreen State College board of trustees, Western Washington State College board of trustees, and the utilities and transportation commission, and each chief executive officer of the various state boards, authorities, commissions, councils, and other political agencies enumerated in this section in addition to those specified in RCW 43.17.020 shall after January 1st and before January 31st of each year; and every candidate, and every person appointed to fill a vacancy in an elective office (except for the offices of president, vice president, and precinct committeeman) shall, within two weeks of becoming a candidate, and every person appointed to the appointive positions enumerated herein shall, within two weeks of being so appointed, or being appointed to such elective office, file with the commission a written statement sworn as to its truth and accuracy stating for himself and all members of his immediate family, for the preceding twelve months: PROVIDED, That no individual shall be required to file more than once in any calendar year:*

(a) Occupation, name of employer, and business address; and

(b) Each 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 an elected official by the governmental entity for which such person serves as an elected official for his service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (i) With respect to a governmental unit in which the elected official holds any elective office, if such entity has received compensation in any form during the preceding twelve months from such governmental unit, the value of such compensation and the consideration given or performed in exchange for such compensation; (ii) The name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which such entity has received compensation in any form in the amount of two thousand five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation: PROVIDED, That the term "compensation" for purposes of this subsection (1)(g)(ii) shall not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing such service; (iii)

The name, address, and occupation of every other director and/or officer of any bank or commercial lending institution, the name of which is required to be reported under this subsection or all interest paid by a borrower on loans from and all interest paid to a depositor by such bank or commercial lending institution if such interest exceeds six hundred dollars; and

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, That if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report;

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and

(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.

(3) [Elected officials and candidates] *All persons* reporting under this section shall not be required to file the statements required to be filed with the secretary of state under RCW 42.21.060.

*NEW SECTION.* Sec. 2. The 1976 amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with the provisions of section 1, Article II of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

In line 1 of the title, before the period, insert "; amending section 24, chapter 1, Laws of 1973 as amended by section 13, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.240; and providing for a referendum to the people"

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the committee amendment.

Senator Scott moved adoption of the following amendment by Senators Scott and Goltz to the committee amendment:

On page 1, line 15, after "*personnel*," strike all material through "*education*," on line 17.

Debate ensued.

The motion failed and the amendment to the amendment was not adopted.

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

On page 1, line 17, after "authority," strike "forest practices board, forest practices appeals board,"

#### POINT OF INQUIRY

Senator Peterson: "Will Senator Bluechel yield to a question? Senator, since you spoke to me just a few minutes ago on this bill I have had a chance to look down on the list of exemptions and while I certainly share your concern on the Forest Practices Board, you and I have both worked on it for about two years in setting up the forest practices act. I am wondering, and it is a serious question in my mind, is there any difference between the forest practice boards in the University of Washington, the department of highways, the transportation system or anything else. If this is the bill and if we are going to act on this bill in good faith and good conscience, why, in your opinion, is the forest practice appeal board any different from any other board or commission that is covered under this bill?"

Senator Bluechel: "Senator Peterson, this is the reason I put these particular two boards up. I think when you get in the area which requires substantial expertise to be able to render a judgment, you narrow the field of possible candidates to serve on that board. On a community college board, you have a very wide range of interests you can choose from. When you get into something, as you and I know, as technical as the forest practices act, we need all the expertise we can get. There are very few people who are qualified and will be willing to serve on it in the first place and when we add these requirements to serving, I think that those people will not serve and we simply will lose quality.

"We can go through and we can pick out various boards and commissions. Some, in my opinion, are much more technical than others and this is one of the most technical and for that reason I put this amendment up."

Senator Peterson: "Senator, I can agree with your thinking to a degree but if this bill has any merit and it is the judgment of this body that we elect to pass it, in all due respect to the forest practices situation I don't really feel that it is any different than the University of Washington or any of the rest of them. For that reason I would have to oppose the amendment. Let's knock them all down or let them all have their day in court just like you and I do."

Debate ensued.

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

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

On page 1, line 19, after "game commission," strike "council for postsecondary education"

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

On page 1, line 19, after "council" strike "on higher education" and insert "for post-secondary education"

There being no objection, the amendment by Senators Scott and Goltz to page 1, line 24, to the committee amendment, on the Secretary's desk, was withdrawn.

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

On page 3, line 12, after "compensation" insert " : PROVIDED, That this information shall be kept confidential by the public disclosure commission: PROVIDED FURTHER, That if the public disclosure commission finds there is a potential conflict of interest with any specific entity listed, the public disclosure commission after conferring with the individual candidate or office holder may make such information a matter of public record"

Debate ensued.

#### POINT OF ORDER

Senator Mardesich: "Point of order, Mr. President. This language as I gather relates to the third page of the committee amendment, the same being lines four through twelve and then it adds language after that, but I look at the language of lines four through twelve and my recollection is that is not the law today. We are amending rather than the laws that exist today, the language of a bill which we passed but is not yet law. I could be mistaken with respect to that. It was my impression that we now have the law at twenty-five hundred dollars. That is the law today."

#### RULING BY THE PRESIDENT

The President: "Senator Mardesich, the RCW states five hundred dollars."

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

There being no objection, the amendment by Senator Bluechel to page 3, line 42, to the committee amendment, on the Secretary's desk, was withdrawn.

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

On page 3, line 42 after "service" and before the semicolon insert "[; (iii) The name, address, and occupation of every other director and /or officer of any bank or commercial lending institution, the name of which is required to be reported under this subsection or all interest paid by a borrower on loans from and all interest paid to a depositor by such bank or commercial lending institution if such interest exceeds six hundred dollars]: *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 elected official or candidate, 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*"

Debate ensued.

The motion by Senator Rasmussen carried and the amendment to the committee amendment was adopted on a rising vote.

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

On motion of Senator Rasmussen, the committee amendment to the title was adopted.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 3261 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3261 and the bill failed to pass the Senate by the following vote: Yeas, 16; nays, 30; absent or not voting, 2; excused, 1.

Voting yea: Senators Bailey, Beck, Day, Donohue, Henry, Jolly, Knoblauch, Marsh, Odegaard, Peterson, Rasmussen, Sandison, Stortini, Walgren, Washington, Wilson—16.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Guess, Herr, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, McDermott, Morrison, Murray, Newschwander, North, Pullen, Ridder, Scott, Sellar, Van Hollebeke, von Reichbauer, Wenamaker, Woody—30.

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

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 3261, having failed to receive the constitutional majority, was declared lost.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich served notice that he would, on the next working day under the proper order of business, move for reconsideration of the vote by which Engrossed Senate Bill No. 3261 failed to pass the Senate.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Lewis (Harry) moved the Senate immediately reconsider the vote by which Engrossed Senate Bill No. 3261 failed to pass the Senate.

#### MOTION

At 3:05 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Friday, February 20, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-SIXTH DAY

### MORNING SESSION

Senate Chamber, Olympia, Friday, February 20, 1976.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Francis and Keefe. On motion of Senator Knoblauch, Senators Francis and Keefe were excused.

The Color Guard, consisting of Pages Steven Sundstrom and Debbie Bryant, presented the Colors. Reverend Willard B. Airhart, pastor of First Church of the Nazarene of Olympia, offered the following prayer:

"OUR LOVING AND EVERLASTING FATHER, WHEN THE PREVAILING CHARACTERISTIC OF OUR SOCIETY IS UNCERTAINTY AND CONFUSION, IT IS COMFORTING TO KNOW THAT YOU ARE AVAILABLE TO US AS AN UNFAILING GUIDE. THE LAW FOR LIFE THAT WILL LEAD US UNSWERVINGLY TO THE RIGHT PATH IS THE LAW OF YOUR WORD. TEACH US TO HAVE NO OTHER GODS BEFORE YOU. IF WE WOULD SINCERELY SEEK TO DO GOOD, LET IT BE DONE UNSELFISHLY. GIVE US AN UNDERSTANDING OF WHAT TRUTH REALLY IS; AND MAY IT BE UNTARNISHED BY ARROGANCE, HYPOCRISY OR SELF-INDULGENCE. INCLINE OUR HEARTS AND MINDS TOWARD LOVE FOR GOD AND MANKIND, LEST WE BE VICTIMS OF COVETOUSNESS AND THE LUST FOR POWER. ENLARGE OUR SYMPATHIES AND MAKE US EAGER TO EASE THE SORROW AND DISTRESS OF MEN. MAY WE KNOW THE JOY OF SERVICE FREELY GIVEN. LIFT OUR

VISION UNTIL THAT FRESH PERSPECTIVE WILL ASSURE US THAT OUR HELP COMES FROM THE LORD. GIVE US WISDOM TO REALIZE THAT ULTIMATELY THE JUDGMENT OF GOD IS OF GREATER IMPORTANCE THAN THE JUDGMENT OF THE CONSTITUENCY. WE PRAY IN THE NAME OF OUR LORD. AMEN."

MOTION

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

REMARKS BY THE PRESIDENT

The President: "Honored members of the Senate, ladies and gentlemen, present in the hallowed halls of the Senate today are two very important visitors; His Excellency, the Honorable Daniel J. Evans, Governor of the State of Washington, and the Honorable Charles Ralls, past national commander of the Veterans' of Foreign Wars. Would Senator Sellar, Senator Wanamaker, Senator Marsh and Senator Stortini please serve as a committee of honor to escort our esteemed visitors to the rostrum?"

APPOINTMENT OF SPECIAL COMMITTEE

The President: "The President at this time should like to respectfully request of Senator Bailey, Senator Henry, Senator Mardesich, Senator Rasmussen, Senator Sandison, Senator Washington — who are all former colleagues of Senator Knoblauch's in the House, and also respectfully request of Speaker Pro Tempore O'Brien, Representative Gaspard and Representative Sawyer that you please join with the committee of honor to escort the eminently respected and illustrious Reuben A. Knoblauch to the rostrum."

REMARKS BY THE PRESIDENT

The President: "Honored members of the Senate, ladies and gentlemen, this beautiful sunny day of February 20, 1976 in the year of our Lord will be known as Rhu-barb Day to all posterity. This is Reuben's day, and the President thought that the only one who could conduct a program of this magnitude is the effervescent and ebullient member from Bremerton, the Honorable C. W. (Red) Beck. Senator Beck."

REMARKS BY SENATOR BECK

Senator Beck: "Thank you, Governor Cherberg. You know there was a good editorial about the way you are a sure thing for the Governor because of the way you introduce people down here. Thank you. That is just the way I asked you to say it.

"Yes, folks, we are gathered here today to pay honor to a fellow who has served thirty years in these marble halls. You know, I first got acquainted with Reuben exactly twenty-five years ago. I was down here on a little business for a chamber of commerce and I became aware that there was a Reuben Knoblauch in this legislature in the 1951 session. Senator Knoblauch is getting to be an old man. Welcome to the ranks here, Reuben. He was born in Sumner here in 1914 and he has represented the Twenty-fifth District in this legislature for the last thirty years.

"You know, we had a representative from the twenty-fifth district named Ted Schroeder when I first knew Reuben. Ted Schroeder sponsored Senator Knoblauch as a bill clerk down here in 1937, 1939 and 1941 sessions. Then the war came along and Senator Knoblauch went down in the South Pacific and fought all during the war from 1941 until 1945. While he was down there, I might say that he won a bronze star. They don't come cheaply. Believe me, it's a high honor to win the bronze star.

"He is a retired farmer. He has been active in veterans' affairs. He is the past commander of the local VFW and the American Legion, belongs to the Elks, the Knights of Columbus, and he is probably as proud of belonging to the Grange as I am.

"He was elected to serve three terms in the House in 1947, 1949 and 1951, and has served six terms in the Senate, beginning with 1953 up until the present time. Representative Knoblauch was mentioned in the House journal the first time on the twenty-seventh day. He sponsored a memorial to the Congress pertaining to the terminal pay of military and then he was mentioned quite frequently. He has always been active in vet-

erans' affairs and working for the veterans, and believe me, I think Reuben is — in the twenty-five or thirty years that I have been coming down here — probably the most humanitarian legislator that I have seen serve in these halls.

"Reuben began his big life's crusade on March 6, 1951, and the record is found on page seven hundred and eighty-six of the House journal of that session. Senator Carlton Sears, over here, had had a bill passed that designated the gold finch as the official state bird of the State of Washington. Representative Bob Ford was presiding over in the House when the bill came up for consideration over there. It got a 'do pass' from the committee and Senator Knoblauch in his typical fashion got up and in his crusade offered an amendment striking everything after the enacting clause and inserting a new section one. I would like to read that to you. 'The Puyallup Valley rhubarb is hereby designated as the official vegetable of the State of Washington.' That is down in the journal, and you know, Reuben, Representative Bob Ford was presiding that day and he ruled you out of order. He said that the subject was not germane. The bill pertained to birds and he wants to introduce vegetables into the thing, and I might just inject a little side light into this here. Reuben, that was the first time I ran for the legislature and I ran against Bob Ford. If you would have come up there and helped me a little bit more, by golly, I would have been down here and maybe I would have been presiding and I wouldn't have ruled you out of order, just out of respect to you.

"Yes, the 1951 session was a rather hectic session as it was in that session that one man went to jail. I happened to be up in the north gallery over there in the House. I didn't get to see the rhubarb and the ruckus that was going on down on the floor but I sure heard about it and that was when I first became aware of Reuben Knoblauch. He was a seat mate of Representative Ken Simmons over there and they had a real hot public versus private power fight over there. Some joker came in and offered Reuben and Ken Simmons twenty-five dollars if they would vote for the bill. When that guy offered the twenty-five dollars I thought the whole dome was going to — I have sat through an earthquake and any number of storms in this building, but I never heard the dome rattle the way it did that day when Reuben Knoblauch got up there on a point of personal privilege and informed the House and everybody else that his vote wasn't for sale, even for twenty-five thousand dollars. Reuben has been representing the people honestly and very dignified down here in this legislature ever since.

"I am closing my introduction here of Reuben. I would like to tell you that in those days, just like in these days, you can't trust a member of the House. Senator Ted Schroeder moved over here to the Senate from the House and Reuben got his seat over there in the House. And you know what? After three sessions over there, Reuben filed against him and came over here and defeated him and got his seat over here in the Senate. So, Reuben, good luck to you. I am glad you are retiring here so Mark Gaspard or Lennie Sawyer there in the Twenty-fifth District won't have to file against you and defeat you this time. But anyway, Reuben took his Senator's seat away from him.

"Right now I have just been introducing Reuben here but I am going to call on His Excellency, the Governor of the State of Washington, to say a few things that he knows about Senator Knoblauch. Governor Evans."

#### REMARKS BY GOVERNOR EVANS

Governor Evans: "Thank you. This is such a rare privilege to come and have the opportunity to address the Senate. The fact is I remember the last occasion was the day we joined in honoring Davy Cowan, which was a good many years ago, another Senator who served for many, many years in these halls. You know, I can't equal John Cherberg at all in introducing people but I can sure remember what you said, Senator Beck. Senator Beck talked about all those House members you can't trust and I remember where you came from, too. But before you say it, I did, too.

"It is a privilege to come here and to join in this day. I had the opportunity just before coming out on the floor to meet many of Reuben's family and friends who were gathered in the Lieutenant Governor's office. I think that is first a pretty clear indication of the love and the honor in which we are held when our family is joined together to help provide this kind of recognition.



"But it is really a fact that for thirty years Reuben has served this state, and he served the state — you can't serve for thirty years in any legislative district without doing a good job for the people of that district and a good job for the people of the state. And there are not many in the whole history of this state who have served consecutively for thirty years in this legislative body. During that time, at least during that period of time that I have known Reuben — and it goes back for twenty of those thirty years — I have never heard him say an unkind word, never heard him once try to take special advantage. I never heard him once try to get some advancement for himself. He was always a gentle and kind man who was devoted to a number of very special citizen interests and in representing his own district well. And if that includes, Reuben, making the rhubarb the state vegetable, that is all right, too. That is a favorite of mine and perhaps before you leave these halls somebody who is presiding will recognize that as a suitable order of business and when that comes to my desk, I can only say it will be more significant and better than any bills I have gotten so far this session, but I still have high hopes.

"Ultimately we are remembered by what we have done and a person's place in whatever length of time they have on this earth depends pretty much on how he is viewed after he is gone. I am delighted that we all have this opportunity today while Reuben is here and active—and Senator Beck, you said he was getting old. Heck, he has still got plenty of years left, plenty of years to not only enjoy himself and his family but to continue to provide advice and counsel for a good many people in the years to come. But someday when he is gone, and most of us are gone, people will be remembered. Many will be forgotten but I am confident that Reuben Knoblauch will always be remembered by the people of this state and particularly the people of the Twenty-fifth district as a kind and gentle and dedicated Senator who always kept the people's view and the people's concern foremost in his mind and there is no better way a legislator or a public servant can be remembered."

#### REMARKS BY SENATOR BECK

Senator Beck: "You know, going back to World War II days, one of Reuben Knoblauch's very warmest friends is Judge Charles Ralls. Judge Ralls is a past national commander of the VFW and he knows an awful lot of VFW stories and some military stories that I would like to call on the Honorable Judge Charles Ralls to say a few remarks about our distinguished guest."

#### REMARKS BY JUDGE CHARLES RALLS

Judge Ralls: "Senator Beck, Governor Evans, Lieutenant Governor Cherberg, and ladies and gentlemen. Governor, you are a pretty hard act to follow. I hope that I don't foul this up because I feel very keenly about Reuben Knoblauch. I have known him for many years and I want him to remember me as handling this pretty well. I have in mind when I was commander of the VFW and the pace was pretty hectic. We had a little single motor plane and we would be in one state on Monday, another state on Tuesday, and so on. If you are speaking before a variety of groups, and during those years the various legislatures were in session and I was introduced at a joint session of the legislature in Arkansas early one morning. I had prepared my text pretty well but I think the travel was getting me and I thanked the governor who was present and the lieutenant governor and the speaker for allowing me to speak to the representatives of the sovereign people of Arizona.

"I would just like to tell you a few things about the VFW because that is where I met Senator Knoblauch. And we were — years ago — very active in a variety of endeavors with that organization. It is important because the things we are doing, I think, portray the man that you are honoring — that we are honoring — this morning. The VFW was formed by Spanish American war veterans many years ago. Their main purpose was to provide help and comfort to the disabled veterans and to the widows and the orphans. And to this day this organization maintains a service office in all our posts in our states and a very adequate appeal group in Washington, D.C. We have attorneys, specialists and administrative practices for the Veterans' Administration and it is our pleasure to represent any veteran who applies for assistance.

"On top of that, the organization every year has as one of its primary objectives community service. In other words, working with boy scouts, girl scouts, the disabled, the handicapped, any person who in this country needs help, needs some companionship, needs some friendship. And it was in this context that I met Reuben. He was the post commander of the Sumner post in those days and I think that every time that I came into the Puyallup Valley and to Pierce County this man was there with his effervescent personality participating heavily in an interesting manner in things that we were trying to do.

"Now, we were all just out of the service. None of us really knew what we wanted to do. We were just trying to get our lives back together again but we did have one idea and that was trying to perfect a program that would help our fellow citizens and make life just a little better for every American citizen in our own community and in our state at large. I don't know any man who gave more wholeheartedly to these endeavors than Reuben Knoblauch. I just know that everybody in those days who contacted him left enriched, left feeling just a little better, left feeling that there was friendship, left feeling that there was comradeship in this country and that we had made some contributions towards the betterment of our fellow citizen.

"As Governor Evans stated, I have never heard Reuben Knoblauch say an ill word of any person. I have never heard him be highly critical in a personal matter of anybody and in fact as I stated, his presence enriched the people who met him. I have two thoughts in mind as I stand before this body. One is that I feel very flattered and I thank Senator Beck for inviting me to participate. At the same time I feel saddened because, Reuben, I know I speak for every veteran, I am saddened because we are going to miss your leadership. We are going to miss your counsel. I know I speak for your constituency in your district. They, too, are going to miss you. And whatever road you wish to travel, Reuben, I wish you great health, and Godspeed and God bless you."

#### REMARKS BY SENATOR BECK

Senator Beck: "You know, you have met all the people who served with Senator Knoblauch in the House over there. We have one other very distinguished gentleman here whom we have learned to know and love around these hallowed halls. He has written a letter to me and asked that I read it. It is a letter, Reuben, from Speaker Charlie Hodde. Charlie Hodde has a lot of fond memories of the time that he served — five terms over there — four terms as Speaker of the House — and he has written a very nice letter. I am going to present this to you on behalf of Charlie Hodde and I would like to recognize Mr. Hodde — Speaker Hodde. He is in the gallery. Let's give him a big hand. Just one of the greatest Speakers that we ever had over in the House and believe me he is one of the foremost, most astute persons we have. We have a little tax bill here that Charlie Hodde — we are going to know what we really think of him when we get to voting on that bill, Charlie. It is not known as the Hodde Plan, though. It is known as some other plan.

"Now you know Senator Knoblauch is an alumni of the bill room down here and I would like to ask if Stephanie Ball, one of our upcoming bill clerks, would come out here and Reuben, would you stand over there? Stephanie has here a great big box of cigars all wrapped up in those old, outmoded bills down there. Reuben, you know a lot of us that don't like those stinky old black cigars but we used to like the way Davy Cowan used to sit there. He would chew on them. He would never light those things and as stinky in his office as they looked — that still wasn't as bad as the stench coming out of those things when you smoke them. But anyway, I know you are going to enjoy them.

"And that fine, lovely lady who has been Senator Knoblauch's secretary for years down here. I would like to call on Edna Connell. Edna, would you bring the candy here? You know, Vi Hirst is sitting up there. Vi is the sister of Reuben's who lives up in Bremerton and she is the one who is always sending the fudge down. Reuben says, 'Here, my sister made it. Take one piece because I haven't got very much. I have to spread it around.' We don't want any more of that 'one piece' stuff this time. Here is another box of fudge.

"Stephanie, come up here. You are not supposed to leave. Here is another box to go with that, Reuben, and we will have another one after Charlie Johnson gets it down here. The candy store doesn't open up — no, and none of that 'one piece at a time' with this candy.

"Now, that lovely lady who takes care of all of Reuben's committee work over here, the secretary of his parks committee, and she is speaking for the entire parks department, Charlie Odegaard. Reuben, Muriel has got here — we knew that after thirty years of these hallowed halls that you would — you can't be here and then claim it as your office any more — here is a little piece of the halls, of your building here — a little piece of marble that we went down in the trash box the other day and had picked up. Zou have a little piece of trash here to take home with you.

"Now, Reuben, don't laugh. Why don't you open it up and show it to them? It is just an old piece of trash. A friend of mine out here went out and polished it a little bit. It doesn't look like a capitol building but it is a part of the capitol here.

"You know, as long as Reuben has been down here he has had an awful lot of nice cooks who have fed him and treated him well but I don't think any of them have done quite as good a job as Maxine Mulholland. Maxine, have you got a present here for the Senator? Here is some of that famous Washington State Puyallup Valley rhubarb.

"Now, before I turn Reuben loose at this microphone, the governor has business to attend to. He thinks the House has a budget down there to him. He wants to go see if they got one, so would all of you people come up here and let the photographers get this part of the program over with? Yes, the escort, too.

"Now, Reuben, we will give you not more than two minutes to defend yourself."

#### REMARKS BY SENATOR KNOBLAUCH

Senator Knoblauch: "Governor Evans, you will never know what it means to me that you took time out from your busy schedule to come here this morning. You are not even a member of my own political party yet you thought enough of me to attend this nice affair. From the bottom of my heart, thank you very much. I like this so well I might decide to run again. Governor, you have been so kind and you have taken so much from the Democrats that I want you to take home this bouquet of rhubarb to Nancy and I hope that you enjoy it very much.

"Mr. President, Speaker O'Brien, my second Speaker, Mr. Hodde, my old pal Mayor Joe Vraves of Fife, and I hope that my good friend, Mayor Foster from Sumner is here. Judges of the state supreme court, my old colleague in the House and friend from the Twenty-fifth District, Buster Brouillet, Gentlemen of the Senate, and Nancy, Susan, Lois and Ruthe, all of our staff members whom I hoped would be here today because you are my kind of people, members of the third house, many whose friendships I have enjoyed for so many years. Members of the fourth estate, I am so happy that you are here today, and Ladies and Gentlemen. How do you say goodbye to someone you ave come to love like your own? Each and every member of the Senate seems like a member of my family. You are part of me. I don't look at you now as being a Republican or a Democrat. I look at you, good friends, as being citizens and public servants doing your best to be good citizens of our state and doing a good job.

"To my long time secretary, Edna, we decided we were going to go out together and I want to thank Edna for her many years of loyal support and assistance.

"Governor Cherberg, I have a special place in my heart for you. You are a man of all seasons; fair, and so well respected by every member of the Senate, regardless of political affiliation; always ready to meet with people from home. Your office is packed all day long and you always have time to meet with those people who come down to visit — members of your Senate. You have a heart of gold, Governor. Thanks for being such a fine person.

"To our sergeant at arms and members of his staff — Charlie Johnson, you fellows are always available when help is needed. To Duffy, that lovable Irishman and my close friend, Frank Connor, a million thanks.

"To those of you in the bill room where I started my service in 1939 and again, in 1941. You young people are close to my heart because this is where I started as a state

legislator. Thank you for your Uncle Reuben Fan Club and for calling me Uncle Reuben. It makes me feel real good and means so much to me.

"To all of you loyal employees — some of you have been here for a long time — thank you so much for your cooperation. You work behind the scenes. You are a most important part of the legislature. Thanks to Florence Kendersi for her kindness throughout the years. Thanks to everyone's friend, Sid Snyder, a man for the job as Secretary of the Senate; and Bill Gleason, Verne Sawyer, Dorothy Greeley and Ole Scarpelli. You are a great bunch of people.

"I must speak from the heart when I say that this is a tragic time in the history of our nation when public officials are no longer respected. It's tragic that all public officials are put in one basket because of the mistakes of a very few. I can always have a great respect for those people in public service. Sad, but true, it is easy to criticize, to find fault. Let us remember that we are not perfect, that credit goes to each and every man and woman in the Senate here in the State of Washington — every man and woman — for being sincere, hard working and decent. I defy anyone to say differently. We are just plain citizens trying to do our best. Sometimes I wonder why anyone with any common sense wants to submit himself to continual criticism for so little compensation. I am proud of being a public servant, proud of my fellow legislators, and it is time they received a little credit — not constant throat-cutting. Even with all the faults in our government in this country, show me a better system of government. And in our bicentennial year let's recognize that we are a great country and a great people, and that we are trying to do our best.

"As a freshman in Sumner High School in 1928, I decided that some day I wanted to be a member of the House of Representatives. That dream came true in the 1946 election. How wonderful it has been to be trusted for so long. I shall be forever grateful to those folks at home for trusting me so much and giving me the opportunity to be of public service. Nothing in life can be finer than being a public servant and so I am most grateful to those people whom I represent.

"As a public servant I had two goals in mind when I came to Olympia. The first was to be the best possible public servant, and the second was to bring respect to the name Knoblauch. My father came to Sumner in 1888. He was an intensely proud man; proud of his family and of his reputation. And so I had a proud mother and father and I am most fortunate in having a wonderful family. The most important thing to me and my hope is that they feel that I have brought pride to the family name. This has been my goal and I hope that I have succeeded.

"It is going to be terribly hard to leave this building and this job. I am really crying on the inside and trying to smile on the outside. This is my second home. Part of my heart will always remain in this building. Every slab of marble, every desk, the galleries, everything in this building is part of me. Today is one of the most exciting and gratifying days of my life. To stand here and be paid a tribute by the Governor of the State of Washington, the Lieutenant Governor and members of the Senate, state officials, long-time friends, members of the news media, and employees — you really made public service worthwhile. From the bottom of my heart, there is a lot of gratitude that goes out to you good people today. Thank you very, very much."

#### REMARKS BY SENATOR BECK

Senator Beck: "Thank you, Senator Reuben. You took just the two minutes that you were allocated and I think that if you would just give us two more minutes — if you would introduce your family up here. I think the people would like to know."

#### INTRODUCTIONS BY SENATOR KNOBLAUCH

Senator Knoblauch: "You bet I would like to introduce my family. There is one missing. Allan and his wife are in Alaska. She is president, or governor of Quota International for three states and they couldn't be here. I would like to first introduce my brother, Melvin, and his wife, Grace. My sister, Viola and husband, Ossie. I have also a Reuben Knoblauch, a namesake and a former page. Reuben, would you and your girl

friend please stand? From Portland, my sister Marian and husband, Vince. From Sumner, I think it is the oldest one in the family, my brother, Leo, and his wife, Babe.

"And may I introduce the Mayor of Fife, Joe Vraves; City Councilman Jerry Ludden of Sumner. And a close friend, the Mayor of Sumner and — is Mrs. Foster here? — the Mayor of Sumner, Everett Foster; the Budget Director of Pierce County and one of my bosses, Dave Gago. Now, if I have missed anyone, I apologize."

MOTIONS

On motion of Senator Walgren, all members were permitted as additional sponsors to Senate Resolution 1976-191.

Senator Walgren moved adoption of the following resolution:

SENATE RESOLUTION 1976-191

By President Cherberg; Senators Beck, Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson and Woody; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; and Charlie Johnson, Sergeant at Arms:

WHEREAS, Reuben A. Knoblauch, present Chairman of the Senate Parks and Recreation Committee and valued member of the State Government Committee and the Transportation and Utilities Committee, has faithfully served as a member of the Legislature since 1947; and

WHEREAS, Senator Knoblauch, whose perfect attendance record in the Legislature is unparalleled, has indicated that he will not seek reelection to another term and will retire from legislative service at the conclusion of his present term; and

WHEREAS, The news of Reuben's retirement saddens his many close friends and associates in the Senate, though the members certainly recognize that the good Senator from Sumner deserves a happy retirement; and

WHEREAS, As an eloquent orator and compassionate supporter of the poor and the oppressed throughout the state, Reuben has been a most effective and respected leader for the citizens of the state; and

WHEREAS, His personal kindness and generosity to his fellow legislators as well as the employees of the Legislature, have earned Reuben the love and affection of many thousands of people during the past several decades which, for Reuben, have been exclusively devoted to public service; and

WHEREAS, Reuben's dedicated efforts on behalf of his constituents make a shining example to those remaining in public service; and

WHEREAS, Reuben has vigilantly reminded freshmen members of their most important obligations and has filled the chamber with gifts of rhubarb and candy to the delight of all who work within the halls of the Legislature; and

WHEREAS, As Reuben takes with him hundreds of photographs in his album of friends, he leaves with us memories of generosity and kindness;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate do hereby express to Reuben Knoblauch their most sincere appreciation for a job well done in all respects and wish him a most happy retirement which he so richly deserves; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and he is hereby instructed to forward a copy of this resolution to Senator Reuben Knoblauch and the offices of the many veterans associations for which he has done so much over the past years.

REMARKS BY SENATOR DAY

Senator Day: "Mr. President, Mr. Chairman, I would like to offer an amendment to line three. Following 'chairman of the' insert 'all powerful'."

Senator Beck: "Your point is well taken."

## POINT OF INQUIRY

Senator Herr: "Thank you, Senator Beck. Would Senator Knoblauch yield to a question? Senator Knoblauch, you know we have served in joint offices together and I have been worried about you all session. I have been down here thirteen years, Senator. Of course, you are retiring, is this correct?"

Senator Knoblauch: "Yes, the answer is affirmative."

Senator Herr: "Well, looking around the Senate I see a few single Senator women, and have you any plans for the future?"

Senator Knoblauch: "Well, let me tell you, Senator Herr, I could do a lot worse."

## REMARKS BY SENATOR WASHINGTON

Senator Washington: "Mr. President and members of the Senate, Reuben said he was smiling on the outside and crying on the inside. I have been doing the same thing. I have been smiling a lot on the outside because this has been a happy occasion. It is a happy occasion when someone with the long service that you have, Reuben, does step down with honor and dignity and all that goes with it. So while there is the feeling of maybe some tears, there still is that feeling of gladness. But it is mixed in, and I had that same feeling that you had. Now I, perhaps, may feel it a little stronger than most. You and I sat here together. I haven't tried to count the years but we sat here in this front row for a long time. I know many times I come in and it's a tough day ahead and you are usually there. You are one of the first ones here. And that smiling face you have, Reuben, that kindness that you have, has really made it so much easier for me to do my job. Just having you sitting there beside me. There are times when — maybe I am not quite as, let's say, agreeable as I should be — and many times I think you have at least helped me to maybe come to a more compromising position.

"You may have noted, Reuben, when we stood back there I kind of pushed ahead of a number of people and grabbed you by the arm and walked down the aisle with you. I wasn't going to let somebody else just step in there. I had your left arm as we walked down the aisle. And, Reuben, we are going to miss you for all the qualities that we have talked about; your kindness, the fact that you work hard.

"There have been very few members of this legislature, I think, whom we can really say have left no enemies. And strangely enough, I think of another name, Ernie Lennart. He sat on the same seat that you sat on, on the other side of the aisle. You two sat in those seats and I think both of you contributed to that kind of a bringing together of ideas. In this legislative assembly we have our differences of opinion but somewhere we have to come together, and Reuben, you have been one of those who have helped to bring us together. And the other thing, there are times when the right thing needs to be said. Reuben, you have stood there and so many times I have sat in this seat just kind of feeling, 'I wish I knew something that needed to be said' and you have had that gift of being able to say something that made the person who was being honored to feel, 'I am really being honored.'

"You have had the ability to talk sometimes to people in the gallery and to really make them feel what it means to be an American. And, Reuben, there have been some great orators on the floor of this legislature. Some of the last, of course — Ernie Lennart, although he spoke in his Swedish broken language, yet he was an orator. John McCutcheon, Perry Woodall, and Reuben, you are the last of the orators. There are many people who can speak but you are the last of those who can really be an orator. The last of those who can really bring out some emotion. The last of those who really have that kind of lost ability. Reuben, we are all going to miss you and I am going to miss you."

## REMARKS BY SENATOR CUNNINGHAM

Senator Cunningham: "Thank you, Senator Beck. Senator Reuben, I, being junior, would just like to offer a few comments. If I were any more junior to you, my desk would be outside and there has been talk of that.

"But I look at this resolution and I am delighted to vote on it as I know we all are but it is always tough to try and resolve thirty years of service on a little piece of paper.

One thing it leaves out that I find most remarkable about you and the thing I will remember the most is your dedication to the heritage of this country and it is summed up best in the last sentence of the Declaration of Independence. I think you live that sentence which in recognizing the defense of our Constitution and of our government says, 'our lives, our fortunes and our sacred honors.' God bless you, Reuben."

#### REMARKS BY SENATOR WALGREN

Senator Walgren: "Senator Beck, just a few comments. Probably that motion should have been made before we made any other comments. Now if Reuben had been down here on the floor, he could have given me that little bit of advice to do this properly.

"Reuben, I just want to say that in the very short time that I have occupied this position but certainly during the period of time that I have had the pleasure of working with you, you have been not only a good friend but certainly a real leader here on the Senate floor. I want you to know that from the bottom of my heart we are certainly going to miss you. You have provided not only all those things that have already been referred to but you have provided truly the conscience of the Senate on many occasions and I want you to know that I appreciate it.

"The one thing you did say that gave me a little hope though, Reuben, was the very fact that you said that you appreciated this day today and that maybe you might stick around a little bit more and run one more time. You know, I am always looking for good candidates."

#### REMARKS BY SENATOR LEWIS (HARRY)

Senator Lewis (Harry): "You know, I remember, Reuben, a few years ago when I was in the back row and made my first speech. And for those of you in the gallery who are not aware of it, Reuben has over the years been the Senator who called the freshmen Senators on their speech and asked them to volunteer some candy and cigars for the members of the Senate. I suppose Senator Beck is going to take over your job.

"I also remember that good home made fudge which brightened my day and brought me back to reality. I remember things like your attendance record. I don't think any member of the Senate has ever been in his seat or worked as hard as you have and I am not aware of a single vote that you have missed though you may have missed one if you were flat on your back in bed but I wasn't aware of it if you did. I think probably in the history of the Senate your attendance record and attendance to duty has been stronger than any other member of the Senate.

"I remember a few years ago when you called attention to a couple of young gals in the gallery who failed to salute the flag. I think Senator Cunningham's remarks about your patriotism, a constant reminder for all of us in the Senate, bringing us sharply to attention of our purposes, that we are going to miss Reuben, and I hope that we can measure up to the standard that you have set for us.

"I guess you have made us feel a little more human here. You have always respected our point of view and have made it easy and you have been helpful to me as floor leader on this side. For those of us on this side, for all of the members of the Senate, we wish you well for the good life you have earned and I guess we thank you most of all for a life of dedicated service. And each year in the spring, Reuben, when that spring tonic from the valley that you love comes to us, we will remember you."

#### REMARKS BY SENATOR STORTINI

Senator Stortini: "Senator Knoblauch, you have been described in many words today; sentimental, proud, patriotic, integrity, a heart as big as this room, but I think one thing that you, yourself, have stated many times on this floor, in meetings in Pierce County that you have attended, is the word, a 'friend.' And I think it would only be fitting at this time if you would honor this body and the galleries with your words, since you are a friend's friend."

## REMARKS BY SENATOR BECK

Senator Beck: "Oh, yes. Reuben has a little poem here that he composed sometime ago. I think some of us have heard it. Reuben."

## REMARKS BY SENATOR KNOBLAUCH

Senator Knoblauch: "First, before I recite the poem, I forgot to thank Charlie Ralls. How wonderful it is that Charlie took time out from his job to come to pay tribute to me. He is a long-time friend I haven't seen for many years and so this is a special day.

"I want to tell you that Senator Keefe called me yesterday to wish me well on my retirement and to tell you people that he probably won't be back this session. I must say he didn't sound too well. He is taking cobalt treatments and lots of antibiotics and finds it very difficult even to talk on the telephone. How I wish that he could have been here today.

"Many years ago I memorized a poem called 'Friends,' and life would be awfully empty if you didn't have someone to turn to, to call a friend. I like it so well I want to repeat it to you. But before I do that, I have one more opportunity to say thanks to you — you people who have stood up and spoken so well. It's nice to have you do that. I am going to get a transcription of this occasion and put it in my photo book. I want to thank you people who have taken time out to write me letters. It takes away a lot of pain to receive nice letters from friends. Now, let me recite this poem and dedicate it to all of you people here.

'Life is sweet because of the friends we have made.  
And the things which in common we share.  
We want to live on, not because of ourselves,  
But because of the people who care.  
It's giving and doing for somebody else  
On this, all of life's splendor depends.  
And the joy of this world when you've summed it all up,  
Is found in the making of friends.'

"And God has blessed me with many friends. Thank you so much."

The motion by Senator Walgren carried and Senate Resolution 1976-191, as amended, was unanimously adopted.

## REMARKS BY SENATOR BECK

Senator Beck: "Reuben, I guess this concludes our program. Don't forget the rhu-barb. I know you won't because I don't think there is a bouquet of American Beauty roses that has the fragrance or looks as beautiful to Senator Knoblauch as those rhu-barbs. There you are, Reuben, it's all your day."

(Prolonged applause.)

The committee of honor escorted the guests from the Senate Chamber and the committee was discharged.

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

## REPORTS OF STANDING COMMITTEES

February 19, 1976.

SENATE BILL NO. 3149, increasing funding of the state toxicological laboratory and directing a percentage increase for such funding each biennium (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Jones, Lewis (Harry), Marsh, Matson, Murray, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.



February 19, 1976.

HOUSE BILL NO. 840, relating to revenue and taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Jones, Lewis (Harry), Marsh, Matson, Murray, Newschwander, Scott.

Passed to Committee on Rules for second reading.

### GUBERNATORIAL APPOINTMENTS

February 17, 1976.

HAROLD E. LOKKEN, to the position of member of the Pacific Marine Fisheries Commission, appointed by the Governor on January 7, 1976 for the term ending June 12, 1979, succeeding himself (reported by the Committee on Natural Resources):

Recommends that said appointment be confirmed.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Grant, Lewis (Harry), Pullen, Rasmussen, Sandison, Talley.

Passed to Committee on Rules.

February 17, 1976.

REPRESENTATIVE JOHN MARTINIS, to the position of member of the Pacific Marine Fisheries Commission, appointed by the Governor on January 7, 1976 for the term ending June 12, 1979, succeeding Senator Ted Peterson (reported by the Committee on Natural Resources):

Recommends that said appointment be confirmed.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Grant, Lewis (Harry), Pullen, Rasmussen, Sandison, Talley.

Passed to Committee on Rules.

### MESSAGES FROM THE HOUSE

February 19, 1976.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 1502, and the same is herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

February 20, 1976.

Mr. President: The House has passed SENATE CONCURRENT RESOLUTION NO. 131, and the same is herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

February 19, 1976.

Mr. President: The House concurred in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 721, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 20, 1976.

Mr. President: The House has granted the request of the Senate for a conference on SENATE BILL NO. 3026, and the House amendment thereto, and the Speaker has appointed as members of the Conference Committee thereon: Representatives Bauer, Fortson and Whiteside.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

February 19, 1976:

Mr. President: The Speaker has signed:  
 SUBSTITUTE SENATE BILL NO. 2130,  
 SUBSTITUTE SENATE BILL NO. 2243,  
 SENATE BILL NO. 3066, and the same are herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

February 19, 1976.

Mr. President: The Speaker has signed SECOND SUBSTITUTE HOUSE BILL NO. 721, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk:

#### SIGNED BY THE PRESIDENT

The President signed:  
 SECOND SUBSTITUTE HOUSE BILL NO. 721.

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1502, by Representatives Bagnariol and Pardini (by OPP&FM and State Treasurer request):  
 Placing timber tax funds A and B into the state general fund.  
 Referred to Committee on Ways and Means.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

February 19, 1976.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 2989, and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed Senate Bill No. 2989: Representatives Fortson, Chandler and Sherman.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed Senate Bill No. 2989 and the House amendments thereto was granted.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 2989 and the Senate amendments thereto: Senators Beck, Lewis (R. H. "Bob") and Stortini.

#### MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

February 19, 1976.

Mr. President: The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 779, and asks the Senate for a conference thereon, and the

Speaker has appointed as the House conferees on Substitute House Bill No. 779: Representatives Sommers, McKibbin and Kuehne, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Substitute House Bill No. 779 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 779, and the Senate amendments thereto: Senators Bailey, Buffington and Rasmussen.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MOTION

At 11:25 a.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MESSAGE FROM THE HOUSE

February 20, 1976.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE JOINT RESOLUTION NO. 64, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

February 20, 1976.

Mr. President: The House insists on its position in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 3003, and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed Substitute Senate Bill No. 3003: Representatives Sommers, Hurley (Margaret) and Zimmerman.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed Substitute Senate Bill No. 3003 and the House amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3003, and the House amendment thereto: Senators Knoblauch, Pullen and Washington.

MOTION

On motion of Senator Washington, the Conference Committee appointments were confirmed.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, on motion of Senator Mardesich the Senate moved to reconsider the vote by which Engrossed Senate Bill No. 3261 failed to pass the Senate on February 19, 1976.

Debate ensued.

The President declared the question before the Senate to be the roll call on Engrossed Senate Bill No. 3261, on reconsideration.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3261, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 28; nays, 19; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—28.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Goltz, Gould, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—19.

Excused: Senators Francis, Keefe—2.

ENGROSSED SENATE BILL NO. 3261, having received the constitutional majority, on reconsideration, was passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Rasmussen, Engrossed Senate Bill No. 3261 was ordered immediately transmitted to the House.

## MOTION

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

## MESSAGE FROM THE HOUSE

February 20, 1976.

Mr. President: The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1329, and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Substitute House Bill No. 1329: Representatives Brown, Hawkins and Moon, and the same is herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

## MOTION

On motion of Senator Walgren, the request of the House for a conference on Substitute House Bill No. 1329 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1329 and the Senate amendments thereto: Senators Beck, Matson and Bottiger.

## MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

February 20, 1976.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 1340, and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed House Bill No. 1340: Representatives Smith (Rick), Charette and Eikenberry, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed House Bill No. 1340 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1340 and the Senate amendments thereto: Senators Bottiger, Clarke and Walgren.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MOTION

At 1:58 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, February 23, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-NINTH DAY

### MORNING SESSION

Senate Chamber, Olympia, Monday, February 23, 1976.

The Senate was called to order at 11:45 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Fleming, Francis, Grant, Keefe, Mardesich, Murray and Peterson. On motion of Senator Knoblauch, Senators Fleming, Francis, Grant, Keefe and Mardesich were excused. On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused.

The Color Guard, consisting of Pages Craig Johnson and Mary Carr, presented the Colors. Lieutenant Colonel Reinard W. Beaver, Assistant Post Chaplain, 9th Infantry Division and Fort Lewis, offered the following prayer:

"FATHER OF ALL LANDS AND LORD OF ALL AGES, WE RECALL THE DAY WHEN OUR COUNTRY CLAIMED ITS PLACE AMONG THE FAMILY OF NATIONS. FOR WHAT HAS BEEN ACHIEVED, WE GIVE YOU THANKS; FOR THE WORK THAT STILL REMAINS, WE SEEK YOUR GUIDANCE. DEEPEN OUR DEDICATION SO WE MAY WORK TOGETHER TO BUILD THE CITY OF LASTING PEACE. EVEN THOUGH WE ARE FILLED TODAY WITH THANKSGIVING FOR ALL OUR COUNTLESS BLESSINGS, WE REGRET THAT ALL OUR HOPES FOR JUSTICE AND LOVE HAVE NOT BEEN REALIZED. FORGIVE OUR COMPLACENCY IN A WORLD STAINED WITH HOPELESS POVERTY; FORGIVE OUR BLINDNESS TO THE NEEDLESS MISERY OF OTHERS; FORGIVE OUR AMASSING OF WEALTH AND OUR CALLOUS DISCONCERN FOR AND INDIFFERENCE TO THE PAINS AND PANGS OF THE DISINHERITED AND DISENCHANTED.

"FORGIVE US LORD, FOR VIEWING THE WORLD WITH DRY EYES. BUT IN SPITE OF OUR ACKNOWLEDGED UNWORTHINESS, WE ASK YOU, FATHER, TO GRANT THIS LAND ASSURANCE OF FREEDOM AND IMMUNITY FROM HARM. GIVE PEACE AND ORDER TO ALL NATIONS AND MAKE THE EARTH RESOUND FROM POLE TO POLE WITH ONE CRY: PRAISE TO THE DIVINE SOURCE OF OUR CREATION, TO HIM BE GLORY AND HONOR FOREVER. AMEN."

### MOTION

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

### MESSAGES FROM THE HOUSE

February 20, 1976.

Mr. President: The Speaker has signed HOUSE JOINT RESOLUTION NO. 64, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 20, 1976.

Mr. President: The House has passed:  
SENATE CONCURRENT RESOLUTION NO. 129,  
SENATE CONCURRENT RESOLUTION NO. 130, and the same are herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE JOINT RESOLUTION NO. 64.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 129,  
SENATE CONCURRENT RESOLUTION NO. 130,  
SENATE CONCURRENT RESOLUTION NO. 131.

MESSAGE FROM THE HOUSE

February 20, 1976.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3271, with the following amendment:

On page 3, line 20, after "operations" strike the period and insert the following: " PROVIDED, That nothing in this section shall be construed to eliminate state or local governmental health or safety inspections.", and the same is herewith transmitted.

ROSALIE E. GITTINGS, Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate concurred in the House amendment to Substitute Senate Bill No. 3271.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3271, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senator McDermott—1.

Absent or not voting: Senator Peterson—1.

Excused: Senators Fleming, Francis, Grant, Keefe, Mardesich, Murray—6.

SUBSTITUTE SENATE BILL NO. 3271, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 20, 1976.

Mr. President: The House has passed SENATE BILL NO. 3247, with the following amendment:

In line 13, after "qualification:" insert "*PROVIDED FURTHER, That no person serving as an emergency medical technician or first aid vehicle operator under chapter 18.73 RCW shall be permitted to join the law enforcement officers' and fire fighters' retirement system solely on the basis of such service:*", and the same is herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

## MOTION

On motion of Senator Talley, the Senate concurred in the House amendment to Senate Bill No. 3247.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3247, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

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

Absent or not voting: Senator Newschwander—1.

Excused: Senators Fleming, Francis, Grant, Keefe, Mardesich, Murray—6.

SENATE BILL NO. 3247, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 771.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 771, by Committee on Commerce (originally sponsored by Representatives Newhouse and Bagnariol):

Making changes in the liquor laws relating to agent's licenses.

The bill was read the second time by sections.

Senator Lewis (Harry) moved adoption of the following amendment by Senators Lewis (Harry) and Walgren:

On page 3, after section 2, add a new section 3 as follows:

"Sec. 3. Section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 6, chapter 173, Laws of 1975, 1st ex. sess. and RCW 66.28.010 are each amended to read as follows:

No manufacturer, importer, or wholesaler, or person financially interested, directly or indirectly, in such business, whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, nor shall any manufacturer, importer, or wholesaler own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person, under any arrangement whatsoever, conduct his business upon property in which any manufacturer, importer, or wholesaler has any interest, nor shall any manufacturer, importer, or wholesaler advance moneys or moneys' worth to any such licensed person under any arrangement whatsoever, nor shall any such licensed person receive, under any arrangement whatsoever, any such advance of moneys or moneys' worth. No manufacturer, importer, or wholesaler shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer, importer, or wholesaler sell at retail any liquor as herein defined: PROVIDED, That nothing in this section shall prohibit a licensed brewer or domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine of its own production at retail on the brewery or winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and RCW 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.04 RCW.

Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or



otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.04 RCW manufacturers, wholesalers and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe."

Renumber remaining section.

PARLIAMENTARY INQUIRY

Senator Pullen: "Point of inquiry. This might be rather hypothetical, Mr. President, but I see another amendment following this by Senator Grant upon which I was going to ask that you rule whether it was outside the scope and object of the bill. The question I have is, if we adopt Senator Lewis's amendment whether that would change the scope and object of the bill to such a point that Senator Grant's amendment would be within the scope and object?"

POINT OF ORDER

Senator Woody: "Point of order, Mr. President. I think that is improper to get a preliminary ruling on the scope of an amendment when the amendment is not before us."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Your point is well taken."

The motion by Senator Lewis (Harry) carried and the amendment was adopted.

Senator Woody moved adoption of the following amendment by Senator Grant:

On page 3, following section 2, add a new section to read as follows:

"NEW SECTION. Sec. 3. There is added to chapter 66.24 RCW a new section to read as follows:

Notwithstanding any other provision of this chapter, on and after the effective date of this 1976 amendatory act any holder of a beer retailers license issued pursuant to RCW 66.24.330, and having a tavern which has a seating capacity for five hundred or more persons and provides live entertainment at regular intervals at least five evenings each week shall be entitled upon application and the proper payment of fees therefore to a class H license as provided for in RCW 66.24.400."

Renumber the remaining section.

POINT OF ORDER

Senator Pullen: "Point of order, Mr. President. Senator Grant's proposed amendment clearly expands the scope and object of the bill and I would ask that you so rule."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "That is what they call a directed verdict? In ruling upon the point of order presented by Senator Pullen, the President finds that Substitute House Bill No. 771 is a measure relating to the conduct of representatives beer, wine and liquor manufacturers and permits limitations on the numbers of such agents. The proposed amendment by Senator Grant, however, deals not with the agents but is an amendment which would permit certain taverns to obtain Class H licenses by mere application and payment of fees. The amendment does increase the scope and object of the bill and the point of order is well taken."

The amendment by Senator Grant was ruled out of order.

On motion of Senator Lewis (Harry), the following amendment to the title was adopted:

On line 4 of the title after "66.24.310;" insert: "amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 6, chapter 173, Laws of 1975, 1st ex. sess. and RCW 66.28.010;"

## MOTION

On motion of Senator Lewis (Harry), the rules were suspended, Substitute House Bill No. 771, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 771, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

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

Excused: Senators Francis, Grant, Keefe, Mardesich, Murray—5.

SUBSTITUTE HOUSE BILL NO. 771, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 3091, by Senator Goltz (by Superintendent of Public Instruction request):

Implementing law relating to certification of personnel employed in the common schools.

The bill was read the second time by sections.

On motion of Senator Stortini, the rules were suspended, Senate Bill No. 3091 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3091, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

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

Excused: Senators Francis, Grant, Keefe, Mardesich, Murray—5.

SENATE BILL NO. 3091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 3149, by Senator Walgren:

Increasing funding of the state toxicological laboratory and directing a percentage increase for such funding each biennium.

## REPORT OF STANDING COMMITTEE

February 19, 1976.

SENATE BILL NO. 3149, increasing funding of the state toxicological laboratory and directing a percentage increase for such funding each biennium (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 29, after "fund." strike the remainder of the section.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Jones, Lewis (Harry), Marsh, Matson, Murray, Scott, Washington, Woody.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendment was adopted.

On motion of Senator Donohue, the rules were suspended, Engrossed Senate Bill No. 3149 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3149, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

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

Voting nay: Senators Newschwander, von Reichbauer—2.

Excused: Senators Francis, Grant, Keefe, Mardesich, Murray—5.

ENGROSSED SENATE BILL NO. 3149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:20 p.m., on motion of Senator Walgren, the Senate recessed until 1:45 p.m.

#### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:45 p.m.

#### MOTIONS

On motion of Senator Knoblauch, Senator Fleming was excused.

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

#### SECOND READING

SENATE BILL NO. 3158, by Senator Henry:

Making an appropriation to the Washington wing civil air patrol.

#### MOTIONS

On motion of Senator Bottiger, 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 in full.

On motion of Senator Bottiger, 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.

#### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Morrison yield to a question? Senator Morrison, that new executive plane we have that we are paying twenty thousand dollars a month lease on, are we using that for search and rescue?"

Senator Morrison: "I think you are the one that's doing the search, Senator Rasmussen."

Senator Rasmussen: "Well, can you rescue me so I will know what is going on?"

Senator Morrison: "This bill will rescue neither you nor the executive officer of the state."

Senator Rasmussen: "Thank you. I will still keep searching, Senator."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3158, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

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

Absent or not voting: Senator Woody—1.

Excused: Senators Fleming, Francis, Grant, Keefe, Matson; Murray—6.

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.

#### MOTION

On motion of Senator von Reichbauer, Substitute Senate Bill No. 3158 was ordered immediately transmitted to the House.

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

#### MESSAGE FROM THE HOUSE

February 23, 1976.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 1624, and the same is herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1624, by Representatives Shinpoch and Bagnariol:

Relating to appropriations.

Referred to Committee on Ways and Means.

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

#### MESSAGES FROM THE GOVERNOR

Office of the Governor, February 21, 1976.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on February 21, 1976, Governor Evans approved the following Senate Bills, entitled:

SUBSTITUTE SENATE BILL NO. 3001: Adding retired members to the firemans relief and pension board.

SUBSTITUTE SENATE BILL NO. 2635: Authorizing the department of personnel to appoint hearing examiners.

SENATE BILL NO. 3047: Clarifying intent of recent change in industrial insurance law.

SENATE BILL NO. 3056: Waiving instructional requirements for previously qualified election officers.

SUBSTITUTE SENATE BILL NO. 2088: Requiring license for smelt dealers.

SUBSTITUTE SENATE BILL NO. 2130: Adding provisions for recovery and recycling to litter control and solid waste collection laws.

SUBSTITUTE SENATE BILL NO. 2243: Revising laws of filiation proceedings and enacting the uniform parentage act.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

Office of the Governor, February 20, 1976.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on February 20, 1976, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 3000: Authorizing counties to offer rewards for information about crimes against county property.

SENATE BILL NO. 3058: Requiring PKU tests for newborn infants.

SENATE BILL NO. 3067: Making unlicensed drivers subject to laws the same as licensed drivers.

SENATE BILL NO. 3076: Increasing statutory attorney's fees.

SENATE BILL NO. 3138: Regulating interschool athletic and extra curricular activities and authorizing school board delegation of some powers relating thereto.

SENATE BILL NO. 2060: Reconstituting purchasing and material control in state government.

SENATE BILL NO. 2660: Permitting nature conservancies to acquire open space for public use.

SENATE BILL NO. 2994: Permitting association formed by schools under Inter-local Cooperation Act for purchases of school supplies and equipment to mortgage property.

SENATE BILL NO. 3009: Implementing law relating to contract bidding procedure for school districts.

SENATE BILL NO. 3094: Establishing the Washington library network.

SUBSTITUTE SENATE BILL NO. 2996: Removing election day as a state holiday.

SENATE BILL NO. 3066: Authorizing disposition of human remains from autopsies under certain conditions.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

MOTION

At 2:00 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, February 24, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTIETH DAY

## MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 24, 1976.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Fleming, Francis, Grant and Keefe. On motion of Senator Knoblauch, Senators Fleming, Francis, Grant and Keefe were excused.

The Color Guard, consisting of Pages Randy Hutton and Dina Alhadeff, presented the Colors. Reverend Robert M. Keller, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the following prayer:

"GRACIOUS FATHER AND LORD, THREE THINGS I WOULD ASK; TO GRANT WISDOM TO THESE SENATORS AS THEY ACT UPON THE BUSINESS OF THIS STATE, TO GIVE THEM COURAGE AS THEY MAKE SOME EXCEEDINGLY COMPLEX AND DIFFICULT DECISIONS, AND TO REWARD THOSE WHO TRULY SEEK THE RIGHT WITH A GOOD CONSCIENCE AND THE RESPECT OF THE PEOPLE. I ASK THIS IN CHRIST'S NAME. AMEN."

## MOTION

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

## MESSAGE FROM THE GOVERNOR

Office of the Governor, February 21, 1976.

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

LADIES AND GENTLEMEN:

On this date I have approved in its entirety SUBSTITUTE HOUSE BILL NO. 1470, entitled:

"An Act relating to civil recompense and claims."

This bill represents the Legislature's first attempt to enact changes in the various statutory components of medical malpractice actions as a response to the developing crisis in the entire health care provider system resulting from sharply increasing professional liability insurance premiums. Those principally responsible for the passage of this bill, in particular the Select Committees on Malpractice in the two houses, and individual legislators, should be highly commended for the long and hard hours of work devoted to the subject.

I believe, however, that Substitute House Bill No. 1470 must not be looked upon as a definitive or final answer to the malpractice problem. In terms of its ability to reduce or stem the rise in malpractice insurance premiums now or in the foreseeable future, and its ability to channel a greater portion of the malpractice insurance premium dollar to the consumer-patient, the bill falls short of the expectations of both providers and consumers in the health care system. It is my strong hope that the Legislature will look on this as only a first step in the ultimate resolution of the problem, and that it will continue to grant priority consideration to development of a comprehensive reform package to be enacted in the 1977 regular session.

In addition, I wish to bring to the attention of the Legislature a potentially serious problem contained in certain amendatory language in section 1 of the bill. In that section, the statute of limitations on medical malpractice actions has been changed so that an action must be commenced within "three years of the act or omission alleged to have caused the injury or condition, or one year of the time the patient or his representative discovered or reasonably should have discovered that the injury or condition was caused

by said action or omission. . .” I am concerned over lack of definition either in statute or in case law of the term “representative” as used in this context. The issue of who constitutes such a representative will likely be the subject of litigation causing further diversion of malpractice insurance premium dollars. I would suggest that the Legislature either define the term as precisely as possible or delete it altogether.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

#### MESSAGES FROM THE HOUSE

February 23, 1976.

Mr. President: The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 129,

SENATE CONCURRENT RESOLUTION NO. 130,

SENATE CONCURRENT RESOLUTION NO. 131, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 23, 1976.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 1403,

ENGROSSED HOUSE BILL NO. 1440,

HOUSE BILL NO. 1441,

ENGROSSED HOUSE BILL NO. 1527,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1626, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 23, 1976.

Mr. President: The House has passed:

SENATE BILL NO. 2440,

ENGROSSED SENATE BILL NO. 3070,

SENATE BILL NO. 3074,

ENGROSSED SENATE BILL NO. 3148,

SUBSTITUTE SENATE BILL NO. 3274, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1403, by Representatives Adams and Pardini (by Office of Program Planning and Fiscal Management request):

Authorizing state general obligation bonds for DSHS facilities.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 1440, by Representatives Moreau and Paterson (by Office of Program Planning and Fiscal Management request):

Authorizing bond issue for capital projects at institutions of higher education.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1441, by Representatives Charette, Smith (Edward), Thompson, Polk, Gaines and Ceccarelli (by Office of Program Planning and Fiscal Management request):

Authorizing sale of bonds for capital projects for state community colleges.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 1527, by Representatives Shinpoch, Bagnariol, Eikenberry, Polk and Sommers:

Authorizing general obligation bonds for the people's lodge at Discovery Park.  
Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1626, by Committee on Ways and Means (originally sponsored by Representatives Bagnariol and Shinpoch):

Enacting a supplemental capital budget.  
Referred to Committee on Ways and Means.

#### MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3267.

#### SECOND READING

SENATE BILL NO. 3267, by Senators Sandison, Newschwander, Stortini, Odegaard, Benitz, Donohue and Guess:

Relating to vocational education.

#### MOTIONS

On motion of Senator Sandison, 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 in full.

On motion of Senator Sandison, 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 Talley: "I wonder if Senator Sandison would yield to a question? Senator Sandison, I have been receiving quite a bit of correspondence from organizations which are concerned about the funding of vocational education. Is there anything in this legislation that affects the funding of it?"

Senator Sandison: "No, there is not. About the only way this would have a fiscal impact is that there would be less money spent by this particular council and therefore more money going out to the community college vocational-technical institutes and the common schools."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3267, and the bill passed the Senate by the following vote: Yeas, 40; nays, 3; absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Woody—40.

Voting nay: Senators Lewis (R. H. "Bob"), Sellar, Wilson—3.

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

Excused: Senators Fleming, Francis, Grant, Keefe—4.

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 BILL NO. 3268, by Senator Mardesich:

Relating to bookkeeping transactions within the state general fund.



## MOTIONS

On motion of Senator Mardesich, Substitute Senate Bill No. 3268 was substituted for Senate Bill No. 3268 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended, Substitute Senate Bill No. 3268 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3268, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Fleming, Francis, Grant, Keefe—4.

SUBSTITUTE SENATE BILL NO. 3268, having received the constitutional 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 10:25 a.m., on motion of Senator Walgren, the Senate recessed until 11:35 a.m.

## SECOND MORNING SESSION

President Pro Tempore Henry called the Senate to order at 11:35 a.m.

## MOTIONS

On motion of Senator Walgren, Senate Bill No. 3077 was ordered placed at the end of today's second reading calendar.

On motion of Senator Walgren, the Senate commenced consideration of Senate Concurrent Resolution No. 127.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 127, by Senators Francis and Woody:

Stating legislative intent to repay obligations to widows of police officers and directs payment thereto.

The resolution was read the second time in full.

On motion of Senator Woody, the rules were suspended, Senate Concurrent Resolution No. 127 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 127, and the resolution passed the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senators Clarke, Rasmussen, Talley—3.

Excused: Senators Francis, Grant, Keefe—3.

SENATE CONCURRENT RESOLUTION NO. 127, having received the constitutional majority, was declared passed.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT  
MOTION

On motion of Senator Peterson, the appointment of REPRESENTATIVE JOHN MARTINIS as a member of the Pacific Marine Fisheries Commission was confirmed.

APPOINTMENT OF REPRESENTATIVE JOHN MARTINIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

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

Absent or not voting: Senator Bottiger—1.

Excused: Senators Francis, Grant, Keefe—3.

SECOND READING

ENGROSSED HOUSE BILL NO. 840, by Representative Randall:

Relating to revenue and taxation.

The bill was read the second time by sections.

On motion of Senator Odegaard, the rules were suspended, Engrossed House Bill No. 840 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 840, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

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

Absent or not voting: Senators Bottiger, Lewis (Harry)—2.

Excused: Senators Francis, Grant, Keefe—3.

ENGROSSED HOUSE BILL NO. 840, having received the constitutional 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 11:40 a.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:30 p.m.

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

MESSAGE FROM THE HOUSE

February 24, 1976.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 769, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 3247,  
 SUBSTITUTE SENATE BILL NO. 3271.

## SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE HOUSE BILL NO. 769.

## SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 2440,  
 SENATE BILL NO. 3070,  
 SENATE BILL NO. 3074,  
 SENATE BILL NO. 3148,  
 SUBSTITUTE SENATE BILL NO. 3274.

## MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Matson was excused.  
 On motion of Senator Knoblauch, Senator McDermott was excused.

## MESSAGE FROM THE HOUSE

February 23, 1976.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3116, with the following amendments:

On page 1, line 7 of the title, after "74.13.031;" strike the remainder of the title, and insert "creating new sections; and providing an effective date."

On page 1, section 1, line 10 insert new section 1.

"*NEW SECTION. Sec. 1. The purpose of this 1976 amendatory act is to provide a program of protective supervision, care and rehabilitation in the community for children adjudicated as incorrigible as defined by 13.04.010(7) RCW, with primary emphasis on achieving the foregoing purpose in a family environment whenever possible, separating the child from his or her parents only when necessary for his or her welfare.*"

Renumber the remaining sections consecutively.

On page 2, line 2, after "13.04.010(7)]" insert "*except that a dependent child whose dependency arises from incorrigibility as defined by RCW 13.04.010(7) may be committed to a diagnostic and treatment facility for not more than thirty days if the court finds that (a) the conduct of the child evidences a substantial likelihood of degenerating into serious delinquent or criminal behavior if not corrected, and (b) other, less restrictive alternatives have failed, and (c) custodial treatment in a diagnostic and treatment facility is available and is reasonably expected to correct such degeneration: PROVIDED, That such housing and treatment shall be entirely separate from that of delinquents*"

On page 3, line 24, after "children" insert "*including but not limited to contracting with private and public entities to provide basic education and vocational training*"

On page 4, strike all of section 4 and insert the following:

"*NEW SECTION. Sec. 4. The department of social and health services shall begin immediately to prepare for the effect of section 1 of this 1976 amendatory act, and shall submit a report to the legislature by December 1, 1976, regarding its preparation of alternatives to the commitment of incorrigibles to institutions which shall be consistent with the purposes of chapter 74.13 RCW. Such report shall also include:*

(1) An inventory and evaluation of services for incorrigibles, in addition to institutions maintained by the department of social and health services;

(2) The efforts of the department of social and health services to augment such services; and

(3) The fiscal impact, if any, of section 1 of this 1976 amendatory act."

On page 4, line 23, after "transferred" insert "upon approval by the legislative budget committee"

On page 4, line 28, after "13.04.010(7)" insert ", notwithstanding the provision of section 50(3), chapter 269, Laws of 1975 ex. sess."

On page 4, immediately following section 5, insert a new section to read as follows:

*"NEW SECTION.* Sec. 6. Notwithstanding the effective date of this 1976 amendatory act, the amendment of RCW 13.04.095 accomplished by this amendatory act shall become effective on July 1, 1977, and shall apply retroactively to all persons previously committed pursuant to chapter 13.04 RCW.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Francis, the Senate concurred in the House amendments to Senate Bill No. 3116.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3116, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 5; absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Murray, Newschwander, North, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington—38.

Voting nay: Senators Day, Odegaard, Pullen, Wilson, Woody—5.

Absent or not voting: Senators Donohue, Fleming—2.

Excused: Senators Grant, Keefe, Matson, McDermott—4.

SENATE BILL NO. 3116, 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 1:45 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Wednesday, February 25, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**FIFTY-FIRST DAY****MORNING SESSION**

Senate Chamber, Olympia, Wednesday, February 25, 1976.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Keefe. On motion of Senator Knoblauch, Senator Keefe was excused.

The Color Guard, consisting of Pages William Pierron and Laurie Monahan, presented the Colors. Reverend Robert M. Keller, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the following prayer:

"GRACIOUS FATHER, RULER OF ALL; THE LIVES, THE WELFARE, AND THE FUTURE OF MANY PEOPLE WAIT UPON THE DECISIONS OF THE MEN AND WOMEN IN THIS ROOM. MAY EACH OF THEM BE CONSCIOUS OF THAT FACT, AND MAY YOU GIVE THEM THE WILL TO PERFORM THEIR TASKS WISELY FOR THOSE PEOPLE FOR WHOM THEY HAVE BOTH THE PRIVILEGE AND RESPONSIBILITY TO REPRESENT. WE PRAY THIS IN CHRIST'S NAME. AMEN."

**MOTION**

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

**MESSAGES FROM THE HOUSE**

February 24, 1976.

Mr. President: The House has passed SENATE JOINT RESOLUTION NO. 137, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 24, 1976.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2440,

SENATE BILL NO. 3070,

SENATE BILL NO. 3074,

SENATE BILL NO. 3148,

SENATE BILL NO. 3247,

SUBSTITUTE SENATE BILL NO. 3271,

SUBSTITUTE SENATE BILL NO. 3274, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

**MOTIONS**

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

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 77.

**SECOND READING**

SUBSTITUTE HOUSE BILL NO. 77, by Committee on Constitution and Elections (originally sponsored by Representatives King, Brown and Chandler):

Implementing the law relating to elections generally.

## REPORT OF STANDING COMMITTEE

March 28, 1975.

**SUBSTITUTE HOUSE BILL NO. 77**, implementing the law relating to elections generally (reported by Committee on Constitution and Elections):

**MAJORITY recommendation:** Do pass with the following amendments:

On page 10, line 2, after "last" strike the remainder of the sentence and insert "election, at which such office could have been voted upon for an unexpired term, prior to the election for such office for the subsequent full term."

On page 10, line 7, strike "and", and on line 10, after "29.21.230", strike the "." and insert "; and (3) section 29.24.110, chapter 9, Laws of 1965 and RCW 29.24.110."

On line 23 of the title after "29.21.230" insert "; section 29.24.110, chapter 9, Laws of 1965 and RCW 29.24.110".

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Stortini, Washington.

The bill was read the second time by sections.

On motion of Senator Beck, the committee amendments to page 10, lines 2 and 7, were adopted.

Senator Beck moved adoption of the following amendment by Senators Beck and Bailey:

On page 10 following line 3, insert new sections as follows:

**NEW SECTION.** Section 14. There is added to chapter 29.04 RCW a new section to read as follows:

When filing a declaration of candidacy for any office, the person making such filing shall bear the burden of showing that he is eligible for such office. The auditor or clerk designated by law to receive the filing may require identification or documents necessary to establish that the candidate meets the citizenship, residency, and other requirements of the office. If the candidate cannot meet the burden of showing his eligibility, the auditor or clerk shall not accept the filing, except as provided in section 2 of this act.

**NEW SECTION.** Sec. 15. There is added to chapter 29.04 RCW a new section to read as follows:

If an auditor or clerk refuses to accept a filing pursuant to section 1 of this act, the person desiring to make such a filing may appeal the refusal to the superior court of the county in which the filing is to be made. Such appeal shall be made in accordance with the following procedures:

(1) Upon receiving written notice that the person has filed notice of appeal with the superior court, the auditor or clerk shall then accept the filing of the declaration of candidacy and mark it "accepted under protest";

(2) The superior court shall conduct an expedited hearing and shall issue its order at the earliest possible time, recognizing that a final determination in such cases is a matter of the highest priority in order to allow the preparation of ballots within the time requirements imposed by Title 29 RCW;

(3) If the court finds that the person desiring to file a declaration of candidacy is eligible for such office, the court shall issue an order directing the auditor or clerk to fully accept the filing. If the court finds that the person is not eligible for such office, the appeal shall be dismissed and an order directed to the auditor or clerk to reject the filing.

Renumber the remaining sections accordingly.

## MOTION

On motion of Senator Lewis (Harry), Substitute House Bill No. 77, together with the adopted committee amendments and the pending amendment by Senators Beck and Bailey, was ordered to hold its place on the second reading calendar for Thursday, February 26, 1976.

## MOTION

At 10:18 a.m., on motion of Senator Walgren, the Senate recessed until 12:05 p.m.

## NOON SESSION

President Pro Tempore Henry called the Senate to order at 12:05 p.m.

## SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 3116,  
 SENATE JOINT RESOLUTION NO. 137.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 1255.

## SECOND READING

HOUSE BILL NO. 1255, by Representatives Conner, Chandler, Barnes, Fischer and Haussler:

Prescribing increases in disability, death and survivors benefits for volunteer firemen.

The bill was read the second time by sections.

On motion of Senator Fleming, the rules were suspended, House Bill No. 1255 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1255, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Keefe—1.

HOUSE BILL NO. 1255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 1376.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1376, by Representatives Blair, Warnke, King, Hendricks and Bausch:

Relieving employees of municipal corporations from having to give bond before receiving duplicate for lost or destroyed pay warrant.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the following amendments by Senators Rasmussen and Wanamaker were considered and adopted simultaneously:

On page 1, line 22, after "*performed*" and before the period insert "*nor shall those requirements be applicable to instruments received by former employees or their beneficiaries for the payment of pension benefits*"

On page 2, line 9, after "*performed*" and before the period insert "*nor shall those requirements be applicable to instruments received by former employees or their beneficiaries for the payment of pension benefits*"

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 1376, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1376, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 1376, as amended by the Senate, having received the 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

President Pro Tempore Henry announced the presence in the Senate Chamber of Leon Brigham, retired coach of Garfield High School; Don James, coach of the University of Washington football team; and Acting Governor John A. Cherberg. The President Pro Tempore appointed Senators Bottiger, Fleming, Gould, Herr, Lewis (Harry), Mardesich, McDermott, Ridder, Woody, Washington, Clarke, Scott, Walgren, Wanamaker and Murray to escort the honored guests to the Senate rostrum.

President Pro Tempore Henry gave the gavel to Acting Governor Cherberg who introduced Mr. Brigham and Mr. James. With permission of the Senate, business was suspended to permit the guests to address the Senate.

Acting Governor Cherberg returned the gavel to President Pro Tempore Henry. The committee of honor escorted the guests from the Senate Chamber and the committee was discharged.

#### MOTION

At 12:40 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Thursday, February 26, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



**FIFTY-SECOND DAY****MORNING SESSION**

Senate Chamber, Olympia, Thursday, February 26, 1976.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Keefe. On motion of Senator Knoblauch, Senator Keefe was excused.

The Color Guard, consisting of Pages Barry Morgan and Leah Grant, presented the Colors. Reverend Robert M. Keller, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the following prayer:

"GRACIOUS FATHER, LOVER OF ALL, IT IS SO EASY FOR PEOPLE WITH A LIMITED UNDERSTANDING OF WHAT TAKES PLACE HERE, WHO DO NOT UNDERSTAND WHAT A DIFFICULT JOB THIS IS, TO CRITICIZE AND HURL INSULTS AT THE EFFORTS OF THESE LEGISLATORS.

"I PRAY THAT YOU WILL HELP THESE MEN AND WOMEN NOT TO BECOME DISCOURAGED OR NEGATIVE BY THIS SEEMING LACK OF APPRECIATION, BUT THAT YOU WILL GRANT THEM THE WISDOM TO CONTINUE TO DO THEIR BEST AND THE PATIENCE TO DEAL LOVINGLY WITH THOSE WHO DO NOT UNDERSTAND. AMEN."

**MOTION**

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

**MESSAGES FROM THE HOUSE**

February 25, 1976.

Mr. President: The House has passed REENGROSSED HOUSE BILL NO. 950, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 25, 1976.

Mr. President: The House has passed:  
HOUSE JOINT RESOLUTION NO. 5,  
HOUSE CONCURRENT RESOLUTION NO. 52, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 25, 1976.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3268, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 25, 1976.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 771, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 25, 1976.

Mr. President: The Speaker has signed:

SENATE BILL NO. 3116,

SENATE JOINT RESOLUTION NO. 137, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTIONS

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

On motion of Senator Walgren, the Senate resumed consideration of Substitute House Bill No. 77.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 77, by Committee on Constitution and Elections (originally sponsored by Representatives King, Brown and Chandler):

Implementing the law relating to elections generally.

The Senate resumed consideration of Substitute House Bill No. 77. On February 25, 1976, the committee amendments were adopted to page 10, lines 2 and 7. Senator Beck moved adoption of an amendment by Senators Beck and Bailey to page 10 inserting new sections 14 and 15.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Bailey yield to a question? Senator Bailey, the burden of proof is on the candidate according to this new section. What type of proof is he going to have to have?"

Senator Bailey: "Senator Rasmussen, the only thing this refers to is eligibility, mainly residential eligibility. It is a matter of where a county auditor knows and the candidate knows that they do not live in a district and as of now they just go in and sign up. The burden of proof has to be on the state to say they cannot file and the auditor cannot deny the filing. They have to take it to court and have them ruled off the ballot at the expense of the public.

"All this does is where they are knowingly not eligible, the auditor can refuse it and the candidate can go to superior court and get an immediate ruling as to whether or not they are eligible and that way the burden of proof is on the candidate.

"I am striving to eliminate those candidates that knowingly run for office when they don't live in the district in which they are eligible and they, in doing so, take a loophole in the law that says that unless they are challenged in court they are eligible to proceed. The county auditors and the people we talked to thought it was a good amendment. Senator Grant had a bill just about the same type and I imagine he had a problem in his own area about the same thing but as it is now, the auditor has to accept any filing even though the person is not eligible."

Further debate ensued.

#### MOTIONS

On motion of Senator Lewis (Harry), Substitute House Bill No. 77, together with the adopted committee amendments and the pending amendment by Senators Beck and Bailey, was ordered placed on today's second reading calendar following Engrossed House Bill No. 1255.

At 10:25 a.m., on motion of Senator Walgren, the Senate recessed until 12:15 p.m.

#### NOON SESSION

President Pro Tempore Henry called the Senate to order at 12:15 p.m.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 1266.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1266, by Representatives Jastad and Kalich:  
Increasing the number of Lewis County superior court judges to two.

## REPORT OF STANDING COMMITTEE

February 10, 1976.

ENGROSSED HOUSE BILL NO. 1266, increasing the number of Lewis County superior court judges to two (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Add a section following section 1 as follows:

"Section 2. Section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.061 are each amended to read as follows:

There shall be in the county of King [twenty-nine] *thirty-two* judges of the superior court; in the county of Spokane eight judges of the superior court; in the county of Pierce ten judges of the superior court."

Renumber the remaining section consecutively.

In line 3 of the title after the semicolon insert "and amending section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.061;"

Signed by: Senators Francis, Chairman; Bottiger, Clarke, Scott, Van Hollebeke, Woody.

The bill was read the second time by sections.

## MOTIONS

On motion of Senator Walgren, the committee amendment was not adopted.

On motion of Senator Knoblauch, Senator Woody was excused.

On motion of Senator Odegaard, the committee amendment to the title was not adopted.

On motion of Senator Odegaard, the rules were suspended, Engrossed House Bill No. 1266 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1266, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

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

Absent or not voting: Senator Fleming—1.

Excused: Senators Keefe, Woody—2.

ENGROSSED HOUSE BILL NO. 1266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## INTRODUCTION AND FIRST READING

REENGROSSED HOUSE BILL NO. 950, by Representative Adams:

Relating to health, welfare, and safety.

Referred to Committee on Ways and Means.

HOUSE JOINT RESOLUTION NO. 5, by Representatives King and Hayner (by Committee on Constitution and Elections request of the Forty-third Legislature):  
Amending the Constitution to change the amendment process thereof.  
Referred to Committee on Constitution and Elections.

HOUSE CONCURRENT RESOLUTION NO. 52, by Representative Thompson:  
Suspension of ESCR No. 125 for consideration of HJR No. 5.  
Referred to Committee on Constitution and Elections.

#### MOTION

At 12:25 p.m., on motion of Senator Walgren, the Senate recessed until 1:45 p.m.

#### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:45 p.m.  
Senators Walgren, Washington and Marsh demanded a Call of the Senate. A Call of the Senate was ordered.

#### CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senators Keefe and Woody who had previously been excused.

#### MOTION

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

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Substitute House Bill No. 1364.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, by Committee on Education (originally sponsored by Representatives Bauer, Whiteside, Boldt, Ehlers, Dunlap and Warnke):

Changing law relating to contractual rights of school district certificated employees.

#### REPORT OF STANDING COMMITTEE

February 12, 1976.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, changing law relating to contractual rights of school district certificated employees (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 28A.67.070 as now or hereafter amended, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first full three consecutive school years of employment by such district: PROVIDED, That if any such employee has been previously employed in such position by another school district in the state of Washington for three or more consecutive school years, the provisions of this section shall apply only to the first full school year of such employment. Employees as defined in this section shall hereinafter be referred to as "provisional employees".

In the event the superintendent of the school district determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term, such provisional employee shall be notified thereof in writing on or before May 15th preceding the commencement of such school term, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. The determination of the superintendent shall be subject to the evaluation requirements of RCW 28A.67.065, as now or hereafter amended.

Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the superintendent's determination was based and to make any argument in support of his or her request for reconsideration.

Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the board of directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after the effective date of this 1976 amendatory act. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.58.450 through 28A.58.515, 28A.67.070, and chapter 28A.88 RCW, as now or hereafter amended.

Sec. 2. Section 28A.58.450, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 49, Laws of 1973 and RCW 28A.58.450 are each amended to read as follows:

[Every board of directors determining] *In the event it is determined that there is probable cause or causes for a teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with the school district, hereinafter referred to as "employee", to be discharged or otherwise adversely affected in his or her contract status, [shall notify] such employee shall be notified in writing of [its] that decision, which notification shall specify the probable cause or causes for such action. Such determinations of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent.* Such notices shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the *president*, chairman of the board or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for a hearing pursuant to section 5 of this 1976 amendatory act to determine whether or not there is sufficient cause or causes for his or her discharge or other adverse action against his contract status. [In the request for hearing, the employee may request

either an open or closed hearing. The board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and at least three days prior to the date fixed for the hearing shall notify such employee in writing of the date, time and place of the hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the board or its hearing officer may determine whether the hearing shall be open or closed. The board may employ as a hearing officer any person not currently employed by the district to conduct on its behalf any hearing required by this section, who shall transmit to the board a record of the proceedings together with his recommended findings of fact and conclusions of law, and an advisory recommended decision for the board's final disposition. The board or its hearing officer may reasonably regulate the conduct of the hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors, within ten days following the conclusion of such hearing, shall notify such employee in writing of its final decision. Any decision to discharge or to take other adverse action against such employee shall be based solely upon the cause or causes for discharge specified in the notice of probable cause to the employee and established by a preponderance of the evidence at the hearing to be sufficient cause or causes for discharge or other adverse action against his contract status.]

In the event any such notice or opportunity for hearing is not timely given by the district, or in the event cause for discharge or other adverse action is not established by a preponderance of the evidence at the hearing, such employee shall not be discharged or otherwise adversely affected in his contract status for the causes stated in the original notice for the duration of his or her contract.

If such employee does not request a hearing as provided herein, such employee may be discharged or otherwise adversely affected as provided in the notice served upon the employee.

*RCW 28A.58.450 through 28A.58.515, as now or hereafter amended, shall not be applicable to "provisional employees" as so designated in section 1 of this 1976 amendatory act; transfer to a subordinate certificated position as that procedure is set forth in section 9 of this 1976 amendatory act shall not be construed as a discharge or other adverse action against contract status for the purposes of this section.*

Sec. 3. Section 22, chapter 34, Laws of 1969 ex. sess. as amended by section 22, chapter 288, Laws of 1975 1st ex. sess. and RCW 28A.67.065 are each amended to read as follows:

[Every board of directors, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920, shall establish an evaluative criteria and procedures for all certificated employees. Such procedure shall require not less than annual evaluation of all employees. New employees shall be evaluated within the first ninety calendar days of their employment. Every employee whose work is judged unsatisfactory shall be notified in writing of stated areas of deficiencies along with recommendations for improvement by February 1st of each year. A probationary period shall be established from February 1st to April 15th for the employee to demonstrate improvement.] *(1) The superintendent of public instruction shall, on or before January 1, 1977, establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: Instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter. For certificated support personnel minimum evaluation criteria shall be developed by the superintendent of public instruction. Such criteria shall be subject to review by November 1, 1976, by four members of the legislature, one from each caucus of each house, including the chairpersons of the respective education committees.*

*Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel.*

*The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.*

*It shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel, hereinafter referred to as "employees" in this section, shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the evaluation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.*

*Every employee whose work is judged unsatisfactory based on district evaluation criteria shall be notified in writing of stated specific areas of deficiencies along with a suggested specific and reasonable program for improvement on or before February 1st of each year. A probationary period shall be established beginning on or before February 1st and ending no later than May 1st. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency; such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed. The probationer may be removed from probation if he or she has demonstrated improvement to the satisfaction of the principal in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her improvement program. Lack of necessary improvement shall be specifically documented in writing with notification to the probationer and shall constitute grounds for a finding of probable cause under RCW 28A.58.450 or 28A.67.070, as now or hereafter amended.*

*The establishment of a probationary period shall not be deemed to adversely affect the contract status of an employee within the meaning of RCW 28A.58.450, as now or hereafter amended.*

*(2) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.*

*(3) Each certificated employee shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her professional performance.*

*(4) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated employees or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated respon-*

sibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.67.070, as now or hereafter amended, or a dismissal of such evaluator under RCW 28A.58.450, as now or hereafter amended.

Sec. 4. Section 16, chapter 15, Laws of 1970 ex. sess. as last amended by section 133, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.67.070 are each amended to read as follows:

No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he is the holder of an effective teacher's certificate or other certificate required by law or the state board of education for the position for which the employee is employed.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and *except as otherwise provided by law*, limited to a term of not more than one year. Every such contract shall be made in triplicate, one copy to be retained by the school district superintendent or secretary, one copy to be retained, after having been approved and registered, by the educational service district superintendent, and one copy to be delivered to the employee thereafter. No contract shall be offered by any board nor approved and registered by the educational service district superintendent for the employment of any [teacher] *employee* who has previously signed [a] *an employment contract* [to teach] for that same term in another school district of the state of Washington unless such [teacher] *employee* shall have been released from his *or her* obligations under such previous contract by the board of directors of the school district to which he *or she* was obligated. Any contract signed in violation of this provision shall be void.

[Every board of directors determining] *In the event it is determined* that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term [shall notify that] *such employee shall be notified* in writing on or before [April] *May* 15th preceding the commencement of such term of that determination [of the board of directors], which notification shall specify the cause or causes for nonrenewal of contract. *Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent.* Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the *president*, chairman or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing *pursuant to section 5 of this 1976 amendatory act* to determine whether [or not the facts constitute] *there is sufficient cause or causes for nonrenewal of contract.* [In the request for hearing, the employee may request either an open or closed hearing. Such board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and at least three days prior to the date fixed for the hearing shall notify the employee in writing of the date, time and place of the hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the board or its hearing officer may determine whether the hearing shall be open or closed.

The board may employ as a hearing officer any person not currently employed by the district to conduct on its behalf any hearing required by this section, who shall transmit to the board a record of the proceeding together with his recommended findings of fact and conclusions of law, and an advisory recommended decision for the board's final disposition. The board or its hearing officer may reasonably regulate the conduct of the hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors, within ten days following the conclusion of such hearing, shall notify the employee in writing of its final decision either to renew or not to renew the employment of the employee for the next ensuing term. Any decision not to renew such employment contract shall be based solely upon the cause or causes for



nonrenewal specified in the notice of probable cause to the employee and established by a preponderance of the evidence at the hearing to be sufficient cause or causes for nonrenewal.] If any such notification or opportunity for hearing is not timely given [by the district], the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

*This section shall not be applicable to "provisional employees" as so designated in section 1 of this 1976 amendatory act; transfer to a subordinate certificated position as that procedure is set forth in section 9 of this 1976 amendatory act shall not be construed as a nonrenewal of contract for the purposes of this section.*

**NEW SECTION.** Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) Any employee, with the exception of provisional employees as defined in section 1 of this 1976 amendatory act, receiving a notice of probable cause for discharge or adverse effect in contract status pursuant to RCW 28A.58.450, as now or hereafter amended, or a notice of probable cause for nonrenewal of contract pursuant to RCW 28A.67.070, as now or hereafter amended, shall be granted the opportunity for a hearing pursuant to this section.

(2) In any request for a hearing pursuant to RCW 28A.58.450 or 28A.67.070, as now or hereafter amended, the employee may request either an open or closed hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the hearing officer may determine whether the hearing shall be open or closed.

(3) The employee may engage counsel who shall be entitled to represent the employee at the prehearing conference held pursuant to subsection (4) of this section and at all subsequent proceedings pursuant to this section. At the hearing provided for by this section, the employee may produce such witnesses as he or she may desire.

(4) Within ten days following the receipt of a request by an employee for a hearing pursuant to RCW 28A.58.450 or 28A.67.070, as now or hereafter amended, the board of directors of the district shall appoint a hearing officer pursuant to subsection (5) of this section and shall also schedule a prehearing conference to be held within such ten day period. The employee shall be given written notice of the date, time, and place of such prehearing conference at least three days prior to the date established for such conference. If the employee objects to the person selected as the hearing officer, the employee may at the prehearing conference file an affidavit of prejudice, whereupon the board shall promptly appoint a replacement hearing officer and schedule the prehearing conference to convene within ten days. An employee may not file more than one affidavit of prejudice in a single proceeding.

(5) Any hearing officer appointed pursuant to subsection (4) of this section shall be a member in good standing of the Washington state bar association. No person shall be eligible to serve as a hearing officer if: He or she is currently employed as legal counsel or in any other capacity by any school district; or, he or she is a member of the board of directors of any school district, or, he or she is associated in the practice of law with any such person: PROVIDED, That appointment as a hearing officer pursuant to this subsection shall not constitute employment by a school district for purposes of this section. The district appointing a hearing officer shall pay all costs and expenses associated with such appointment.

(6) The hearing officer shall preside at any prehearing conference scheduled pursuant to subsection (4) of this section and in connection therewith shall:

(a) Issue such subpoenas or subpoenas duces tecum as either party may request at that time or thereafter; and

(b) Authorize the taking of prehearing depositions at the request of either party at that time or thereafter; and

(c) Provide for such additional methods of discovery as may be authorized by the civil rules applicable in the superior courts of the state of Washington; and

(d) Establish the date for the commencement of the hearing, to be within ten days

following the date of the prehearing conference, unless the employee requests a continuance, in which event the hearing officer shall give due consideration to such request.

(7) The hearing officer shall preside at any hearing and in connection therewith shall:

(a) Make rulings as to the admissibility of evidence pursuant to the rules of evidence applicable in the superior courts of the state of Washington; and

(b) Make other appropriate rulings of law and procedure.

(8) Except as provided in subsection (9) of this section, the board of directors of the district shall have the following duties and responsibilities in connection with any hearing conducted pursuant to this section:

(a) Not less than a quorum of the board shall hear all of the evidence admitted during the hearing.

(b) At the conclusion of the hearing board members who have heard all of the evidence shall deliberate in private and shall reach a final decision by vote of a majority of the members participating at the hearing.

(c) Written notice of the final decision of the board of directors shall be sent to the employee as promptly as possible and in no event later than ten days after the conclusion of the hearing.

(9) In lieu of the hearing procedures provided for in subsections (7) and (8) of this section, the board at the time it schedules the prehearing conference pursuant to subsection (4) of this section, may elect to have the hearing conducted by the hearing officer without board participation and if the board so elects, it shall give written notice thereof to the employee at or before the time of said prehearing conference. The hearing officer shall have the following duties at any hearing conducted by the hearing officer without board participation:

(a) The hearing officer shall make rulings as to the admissibility of evidence pursuant to the rules of evidence applicable in the superior court of the state of Washington.

(b) The hearing officer shall make other appropriate rulings of law and procedure.

(c) Within ten days following the conclusion of the hearing the hearing officer shall transmit in writing to the board and to the employee, findings of fact and conclusions of law and final decision.

(10) Any final decision by the board or the hearing officer to nonrenew the employment contract of the employee, or to discharge the employee, or to take other action adverse to the employee's contract status, as the case may be, shall be based solely upon the cause or causes specified in the notice of probable cause to the employee and shall be established by a preponderance of the evidence at the hearing to be sufficient cause or causes for such action.

(11) All subpoenas and prehearing discovery orders shall be enforceable by and subject to the contempt and other equity powers of the superior court of the county in which the school district is located upon petition of any aggrieved party.

(12) A complete record shall be made of the hearing and all orders and rulings of the hearing officer and school board.

Sec. 6. Section 28A.58.480, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.480 are each amended to read as follows:

Any appeal to the superior court by an employee shall be heard [de novo] by the superior court *without a jury*. Such appeal shall be heard expeditiously. *The superior court's review shall be confined to the verbatim transcript of the hearing and the papers and exhibits admitted into evidence at the hearing, except that in cases of alleged irregularities in procedure not shown in the transcript or exhibits and in cases of alleged abridgment of the employee's constitutional free speech rights, the court may take additional testimony on the alleged procedural irregularities or abridgment of free speech rights. The court shall hear oral argument and receive written briefs offered by the parties.*

*The court may affirm the decision of the board or hearing officer or remand the case for further proceedings; or it may reverse the decision if the substantial rights of the employee may have been prejudiced because the decision was:*

- (1) *In violation of constitutional provisions; or*
- (2) *In excess of the statutory authority or jurisdiction of the board or hearing officer; or*
- (3) *Made upon unlawful procedure; or*
- (4) *Affected by other error of law; or*
- (5) *Clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision or order; or*
- (6) *Arbitrary or capricious.*

Sec. 7. Section 28A.58.490, chapter 223, Laws of 1969 ex. sess. as last amended by section 16, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.490 are each amended to read as follows:

*If the court enters judgment for the employee, and if the court finds that the probable cause determination was made in bad faith or upon insufficient legal grounds, the court in its discretion may award to [an] the employee a reasonable attorney's fee for the preparation and trial of his appeal, together with his taxable costs in the superior court. If the court enters judgment for the employee, in addition to ordering the school board to reinstate or issue a new contract to the employee, the court may award damages for loss of compensation incurred by the employee by reason of the action of the school district.*

Sec. 8. Section 18, chapter 34, Laws of 1969 ex. sess. as amended by section 3, chapter 49, Laws of 1973 and RCW 28A.58.515 are each amended to read as follows:

[In lieu of requesting a hearing before the board of directors or its designated hearing officer pursuant to the provisions of RCW 28A.58.450 and 28A.67.070, an employee may elect to appeal the action of the board directly to the superior court of the county in which the school district is located] *In the event that an employee receives a notice of probable cause pursuant to RCW 28A.58.450 or 28A.67.070, as now or hereafter amended, stating that by reason of a lack of sufficient funds or loss of levy election the employment contract of such employee should not be renewed for the next ensuing school term or that the same should be adversely affected, the employee may appeal any said probable cause determination directly to the superior court of the county in which the school district is located. Such appeal shall be perfected by serving upon the [clerk] secretary of the school board and filing with the clerk of the superior court a notice of appeal within ten days after receiving the [notification of the action of the board] probable cause notice. The notice of appeal shall set forth in a clear and concise manner the action appealed from. The superior court shall determine whether or not there was sufficient cause for the action [of the board of directors] as specified in the probable cause notice, which cause must be proven by a preponderance of the evidence, and shall base its determination solely upon the cause or causes stated in the notice of the employee. The appeal provided in this section shall be [conducted in the same manner as appeals provided in RCW 28A.58.470 through 28A.58.500] tried as an ordinary civil action: PROVIDED, That the board of directors' determination of priorities for the expenditure of funds shall be subject to superior court review pursuant to the standards set forth in RCW 28A.58.480, as now or hereafter amended: PROVIDED FURTHER, That the provisions of RCW 28A.58.490 and 28A.58.500, as now or hereafter amended, shall be applicable thereto.*

**NEW SECTION.** Sec. 9. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW a new section to read as follows:

Any certificated employee of a school district employed as an assistant superintendent, director, principal, assistant principal, coordinator, or in any other supervisory or administrative position, hereinafter in this section referred to as "administrator", shall be subject to transfer, at the expiration of the term of his or her employment contract, to any subordinate certificated position within the school district. "Subordinate certificated position" as used in this section, shall mean any administrative or nonadministrative certificated position for which the annual compensation is less than the position currently held by the administrator.

Every superintendent determining that the best interests of the school district would be served by transferring any administrator to a subordinate certificated position

shall notify that administrator in writing on or before May 15th preceding the commencement of such school term of that determination, which notification shall state the reason or reasons for the transfer, and shall identify the subordinate certificated position to which the administrator will be transferred. Such notice shall be served upon the administrator personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

Every such administrator so notified, at his or her request made in writing and filed with the president or chairman, or secretary of the board of directors of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the board of directors in an executive session thereof for the purpose of requesting the board to reconsider the decision of the superintendent. Such board, upon receipt of such request, shall schedule the meeting for no later than the next regularly scheduled meeting of the board, and shall notify the administrator in writing of the date, time and place of the meeting at least three days prior thereto. At such meeting the administrator shall be given the opportunity to refute any facts upon which the determination was based and to make any argument in support of his or her request for reconsideration. The administrator and the board may invite their respective legal counsel to be present and to participate at the meeting. The board shall notify the administrator in writing of its final decision within ten days following its meeting with the administrator. No appeal to the courts shall lie from the final decision of the board of directors to transfer an administrator to a subordinate certificated position: PROVIDED, That in the case of principals such transfer shall be made at the expiration of the contract year and only during the first three consecutive school years of employment as a principal by a school district; except that if any such principal has been previously employed as a principal by another school district in the state of Washington for three or more consecutive school years the provisions of this section shall apply only to the first full school year of such employment.

This section applies to any person employed as an administrator by a school district on the effective date of this 1976 amendatory act and to all persons so employed at any time thereafter. This section provides the exclusive means for transferring an administrator to a subordinate certificated position at the expiration of the term of his or her employment contract and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.58.450 through 28A.58.515, 28A.67.065, 28A.67.070, and chapter 28A.88 RCW, as now or hereafter amended.

Sec. 10. Section 10, chapter \_\_\_\_\_ (HB 1356), Laws of 1975-1976 2nd ex. sess. and RCW 28A.58.137 are each amended to read as follows:

In all districts the board of directors shall elect a superintendent who shall have such qualification as the local school board alone shall determine. [He] *The superintendent* shall have supervision over the several departments of the schools thereof and carry out such other powers and duties as prescribed by law. Notwithstanding the provisions of RCW 28A.58.100(1), the board may contract with such superintendent for a term not to exceed three years when deemed in the best interest of the district. The right to renew a contract of employment with any school superintendent shall rest solely with the discretion of the school board employing such school superintendent. Regarding such renewal contracts of school superintendents the provisions of RCW 28A.58.450 through 28A.58.515, 28A.67.065, 28A.67.070, 28A.67.074 and 28A.88.010 shall be inapplicable.

**NEW SECTION.** Sec. 11. Nothing in this 1976 amendatory act shall be construed to annul or to modify or to preclude the continuation of any lawful agreement entered into prior to the effective date of this 1976 amendatory act.

**NEW SECTION.** Sec. 12. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

In line 1 of the title after "education;" strike the remainder of the title and insert "amending section 28A.58.450, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 49, Laws of 1973 and RCW 28A.58.450; amending section 22,

chapter 34, Laws of 1969 ex. sess. as amended by section 22, chapter 288, Laws of 1975 1st ex. sess. and RCW 28A.67.065; amending section 16, chapter 15, Laws of 1970 ex. sess. as last amended by section 133, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.67.070; amending section 28A.58.480, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.480; amending section 28A.58.490, chapter 223, Laws of 1969 ex. sess. as last amended by section 16, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.490; amending section 18, chapter 34, Laws of 1969 ex. sess. as amended by section 3, chapter 49, Laws of 1973 and RCW 28A.58.515; amending section 10, chapter \_\_\_\_\_ (HB 1356) Laws of 1975-1976 2nd ex. sess. and RCW 28A.58.137; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW; and providing penalties."

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

The bill was read the second time by sections.

Senator Stortini moved adoption of the committee amendment.

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

On page 1, line 15, after "contract" insert "or discharged"

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

On page 1, line 29, after "term" and before the comma insert "or that a provisional employee should be discharged"

Senator McDermott moved adoption of the following amendment by Senators McDermott and Francis to the committee amendment:

Beginning on page 1, strike all of section 1 and insert the following:

"*NEW SECTION.* Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 28A.67.070 as now or hereafter amended, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first school year of employment by such district. Employees as defined in this section shall hereinafter be referred to as "provisional employees".

In the event the superintendent of the school district determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term, such provisional employee shall be notified thereof in writing on or before May 15th preceding the commencement of such school term, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. The determination of the superintendent shall be subject to the evaluation requirements of RCW 28A.67.065.

Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the superintendent's determination was based and to make any argument in support of his or her request for reconsideration.

Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the

board of directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting and shall give that provisional employee a reasonable opportunity for a hearing on such nonrenewal and reasons therefor.

The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

This section applies to any person employed by a school district in a teaching or other non-supervisory certificated position after the effective date of this 1976 amendatory act. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee for lack of teaching competency."

Debate ensued.

Senator Walgren demanded a roll call and the demand was sustained by Senators Bailey, Sandison, Fleming, Talley, Ridder, von Reichbauer, Goltz, Lewis (Harry) and Mardesich.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senators McDermott and Francis to the committee amendment.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 17; nays, 30, excused, 2.

Voting yea: Senators Beck, Bottiger, Fleming, Francis, Goltz, Grant, Herr, Knoblauch, McDermott, Odegaard, Rasmussen, Ridder, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington—17.

Voting nay: Senators Bailey, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Henry, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Peterson, Pullen, Sandison, Scott, Sellar, Stortini, Wanamaker, Wilson—30.

Excused: Senators Keefe, Woody—2.

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

On page 3, line 1, after "for" insert "discharge or"

Senator Wilson moved the following amendments to the committee amendment be considered and adopted simultaneously:

Beginning on page 11, strike all of subsections (4) and (5) and insert the following:

"(4) In the event that an employee requests a hearing pursuant to RCW 28A.58.450 or 28A.67.070, as now or hereafter amended, a hearing officer shall be appointed in the following manner: Within ten days following the receipt of any such request the board of directors of the district or its designee and the employee shall each appoint one nominee, each of whom shall be members in good standing of the Washington state bar association. Within five days following the appointment of such nominees they shall jointly appoint a hearing officer who shall be a member in good standing of the Washington state bar association. Should said nominees fail to agree as to who should be appointed as the hearing officer, either the board of directors or the employee, upon appropriate notice to the other party, may apply to the presiding judge of the superior court for the county in which the district is located for the appointment of such hearing officer, whereupon such presiding judge shall have the duty to appoint a hearing officer who shall be a member in good standing of the Washington state bar association and who shall, in the judgment of such presiding judge, be qualified to fairly and impartially discharge his or her duties. Nothing herein shall preclude the board of directors and the employee from stipulating as to the identity of the hearing officer in which event the foregoing procedures for the selection of the hearing officer shall be inapplicable. The district shall pay all fees and expenses of any hearing officer selected pursuant to this subsection.

(5) Within five days following the selection of a hearing officer pursuant to subsection (4) hereof, the board of directors or its designee shall schedule a prehearing conference to be held within such five day period. The employee shall be given written notice of the date, time, and place of such prehearing conference at least three days prior to the date established for such conference."

On page 12, line 26, after "subsection" strike "(4)" and insert "(5)"

On page 13, line 28, after "subsection" strike "(4)" and insert "(5)"

Debate ensued.

The motion by Senator Wilson carried and the amendments to the committee amendments were adopted.

There being no objection, the amendment by Senator Francis to page 12, line 11 to the committee amendment on the Secretary's desk, was withdrawn.

Senator Francis moved the following amendments by Senator Woody to the committee amendment be considered and adopted simultaneously:

On page 12 of the amendment, commencing with the colon after "therewith shall" on line 45, strike all of the matter down to and including the period after "final decision" on line 2, page 14, and insert "conduct any such hearing pursuant to the proceedings set forth in RCW 34.04.090, 34.04.100 and 34.04.120 insofar as applicable"

Renumber the remaining subsections consecutively.

On page 14, section 5, line 3 after "by the" strike "board or the"

Debate ensued.

Senator Walgren demanded a roll call and the demand was sustained by Senators Sandison, Newschwander, Matson, Scott, Fleming, McDermott, Ridder, Marsh and Jones.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendments by Senator Woody to the committee amendment.

#### ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were not adopted by the following vote: Yeas, 21; nays, 26; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Fleming, Francis, Goltz, Grant, Herr, Knoblauch, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson—21.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Henry, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Stortini, Wanamaker—26.

Excused: Senators Keefe, Woody—2.

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

On page 13, line 15, after "hearing" insert ","

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

On page 14, on line 27 after "employee" and before "shall" insert "*or employer*"

Debate ensued.

There being no objection, on motion of Senator Walgren, the amendment to the committee amendment was temporarily withdrawn.

Senator Walgren moved the following amendments to the committee amendment be considered and adopted simultaneously:

On page 14, on line 28 after "*jury*" and before the period insert "*in the same manner as provided in chapter 28A.88 RCW*"

On page 14, beginning on line 29 after "expeditiously." strike all the material down to and including the period on line 12, on page 15.

Debate ensued.

Senator Newschwander demanded a roll call and the demand was sustained by Senators Walgren, Sandison, Bailey, Rasmussen, Guess, Clarke, Lewis (R. H. "Bob"), Morrison and Scott.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendments by Senator Walgren to the committee amendment.

#### ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were not adopted by the following vote: Yeas, 18; nays, 29; excused, 2.

Voting yea: Senators Beck, Bottiger, Fleming, Francis, Goltz, Grant, Herr, Knoblauch, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington—18.

Voting nay: Senators Bailey, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Henry, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Pullen, Sandison, Scott, Sellar, Stortini, Wanamaker, Wilson—29.

Excused: Senators Keefe, Woody—2.

There being no objection, the amendments by Senator Walgren to page 14, line 27; page 15, beginning on line 23 and page 15, line 27 to the committee amendment, on the Secretary's desk, were withdrawn.

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

On page 17, section 9, line 5 after "administrator" and before the period insert "": PROVIDED, That the transfer of an administrator to a subordinate position shall not result in the transfer, nonrenewal or discharge of a teacher"

Debate ensued.

The motion by Senator Rasmussen failed and the amendment to the committee amendment was not adopted.

Senator Gould moved adoption of the following amendment by Senators Stortini and Gould to the committee amendment:

On page 18, line 26, after "amended" insert "": PROVIDED, That following that period of employment during which this section is applicable to principals and assistant principals, transfers of principals and assistant principals to subordinate certificated positions shall be governed by the provisions of RCW 28A.58.450 and/or RCW 28A.67.070 as now or hereafter amended"

#### POINT OF INQUIRY

Senator Bailey: "Will Senator Gould yield? Do you mean that principals and vice principals will be frozen into the position after three years so that they cannot be removed by the superintendent?"

Senator Gould: "The intention of this section was that principals and vice principals would have the same protection after the three-year provisional period as teachers would have, and I will be glad to respond to . . ."

Senator Bailey: "Senator Gould, then, in case that you have a modification of your administration, you have a new superintendent coming into your school and he happens to fall into a group of principals that will not cooperate that have been there more than three years, he then is stuck in the same position he is now. He cannot remove them without going to court and really getting into trouble. Is that right?"

Senator Gould: "Yes. He will have to go through the same process for the principals as he will have to go through for the teachers and I will be glad to explain the rationale behind it."

Senator Bailey: "In other words, the rationale given us the last time was that you are providing the administrators with the right to organize their administrations. Now you are saying that under this bill they would not have it again after three years."

Senator Gould: "We are talking only about principals and assistant principals and we are extending this particular provision of the continuing contract to principals for a specific reason and not to other administrators. First of all, may I back up to say this, it was originally suggested in the House on the floor, and it got lost on a technicality, but the reason for this is that principals themselves often have to go out on point. They are the ones that are responsive to the students. They have to work with the parents in the



area and they have to work with their own teachers in their buildings and sometimes they go out and point for those teachers. Sometimes they have to say to the rest of the administration, 'No. I think you are wrong.' In order to have the protection to be able to do that, we felt it was necessary to give them the protection of the continuing contract law when, as principals they have those protections now. With the bill as it is, they will have less protection because also the teachers will have less protection."

Debate ensued.

#### POINT OF INQUIRY

Senator Bailey: "I have another question of Senator Gould. Senator Gould, would you yield? Yes, or no, probably, but is this not a change of position from the original 3002?"

Senator Gould: "Yes, it is. A lot of this bill is different than 3002. It was the provision that was written into the bill that the Senate education committee made as an amendment."

Senator Bailey: "Mr. President, another question. I really think — and this does not have a question mark on the end of it. This is a complete subject that was not discussed in caucus nor even brought up in caucus. It is a change in the original content of the bill and I think it is subject to either further discussion or further amendment. I can see protecting a principal and giving him his job back but I cannot see freezing a principal into the position that he has over and above the protests of a new administrator."

Further debate ensued.

#### MOTION

With the permission of Senator Gould, the amendment by Senators Stortini and Gould to the committee amendment was withdrawn.

#### POINT OF INQUIRY

Senator Bailey: "Senator Gould mentioned another part of the bill, though, that this was buried into. I would like to know where that is so by withdrawing this one, we haven't left the other objectionable part in the bill."

Senator Gould: "Senator, I am not sure I mentioned there was another part of the . . . ."

Senator Bailey: "I thought you said this was to doubly enforce another part of the bill. Is there someplace else we are giving protection to these people?"

Senator Gould: "No — it . . . ."

Further debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Will Senator Gould yield to a question, please? Senator Gould, now, with the withdrawal of this amendment, I understand that a new superintendent coming into a school district could simply wipe out all of the principals and administrators, send them all back to being school teachers, bump the school teachers that are there. That would be the price of bringing a new administrator in. You wouldn't have to have any reason. He could just say, 'I have my own boys and I am going to have my own principals and my own assistant principals and my own administrators'."

Senator Gould: "You are the lawyer, Senator, but I would say it would remove the protection of the continuing contract but they would still be under regular contract law. So they would have to have the due process that regular contract laws . . . ."

Senator Bottiger: "Isn't it correct that as to principals and assistant principals, we don't have all of this. They are the people who are doing the evaluations. There isn't anybody evaluating them so they don't have all this protection and without this amendment that you just withdrew, now the superintendent just got a free hand. He cleans house right at assistant principals on up."

President Pro Tempore Henry declared the question before the Senate to be adoption of the committee amendment as amended.

Senator Walgren demanded a roll call and the demand was sustained by Senators Bailey, Marsh, Matson, Donohue, Scott, Stortini, Goltz, Ridder and Newschwander.

## ROLL CALL

The Secretary called the roll and the committee amendment, as amended, was adopted by the following vote: Yeas, 29; nays, 18; excused, 2.

Voting yea: Senators Bailey, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Henry, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Pullen, Sandison, Scott, Sellar, Stortini, Wanamaker, Wilson—29.

Voting nay: Senators Beck, Bottiger, Fleming, Francis, Goltz, Grant, Herr, Knoblauch, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington—18.

Excused: Senators Keefe, Woody—2.

## MOTIONS

On motion of Senator Stortini, the committee amendment to the title was adopted.

On motion of Senator Stortini, the rules were suspended, Engrossed Substitute House Bill No. 1364, as amended, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1364, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; excused, 2.

Voting yea: Senators Bailey, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Henry, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Pullen, Sandison, Scott, Sellar, Stortini, Wanamaker, Wilson—29.

Voting nay: Senators Beck, Bottiger, Fleming, Francis, Goltz, Grant, Herr, Knoblauch, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington—18.

Excused: Senators Keefe, Woody—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

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

At 4:00 p.m. Senator Walgren moved the Senate adjourn.

## PERSONAL PRIVILEGE

Senator Mardesich: "Point of personal privilege. I would assume that the clerk would transmit immediately to the House without motion — I would like to point out that I see some members of the House standing by. I hope that they will remember that just some ten months ago this Senate indicated that when reform was accomplished work would begin on solution of the financial problems of the schools. We have begun that step and I hope the House will recognize it and do something about this bill."

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

## REPORT OF CONFERENCE COMMITTEE

February 26, 1976.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred REENGROSSED HOUSE BILL NO. 971, pertaining to taxation of leasehold interests, have had the same

under consideration, and we report that we cannot agree and request powers of Free Conference in order to propose the following amendments to the Senate amendment:

On page 2, line 3, after "access" insert: ", occupancy or use granted solely"

On page 2, line 35, after "lessor." insert: "Where the consideration conveyed for the leasehold interest is made in combination with payment for concession or other rights granted by the lessor, only that portion of such payment which represents consideration for the leasehold interest shall be part of contract rent."

On page 6, line 44, after "82.32.330," insert "findings of fact and"

On page 7, line 1, after "be" strike all matters down to and including "RCW" on line 2 and insert "open to public inspection at all reasonable times"

On page 7, line 34, after "from" insert "regular"

On page 9, beginning on line 31, after "(6)", strike all material down to and including "all" on line 35, and insert "All"

On page 9, following line 42, insert a new subsection (7) to read as follows: "(7) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States: PROVIDED, That this exemption shall apply only where it is determined that contract rent paid is greater than or equal to ninety percent of fair market rental, to be determined by the department of revenue using the same criteria used to establish taxable rent in section 2, subsection (2)(b) of this 1976 amendatory act."

Renumber remaining subsections consecutively.

On page 11, line 26, following "act" insert: ": PROVIDED FURTHER, That this section shall not prohibit any assessor from valuing any public property leased to or occupied by a private person for private purposes"

On page 12, line 1, after "sublessee" insert "which are not defined as contract rent",

Signed by: Senators Donohue, Matson and Woody; Representatives Randall, Sommers and Nelson.

#### MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Reengrossed Substitute House Bill No. 971.

The motion by Senator Walgren carried and at 4:02 p.m. the Senate adjourned until 10:30 a.m., Friday, February 27, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**FIFTY-THIRD DAY****MORNING SESSION**

Senate Chamber, Olympia, Friday, February 27, 1976.

The Senate was called to order at 10:30 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bottiger, Francis, Guess and Keefe. On motion of Senator Knoblauch, Senators Francis and Keefe were excused.

The Color Guard, consisting of Pages Bart Peterson and Debbie Gregory, presented the Colors. Reverend Robert M. Keller, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the following prayer:

"GRACIOUS FATHER, HOPE OF ALL, AS THESE SENATORS MEET THIS NEW DAY TO CONTINUE THEIR TASK OF DELIBERATION AND ACTION, GRANT THEM FRESH COURAGE TO MEET THE MANY DIFFICULT PROBLEMS THEY MUST HANDLE AND GIVE THEM A SPIRIT OF HOPE AND COOPERATION, SO THAT THEY MIGHT FIND THE RIGHT SOLUTIONS. KEEP EACH ONE OF THEM, THIS DAY, WITHIN YOUR FATHERLY LOVE AND CARE. WE PRAY THIS IN CHRIST'S NAME. AMEN."

**MOTION**

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

**REPORT OF STANDING COMMITTEE**

February 26, 1976.

HOUSE BILL NO. 1342, establishing procedures for payment of costs by convicted criminal defendants (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Buffington, Clarke, Jones, Scott, Woody.

Passed to Committee on Rules for second reading.

**MESSAGES FROM THE HOUSE**

February 26, 1976.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1544, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 26, 1976.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 3129,

SUBSTITUTE SENATE BILL NO. 3158, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 26, 1976.

Mr. President: The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 50,

HOUSE CONCURRENT RESOLUTION NO. 51, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 26, 1976.

Mr. President: The House has passed:

HOUSE BILL NO. 1435,

SUBSTITUTE HOUSE BILL NO. 1612, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 25, 1976.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 771, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 25, 1976.

Mr. President: The Speaker has signed HOUSE BILL NO. 840, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 26, 1976.

Mr. President: The Speaker has signed HOUSE BILL NO. 1255, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 26, 1976.

Mr. President: The Speaker has signed HOUSE BILL NO. 1376, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3268.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 771,

HOUSE BILL NO. 840,

HOUSE BILL NO. 1255.

#### APPOINTMENT OF SPECIAL COMMITTEE

President Pro Tempore Henry appointed Senators Wilson, Day, Sellar, Benitz, Walgren and Newschwander as a committee of honor to escort Senator Dan Jolly and his wife, Harriet; also Mr. Jack Silvers, Master of the Washington State Grange, to a place of honor upon the Senate rostrum.

President Pro Tempore Henry turned the gavel over to Senator Wilson.

#### REMARKS BY SENATOR WILSON

Senator Wilson: "Mr. President, members of the Senate, and honored guests, one day last Fall, after Senator Dan Jolly had harvested another fabulously profitable wheat crop, he and Mrs. Jolly decided to spend a weekend in Spokane just to relax so they got a room at the Davenport Hotel. That evening Mrs. Jolly felt she would just like to stay around the room and take it easy and Senator Jolly felt like taking in a movie so he went out to a show. Driving back from the show he saw, to his amazement, a penguin wandering around the freeway and he knew the bird would probably get it good unless something were done and so he picked it up and put it in his car.

"I can assure you that Mrs. Jolly was a little surprised when her husband arrived back in the hotel room with this real live penguin.

"She said, 'That bird is not going to stay here in our room tonight.'

"Dan said, 'What can we do with a penguin in the middle of the night?'

"Finally, Mrs. Jolly agreed that it could stay there that night but first thing the next morning that bird must be taken to the zoo. Next morning they got up and Harriet said, 'Now, Dan, the first thing you are going to do today is take that penguin to the zoo.'

"And Dan said, 'All right. Okay. I will.' So he went off with the penguin.

"About noon, Senator Jolly reappeared at the hotel room and he still had the penguin, and Harriet said, 'What in heaven's name are you doing? I told you to take that penguin to the zoo.' and Dan replied, 'Well, I did and he enjoyed it so much I am going to take him to a ball game this afternoon.'

"This morning we are going to have a short and simple program paying tribute to a colleague who will be departing after fourteen years service in the Washington State Legislature. And aside from being a compassionate protector of wildlife, Senator Dan Jolly is and has been many things.

"He is a legitimate pioneer, having been born in 1907 in a homestead shack near Leahy in Douglas County. A devoted husband and father, a wheat farmer for over sixty years, a Grange member for fifty years, and a member of the State Grange Executive Committee for twenty-eight years, a hospital district commissioner for twelve years, the Mayor of Connell for fourteen years, a Franklin County public utility district commissioner for twenty-two years, and president of the State PUD Association and the Northwest Public Power Association, and finally, a state legislator since 1963; eight years in the House and six in the Senate. Always active — particularly in the areas of transportation and agriculture — and presently chairman of the Senate committee on agriculture.

"It is clear, is it not, that here is a man to whom his own friends and neighbors — the people who know him best — repeatedly have turned to when the interests of the community demanded attention and when there were things that needed to be done. Quiet, unassuming, totally honest, highly respected by all who know him. Truly, Dan Jolly epitomizes the best we might expect to find in an American citizen whose first concern was his family but who, beyond that, has devoted thousands of hours over the past half century to serving the public good.

"Dan, I can tell you we could have filled this Chamber with people who would like to come up here and pay tribute to you today. I want you to know that your secretary, Phyllis Sartain, is here; a large delegation from the state Grange office in Seattle; many other friends of yours and theirs. But in the interest of brevity — for Dan Jolly himself, as you might have expected — asked for a short program if one were to be held at all. We have selected one person whom we think might speak on behalf of all those in attendance who would like to pay tribute to you today. I doubt that we could have, selected a more appropriate person. It is my pleasure to present the Master of the Washington State Grange, Jack Silvers."

#### REMARKS BY JACK SILVERS

Mr. Silvers: "Senator Wilson, Mr. President, ladies and gentlemen of the Senate, it is a privilege for me to have the opportunity to join with you in recognizing Senator Dan Jolly. As Senator Wilson indicated, next month Senator Jolly will have completed fifty years of active service to the Grange organization. He has served as a member of the State Grange executive committee more than half of this time. I have had the privilege of serving with him many years on that executive committee. Dan here was reelected to this position last June, making his tenth consecutive three-year term, and overlapping the terms of three state masters.

"Over this period of time his advice and counsel have been sought and greatly appreciated by the three state masters, Henry Carstensen, Lars Nelson, and myself. His progressive attitude projected in his own quiet manner has been a strong influence in guiding the direction and destiny of the Washington State Grange over these many years.

"In 1971 he was the recipient of the Washington State Grange leadership award

which was presented in recognition of distinguished service in the areas of agriculture, resource development, civic betterment and organizational leadership. The active participation of Senator Jolly and his wife, Harriet, and their willingness to give of their time and talent has been of great benefit to the Grange organization.

"During his legislative career he has played an important part in the development of meaningful agricultural legislation, particularly in the areas of marketing and commodity self-help programs. His understanding and support of agricultural programs have been of benefit to the agricultural industry and the state.

"I am pleased to have this opportunity to publicly thank Senator Jolly and Harriet for directing their energies and so disciplining their lives in such a manner as to benefit their own community, the agricultural community and the Grange organization. Thank you, Senator Wilson and Mr. President."

#### REMARKS BY SENATOR WILSON

Senator Wilson: "Thank you, Jack. At this time our distinguished presiding officer, Senator Al Henry, has a presentation to make."

#### REMARKS BY SENATOR HENRY

Senator Henry: "There are only a few of the members here who know that my association with Dan and Harriet goes back far beyond the time of entering these marble halls. As a comparative youngster in those days — 1940 during my first campaign and before I was redistricted five times trying to find a combination that would get me out of here — my district took in Connell and the tri-cities — one of my strongest boosters and his wife, Harriet. They gave me encouragement. They helped me get elected in one of those landslides by thirty-one votes and I have been eternally grateful to them. I was pleased that Dan decided to get into the field of politics where he has served so well. At the time he was serving fourteen years as mayor of his small town, I was serving the same fourteen years as the mayor of my small town. So we have a lot in common except he has a wheat crop and I didn't have.

"At this time I would like to present to Harriet these roses in a token of our love and affection for the Jolly family."

#### REMARKS BY SENATOR WILSON

"Senator Wilson: "Fellow Senators, I should to say to Dan, we have prepared the customary resolution expressing our gratitude toward you, Dan. I have to be perfectly honest with you. While you were off the floor a couple of days ago, we brought this resolution up and it failed to pass by a vote of twenty-five to twenty-three. We have it up for reconsideration now, and we have done quite a bit of arm twisting and hope we are going to be able to get it through today."

#### REMARKS BY SENATOR BENITZ

Senator Benitz: "Senator Wilson said there would only be one speech but I really requested that I have a chance to make just a couple remarks about my friend, Senator Jolly. Members of the Senate, family and friends, it has been my special privilege to work very closely with Senator Jolly for the last number of years in the House of Representatives and in the last two years in the Senate. But I have a special reason to cite Dan Jolly as a very cherished friend and respected leader; truly a great Senator for the State of Washington.

"Back in the 1960's there was, in the farm organizations, a long and sometimes bitter battle fought over the direction of federal farm programs. That is when I first became acquainted with Senator Jolly and I have a great respect for his conduct at that time. He was, and as you have heard today is, still active in the Washington State Grange. I, in another farm organization known as the Farm Bureau. The issue at that time was known as the 'wheat referendum' and as farmers can do, sometimes we argued rather heatedly and sometimes a bit bitterly. But through that period of time when I came to know Dan Jolly, he always kept his cool. And that is all history now. Those farm organizations have a fine spirit of cooperation and I feel sure that a lot of it came because of the efforts of Senator Dan Jolly.

"So I feel that through the last two years with the great respect I have for him and serving on the agricultural committee with him, we have never had anything except free and open discussion and certainly the committee on agriculture has never allowed partisan politics to enter in any discussion that would have anything to do with the production of your food. I think that is a very important issue. To Senator Jolly, members of the sixteenth district and the people of the State of Washington, here is truly a dedicated public servant. I am sure the entire citizenship of the State of Washington is much better off today because of the leadership of Senator Jolly.

"Many, many happy years of retirement, Dan. It has been great to work with you."

#### REMARKS BY SENATOR KNOBLAUCH

Senator Knoblauch: "Mr. Chairman, and may I use the words, 'Brother Dan and Harriet,' members of the Grange, ladies and gentlemen in the galleries, and my colleagues in the Senate. Dan, as of today you have three hundred and seventeen days to go. I have to say that the retirement of Senator Dan Jolly is a loss to the entire State of Washington. Dan Jolly looks like a Senator. He talks like a Senator. He carries himself like a Senator and he is an outstanding Senator. The list read by the chairman of the background of Senator Jolly is like one taken from 'Who's Who'.

"What a wonderful life of dedication by a very fine gentleman. The resolution, the words, 'Dan Jolly, quiet and yet strong. Kind, yet persuasive.' Aren't those truly the beautiful words that typify our good Senator? Then they call him a devoted public servant and a devout family man. I watched Senator Jolly and Harriet throughout the years and these two people are still in love. A wonderful thing in this day of 1976. Two very fine people whom God blessed and placed upon this earth.

"Now, the name Jolly means just what it means — jolly and good natured. I found a letter — or someone gave it to me — written by Dan Jolly's mother to him many years ago and I would like to read it to you.

"Dear son, your paw has a good job now, the first in forty-eight years. We are a great deal better off than we were. Your paw gets fourteen ninety-five every Thursday, so we thought we would do a little fixing up. We went to Monkey Ward's for one of them new-fangled things called a bathroom that you hear tell of in some houses. It is put in place by a man called a plumber. One side of the room is a big long thing like the pigs drink out of only you get in it and wash your body all over. On the other side of the room is a little white thing called a sink. This is to wash little things like your face and hands. But over in the corner, son, we have got something there. A little contraption that you put one foot in and wash it, and then you pull a chain and get fresh water to wash the other foot in. Two lids come with the darn thing and we don't have any use for them so I am using one for a bread board and the other one has a big hole in it so we took it and framed grandpaw's picture with it. They are awful nice people to deal with. They gave us a big roll of writin' paper with it."

"I couldn't help but read this because Dan Jolly came from a farm and he is proud of it. I know I have spoken too long, but it is an honor and a pleasure to say a very few kind words about a very nice Senator and his wife."

#### REMARKS BY SENATOR FLEMING

Senator Fleming: "Dan and Mrs. Jolly, we are going to miss you. It is pretty tough to follow an act like Senator Knoblauch but I thought I would just have to get up and say a few words. I think, although my relationship has not been over as many years as some of the members in this body, it has been somewhat unique. I don't know whether you recall it as well as I do, but a couple of years after you came to the legislature when I was young and raring to go, I was the committee clerk for the local government committee. Coming from the big city, I didn't know that much about — as a matter of fact I had not been to other parts of the State of Washington. It was you and Representative Haussler that from your point of view from the farm side of the state — from the smaller cities — from the smaller counties — added to the knowledge that I was to gain about local government. Dan, I appreciate that.

"Now, as chairman of local government, you have done the same thing. When I



took over chairmanship of local government I felt as though I had to learn as much — and know as much, or more — than any member of that committee to be able to do a good job. And you helped. When I have had to be away and couldn't attend to my responsibilities as chairman — and I haven't missed many days since because you did such a good job.

"I would like to say just on behalf of the members of the committee on local government, we are going to miss you and we have prospered by the fact that you were there. Best of luck."

#### REMARKS BY SENATOR R. H. ("BOB") LEWIS

Senator Lewis: "Yes, Mr. President, I first met Dan Jolly when he was serving the dual capacity as Mayor of Connell and as a state legislator and I was holding an office at the time in the Association of Washington Cities. I have since had the pleasure of serving with him on the local government committee — and Dan, I mean this in a very complimentary fashion when I say that you have been fair. You have approached these things on a local government level in a nonpartisan manner and with your approach and philosophy I regret that we didn't get to you earlier because you would have made a darn good Republican. I offer that as a compliment, Dan. It is intended that way.

"Mr. Chairman, if your name were not on the resolution I would not offer an oral amendment to the resolution — but knowing of your concern for the English language and correctness — I must offer the amendment that on the last line after the word 'wife' and before the word 'Harriet' a comma be inserted. Now, Senator Wilson, you know what an appositive is. Not everyone might know what an appositive is but unless that comma is inserted, it could create a doubt. The comma will imply that 'lovely wife' and 'Harriet' mean one and the same thing. Without the comma it is restrictive and could mean that she is one of several wives. I don't think that is the case."

#### REMARKS BY SENATOR GRANT

Senator Grant: "Mr. President, I want to take this opportunity to recall some things that I feel strongly about as far as Senator Dan Jolly is concerned. Five of us began our legislative careers together in 1963. We are still here. We are all on the Democratic side of the aisle — a pretty small freshman class — Dan Jolly, Gordon Herr, Chuck Moon, Joe Haussler and myself. There couldn't have been two guys — I don't think — who had a greater contrast than Dan Jolly and myself. He has a few years on me. He was an Eastern Washington farmer. I have since picked up a little farm but I have been known primarily as a labor goon over the years. He is a pretty soft spoken guy and I probably speak too often and too loudly and am a little agitated from time to time and a little agitative from time to time as well. Dan is not that way. He is a real gentleman and one for whom I have a great deal of respect.

"We were at a party last year, the five of us freshmen, and the freshmen from 1963 — I should say a little bit about 1963 when Dan came to the House of Representatives. We thought we were going to be in the majority and Senator Day, there, kind of upset the apple cart—formed a coalition. Dan Jolly was one of the loyal forty-three in 1963, and so was I. He was a good Democrat then and he is a good Democrat now. I am sure he is proud of that. He has been a good man for the people of his district and the people of this state.

"I will miss you, Dan and Harriet. Good luck."

#### REMARKS BY SENATOR HERR

Senator Herr: "Thank you, Senator Wilson. I appreciated serving with you. Like Senator Grant said, I served in the House with you and I think you are probably one of the finest Senators the State of Washington Will ever have.

"You are a man of high ideals. You are a man of integrity and I don't think there is a Senator on either side of the aisle who could say an ill word about you, how you voted, how you have treated us, and I would just like, in closing, to say that it has been a pleasure for myself personally, Dan, to have served with you and God bless you on your retirement."

## REMARKS BY SENATOR WALGREN

Senator Walgren: "I am commenting with regard to the resolution and some of the comments that have been made, Dan. Having had some contact with local government, I know the dedication that goes into serving as the mayor of a small town and of course the active participation that you had in utility districts and all the work that you have done. Many people who are visitors to the legislature go away with the feeling that the work is done on the floor of the Senate. Those of us who are closely connected with the legislators and legislative work know that that work really goes on in committee. I suppose that I got the opportunity of knowing you best as a result of your work with the transportation and utilities committee in the Senate and of course the legislative transportation committee.

"I can recall that as chairman, there have been several times that you and I have been the only ones who have been up at that committee meeting. As a matter of fact, we got our best bills out when there was just the two of us up there, Dan. I was there because I was the chairman and you were there because you had the dedication to be there at those committee meetings. We know that they go many times on and on and they get sometimes pretty boring but that is where the real work of the legislature is done. You have been not only prompt in attendance but constant in attendance. I can say the same with regard to work in the caucus.

"Many times we have a tendency to stray from there but you are there and you have always been there when you have been needed and I appreciate that very much, Dan."

## REMARKS BY SENATOR WASHINGTON

Senator Washington: "Senator Jolly, and Harriet — I am going to correct something that Senator Lewis stated. Having known your ninety-nine year old father who still lives in my district or just north of my district — used to be in my district in Coulee City — and your Uncle Floyd, who lived to a ripe old age — they were real, solid Democrats all of those years. Senator Lewis, I don't think it would have made any difference if you had got to him first. I think he would still have remained a Democrat.

"Dan, of course coming from the thirteenth legislative district and having the Columbia Basin as a major part of my district and knowing what we need in the way of agricultural legislation, I just have to say I am not going to repeat all of these fine things that other people have said. I could, if we wanted to take the time, but we are particularly going to miss you in the thirteenth district. Your knowledge, as far as agriculture is concerned — and of course our area also has a big stake in power. The fact that you were a public utilities district commissioner for so long — that is, of course, where I first met you many years ago. We are going to miss that expertise. We are going to have too few people here in the legislature who have had your background in farming and agriculture and too few who really have had the ins and outs and the practical knowledge of the operation of a utility. With the power shortage coming to us, we are particularly going to miss your knowledge in that field.

"There are so many ways we are going to miss you, Dan, but these two particular things, I can just say from our own district we are going to miss you and we wish you could stay longer. But I can say this, that I am sure the Jollys are a family that know how to retire. I know your father who at ninety-nine years old is living a full and active life in Coulee City. I know that your Uncle Floyd, whom I knew as a boy, also after he retired — they had the background, they had the feeling, just as you have, of a life of service well done — so that you can really enjoy that retirement that you so richly deserve."

## REMARKS BY SENATOR Van HOLLEBEKE

Senator Van Hollebeke: "Senator Wilson and Mr. President, Senator Dan and Harriet, and members of the Senate. After Senator Knoblauch spoke, Senator Fleming said, 'that's a pretty hard act to follow.' You are a pretty hard act to follow, yourself, Senator Fleming. I think all of my colleagues have done far better than I could to express the wishes of the Senate and the love for Senator Dan and his wife.

"But the late Senator Perry Woodall and a group of us were out together one night and he told me about all the offices he had run for in his whole career. He had lost a race for governor and I think once for Congress and maybe one or two others, but the people of his district, he said, had never said no to Perry Woodall. Senator Dan, I think that when the people of your district repeatedly elected you to the hospital district commission, repeatedly elected you as a school board member, as a public utility district commissioner, as mayor of the City of Connell, as a House member and as a Senator, they have said it far better than we can ever say it. The people who know you best have never said no — have always said yes to Senator Jolly. We will miss you, Dan."

#### REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President and members of the Senate, I have a couple of school groups waiting for me to talk to them in the reception room but I really wanted to express some words for Senator Jolly that I have asked the hostess to hold them for a little while so I could do so.

"Now, I try to keep active in the local Grange activities and wherever I travel throughout my district to the different Granges, I am almost always asked wherever I go, 'I imagine that you know Senator Jolly,' and all of these different Grange people have met Senator and Mrs. Jolly over the years and always have the best words to say about Senator Jolly. I have certainly appreciated serving with him and sitting next to him and taking his advice and counsel on many of the heavy deliberations that we have here. We were really concerned about Senator Jolly the other day when he had to leave us for a few days for a health problem and we are glad to see him back and hope that he can overcome those health problems in the time ahead."

#### REMARKS BY SENATOR JOLLY

Senator Jolly: "Senator Wilson, Mr. President, members of the Senate. I appreciate this that you have done for me this morning. When I entered these legislative halls fourteen years ago I didn't have any idea that I would be here this long. When Senator Herr and Senator Grant, Representative Moon, Representative Haussler and I occupied the back row in 1963 we were all ignorant of the legislative process but we had a lot of fun back there. We are, all five of us, still here. I guess I am the first one to break the chain.

"I will be retiring this year and I wish to say that I appreciate every one of you and I am going to miss you."

#### REMARKS BY SENATOR WILSON

Senator Wilson: "Thank you. I think we might well agree that we are saying goodbye and away to one of the finest persons any of us has ever known.

"I would ask the committee to come up here for a picture for Dan's scrapbook and then the ceremony will be concluded."

#### MOTIONS

On motion of Senator Walgren, all members were permitted as additional sponsors to Senate Resolution 1976-192.

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

#### SENATE RESOLUTION 1976-192

By President Cherberg; Senators Knoblauch, Wilson, Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody; and Sid Snyder, Secretary of the Senate.

WHEREAS, Senator Dan Jolly, 68 years young, respected Democratic Senator from Connell, Washington, representing the Sixteenth Legislative District, has announced his intent to retire at the end of his present term; and

WHEREAS, Dan Jolly, quiet and yet strong, kind, yet persuasive, has been a leader and moving force in the House of Representatives and the Senate since 1963; and  
 WHEREAS, Dan, in his 50th year as a member of the State Grange, is an outstanding member of the Executive Board of the State Grange, and has contributed immensely to the betterment of his constituents; and

WHEREAS, An experienced expert on matters of public utility services, Dan served in several capacities on district boards and public utility associations; and

WHEREAS, Dan Jolly, former Mayor of Connell, brought to the Legislature wisdom and a dedication to duty and will take with him a following of respect and admiration; and

WHEREAS, The retirement of this devoted public servant and devout family man who has served his public in an excellent manner, will bring sorrow to those of us who have come to know him, the members of the Senate recognize that Dan does deserve a long and satisfying retirement;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate do hereby extend their most sincere congratulations to Dan Jolly for a lifetime of service and kindness to his fellow man and wish him well on the occasion of his coming retirement; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and he is hereby directed to have this resolution appropriately inscribed and forwarded to Senator Jolly and his lovely wife, Harriet.

The committee of honor escorted the honored guests from the Senate Chamber to the office of the Lieutenant Governor and the committee was discharged.

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

#### INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1435, by Representatives Newhouse and Conner:  
 Permitting the chief of the Washington state patrol to serve beyond age sixty.  
 Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1544, by Committee on Financial Institutions (originally sponsored by Representatives Ceccarelli, Pardini, Bagnariol, Deccio and McCormick):

Revising laws relating to insurance.  
 Referred to Committee on Financial Institutions.

SUBSTITUTE HOUSE BILL NO. 1612, by Committee on Ecology (originally sponsored by Representative Valle):

Authorizing local governments to adopt certain rules by reference.  
 Referred to Committee on Ecology.

#### SIGNED BY THE PRESIDENT

The President signed:  
 HOUSE BILL NO. 1376.

#### SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 3129,  
 SUBSTITUTE SENATE BILL NO. 3158.

#### MESSAGE FROM THE HOUSE

February 23, 1976.

Mr. President: The House has passed REENGROSSED SENATE BILL NO. 3038, with the following amendments:

On page 1, beginning on line 11, strike all the material down to and including "invitees" on line 21 and insert: "(1) Any person who wilfully refuses to leave any motor vehicle, building, grounds or other property which is owned, operated or controlled by a public school district, upon being ordered to do so by a superintendent, or a principal or a vice principal or other designated official of the school district or by a law enforcement officer, when such person is committing or threatens to commit any act which would materially endanger the health, welfare, or safety of any school district students, officials, employees, or invitees shall be guilty of violating this section."

On page 1, beginning on line 21, after "invitees" strike all the material down to and including "amended." on line 30 and insert:

"(2) Any person guilty of violating this section shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not more than five hundred dollars, or imprisoned in jail for not more than six months or both so fined and imprisoned.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

Senator von Reichbauer moved that the Senate do not concur in the House amendments to Reengrossed Senate Bill No. 3038 and the House be asked to recede therefrom.

#### POINT OF INQUIRY

Senator Van Hollebeke: "I think there were perhaps more votes 'no' than 'yes' but all I would ask is for an explanation of the amendment."

Senator von Reichbauer: "Mr. President, Senator Van Hollebeke, the proposal that passed this body some time ago had been modified by the House in many ways including deletion of authority over the adjacent property which was a key issue discussed here. Also, the extent of the penalty that the House imposed from sixty days to six months. We felt — those of us who sponsored the bill — and it was brought to my attention by Senator Guess who asked me specifically to help draft some amendatory language with the House attorneys, which we have done — that we do not concur. That is why I am glad the Senate voted not to concur."

Senator Van Hollebeke: "What was the penalty change again? From what to what?"

Senator von Reichbauer: "Sixty days to six months."

Senator Van Hollebeke: "The maximum penalty."

Senator von Reichbauer: "We had sixty days and they have changed it to six months."

Senator Van Hollebeke: "Okay, thank you."

The motion by Senator von Reichbauer carried. The Senate refused to concur in the House amendments to Reengrossed Senate Bill No. 3038, and asks the House to recede therefrom.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Substitute House Bill No. 1345.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1345, by Committee on Education (originally sponsored by Representatives Bauer, Bender and Ehlers):

Providing for a priority program of education.

#### REPORT OF STANDING COMMITTEE

February 12, 1976.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1345, providing for a priority program of education (reported by Committee on Education):

**MAJORITY recommendation: Do pass with the following amendments:**

After the enacting clause strike all the material and substitute the following:

**"NEW SECTION.** Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 a new section to read as follows:

(1) It shall be the intent and purpose of sections 1 and 2 of this 1976 act to direct the office of superintendent of public instruction to conduct standardized reading, writing and mathematics and language arts achievement level surveys of approximately two thousand students distributed throughout the state in each of the grade levels 4, 8 and 11 during such testing cycles as provided for in subsection (2) of this section. The survey testing shall be based on a statistical random sample of students from these grade levels sufficient to generalize about all of the students at each of the selected grade levels from the state's school districts. The purpose of these surveys is to allow the public and the legislature to evaluate how Washington students in these grades compare to students in the same grades tested in other comparable national achievement surveys. The office of superintendent of public instruction shall coordinate such tests and provide such information as obtained therefrom to the legislature no less often than once every four years.

(2) The superintendent of public instruction shall prepare a report to the legislature on the achievement levels of students in grades 4, 8 and 11 based on the achievement level surveys conducted in the 1975-77 biennium and for each of the subsequent testing cycles as designated by the superintendent of public instruction's office. Such report shall include a comparison of the achievement levels, including input variables attained by Washington students to the levels attained by students outside of the state, with special emphasis placed on the basic skills of reading, mathematics, and language arts. Such report shall also focus on appropriate input variables.

(3) Results of the first survey test shall be made available to the school districts and the legislature no later than June 30, 1977.

(4) In addition to the survey testing for grades 4, 8 and 11 as set forth in this 1976 Act, all pupils in grade two will be tested annually by an assessment device designed or selected by the local school districts. This test shall be used to help teachers in identifying those pupils in need of assistance in the skills of language and computation. The test results are not to be compiled by the superintendent of public instruction, but are only to be used by the local school district."

On page 1, line 4 of the title after "RCW" strike the remainder of the title and insert a period.

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

The bill was read the second time by sections.

Senator Stortini moved adoption of the committee amendment.

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

On page 2, on line 2 of subsection (4) strike "all pupils in grade two will be tested annually" and insert "every school district is encouraged to test pupils in grade two"

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

On page 2, subsection (4) on line 5 of subsection (4) after "language" insert ", reading,"

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Stortini yield? Senator Stortini, under section one, subsection one, the word 'writing' is included, but I can't find writing in subsections two or four. Is there a particular reason for that?"

Senator Stortini: "I am going to refer that to Senator North."

Senator Odegaard: "I guess, Mr. President, my concern is that maybe we should be consistent throughout the bill and if 'writing' is in one section maybe it should be in the others but maybe there is a good reason why it is not."

Senator North: "Senator Odegaard, this is the exact language as we perfected it and

worked it. It is the Senate bill. If you remember, we discussed it over a period of two days and the heavy emphasis that was brought up time and again was that this was purely in the area of basic skills. There was general agreement in this body that it should be reading, writing, language arts. Really, we are talking about the three arts. I don't believe there is any intention of omitting anything here. It was felt that these would be standardized tests that we were going to test on these three grade levels — all with the same subject areas involved."

#### POINT OF INQUIRY

Senator Wilson: "Will Senator North yield? Senator North, there are forty-nine members of this Senate, all pretending that they know what societal skills mean and I am sure none of us do. Perhaps you could explain that."

Senator North: "Senator Wilson, where is societal skills? Would you tell me page and line?"

Senator Wilson: "It is on page two, line nineteen."

Senator North: "Of the substitute bill? I believe, Senator Wilson, it was in the original House bill but it is not in the substitute bill."

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President and members of the Senate, Senator North, I think you explained well the reasons for consistency throughout the bill but my point is; if we are going to have that consistency, why is the word, 'writing' the writing skills included in subsection one, but not in the other subsections?"

Senator North: "It is not intentional. If you would like to make an oral amendment, that is perfectly agreeable. Would you like to do so?"

Senator Odegaard: "I would like to do so."

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

On page 2, line 2, after "reading" insert "writing," and on line 9 after "language" insert " , writing"

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

On motion of Senator Stortini, the committee amendment to the title was not adopted.

On motion of Senator Stortini, the following amendments to the title were adopted:

On page 1, line 1 of the title, after "education" strike everything up to " ;" on line 3.

On page 1, line 3 of the title, after "adding" strike "new sections" and insert "a new section"

On page 1, line 4 of the title, after "28A." strike "41" and insert "03"

On page 1, line 4 of the title, after "RCW" strike the remainder of the title and insert a period.

On motion of Senator Stortini, the rules were suspended, Engrossed Substitute House Bill No. 1345, 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 Stortini: "Mr. President, will Senator Donohue yield to a question? Senator, as you know, there is no specific appropriation in this bill. A preliminary fiscal note was given to us about three or four weeks ago that amounted to roughly two hundred and fifty thousand dollars. How will the ways and means committee handle this appropriation?"

Senator Donohue: "Senator, the budget bill will include somewhere between two hundred and forty and two hundred and fifty thousand dollars for the purpose of the testing bill that we are addressing at the present time."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1345, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 4; excused, 3.

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

Absent or not voting: Senators Bottiger, Fleming, Lewis (Harry), Mardesich—4.

Excused: Senators Francis, Guess, Keefe—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1345, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Reengrossed House Bill No. 1404.

## SECOND READING

REENGROSSED HOUSE BILL NO. 1404, by Representatives Boldt and Chandler:

Allowing proceeds from sale of school district real property to be used for acquisition of improved or unimproved real property.

The bill was read the second time by sections.

On motion of Senator Stortini, the rules were suspended, Reengrossed House Bill No. 1404 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 1404, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

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

Absent or not voting: Senators Bottiger, Fleming—2.

Excused: Senators Francis, Guess, Keefe—3.

REENGROSSED HOUSE BILL NO. 1404, having received the constitutional 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 11:50 a.m., on motion of Senator Walgren, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

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

## REPORTS OF STANDING COMMITTEES

February 26, 1976.

ENGROSSED HOUSE BILL NO. 1313, relating to state government (reported by Committee on Ways and Means):



MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Lewis (Harry), Mardesich, Matson, Murray, Newschwander, Rasmussen, Scott.

Passed to Committee on Rules for second reading.

February 26, 1976.

ENGROSSED HOUSE JOINT RESOLUTION NO. 65, amending the Constitution to permit current use assessment of designated historic site and improvements thereon (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

#### MOTION

At 2:08 p.m., on motion of Senator Lewis (Harry), the Senate recessed until 3:25 p.m.

#### SECOND AFTERNOON SESSION

The President called the Senate to order at 3:25 p.m.

#### MESSAGE FROM THE HOUSE

February 27, 1976.

Mr. President: The House has adopted the report of the Conference Committee on REENGROSSED HOUSE BILL NO. 971, and has granted said committee the powers of Free Conference, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### REPORT OF FREE CONFERENCE COMMITTEE

February 26, 1976.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred REENGROSSED HOUSE BILL NO. 971, pertaining to taxation of leasehold interests, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Donohue, Matson and Woody; Representatives Randall, Sommers and Nelson.

#### MOTION

On motion of Senator Walgren, the report of the Free Conference Committee on Reengrossed House Bill No. 971 was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 971, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandi-

son, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—42.

Voting nay: Senators Bottiger, McDermott, Talley, Wilson—4.

Excused: Senators Francis, Guess, Keefe—3.

REENGROSSED HOUSE BILL NO. 971, 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

February 26, 1976.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3003, and has passed the bill as amended, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### REPORT OF CONFERENCE COMMITTEE

February 23, 1976.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3003, adding new provisions to laws relating to archaeological resources, have had the same under consideration, and we recommend that the bill be passed as amended by the House, except for section 6, which shall be deleted from the amendment.

Signed by: Senators Washington, Pullen and Knoblauch; Representatives Sommers, Hurley (Margaret) and Zimmerman.

#### MOTION

On motion of Senator Walgren, the report of the Conference Committee on Engrossed Substitute Senate Bill No. 3003 was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3003, as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Donohue, Fleming, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—38.

Voting nay: Senators Benitz, Cunningham, Day, Matson, Morrison, Pullen, Sellar, von Reichbauer—8.

Excused: Senators Francis, Guess, Keefe—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3003, as amended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 27, 1976.

Mr. President: The House has adopted the report of the Conference Committee on SENATE BILL NO. 3026, 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

February 26, 1976.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred SENATE BILL NO. 3026, relating to learning objectives, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 1, line 12, after "through" and before "in" strike "six" and insert "eight"  
Signed by: Senators Stortini, Gould and McDermott; Representatives Bauer, Fortson and Whiteside.

## MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Senate Bill No. 3026.

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

## REPORT OF STANDING COMMITTEE

February 27, 1976.

HOUSE BILL NO. 1310, repealing certain equalization of property valuation procedures (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Clarke, Fleming, Jones, Lewis (Harry), Mardesich, Matson, Murray, Newschwander, Scott, Washington.

MINORITY recommendation: Do not pass as amended.

Signed by: Senators Rasmussen, Sandison, Woody.

Passed to Committee on Rules for second reading.

## MOTION

Senator Lewis (Harry) moved the rules be suspended and House Bill No. 1310 be advanced to second reading and read the second time in full.

## PARLIAMENTARY INQUIRY

Senator Rasmussen: "Has that bill been in rules committee yet?"

## REPLY BY THE PRESIDENT

The President: "Senator Rasmussen has asked if the bill has ever been in rules. No, it has not, Senator Rasmussen."

## POINT OF ORDER

Senator Rasmussen: "Mr. President, I don't know what Senator Lewis has in mind but I have a tremendous lot of confidence in the rules committee that when they screen a bill that at least it is a viable bill — it should be out here for our consideration. It has not been screened as yet. Would that take a suspension of the rules?"

Debate ensued.

## POINT OF ORDER

Senator Woody: "Point of order, Mr. President. I believe that Senator Rasmussen has raised a point of order which has not made the subject matter open for full debate as to the issues of House Bill No. 1310."

## RULING BY THE PRESIDENT

The President: "Senator Woody's remarks are well taken. The motion is not debatable although a short explanation and rebuttal have generally been permitted."

## RULING BY THE PRESIDENT

The President: "In ruling upon the point of order presented by Senator Woody, the President finds that rule fifty-nine states in essence that Senator Lewis's motion is in order; however, it will require a two-thirds majority to advance the bill. Rule fifty-nine states that after the forty-ninth day of every regular session the rule may be suspended by a majority vote. Inasmuch as this is a special session, the forty-ninth day does not apply."

Further debate ensued.

## POINT OF INQUIRY

Senator Bailey: "Will Senator Lewis yield? If we don't do it, will we be called back to special session tomorrow morning?"

Senator Lewis (Harry): "I don't have that power, Senator Bailey, nor do I seek it."

Senator Scott demanded a roll call and the demand was sustained by Senators Rasmussen, Sandison, Jones, Donohue, Matson, Newschwander, Lewis (Harry), Lewis (R. H. "Bob") and Jones.

The President declared the question before the Senate to be the motion by Senator Lewis (Harry) that the rules be suspended and House Bill No. 1310 be advanced to second reading and read the second time in full.

## ROLL CALL

The Secretary called the roll and the motion by Senator Lewis (Harry) carried by the following vote: Yeas, 34; nays, 11; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Henry, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Peterson, Ridder, Sandison, Scott, Sellar, Stortini, Wanamaker, Washington—34.

Voting nay: Senators Grant, Jolly, Odegaard, Pullen, Rasmussen, Talley, Van Hollebeke, von Reichbauer, Walgren, Wilson, Woody—11.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Francis, Guess, Keefe—3.

On motion of Senator Donohue the following committee amendment was adopted:

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

"Section 1. Section 84.56.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 10, Laws of 1975-'76 2nd ex. sess. and RCW 84.56.010 are each amended to read as follows:

On or before the first Monday in January next succeeding the date of levy of taxes the county auditor shall issue to the county treasurer his warrant authorizing the collection of taxes listed on the tax rolls of his county as certified by the county assessor for such assessment year, and said rolls shall be preserved as a public record in the office of the county treasurer. The amount of said taxes levied and extended upon said rolls shall be charged to the treasurer in an account to be designated as treasurer's "Tax roll account" for \_\_\_\_\_ and said rolls with the warrants for collection shall be full and sufficient authority for the county treasurer to receive and collect all taxes therein levied: **PROVIDED**, That the county treasurer shall in no case collect such taxes or issue receipts for the same or enter payment or satisfaction of such taxes upon said assessment rolls before the [first] *fifteenth* day of [March] *February* following: **PROVIDED**, **FURTHER**, *That for the calendar year 1976 such collection or issuance of receipts shall not be before the eighth day of March following.*

Sec. 2. Section 84.56.070, chapter 15, Laws of 1961 as amended by section 2, chapter 10, Laws of 1975-'76 2nd ex. sess. and RCW 84.56.070 are each amended to read as follows:

On the [first] *fifteenth* day of [March] *February* succeeding the levy of taxes, the county treasurer shall proceed to collect all personal property taxes: **PROVIDED**, *That for the calendar year 1976 the county treasurer shall proceed to collect such taxes on the eighth day of March.* He shall give notice by mail to all persons charged with personal

property taxes, and if such taxes are not paid before they become delinquent, he shall forthwith proceed to collect the same. In the event that he is unable to collect the same when due, he shall prepare papers in distraint, which shall contain a description of the personal property, the amount of taxes, the amount of the accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner, and he shall without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same, with interest at the rate provided by law from the date of delinquency, together with all accruing costs, and shall proceed to advertise the same by posting written notices in three public places in the county in which such property has been distrained, one of which places shall be at the county court house, such notice to state the time when and place where such property will be sold. The county treasurer, or his deputy, shall tax the same fees for making the distraint and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution; traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which such property is distrained, and the interest and costs accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the taking of such property, such treasurer shall proceed to sell such property at public auction, or so much thereof as shall be sufficient to pay such taxes, with interest and costs, and if there be any overplus of money arising from the sale of any personal property, the treasurer shall pay such overplus to the owner of the property so sold or to his legal representative: PROVIDED, That whenever it shall become necessary to distraint any standing timber owned separately from the ownership of the land upon which the same may stand, or any fish trap, pound net, reef net, set net or drag seine fishing location, or any other personal property as the treasurer shall determine to be incapable or reasonably impracticable of manual delivery, it shall be deemed to have been distrained and taken into possession when the said treasurer shall have, at least thirty days before the date fixed for the sale thereof, filed with the auditor of the county wherein such property is located a notice in writing reciting that he has distrained such property, describing it, giving the name of the owner or reputed owner, the amount of the tax due, with interest, and the time and place of sale; a copy of said notice shall also be sent to the owner or reputed owner at his last known address, by registered letter at least thirty days prior to the date of sale: AND PROVIDED FURTHER, That if the county treasurer has reasonable grounds to believe that any personal property upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been assessed, or is about to be destroyed, sold or disposed of, the county treasurer may demand such taxes, without the notice provided for in this section, and if necessary may forthwith distraint sufficient goods and chattels to pay the same.

*NEW SECTION.* Sec. 3. Section 3, chapter 10, Laws of 1975-'76 2nd ex. sess. is hereby repealed.

*NEW SECTION.* Sec. 4. This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

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

On line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending section 84.56.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 10, Laws of 1975-'76 2nd ex. sess. and RCW 84.56.010; amending section 84.56.070, chapter 15, Laws of 1961 as amended by section 2, chapter 10, Laws of 1975-'76 2nd ex. sess. and RCW 84.56.070; repealing section 3, chapter 10, Laws of 1975-'76 2nd ex. sess.; and declaring an emergency."

#### POINT OF ORDER

Senator Woody: "Mr. President, pursuant to rule 59, and this may come as a shock to those of you who have read these things so often, I move that this bill be referred to the committee on claims and auditing. That is in rule 59, page 313 at the bottom of the page."

## POINT OF ORDER

Senator Lewis (Harry): "Mr. President, point of order. I can't find that section in the rules. It seems to me that we removed that section in previous rules adjustments. Could you point out the section that you are talking about?"

## REPLY BY THE PRESIDENT

The President: "The President believes that Senator Woody is referring to the bottom paragraph on page 313. The President believes that if there is a claims and auditing committee, it is an internal committee within the Senate committee on ways and means. Senator Donohue, do you have a claims and auditing committee?"

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Lewis (Harry): "Mr. President, on the point of order raised by Senator Woody, could you rule that just a simple majority vote could pass or defeat that motion? Is that correct?"

## RULING BY THE PRESIDENT

The President: "If there is a claims and auditing committee, Senator Woody's motion is in order and it would only take a simple majority to refer the bill to the committee."

The motion by Senator Woody failed.

On motion of Senator Lewis (Harry), the rules were suspended, House Bill No. 1310, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Talley, Washington and Murray 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 House Bill No. 1310, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1310, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 20; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Gould, Herr, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Ridder, Scott, Sellar, Walgren, Wanamaker, Washington—26.

Voting nay: Senators Day, Goltz, Grant, Henry, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Wilson, Woody—20.

Excused: Senators Francis, Guess, Keefe—3.

HOUSE BILL NO. 1310, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill remains as the title of the act.

## MOTION

On motion of Senator Newschwander, House Bill No. 1310, as amended by the Senate, was ordered immediately transmitted to the House.

## MOTION

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

## MESSAGE FROM THE HOUSE

February 27, 1976.

Mr. President: The Speaker has signed HOUSE BILL NO. 971, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 971.

## MOTION

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

## MOTION

On motion of Senator Walgren, the Senate resumed consideration of Substitute House Bill No. 77.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 77, by Committee on Constitution and Elections (originally sponsored by Representatives King, Brown and Chandler):

Implementing the law relating to elections generally.

The Senate resumed consideration of Substitute House Bill No. 77, as amended by the Senate on February 25, 1976, and the pending amendment by Senators Beck and Bailey.

There being no objection, the pending amendment was withdrawn by Senator Bailey. There being no objection, the amendment by Senators Beck and Bailey on the Secretary's desk, was withdrawn.

Senator Van Hollebeke moved adoption of the following amendment:

On page 1, line 25, insert an additional section as follows:

"Section 1. Section 1, chapter 52, Laws of 1965 and RCW 29.18.015 are each amended to read as follows:

Not less than ten days before the time for filing declarations of candidacy for the office of state representative in representative districts embracing more than one county, the secretary of state shall in each case designate the positions to be filled by consecutive number commencing with the number, "No. 1". The county auditor shall do likewise for state representative positions in counties wherein the representative districts are confined to the whole or part of a single county.

The state representative position so designated shall be dealt with as separate offices for all election purposes. The provisions of this section shall not apply to those representative districts assigned a single state representative position.

*When a person has been elected to a state representative position so designated, he may not at any subsequent election, file for or be elected to any other designated state representative position in the same representative district to which he was first elected."*

Renumber the sections following consecutively, and correct internal references accordingly.

## POINT OF ORDER

Senator Bailey: "Mr. President, I raise the question of the scope and object on this amendment and for the purpose of explaining it, I think that my previous amendment was withdrawn because it expanded the scope and object. It referred to partisan elections as well as nonpartisan elections and the whole bill is tied to nonpartisan elections and here we are in the middle of a legislative election that is a partisan election and

should therefore, in my mind, be an expansion of the scope and object of this nonpartisan election bill."

Debate ensued.

#### POINT OF INQUIRY

Senator Van Hollebeke: "Will Senator Beck yield? Senator Beck, should the President rule in your favor, would you be willing to support this kind of legislation in the future so that non-incumbents may know who they are running against?"

Senator Beck: "Well, Senator Van Hollebeke, to spring something like this on us here after we have called for the second reading of the bill, I don't know. My mind is never closed. I represent the people, no special interests. I would like to know if there are any special interests or pressure groups lobbying for this bill. I don't know what this amendment even means here. I cannot answer your question affirmatively or negatively either one. I would give it due consideration."

#### RULING BY THE PRESIDENT

The President: "The President believes that the remarks of Senator Bailey and Senator Beck are correct and well taken and that the amendment by Senator Van Hollebeke does increase the scope and object of Substitute House Bill No. 77."

The amendment by Senator Van Hollebeke was ruled out of order.

On motion of Senator Beck, the committee amendment to the title was adopted.

On motion of Senator Beck, the rules were suspended, Substitute House Bill No. 77, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Grant: "Would Senator Beck yield to a question? Senator Beck, I would like you to look at the bill on page five, and section five amends the bill by striking language which says, 'PROVIDED FURTHER, That the provisions of article four, section twenty-nine of the Washington Constitution shall apply to the office of the judge of the court of appeals.' Now, by striking that language does it have the effect of permitting judges who are candidates for the office of judge of the court of appeals to have their name only on the primary election ballot?"

Senator Beck: "This does not change the election of any constitutional officers, namely the judges. It is only for small, nonpartisan offices such as school districts."

Senator Grant: "What is the purpose of the striking language in that particular section, Senator Beck?"

Senator Beck: "Well, Senator Grant, I am glad you asked that. You were on the committee when we studied this. It is self explanatory. Read section five."

Senator Grant: "I would like to know what is the effect of the striking language in that particular section? When will judges of the court of appeals be required to run? In the primary election if they are the only ones filed, or in the general election, or just what effect does that have, Senator Beck?"

Senator Beck: "The court of appeals is not a constitutional office. That is an inferior court which the legislature created. This in no way affects the way that an appellate court judge runs for office."

Senator Grant: "I think it does, Senator Beck, and until I have a satisfactory explanation of that, I wish someone would offer it here because I am not certain — I don't believe it is an inferior court in any respect — the court of appeals. It may not be a constitutionally required court but the same constitutional requirements for elections for — let's see — that would be superior court judges — applies to the court of appeals judges. Okay, Senator Woody informs me that it is a constitutional court. It is in section thirty of article four. I am interested — before I am going to vote on this — is what effect that particular amendment has with regard to election of judges of the court of appeals."

Senator Beck: "If you will read, it says that 'the name of the person who receives the greatest number of votes and of the person who receives the next greatest number of



votes at the primary election for a single nonpartisan position shall appear on the general election ballot under the designation thereof, provided that in elections for justices of the peace, supreme court, judges of the court of appeals and judges of the superior court, and for state superintendent of public instruction, if any candidate in the primary receives a majority of all of the votes cast for the position, then only his name shall appear on the ballot.' That is the way that it is now. It does not affect that. Does that answer your question?"

Senator Grant: "I can read the language but I still don't know when they will be running. In the event that there is one candidate filed for the office of justice of the court of appeals, when would he run? In the primary election? If he gains the majority of the votes in the primary, is he elected or would he run in the general election?"

Senator Beck: "If he receives a majority of the votes, he is on the ballot unopposed."

Senator Grant: "When is he running, in the primary?"

Senator Beck: "No, if there is just one person on the ballot in the primary, he is not on the ballot. That is the purpose of the bill."

#### REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President, I am not on the committee but understand there is a subtle difference between superior court judges and other constitutional judges and the appellate court and that is with the striking language that is there, Senator Grant, the judge running for the court of appeals if receiving a majority of votes in the primary election — his name appears — just as other judges uncontested on the general election ballot, except that there can be write-in opposition against him. That is the only difference between the appellate court and superior court judges."

#### POINT OF INFORMATION

Senator Washington: "Point of information. We had a long question and answer by Senator Grant and Senator Beck. Now, what section and page were we referring to and what line so we could get the import of the question and answer?"

#### REPLY BY SENATOR BECK

Senator Beck: "We are referring to section five. Section five provides that the two persons receiving the greatest number of votes in the primary shall appear on the general election ballot, that in elections for justice of the supreme court, the judge of the court of appeals, the judge of the superior court, superintendent of public instruction, if one candidate receives a majority of all votes cast for the position, then the candidate shall appear alone on the general election ballot, followed by a write-in space. Now that is very clear to me, Senator Grant. I don't know what it is you don't understand."

Debate ensued.

#### REMARKS BY SENATOR LEWIS (R. H. "BOB")

Senator Lewis (R. H. "Bob"): "Mr. President, I lay no claim to being an authority on this matter except that checking with an attorney on this very thing, Senator Grant, it was your desire that there be the opportunity for a write-in for appellate courts in the general election. He assures me that the striking of this language, as was done, is what does assure the writing in possibility for candidates for appellate court. Superior court judges, I understand, do not have that problem of having to face write-in candidates but this allows that appellate courts in those elections, there would be the possibility of a write-in. That is what our attorney just briefed me on this one."

#### POINT OF INQUIRY

Senator Bailey: "Would Senator Beck yield? Senator Beck, I may be wrong in this but one time when I read this it said that write-ins would not be counted. Is that changed now?"

Senator Beck: "In the primary, you must get five percent of the votes cast in order to have your name on the general election ballot. In other words, if there is just one person that files for the office, and then the primary comes along, you have to get five

percent of the votes in order to get your name on there. This law says that the two people who get the highest number of votes will be on the general election ballot. But you just can't come along and write on it and just have one or just have a few votes there. You have to get at least five percent of the votes in order to be the second person on the ballot in the general election."

Further debate ensued.

#### MOTIONS

On motion of Senator Day, the rules were suspended and Substitute House Bill No. 77, as amended by the Senate, was returned to second reading.

On motion of Senator Walgren, Substitute House Bill No. 77, as amended by the Senate, was ordered placed on today's second reading calendar following Substitute House Bill No. 90.

#### SECOND READING

**SUBSTITUTE HOUSE BILL NO. 90**, by Committee on Commerce (originally sponsored by Representatives Randall, Smith (Rick), Berentson, Conner, Fortson and Leckenby):

Imposing a tax on coin operated gaming devices subject to federal tax credit and authorizing certain forms of gambling.

The bill was read the second time by sections.

Senator Donohue moved adoption of the following amendment:

On page 2, line 18 after "deposited" strike all the material down through "chapter" on line 20 and insert "in the state general fund".

#### POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Donohue yield? Does this cover the expenses of the gambling commission or is that in your budget?"

Senator Donohue: "This does not cover the expenses of the gambling commission, Senator. I don't think I quite understand that because we did appropriate expenses for the gambling commission just nine months ago and it seems inappropriate to me that all of a sudden we have to put money into this revolving fund available without appropriation for their purposes without review and appropriation."

Senator Lewis (Harry): "Have you talked to the gambling commission about the . . ."

Senator Donohue: "I have, and he tells me he needs thirty-eight thousand dollars."

Senator Lewis (Harry): "I see. But that will be an item that will be before ways and means for a decision."

Senator Donohue: "It will be before ways and means."

Senator Lewis (Harry): "Thank you."

#### POINT OF INQUIRY

Senator Talley: "Would Senator Donohue yield? Isn't this the same thing that happened the other day? If we adopt your amendment it is practically a guarantee that the Governor will veto this bill?"

Senator Donohue: "I don't think that this particular section has anything to do with the balance of the bill. I have no idea what the Governor might do, Senator. It is very possible that he will. I don't know — but the issue before us is not whether he will veto the other sections of the bill just because we remove this one. I would think it would be inappropriate for him to do that but then you never can tell what the Governor might do in this area."

Debate ensued.

#### POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Donohue yield to a question, please? Senator, when this bill came before the commerce committee, Al Bjork, a man that I

respect very much, came before the committee and said nothing about how much money the gambling commission needs to operate. He said nothing about that. He said they would like to have what they figure is four hundred and fifty thousand dollars and didn't explain any more than that. Was there any testimony — did they come before the ways and means committee with any request other than a request for thirty-eight thousand dollars that you have mentioned?"

Senator Donohue: "Based upon staff reports that indicate that we will have about four hundred and fifty thousand dollars available. The only thing that I have is a letter on my desk which indicates that the costs necessary to come up with this four hundred and fifty thousand dollars from the federal would be about thirty-eight thousand dollars.

"There is another point here that I think is very important — that these are tax dollars paid on these machines and so forth and are a little bit different than those fees collected at the present time that go into the revolving fund as has been suggested by Senator Wanamaker. These are tax dollars — federal moneys that we are not receiving at the present time. If this bill passes with my amendment, those tax dollars, of course, would go in the general fund. If they don't, they will go in the gambling revolving fund and it is my understanding that they will be there until they are appropriated by the legislature."

Senator Van Hollebeke: "My understanding, Senator, I think maybe we are saying the same thing — is if they are not appropriated — if the bill is not passed, we are losing the eighty percent. If the Governor vetoes this, he is just giving the money to the federal government — is my understanding of it. But I am still not clear. Is it true that the gambling commission — then what you are saying is that they did not come before your committee with a request for funds. Is that correct?"

Senator Donohue: "That is correct, Senator, because they figured if they had the four hundred and fifty thousand dollars in the revolving fund that they would have sufficient money for every purpose that they so desire."

The motion by Senator Donohue carried and the amendment was adopted on a rising vote.

Senator Pullen moved adoption of the following amendment:

On page 12, line 20, following "*raffles*," strike "*and amusement games*" and insert "*cake walks, and fish ponds*"

Debate ensued.

On motion of Senator Talley, the amendment by Senator Pullen was laid upon the table.

Senator Pullen moved adoption of the following amendment:

On page 12, line 35 following "*calendar year; and*" insert "*the net loss to any individual does not exceed one hundred dollars during any week; and*"

There being no objection, on motion of Senator Pullen the amendment was withdrawn.

On motion of Senator Van Hollebeke, the rules were suspended, Substitute House Bill No. 90, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 90, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 2; excused, 3.

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

Voting nay: Senators Mardesich, Pullen—2.

Absent or not voting: Senators Donohue, Lewis (Harry)—2.

Excused: Senators Francis, Guess, Keefe—3.

SUBSTITUTE HOUSE BILL NO. 90, as amended by the Senate, having received the required sixty percent 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 5:08 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Monday, March 1, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

### FIFTY-SIXTH DAY

#### MORNING SESSION

Senate Chamber, Olympia, Monday, March 1, 1976.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Donohue, Fleming, Jones, Keefe, McDermott, Murray, Peterson, Rasmussen, Scott and Talley. On motion of Senator Knoblauch, Senators Fleming, Keefe, Rasmussen and Talley were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Jones, Murray and Scott were excused. On motion of Senator Walgren, Senators Bottiger and McDermott were excused. There being no objection, Senator Donohue was excused.

The Color Guard, consisting of Pages William Strand and Katie Cavanaugh, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"GOD OF ALL GRACE AND MERCY, MINDFUL OF THIS BICENTENNIAL YEAR, WE ARE GRATEFUL THAT THE FOUNDING FATHERS WERE ABLE TO CURB THEIR SELF-INTEREST ENOUGH TO CREATE A SOCIETY WITH LIBERTY AND JUSTICE FOR ALL. GRANT, OUR FATHER, THAT WE CITIZENS OF TODAY MAY HAVE THAT SAME SANCTIFIED SELF-INTEREST BOTH TO INSPIRE AND RESTRAIN US IN THESE TROUBLED TIMES WHEN HARD DECISIONS MUST BE MADE. AMEN."

#### MOTION

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

## REPORTS OF STANDING COMMITTEES

February 27, 1976.

SENATE BILL NO. 2537, relating to motor vehicles (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Stortini, Talley, Walgren, Wanamaker.

Passed to Committee on Rules for second reading.

February 27, 1976.

ENGROSSED HOUSE BILL NO. 1314, limiting school board responsibility to provide detailed descriptions of rights and responsibilities of teachers to those with respect to discipline of pupils (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

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

Passed to Committee on Rules for second reading.

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3003.

## MESSAGE FROM THE HOUSE

February 27, 1976.

Mr. President: The House refuses to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Walgren, the Senate refused to recede from the Senate amendment to Engrossed Substitute House Bill No. 1364 and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364 and the Senate amendment thereto: Senators Stortini, Clarke and Beck.

## MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

February 27, 1976.

Mr. President: The House refuses to concur in the Senate amendment to HOUSE BILL NO. 1310, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Walgren, House Bill No. 1310 was referred to the Committee on Ways and Means.

## MESSAGES FROM THE HOUSE

February 27, 1976.

Mr. President: The House has passed SENATE BILL NO. 3032, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 27, 1976.

Mr. President: The Speaker has signed:

SENATE BILL NO. 3129,

SUBSTITUTE SENATE BILL NO. 3158,

SUBSTITUTE SENATE BILL NO. 3268, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 27, 1976.

Mr. President: The House has passed HOUSE CONCURRENT RESOLUTION NO. 55, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Day, the Senate commenced consideration of the introduction of House Concurrent Resolution No. 55.

## INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 55, by Representative Newhouse:

Suspension of rules for consideration of Senate Bill No. 3032.

## MOTIONS

On motion of Senator Day, the rules were suspended and House Concurrent Resolution No. 55 was advanced to second reading and read the second time in full.

On motion of Senator Day, the rules were suspended and House Concurrent Resolution No. 55 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 55 and the resolution passed the Senate by the following vote: Yeas, 37; nays, 1; absent or not voting, 1; excused, 10.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Pullen, Ridder, Sandison, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—37.

Voting nay: Senator Woody—1.

Absent or not voting: Senator Peterson—1.

Excused: Senators Bottiger, Donohue, Fleming, Jones, Keefe, McDermott, Murray, Rasmussen, Scott, Talley—10.

HOUSE CONCURRENT RESOLUTION NO. 55, having received the required two-thirds majority, was declared passed.

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 132, by Senators Walgren and Bailey:

Declaring August 20-26 to be American Legion Week.

## MOTIONS

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 132 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 132 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

On motion of Senator Walgren, the rules were suspended and all members were permitted as additional sponsors to Senate Concurrent Resolution No. 132.

## MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2742.

## SECOND READING

SENATE BILL NO. 2742, by Senators Sandison and Newschwander:

Authorizing duty related benefits for disabilities for university and state college sworn police officers.

The bill was read the second time by sections.

Senator Cunningham moved adoption of the following amendment by Senators Cunningham and Marsh:

On page 2, after section 1, line 2 add Sections 2 and 3 as follows:

“Section 2. Section 28B.10.550, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.550 are each amended to read as follows:

The boards of regents of the state universities, and the boards of trustees of the state colleges *and community colleges*, acting independently and each on behalf of its own institution:

(1) May each establish a police force for its own institution, which force shall function under such conditions and regulations as the board prescribes; and

(2) May supply appropriate badges and uniforms indicating the positions and authority of the members of such police force.

Section 3. Section 28B.10.560, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.560 are each amended to read as follows:

The boards of regents of the state universities, and the boards of trustees of the state colleges *and community colleges*, acting independently and each on behalf of its own institution, may each establish and promulgate rules and regulations governing pedestrian traffic and vehicular traffic and parking upon state lands devoted mainly to the educational or research activities of its own institution.”

## POINT OF ORDER

Senator Bailey: “Mr. President, I can't find the floor book number of that bill but I would raise the question of scope and object — not because I am against what he is trying to do — but it seems that this is a measure to make possible additional payments on workmen's compensation. We are now extending the police powers of community college police forces. I don't have a copy of the original bill to read the title.”

## RULING BY THE PRESIDENT

The President: “In ruling upon the point of order as presented by Senator Bailey, the President finds that Senate Bill No. 2742 is a bill relating to death, disability or in-

jury benefits for duly sworn police officers, state colleges and universities, and this bill specifically for the University of Washington.

"The amendment proposed by Senator Cunningham does extend police powers to community colleges, and therefore the point of order presented by Senator Bailey is well taken."

The amendment by Senators Cunningham and Marsh was ruled out of order.

Senator Sandison moved the rules be suspended and Senate Bill No. 2742 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

#### POINT OF INQUIRY

Senator Mardesich: "Mr. President, before we advance this bill to third reading I wonder if Senator Sandison would respond to a question. Senator Sandison, does this bill tend to extend to the police force of the universities the same benefits that are earnable under LEFF by firemen and policemen, or does it place a lid of that amount due under workmen's compensation upon those same people?"

Senator Sandison: "No, this would be in excess of workmen's compensation. However, if you will notice on the bill, the duty related benefits of this section will be reduced to the extent of any amounts received or eligible to be received on account of disability, injury or any other such event, and the benefits be no greater than if they were under LEFF."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, when we brought this bill out of rules, in answer to Senator Mardesich, there were some sure that it had something to do with the LEFF system. It has nothing to do with the LEFF system but provides the mechanism where the University of Washington, out of its own budget, can pay the difference between the amount received on workmen's compensation and the difference in that amount and the amount to pay the full salary of the man that was disabled while he was on the job. There have been no cases in the last six years.

"It isn't very likely to be a very big issue but it follows the practice of the state patrol in that when a man is off the job he is covered by certain compensation policies but the patrol makes up the difference between what the compensation pays and what his salary would be and it's just that simple. It is a matter of taking it out of the general budget of the University of Washington. A small amount. It only amounts to a couple of hundred dollars a month, I think, if a person is injured on the job. It has nothing to do with the current pension systems at all."

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I understand that it does not relate to pensions but rather to disabilities and deaths. However, I am wondering — this, as I understand it, extends to the police force of those universities the same benefits as are due under LEFF. Would this be the case of the police officer who broke a finger and then was retired on full disability? Are we extending to those people the same benefits, is the question I am asking. If so, I am wondering why we are doing it."

#### REMARKS BY SENATOR JONES

Senator Jones: "I would raise the same question. What are we doing this for? As I understand it, the University is in trouble already financially and I just don't understand it. Who is asking for this measure?"

#### REMARKS BY SENATOR SANDISON

Senator Sandison: "We haven't advanced the bill yet. Am I correct?"

The President: "Not as yet."

Senator Sandison: "This bill is the result of the fact that you have in the University of Washington about the fourth or fifth largest city in the state of Washington. At any one given time — particularly during daylight hours — you have anywhere from fifty to sixty thousand people on the campus. They are not just handling parking. They are not



just handling the ordinary theft of a camera from a locker. They are handling pretty serious crime up there. They have everything from burglaries, robberies, attempted and completed rape; they have assaults. They are the focal point for a great many of the unsettled people of the community who are not students who come up there on the campus.

"These people are well trained. Most of them have degrees. Most of them, and all of them, are professionals in college work. Many have been accepted by the FBI academy. If we do not give them somewhat the same benefits that the rest of the police departments have, we are going to continue losing them every time they get someone trained. For a few hundred dollars you are able to put a man almost into as good a shape as the surrounding police departments. You are not quite up there in salary and you don't have the total benefit of LEFF but they would be happy with just part of it. They have to stick their life on the line almost weekly."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "Speaking also in favor of the bill, I think Senator Sandison has well outlined the basic purpose behind it. We do have a unique situation insofar as the University of Washington police force is concerned. I think in days past it was not looked upon as a very well managed or well operating force. However, the problems at the University have become accentuated to the extent that in reality these people are doing exactly the same thing that policemen in the City of Seattle are doing. Now, why should somebody continue to work for the University under those considerations when they could get greater benefits by working for the City of Seattle?"

"This is a permissive situation only. It is still completely within the power of the regents. It authorizes them to offer these benefits if they so desire. I think that there are sufficient restrictions and I think these people are entitled to be on a par with other police departments."

Debate ensued.

#### MOTION

Senator Jones suggested that Senate Bill No. 2742 be referred to the Committee on Ways and Means.

Debate ensued.

#### REMARKS BY SENATOR WALGREN

Senator Walgren: "As I understand Senator Jones's objection, he is afraid this involves pensions. It is my understanding this bill has nothing to do with pensions at all nor is it the intent of the legislature to include members of the University of Washington police department under the LEFF system. That is not our intent in this bill."

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I agree that that is not the intent of the bill. What the intent of the bill is, is to extend to those members of the security forces of the University and the state colleges the rights under LEFF which flow to the LEFF members in relation to disabilities and medical expense. The only question I raise is would it put those people in the same position as the young officer in Seattle who broke his trigger finger and upon a slight stiffening thereof was allowed full disability retirement. Now, that is an injury. That is a medical disability and one to which, I think, none of us subscribes. And yet, it happened and I am wondering whether this extends to the universities those same benefits. I have no argument with the general intent of this bill but I am wondering do we go that far when we pass it."

#### REMARKS BY SENATOR TALLEY

Senator Talley: "Mr. President and all Senators, in the hearing in the committee these points were brought out and it does not involve the LEFF system. I don't think this is the time or the place for us to get into an argument about pension reform. We have a police force here that is entitled to a little more protection for disabilities and injuries on the job and they are doing a good job. Those of you who have students in the Univer-

sity of Washington should be very happy to hear of a well operated police force there for the protection of your children and the children of our constituents."

#### REMARKS BY SENATOR SANDISON

Senator Sandison: "In answer to Senator Mardesich about the stiff finger — trigger finger — I would point out to him that first we are merely authorizing here. The regents and trustees can adopt.

"Then, secondly, they would set the final coverage and what it should be and what benefits should be. I might also point out there isn't a regent or trustee that we don't confirm on the floor of the Senate and if we have no more faith in our confirmations than that then I think we are in real trouble. But these are responsible gentlemen and ladies and they are certainly not going off the deep end and give someone a lifetime benefit for an injured digit."

#### POINT OF INQUIRY

Senator Lewis (Harry): "Senator Sandison, to qualify what you just said, are you saying that the regents themselves, a group of five people, would have the authority to set the amount of payment at any level they desired?"

Senator Sandison: "No, not necessarily. They are covered already under workmen's compensation. This is above workmen's compensation, and they could set the level there. That is an administrative decision."

Senator Lewis (Harry): "But the only lid that there would be on the level of disability pay or allotment and so forth would be the limits as are set now in the LEFF system? Is that correct?"

Senator Sandison: "That is right. It could be no greater than the LEFF system."

Senator Lewis (Harry): "Then why is not Senator Mardesich's argument valid? Because a group of five regents could — they have that potential. You are assuming that they would not but when you have all other police officers in the state having the limits of that disability level, why would they then not treat those university people at the same level as every other police officer, and I don't see that."

Senator Sandison: "The obvious reason is that they not only administer police officers in this case, they also administer academic and nonacademic personnel. I am sure they would not want to set a pattern of disability payments that would bind them to a great expense on the whole panorama of the university and collegiate employee."

Senator Lewis (Harry): "Would you yield to one more question?"

Senator Sandison: "Yes."

Senator Lewis (Harry): "We have two universities and a number of state colleges. What provisions are there for uniformity then, from one college or university to another, in the amount of benefits that would be received by police officers at one school or another?"

Senator Sandison: "This has to be adopted by each institution. I would assume there would be uniformity but not necessarily so. That is left up to each individual campus over workmen's compensation."

Senator Lewis (Harry): "It just appears to me, Senator, wouldn't that tend to cause some chaos if there were differences which there is a potential for differences? We have given the same leap frog for the universities and colleges we have now with the other pension systems."

Senator Sandison: "But we are already under differing salary systems and we seem to work out all right."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. Further commenting upon the recent exchange, I would assume that what the regents would do, would make arrangements for this type of reimbursement which could either be through some sort of an insurance plan or they could arrange for it out of the regular budget of the university. However, with respect to this determination of when there is a service incurred disability, I think all of our attentions have been called to the abuses that have been alleged with respect to the LEFF system.

"However, the method of determining the fact of service incurred disability would be subject to being set by the regents either through an insurance program or if they wanted to front it themselves, they could set up a board or something of that nature which would determine when there was a service incurred disability.

"So the fact that there have been abuses in the LEFF system, I don't think infers that there would be similar abuses under this act, unless as Senator Sandison sets forth, you are assuming that your board of regents are just going to, in effect, open the door and let anything go. I don't think we should make that assumption. I think we should assume that these people are going to use due judgment in connection with setting up whatever plan they do set up.

"And, of course, there can be variations, as among the various institutions. I think perhaps this is entirely proper because we may well have at the University of Washington, which is located in the City of Seattle, a situation where perhaps greater benefits should be afforded because their duties are different than they would be in other areas. I find nothing wrong in this. If you believe in local control and in difference between your institutions, then it seems to me that this bill makes ample provision for it."

#### POINT OF INQUIRY

Senator Washington: "Senator Sandison, would you please yield? Do I understand that the bill as it is presently written would allow a campus police officer to receive, if the board of regents allowed it, the same type of off-duty disability that a police officer can now get under the LEFF system?"

Senator Sandison: "No, it would not be as great."

Senator Washington: "What is the provision in this bill relating to off-duty disability?"

Senator Sandison: "No off-duty."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I think this is a good bill and I think that because we get near the LEFF system, we get gun shy. The problem in the LEFF system — I have never begrudged and I don't think anyone here has — the payment of disability or death benefits to someone who was hurt in the line of duty. We are talking about those people who go out and fall in holes when they get drunk and break their leg and then collect a disability forever and they weren't in the line of duty and the LEFF system covers those people.

"Now this bill really is an augmentation or a complementary bill to workmen's compensation. If the current salary is eleven hundred and fifty dollars a month, they can get benefits up to eleven hundred and fifty dollars a month so workmen's compensation would pay them five hundred and sixty and the University board of regents could make up the difference so that they got full payment during that time.

"Now, we are not going to the LEFF system, we are going back to workmen's compensation to determine whether or not that man was injured on the job and whether he has any benefits coming and I can't see where there could be any abuse.

"Following Senator Mardesich's question, it provides further that if they receive any social security or any insurance income because of that injury, that is further deducted before the University makes any complementary payments to bring that payment up. So, you are taking into consideration every possible thing that could come in — private insurance, social security or anything. I think this is a step in the direction of the reform that Senator Mardesich has been kind of badgering us about for a little while. I think it is a good step forward and it is not going to cost very much but it brings these people up on the same par as the state patrol for on-duty injuries only and on-duty disability."

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I might point out that there is one distinction, at least, on line sixteen that provides that these payments would relate only to those officers who are injured or killed in line of duty, which is quite a distinction of course from our LEFF

system as we have it today. Those benefits extend to even off-duty injuries and at least to that extent this is a distinction.”

Further debate ensued.

#### POINT OF INQUIRY

Senator Goltz: “I would like to ask Senator Sandison to yield to a question. Senator Sandison, I wonder if the matter of who a police officer is — he is a duly sworn police officer. Does that mean he is commissioned or would this apply to persons who would not be commissioned?”

Senator Sandison: “Commissioned police officers.”

The motion by Senator Sandison carried. The rules were suspended and Senate Bill No. 2742 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2742, and the bill passed the Senate by the following vote: Yeas, 40; nays, 3; excused, 6.

Voting yea: Senators Bailey, Beck, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Voting nay: Senators Benitz, Jones, Mardesich—3.

Excused: Senators Bottiger, Fleming, Keefe, McDermott, Murray, Scott—6.

SENATE BILL NO. 2742, having received the 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. 3032.

#### MOTION

At 11:05 a.m., on motion of Senator Walgren, the Senate recessed until 12:35 p.m.

#### NOON SESSION

The President called the Senate to order at 12:35 p.m.

#### MOTION

At 12:35 p.m., on motion of Senator Walgren, the Senate adjourned until 9:00 a.m., Tuesday, March 2, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-SEVENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 2, 1976.

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

The Color Guard, consisting of Pages Daniel Bruner and Carla Beevers, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, WHO DOST HOLD US RESPONSIBLE FOR THE TALENTS AND RESOURCES GIVEN TO OUR CARE, WE THANK YOU FOR THE ABUNDANCE OF GOOD THINGS YOU HAVE LAVISHED ON OUR COUNTRY. WE ARE NOT UNMINDFUL OF THE VAST NATURAL AND HUMAN RESOURCES RESIDENT WITHIN THE BOUNDARIES OF OUR STATE. MAKE US EQUAL, O GOD, TO THE RESPONSIBILITIES THESE GIFTS INCUR. HELP US, LEGISLATORS AND CONSTITUENTS, TO SO ORDER THE AFFAIRS OF OUR SOCIETY THAT OUR RESOURCES MAY BRING THE GREATEST GOOD TO THE GREATEST NUMBER OF PEOPLE. AMEN."

## MOTION

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

## MESSAGES FROM THE HOUSE

March 1, 1976.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 1505, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 1, 1976.

Mr. President: The House has passed:

SENATE BILL NO. 3040,

ENGROSSED SENATE BILL NO. 3149, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 1, 1976.

Mr. President: The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3003,

SENATE BILL NO. 3032, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 1, 1976.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 1266,

HOUSE BILL NO. 1404, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 1, 1976.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, and the Senate amendments

thereto, and the Speaker has appointed as members of the Conference Committee thereon: Representatives Bauer, Clemente and Hayner.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

At 9:07 a.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

#### MOTION

At 1:30 p.m., on motion of Senator Bailey, the Senate recessed until 2:00 p.m.

#### SECOND AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

#### MOTION

At 2:05 p.m., on motion of Senator Walgren, the Senate recessed subject to the Call of the President.

#### THIRD AFTERNOON SESSION

The President called the Senate to order at 4:40 p.m.

#### MESSAGES FROM THE HOUSE

March 2, 1976.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 1575, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 2, 1976.

Mr. President: The House has passed:  
SENATE BILL NO. 2742,  
ENGROSSED SENATE BILL NO. 3257,  
SENATE CONCURRENT RESOLUTION NO. 132, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 1, 1976.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 55, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

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

#### REPORT OF CONFERENCE COMMITTEE

March 1, 1976.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1340, making lesser traffic law violations noncriminal offenses, have had the same under consideration, and we report that we cannot agree and request powers of free conference in order to propose the following amendments:

On line 3 of the Senate committee amendment to page 1, line 14, as amended, after "relating to" strike "vehicular" and insert "traffic," and on line 10 of the amendment, after "prescribed" strike "in those sections" and insert "by this Title"

On page 1, line 23, strike "Driving" and insert "Relating to driving"

On page 1, immediately following line 23, insert:

"RCW 46.52.010, relating to duty on striking unattended car or other property;"

On page 1, line 24, strike "Duty" and insert "Relating to duty"

On page 1, line 26, strike "Reckless" and insert "Relating to reckless"

On page 1, line 27, strike "Persons" and insert "Relating to persons"

On page 1, line 28, after "drugs" strike the remainder of the line and insert ";"

On page 1, line 29, strike "Negligent" and insert "Relating to negligent"

On page 1, line 30, strike "Racing" and insert "Relating to racing"

On page 2, line 2, strike "Advertising" and insert "Relating to advertising"

Signed by: Senators Bottiger and Walgren; Representatives Charette, Eikenberry and (Rick) Smith.

#### MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed House Bill No. 1340.

#### REPORT OF CONFERENCE COMMITTEE

March 2, 1976.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, changing law relating to contractual rights of school district certificated employees, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order that the bill passed as amended by the Senate be amended as follows:

On page 1, line 13, after "first" strike "~~full three consecutive~~"

On page 1, line 14, after "school" strike "years" and insert "year"

On page 1, line 14, after "district" strike everything up to and including "employment" on line 18

On page 1, line 12 after "contract" strike "or discharged"

On page 3, line 2 after "for" strike "discharge or"

On page 3, line 5 after "RCW" strike "28A.58.450 through 28A.58.515,"

On page 4, section 2, beginning with "RCW" on line 29, strike all material down to and including "transfer" on line 31 and insert "Transfer"

On page 10, line 15 after "," strike everything up to and including "act," on line 16

On page 10, line 18 before "a" insert "any employee, with the exception of provisional employees as defined in section 1 of this 1976 amendatory act, receiving"

On page 14, line 32 after "employee" insert "with the exception of a provisional employee as defined in section 1 of this 1976 amendatory act"

Signed by: Senators Stortini, Clarke and Beck; Representatives Bauer, Hayner and Clemente.

#### MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Substitute House Bill No. 1364.

## MESSAGE FROM THE HOUSE

March 1, 1976.

Mr. President: The House refuses to concur in the Senate amendments to EN-GROSSED SUBSTITUTE HOUSE BILL NO. 1345, and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees: Representatives Bauer, Bender and Dunlap, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Walgren, the request of the House for a conference on EN-grossed Substitute House Bill No. 1345, and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on EN-GROSSED SUBSTITUTE HOUSE BILL NO. 1345 and the Senate amendments thereto: Senators Stortini, North and Odegaard.

## MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

March 2, 1976.

Mr. President: The House refuses to recede from its amendments to REEN-GROSSED SENATE BILL NO. 3038, and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Reengrossed Senate Bill No. 3038 and the House amendments thereto: Representatives Boldt, Brown and Gaspard.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Walgren, the request of the House for a conference on Reengrossed Senate Bill No. 3038 and the House amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Reengrossed Senate Bill No. 3038 and the House amendments thereto: Senators von Reichbauer, Guess and Rasmussen.

## MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

## SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 2742,  
SENATE BILL NO. 3257,  
SENATE CONCURRENT RESOLUTION NO. 132.

## SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 3040,  
SENATE BILL NO. 3149.



## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE CONCURRENT RESOLUTION NO. 55.

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1266,  
HOUSE BILL NO. 1404.

## MOTION

At 4:53 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Wednesday, March 3, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**FIFTY-EIGHTH DAY**

## MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 3, 1976.

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 members were present except Senator Keefe. On motion of Senator Knoblauch, Senator Keefe was excused.

The Color Guard, consisting of Pages Mark Forstrom and Kari Keyes, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"OUR FATHER, WE ARE GRATEFUL TO YOU FOR THE PRIVILEGE OF CHOICE, THOUGH IT COMPLICATES AS WELL AS ENLARGES OUR LIVES. HELP US TO USE THIS GIFT WISELY. GRANT TO OUR LEGISLATORS THIS DAY THE WISDOM AND BOLDNESS AND THE SINGLENES OF MIND TO MAKE COLLECTIVE DECISIONS WHICH SHALL ENRICH AND STRENGTHEN THE SOCIAL FABRIC OF OUR STATE. MAY THE DAY'S END FIND THEM AT MILESTONES OF POLITICAL ACTION WHICH THEY WILL NOT HAVE TO PASS AGAIN. AMEN."

## MOTIONS

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

At 10:10 a.m., on motion of Senator Walgren, the Senate was declared to be at ease subject to the Call of the President.

The President called the Senate to order at 4:45 p.m.

## MESSAGE FROM THE HOUSE

March 3, 1976.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2742,

SENATE BILL NO. 3040,

SENATE BILL NO. 3149,

SENATE BILL NO. 3257,

SENATE CONCURRENT RESOLUTION NO. 132, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MESSAGE FROM THE HOUSE

March 1, 1976.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3172, with the following amendments:

Strike all after the enacting clause and insert:

*NEW SECTION.* Section 1. The legislature finds that energy in various forms is increasingly subject to possible shortages and supply disruptions, to the point that there may be foreseen an emergency situation, and that without the ability to institute appropriate emergency measures to reduce and/or allocate the usage of energy through a program of mandatory usage curtailment and/or allocation, a severe impact on the health, safety, and general welfare of our state's citizens may occur. The prevention or mitigation of the effects of such energy shortages or disruptions is necessary for preservation of the public health and welfare of the citizens of this state.

It is the intent of this chapter to:

(1) Establish necessary energy emergency powers for the governor and define the conditions under which such powers are to be exercised;

(2) Provide penalties for violations of this chapter.

*NEW SECTION.* Sec. 2. As used in this chapter:

(1) "Energy facility" means a facility which produces, extracts, converts, transports, or stores energy.

(2) "Energy" means petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material, or electricity.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency or any other entity, public or private, however organized.

(4) "Council" means the energy advisory council created by section 3 of this 1976 amendatory act.

(5) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, joint operating agencies, municipal utility, public utility district, or cooperative, which engage in or are authorized to engage in the activity of generating, transmitting or distributing energy in this state.

*NEW SECTION.* Sec. 3. There is hereby created an energy advisory council consisting of eleven members.

(1) Members of the council shall be named within thirty days of the effective date of this 1976 amendatory act. The membership shall include the following:

(a) A member appointed by the governor who shall serve as chairman;

(b) The governor shall appoint four other members as follows:

(i) One member experienced and knowledgeable in the affairs and operations of electric utility operations;

(ii) One member experienced and knowledgeable in the affairs and operations of the natural gas industry;

(iii) One member experienced and knowledgeable in the affairs and operations of the petroleum products industry;

(iv) One member shall be from an industrial user of electricity, natural gas, and petroleum products; and

(c) The president of the senate shall appoint two members;

(d) The speaker of the house of representatives shall appoint two members.

(e) In addition to appointments made pursuant to subparagraphs (c) and (d) of this subsection the president of the senate and speaker of the house of representatives shall each appoint one additional member who represents the interests of residential consumers of energy.

(2) No person appointed to the council under subsections (c), (d), and (e) of subsection (1) of this section shall receive, while a member of the council, any substantial portion of his income directly or indirectly from any utility or other person owning or operating any energy facility, or from any manufacturer or seller of any major component of any energy facility. No such member of the council shall be employed by any utility or other person owning or operating any energy facility, or by any manufacturer or seller of any major component of any energy facility during the three-year period following termination as a member of the council.

(3) No member of the council shall hold any state elective office, or hold an appointment to a state elective office.

(4) Members shall be appointed to four-year terms except for initial terms as provided for in this subsection as follows:

(a) Two of the initial terms of members appointed by the governor shall expire on January 15, 1978, and two on January 15, 1980;

(b) One of the initial terms of members appointed by the president of the senate shall expire on January 15, 1978, one on January 15, 1979, and one on January 15, 1980;

(c) One of the initial terms of members appointed by the speaker of the house shall expire on January 15, 1978, one on January 15, 1979, and one on January 15, 1980;

(d) The term of the chairman shall be for four years.

(5) Subsequent appointments shall be made for a four year term. Members may be removed from office only because of inability or failure to perform their duties, as determined by a majority vote of the council, following a recommendation by the governor that a member be removed. Vacancies shall be filled by appointments for the unexpired term.

(6) Members of the council shall be compensated at the rate of forty dollars per day for each day engaged in the business of the council and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and RCW 43.03.060 as now existing or hereafter amended. Six members of the council shall constitute a quorum for conducting business. No person appointed to membership on the council who is compensated for service as a member of the council for less than ten days or seventy hours in any month, whichever amount is less, shall receive service credit for such service for that month.

*NEW SECTION.* Sec. 4. The council shall have the following duties:

(1) To make recommendations to the governor for appropriate emergency curtailment and/or allocation plans and procedures to be used in the event of an energy alert or energy emergency;

(2) To advise the governor of the time or times, if any, based on pertinent information, when energy supply conditions require execution of energy alert or energy emergency curtailment and/or allocation procedures, and also the time or times when such procedures can prudently be terminated; and

(3) To monitor and review compliance with and effectiveness of orders of the governor issued under sections 6 and 13 of this 1976 amendatory act: PROVIDED, That compliance by regulated distributors shall be reviewed by the Washington utilities and transportation commission and the results thereof shall be reported to the council.

*NEW SECTION.* Sec. 5. It is the intent of the legislature that the governor and the council, in developing provisions for the allocation, conservation, and consumption of energy give due consideration to supplying vital public services such as essential governmental operations, health and safety functions, emergency services, public mass

transportation systems, food production and processing facilities, and energy supply facilities during conditions of an energy supply alert or energy emergency. In developing any energy allocation programs, provisions should be made for the equitable distribution of energy among the geographic areas of the state.

*NEW SECTION.* Sec. 6. In addition to his existing powers and duties, the governor shall have the following duties and special energy emergency powers subject to the definitions and limitations in this chapter.

(1) The governor may, upon finding that a situation exists which threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property will, in the expectable course of events be jeopardized, declare a condition or state of "energy supply alert", at which time all of the general and specific emergency powers further enumerated in this section shall become effective. Concurrent with such declaration the governor shall convene the council which shall then meet within five days of the declaration of the alert, if it is not already in session.

(2) The condition of "energy supply alert" shall terminate after sixty consecutive days unless a continuing condition of "energy supply alert" exists, which shall be defined as the occurrence of either of the following: (a) Extension by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply, or (b) declaration of the legislature by concurrent resolution of a continuing condition of "energy supply alert".

(3) The conditions of an energy supply alert shall alternatively cease to exist upon a declaration to that effect by either of the following: (a) the governor; or (b) the legislature, by concurrent resolution, if in regular or extraordinary session.

(4) In a declared state of energy supply alert, the governor may, upon recommendation or approval of the energy advisory council, (a) implement such programs, controls, standards, priorities, and quotas for the production, allocation, conservation, and consumption of energy; (b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

Nothing in this chapter shall be construed to mean that any program, control, standard, priority, quota, or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of a declared state of energy supply alert.

If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

Because of the emergency nature of this chapter, all actions authorized or required hereunder, or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including, but not limited to, the requirement for environmental impact statements.

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor.

*NEW SECTION.* Sec. 7. To protect the public welfare during conditions of energy alerts or emergencies, the chief executive of each political subdivision of the state and each state agency is hereby authorized and directed to carry out in his jurisdiction such energy supply alert or energy emergency measures as may be ordered by the governor.

*NEW SECTION.* Sec. 8. In order to attain uniformity, as far as is practicable throughout the country in measures taken to aid in energy crisis management, all action taken under this chapter and all orders and rules made pursuant hereto, shall be taken or made with due consideration for and consistent when practicable with the orders, rules, regulations, actions, recommendations, and requests of federal authorities.

*NEW SECTION.* Sec. 9. Notwithstanding any provision of law or contract to the contrary, all persons who are affected by an order issued or action taken pursuant to this chapter shall comply therewith immediately.

*NEW SECTION.* Sec. 10. The governor may order any distributor to take such action on his behalf as may be required to implement orders issued pursuant to this chapter, and no distributor shall be liable for actions taken in accordance with such order: **PROVIDED**, That orders to regulated distributors shall be issued by the Washington utilities and transportation commission in conformance with orders of the governor.

*NEW SECTION.* Sec. 11. (1) Any person aggrieved by an order issued pursuant to this chapter may petition the governor and request an exception from or modification of such order. The governor may grant, modify, or deny such petition as the public interest may require.

(2) An appeal from any order issued or action taken pursuant to this chapter may be taken to the state supreme court. Such an appeal shall take the form of a petition for a writ of mandamus or prohibition under Article IV, section 4 of the state Constitution, and the supreme court shall have exclusive jurisdiction to hear and act upon such an appeal. Notwithstanding the provisions of chapter 7.16 RCW, or any other applicable statute, the superior courts of this state shall have no jurisdiction to entertain an action or suit relating to any order issued for action taken pursuant to this chapter, nor to hear and determine any appeal from any such order. The provisions of Rule on Appeal I-58 shall apply to any proceedings in the supreme court brought pursuant to this chapter.

*NEW SECTION.* Sec. 12. Any person wilfully violating any provision of an order issued by the governor pursuant to this chapter shall be guilty of a gross misdemeanor.

*NEW SECTION.* Sec. 13. There is added to chapter 43.06 RCW a new section to read as follows:

In the event of an energy emergency as defined in RCW 43.06.200 as now or hereafter amended, the governor, after proclaiming a state of emergency therefor, may order such prohibition or curtailment of energy use or allocation, production, or distribution of energy as he deems necessary to preserve and protect public health, welfare, and safety, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such an emergency: **PROVIDED**, That such controls regarding energy use and any other emergency order made by the governor in the event of an energy emergency shall not have any continuing legal effect after the cessation of the declared state of energy emergency.

Any person wilfully violating any provision of an order issued by the governor under this section shall be guilty of a gross misdemeanor.

Sec. 14. Section 43.06.010, chapter 8, Laws of 1965 as amended by section 8, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.010 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

- (1) He shall supervise the conduct of all executive and ministerial offices;
- (2) He shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;
- (3) He shall make the appointments and supply the vacancies mentioned in this title;
- (4) He is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;
- (5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;
- (6) He may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state,

or doing business in this state, and report the same to him, or to any grand jury designated to him, or to any legislature when next in session;

(7) He may require the attorney general to aid any prosecuting attorney in the discharge of his duties;

(8) He may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state prison or of any person who has committed or is charged with the commission of a felony;

(9) He shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) He shall issue and transmit election proclamations as prescribed by law;

(11) He may require any officer or board to make, upon demand, special reports to him, in writing;

(12) He may, after finding that a public disorder, disaster, *energy emergency*, or riot exists within this state or any part thereof which affects life, health, property or the public peace, proclaim a state of emergency in the area affected and the powers granted him during a state of emergency shall be effective only within the area described in the proclamation.

Sec. 15. Section 1, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.200 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in RCW 43.06.010, and 43.06.200 through 43.06.270 *each as now or hereafter amended* shall have the following meaning:

"State of emergency" means an emergency proclaimed as such by the governor pursuant to RCW 43.06.010 *as now or hereafter amended*.

"*Energy emergency*" means a condition in which the unavailability or disruption of energy supply poses an immediate and grave threat to life, health, property, or the public peace in the area in which such condition is declared to exist. "*Energy*" shall include the following: (1) Petroleum and other liquid fuels; (2) natural or synthetic fuel gas; (3) solid carbonaceous fuels; (4) fissionable nuclear material; and (5) electricity.

"Governor" means the governor of this state or, in case of his removal, death, resignation or inability to discharge the powers and duties of his office, then the person who may exercise the powers of governor pursuant to the Constitution and laws of this state relating to succession in office.

"Criminal offense" means any prohibited act for which any criminal penalty is imposed by law and includes any misdemeanor, gross misdemeanor, or felony.

Sec. 16. Section 2, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.210 are each amended to read as follows:

The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 *as now or hereafter amended* shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 *as now or hereafter amended*. The state of emergency shall cease to exist upon the issuance of a proclamation of the governor declaring its termination: PROVIDED, That the governor must terminate said state of emergency proclamation when order has been restored in the area affected: PROVIDED, FURTHER, That the condition of a state of emergency declared upon a finding that an energy emergency exists shall terminate after thirty consecutive days unless a continuing condition of state of emergency exists, which shall be defined as the occurrence of any of the following: (1) Extension by the governor based on a declaration by the president of the United States of a national emergency; or (2) declaration of the legislature by concurrent resolution of a continuing condition of a state of emergency.

Sec. 17. Section 1, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.010 are each amended to read as follows:

The legislature finds that the present and predicted growth in [electric power] *en-*

ergy demands in the state of Washington requires the development of a procedure for the selection and utilization of sites for [thermal generating facilities] *energy facilities* and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites [and the routing of associated transmission lines] will have a significant impact upon the welfare of the population, the location and growth of industry and the use of the natural resources of the state.

It is the policy of the state of Washington [that, while recognizing] *to recognize* the pressing need for increased [power generation] *energy facilities*, [the state shall] *and to* ensure through available and reasonable methods, that the location and operation of [thermal power plants] *such facilities* will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.

It is the intent to seek courses of action that will balance the increasing demands for [thermal power plant] *energy facility* location and operation in conjunction with the broad interests of the public. Such action will be based on these premises:

(1) To assure Washington state citizens that, where applicable, operational safeguards are at least as stringent as the criteria established by the federal government and are technically sufficient for their welfare and protection.

(2) To preserve and protect the quality of the environment; to enhance the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; to promote air cleanliness; and to pursue beneficial changes in the environment.

(3) To provide abundant [low cost electrical] *energy at reasonable cost*.

Sec. 18. Section 2, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.020 are each amended to read as follows:

(1) "Applicant" means any [electric utility which] *person who* makes application for a site location certification pursuant to the provisions of this chapter;

(2) "Application" means any request for approval of a particular site or sites filed in accordance with the rocedures established pursuant to this chapter;

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized;

(4) ["Electric utility" means cities and towns, public utility districts, regulated electric companies, electric cooperatives and joint operating agencies, or combinations thereof, engaged in or authorized to engage in the business of generating, transmitting or distributing electric energy;

(5) "Site" means any proposed location [wherein the power plant, related or supporting facilities, and associated transmission lines will be located] *for an energy facility*;

[(6)] (5) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, *in effect as of the date of certification, which have been adopted [in] pursuant to RCW 80.50.050 as now or hereafter amended* as conditions to be met prior to or concurrent with the construction or operation of any [thermal power plant coming under this chapter] *energy facility*;

[(7) "Associated transmission lines" means new transmission lines constructed to operate at nominal voltages in excess of 200,000 volts to connect a thermal power plant to the northwest power grid;]

(6) "*Associated facilities*" means new storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages in excess of 200,000 volts to connect a thermal power plant to the northwest power grid:

*PROVIDED, That common carrier railroads or motor vehicles shall not be included;*

(7) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline; A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquified petroleum gas transmission pipeline: A pipeline for the purpose of delivering gas to a distribution facility or more specifically, a "gas transmission line" as defined by the office of pipeline safety, United States department of transportation, except an interstate natural gas pipeline regulated by the United States federal power commission;

(8) "Energy transmission corridor" means land jointly used for more than one new transmission facility;

[(8)] (9) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies;

[(9)] (10) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel, including nuclear materials, for distribution of electricity by electric utilities;

[(10)] (10) "Thermal power plant site evaluation council" or "council" means the body defined under RCW 80.50.030] (11) "Energy facility" means an energy plant, transmission facilities, or an energy transmission corridor: *PROVIDED, That the following are excluded from the provisions of this chapter:*

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense;

(12) "Council" means the energy facility site evaluation council created by RCW 80.50.030 as now or hereafter amended;

[(11)] (13) "Counsel for environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080;

[(12)] (14) "Construction" means on-site work and construction shall not be deemed to have commenced until there has been an expenditure of not less than two hundred fifty thousand dollars in on-site improvements, excluding exploratory work;

[(13)] (15) "Chairman" means the chairman of the [thermal power plant site evaluation] council;

[(14)] (16) "Member agency" means departments, agencies and commissions enumerated in RCW 80.50.030(3) as now or hereafter amended;

(17) "Energy plant" means the following facilities together with their associated facilities;

(a) Any stationary thermal power plant with generating capacity of two hundred fifty thousand kilowatts or more and floating thermal power plants of fifty thousand kilowatts or more, including associated facilities;

(b) Facilities which will result in receipt of liquified natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(c) Facilities which will result in the receipt of more than an average of fifty thousand barrels per day of crude or refined petroleum which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(d) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and

(e) Facilities which will result in the processing of more than twenty-five thousand barrels per day of petroleum into refined products.



Sec. 19. Section 3, chapter 45, Laws of 1970 ex. sess. as amended by section 46, chapter 171, Laws of 1974 ex. sess. and RCW 80.50.030 are each amended to read as follows:

(1) There is hereby created and established [a "thermal power plant"] *the "energy facility site evaluation council"*.

(2) The *nonvoting* chairman of the council shall be appointed by the governor with the advice and consent of the senate and shall serve at the pleasure of the governor. The salary of the chairman shall be determined pursuant to the provisions of RCW 43.03.028 as now or hereafter amended.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies [and] , commissions *and committees* or their statutory successors:

(a) [Water pollution control commission] *Department of ecology*

(b) [Department of water resources

(c)] *Department of fisheries*

[(d)] *(c) Department of game*

[(e) *State air pollution control board*

(f)] *(d) Department of parks and recreation*

[(g)] *(e) Department of [health] social and health services*

[(h)] *(f) Interagency committee for outdoor recreation*

[(i)] *(g) Department of commerce and economic development*

[(j)] *(h) Utilities and transportation commission*

[(k)] *(i) Office of program planning and fiscal management*

[(l)] *(j) Department of natural resources*

[(m)] *(k) Planning and community affairs agency*

[(n)] *(l) Department of emergency services*

[(o)] *(m) Department of agriculture*

(n) *Department of highways.*

(4) The county legislative authority of every county wherein an application for a proposed [thermal power plant] site is filed shall appoint a member *or designee* to the council. The member *or designee* so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he represents and such member *or designee* shall serve until there has been a final acceptance or rejection of such proposed site;

(5) *For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a non-voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he represents and such member or designee shall serve until there has been a final acceptance or rejection of such proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.*

Sec. 20. Section 4, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.040 are each amended to read as follows:

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

(2) To appoint an executive secretary to serve at the pleasure of the council;

(3) To appoint and prescribe the duties of such clerks, employees and agents as may be necessary to carry out the provisions of this chapter: PROVIDED, That such persons shall be employed pursuant to the provisions of chapter 41.06 RCW;

(4) To develop and apply topical environmental and ecological guidelines in relation to the type, design, and location of [thermal power plant sites and associated transmission line routes] *energy facilities subject to this chapter;*

(5) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.04 RCW;

(6) To prescribe the form, content, and necessary supporting documentation for site certification;

(7) To receive applications for site locations and to investigate the sufficiency thereof;

(8) To make and contract, when applicable, for independent studies of [thermal power plant sites and transmission line routes] *sites* proposed by the applicant;

(9) To conduct hearings on the proposed location of the [thermal power plant] sites [and, when applicable, the associated transmission line routes];

(10) To prepare written reports to the governor which shall include: (a) a statement indicating whether the application is in compliance with the council's topical guidelines, (b) criteria specific to the site and transmission line routing, and (c) a council recommendation as to the disposition of the application;

(11) To prescribe the means for monitoring of the effects arising from the construction and the operation of [thermal power plants, and where applicable, associated transmission lines] *energy facilities* to assure continued compliance with terms of certification;

(12) *To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication; and*

(13) *To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington.*

Sec. 21. Section 5, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.050 are each amended to read as follows:

Promptly after it is organized under this chapter, the council shall give notice, pursuant to the Administrative Procedure Act, chapter 34.04 RCW, of intention to adopt as rules the comprehensive guidelines recommended by the [thermal power plant evaluation] council. The [thermal power plant site evaluation] council shall adopt the proposed guidelines as rules after making any changes or additions that are appropriate in view of facts and testimony presented at the hearing, provided that the guidelines so changed are consistent with the purposes of this chapter.

Sec. 22. Section 6, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.060 are each amended to read as follows:

(1) Provisions of this chapter shall apply to [any stationary thermal power plant with generating capacity of two hundred fifty thousand kilowatts or more and floating thermal power plants of fifty thousand kilowatts or more, including associated transmission lines installed anywhere within the state of Washington. No construction of any such facility may be undertaken, after February 23, 1970, without first obtaining certification in the manner as herein provided, except that this chapter shall not apply to any such thermal power plant presently operating, or under construction, and its associated transmission lines.] *those energy facilities to be newly constructed or installed anywhere within the state of Washington, or to reconstruction or enlargement of such existing energy facilities where the new physical capacity being added meets or exceeds those capacities defined in RCW 80.50.020 as now or hereafter amended. No construction of such energy facilities or energy transmission corridors may be undertaken, except as otherwise provided in this chapter, after the effective date of this 1976 amendatory act, without first obtaining certification in the manner provided in this chapter.*

(2) *Provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity of an energy facility.*

(3) *Applications for certification of thermal power plants and associated transmission lines made prior to the effective date of this 1976 amendatory act shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding the effective date of this 1976 amendatory act.*

[(2)] (4) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

Sec. 23. Section 7, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.070 are each

amended to read as follows:

(1) The council shall receive all applications for [thermal power plant] *energy facility* site certification. A fee of twenty-five thousand dollars for each proposed site, to be applied toward the cost of any study authorized in subsection (2) of this section, shall accompany the application and shall be a condition precedent to any further consideration or action on the application by the council.

(2) After receiving an application for site certification, the council shall commission its own, independent consultant study to measure the consequences of the proposed [power plant] *energy facility* on the environment for each site application. The council shall direct the consultant to study any matter which it deems essential to an adequate appraisal of the site. The full cost of the study shall be paid by the applicant: PROVIDED, That said costs exceeding a total of twenty-five thousand dollars shall be payable subject to applicant giving prior approval to such excess amount.

(3) All payments required of the applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the applicant.

Sec. 24. Section 10, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.100 are each amended to read as follows:

(1) The council shall report to the governor its recommendations [for the disposition] *as to the approval or disapproval* of an application for certification within twelve months of receipt by the council of such an application, or such later time as is mutually agreed by the council and the applicant.

(2) Within sixty days of receipt of the council's report the governor shall approve or reject the application for certification.

(3) The issuance of denial of the certification by the governor shall be final as to that application *but shall not preclude submission of a subsequent application for the same site on the basis of changed conditions or new information.*

(4) Upon approval by the governor of the application for certification the chairman of the council shall within thirty days compose and submit a certification agreement for execution by the governor and the applicant.

Sec. 25. Section 11, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.110 are each amended to read as follows:

(1) If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, or any rule or regulation promulgated thereunder, this chapter shall govern and control and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

(2) The state hereby preempts the regulation and certification of [thermal power plant sites and thermal power plants as defined in RCW 80.50.020] *the location, construction, and operational conditions of certification of the energy facilities included under RCW 80.50.060 as now or hereafter amended.*

Sec. 26. Section 12, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.120 are each amended to read as follows:

(1) Subject to the conditions set forth therein any certification signed by the governor shall bind the state [or any] *and each* of its departments, agencies, divisions, bureaus, commissions or boards *of this state whether a member of the council or not* as to the approval of the site and the construction and operation of the proposed [thermal power plant and any associated transmission lines] *energy facility.*

(2) The certification shall authorize the [electric utility] *person* named therein to construct and operate the proposed [thermal power plant and any associated transmission lines] *energy facility* subject only to the conditions set forth in such certification.

(3) The issuance of a certification shall be in lieu of any permit, certificate or similar document required by any department, agency, division, bureau, commission or board of this state *whether a member of the council or not.*

Sec. 27. Section 1, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.170 are each amended to read as follows:

It is the intent of RCW 80.50.175 as now or hereafter amended to expedite the certification of sites for [thermal power plants and associated transmission lines,] *energy facilities subject to this chapter* to minimize duplication of effort in conducting studies of and preparing environmental impact statements relating to such sites, to authorize and encourage cooperation between the council and counties, other governmental agencies, and municipal or public corporations in connection with such sites, and to provide for a single detailed statement in accordance with RCW 43.21C.030(2)(c) where any proposed [thermal power plants and associated transmission lines] *energy facilities* are subject to certification pursuant to chapter 80.50 RCW, and to further the development of [power generation] facilities to meet pressing needs: PROVIDED, That it is the intent of the legislature that appropriate consideration will be given to protecting and preserving the quality of the environment.

Sec. 28. Section 2, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.175 are each amended to read as follows:

(1) In addition to all other powers conferred on the council under this chapter, the council shall have the powers set forth in this section.

(2) The council, upon request of any potential applicant, is authorized, as provided in this section, to conduct a *preliminary* study of any potential site prior to receipt of an application for site certification. A fee of ten thousand dollars for each potential site, to be applied toward the cost of any study agreed upon pursuant to subsection (3) of this section, shall accompany the request and shall be a condition precedent to any action on the request by the council.

(3) After receiving a request to study a potential site, the council shall commission its own independent consultant to study matters relative to the potential site. The study shall include, but need not be limited to, the preparation and analysis of environmental impact information for the proposed [thermal power plant and associated transmission lines at the] potential site and any other matter the council and the potential applicant deem essential to an adequate appraisal of the potential site. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential site is located, any federal, state, or local governmental agency that might be requested to comment upon the potential site, and any municipal or public corporation having an interest in the matter. The full cost of the study shall be paid by the potential applicant: PROVIDED, That such costs exceeding a total of ten thousand dollars shall be payable subject to the potential applicant giving prior approval to such excess amount.

(4) Any study prepared by the council pursuant to subsection (3) of this section [shall] *may* be used in place of the "detailed statement" required by RCW 43.21C.030(2)(c) by any branch of government except the [thermal power plant site evaluation] council created pursuant to chapter 80.50 RCW. Except for actions of the [thermal power plant site evaluation] council under chapter 80.50 RCW, all proposals for legislation and other actions of any branch of government of this state, including state agencies, municipal and public corporations, and counties, to the extent the legislation or other action involved approves, authorizes, permits, or establishes procedures solely for approving, authorizing or permitting, the location, financing or construction of [one or more thermal power plants or associated transmission lines] *any energy facility* subject to certification under chapter 80.50 RCW, shall be exempt from the "detailed statement" required by RCW 43.21C.030. Nothing in this subsection shall be construed as exempting any action of the [thermal power plant site evaluation] council from any provision of chapter 43.21C RCW.

(5) All payments required of the potential applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the potential applicant.

(6) Nothing in this section shall change the requirements for an application for [thermal power plant] site certification or the requirement of payment of a fee as provided in RCW 80.50.070, or change the time for disposition of an application for certification as provided in RCW 80.50.100.

(7) Nothing in this section shall be construed as preventing a city or county from requiring any information it deems appropriate to make a decision approving a particular location.

Sec. 29. Section 5, chapter 155, Laws of 1973 and RCW 90.48.262 are each amended to read as follows:

(1) The powers established under RCW 90.48.260 shall be implemented by the department through the adoption of rules in every appropriate situation. The permit program authorized under RCW 90.48.260(1) shall constitute a continuation of the established permit program of RCW 90.48.160 and other applicable sections within chapter 90.48 RCW. The appropriate modifications as authorized in this 1973 amendatory act are designed to avoid duplication and other wasteful practices and to insure that the state permit program contains all required elements of and is compatible with the requirements of any national permit system.

(2) Permits for [thermal power plants] *energy facilities* subject to chapter 80.50 RCW shall be issued by the [thermal power plant] *energy facility* site evaluation council: PROVIDED, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to said chapter. The council shall have all powers necessary to establish and administer a point source discharge permit program pertaining to such plants, consistent with applicable receiving water quality standards established by the department, and to qualify for full participation in any national waste discharge or pollution discharge elimination permit system. The council and the department shall each adopt, by rules, procedures which will provide maximum coordination and avoid duplication between the two agencies with respect to permits in carrying out the requirements of this act including, but not limited to, monitoring and enforcement of certification agreements, and in qualifying for full participation in any such national system.

*NEW SECTION.* Sec. 30. There is added to chapter 80.50 RCW a new section to read as follows:

All rules of the thermal power plant site evaluation council in effect on the effective date of this 1976 amendatory act shall continue in full force and effect until amended or rescinded by the energy facility site evaluation council after the effective date of this 1976 amendatory act.

*NEW SECTION.* Sec. 31. Section 7, chapter 207, Laws of 1961, section 4, chapter 88, Laws of 1965, section 1, chapter 44, Laws of 1969, section 18, chapter 18, Laws of 1970 ex. sess., section 162, chapter 34, Laws of 1975-1976 2nd ex. sess. and RCW 70.98.070 are each hereby repealed.

*NEW SECTION.* Sec. 32. Sections 1 through 12 of this 1976 amendatory act shall constitute a new chapter in Title 43 RCW.

*NEW SECTION.* Sec. 33. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

*NEW SECTION.* Sec. 34. This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect March 15, 1976."

In the title, strike all after "AN ACT" and insert: "Relating to energy; amending section 43.06.010, chapter 8, Laws of 1965 as amended by section 8, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.010; amending section 1, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.200; amending section 2, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.210; amending section 1, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.010; amending section 2, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.020; amending section 3, chapter 45, Laws of 1970 ex. sess. as amended by section 46, chapter 171, Laws of 1974 ex. sess. and RCW 80.50.030; amending section 4, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.040; amending section 5, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.050; amending section 6, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.060; amending section 7, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.070; amending section 10, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.100; amending section 11, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.110;

amending section 12, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.120; amending section 1, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.170; amending section 2, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.175; amending section 5, chapter 155, Laws of 1973 and RCW 90.48.262; creating a new chapter in Title 43 RCW; adding a new section to chapter 43.06 RCW; adding a new section to chapter 80.50 RCW; repealing section 7, chapter 207, Laws of 1961, section 4, chapter 88, Laws of 1965, section 1, chapter 44, Laws of 1969, section 18, chapter 18, Laws of 1970 ex. sess., section 162, chapter 34, Laws of 1975-1976 2nd ex. sess. and RCW 70.98.070; defining crimes; prescribing penalties; prescribing an effective date; and declaring an emergency.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Walgren, the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 3172 and asks the House to recede therefrom.

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

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, March 2, 1976.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 2, 1976, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2440: Requiring the board of prison terms and paroles to take action by either a majority or two-thirds majority in certain cases.

SENATE BILL NO. 3070: Revising the fee structure for motor vehicle tonnage licenses.

SENATE BILL NO. 3074: Requiring state franchising for county ferries receiving federal aid.

SENATE BILL NO. 3148: Authorizing the sale and issuance of state highway construction bonds.

SENATE BILL NO. 3247: Authorizing volunteer fire departments to increase their membership by the number of firemen obtaining the maintaining emergency medical training qualifications.

SUBSTITUTE SENATE BILL NO. 3271: Establishing the business coordination act.

SUBSTITUTE SENATE BILL NO. 3274: Authorizing toll bridge authority to guarantee payment of bond for public facilities reasonably related to improvement of ferry systems.

SUBSTITUTE SENATE BILL NO. 3268: Relating to bookkeeping transactions within the state general fund.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1505, by Representatives Lysen, Hawkins, Ehlers and Fortson:

Permitting late property tax exemption applications.  
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1575, by Committee on Ways and Means (originally sponsored by Representatives Bagnariol, Freeman, Blair and Sommers):

Providing calculation base for supplemental payments under TIAA/CREFF.  
Referred to Committee on Ways and Means.

**MOTION**

At 4:50 p.m., on motion of Senator Walgren, the Senate adjourned until 9:00 a.m., Thursday, March 4, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**FIFTY-NINTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Thursday, March 4, 1976.

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

The Color Guard, consisting of Pages Mark Fortstrom and Kari Keyes, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ALMIGHTY GOD AND FATHER, WE THANK YOU FOR THE GIFT OF LIFE AND THE PRIVILEGE OF SHARING IN THE COMMONWEAL OF SOCIETY. WE ARE GRATEFUL TOO FOR THE QUALITY OF LEADERSHIP PROVIDED BY THIS BODY; FOR THEIR DILIGENCE AND SKILL IN MAKING THE MOST OUT OF THE MODEST CAPITAL WE WOULD ALLOT TO THEM. BLESS OUR LEGISLATORS AND THEIR FAMILIES WITH YOUR WATCHFUL CARE. AMEN."

**MOTION**

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

**MOTION**

At 9:05 a.m., on motion of Senator Marsh, the Senate was declared to be at ease subject to the Call of the President.

The President called the Senate to order at 10:23 a.m.

**MOTION**

At 10:25 a.m., on motion of Senator Walgren, 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 Marsh, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

## MESSAGE FROM THE GOVERNOR

Office of the Governor, March 3, 1976.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 3, 1976, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 3116: Making changes in the laws relating to incorrigible children.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

## MESSAGES FROM THE HOUSE

March 3, 1976.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 3, 1976.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3267, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 3267.

## MESSAGE FROM THE HOUSE

March 2, 1976.

Mr. President: The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 90, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Donohue, the Senate receded from its amendment to Substitute House Bill No. 90.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 90, without the Senate amendment, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 8; excused, 1.



Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Absent or not voting: Senators Bailey, Clarke, Fleming, Grant, Mardesich, Matson, Newschwander, Peterson—8.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 90, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

March 3, 1976.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1340, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

### REPORT OF FREE CONFERENCE COMMITTEE

March 1, 1976.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1340, making lesser traffic law violations noncriminal offenses, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Bottiger, Clarke and Walgren; Representatives Eikenberry and Smith (Rick).

### MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senators Clarke and Matson were excused.

On motion of Senator Knoblauch, Senators Bailey and Mardesich were excused.

On motion of Senator Walgren, the report of the Free Conference Committee on Engrossed House Bill No. 1340 was adopted.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1340, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 5; excused, 5.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Absent or not voting: Senators Fleming, Grant, Jones, Newschwander, Peterson—5.

Excused: Senators Bailey, Clarke, Keefe, Mardesich, Matson—5.

ENGROSSED HOUSE BILL NO. 1340, 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.

## MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 1311.

## SECOND READING

HOUSE BILL NO. 1311, by Representative Randall (by Department of Revenue request):

Removing department of revenue mandatory audit requirement of the work of county assessors.

## REPORT OF STANDING COMMITTEE

February 11, 1976.

HOUSE BILL NO. 1311, removing department of revenue mandatory audit requirement of the work of county assessors (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 27, after "equalization." strike "[As part of the examining and testing of the work of county assessors to be accomplished pursuant to this section, the department of revenue shall audit at least five percent of all personal property accounts listed in any county each calendar year.]" and insert "As part of the examining and testing of the work of county assessors to be accomplished pursuant to this section, the department of revenue shall audit statewide at least one-half of one percent of all personal property accounts listed each calendar year."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Mardesich, Marsh, Matson, Murray, Scott, Woody.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendment was not adopted.

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

On page 1, line 27, after "equalization." strike "[As part of the examining and testing of the work of county assessors to be accomplished pursuant to this section, the department of revenue shall audit at least five percent of all personal property accounts listed in any county each calendar year.]" and insert "As part of the examining and testing of the work of county assessors to be accomplished pursuant to this section, the department of revenue shall audit *statewide* at least [five] *one-half of one* percent of all personal property accounts listed [in any county] each calendar year."

On motion of Senator Donohue, the rules were suspended, House Bill No. 1311, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1311, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 2; excused, 1.

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

Voting nay: Senator Washington—1.

Absent or not voting: Senators Fleming, Grant—2.

Excused: Senator Keefe—1.

HOUSE BILL NO. 1311, as amended by the Senate, having received the constitutional majority, 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. 1366, by Committee on Parks and Recreation (originally sponsored by Representatives North, Chandler, Matthews, Fortson and Sherman):

Preserving Mount Si.

The bill was read the second time by sections.

On motion of Senator Bluechel, the rules were suspended, Substitute House Bill No. 1366 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1366, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

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

Voting nay: Senators Buffington, Peterson, Rasmussen, Wanamaker—4.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 1366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Knoblauch, Senators Beck and Stortini were excused.

On motion of Senator Lewis (R. H. "Bob"), Senators Clarke and Gould were excused.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1496, by Representatives Hansen and Paterson:

Making appropriations to the highway commission and toll bridge authority.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Engrossed House Bill No. 1496 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1496, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Beck, Clarke, Gould, Keefe, Stortini—5.

ENGROSSED HOUSE BILL NO. 1496, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Sandison, the following bill was re-referred to the Committee on Rules:

HOUSE BILL NO. 1439, by Representatives Moreau, Charnley, Zimmerman, Wojahn and Laughlin:

Exempting certain immigrant refugees from the contract enrollment levels of community colleges and institutions of higher education.

## MOTION

On motion of Senator Walgren, the following bills were re-referred to the Committee on Rules:

ENGROSSED HOUSE BILL NO. 490, by Representatives Gaines and Randall:  
Amending law on liability of landowners where recreational.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336, by Committee on State Government (originally sponsored by Representatives Nelson, Sommers, Ehlers, Bender, Leckenby, Hayner, Becker, Dunlap, Freeman and Polk):

Abolishing nonfunctioning advisory committees.

ENGROSSED HOUSE BILL NO. 1383, by Representatives Haussler, Moon, Douthwaite, Kalich, Kuehnle, Zimmerman, Thompson, May and Lee:

Authorizing local governments to employ hearing examiners for land use planning cases.

## MOTION

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

## MESSAGE FROM THE HOUSE

March 3, 1976.

Mr. President: The House has passed SENATE BILL NO. 3091, with the following amendments:

On page 1, line 30, after "prepare" strike all material through "institutions of" and insert "[an accredited list of these higher institutions of] *a list of accredited institutions of higher*"

On page 2, line 12, after "the" strike "accredited list" and insert "[accredited] list of *accredited schools*"; and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Stortini, the Senate concurred in the House amendments to Senate Bill No. 3091.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3091, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Beck, Gould, Keefe—3.

SENATE BILL NO. 3091, 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 2:22 p.m., on motion of Senator Walgren, the Senate recessed until 4:15 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 4:15 p.m.

MOTION

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

MOTION

On motion of Senator Knoblauch, Senator Francis was excused.

MESSAGE FROM THE HOUSE

February 27, 1976.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2989, and has passed the bill as amended by the Conference Committee, and said report together with the bill are herewith transmitted.  
DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

February 25, 1976.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred Engrossed Senate Bill No. 2989, making changes in the laws relating to election schedules, have had the same under consideration, and we recommend that the House amendments be adopted and the bill do pass as amended by the House.

Signed by: Senators Stortini and Beck; Representatives Fortson, Sherman and Chandler.

MOTION

On motion of Senator Beck, the report of the Conference Committee on Engrossed Senate Bill No. 2989 was adopted.

Debate ensued.

POINT OF INQUIRY

Senator von Reichbauer: "Mr. President, would Senator Bottiger yield to a question? Senator Bottiger, I remember your remarks when this bill was before us before. You spoke to the same concerns about the smaller districts having their elections at this time, but I was advised by the auditor, or the de facto auditor of King County who stated that most of these little districts did not have their elections at the same time that we are referring to. Could you explain?"

Senator Bottiger: "That is exactly true, Senator von Reichbauer. Right now, they don't all run on the same date on purpose. They avoid each other because they know if they are on the same date they will all go down the tubes. So this bill is forcing them to do that.

"I don't know about King county but in the rural areas we have many of these junior taxing districts that are unfamiliar to the city people that must have special levy elections from mosquito control on down."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2989, as amended by the Conference Committee, and the bill failed to pass the Senate by the following vote: Yeas, 11; nays, 35; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Cunningham, Mardesich, Marsh, McDermott, Murray, Peterson, Pullen, Scott, von Reichbauer, Walgren—11.

Voting nay: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Newschwander, North, Odegaard, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Wanamaker, Washington, Wilson, Woody—35.

Absent or not voting: Senator Fleming—1.

Excused: Senators Francis, Keefe—2.

ENGROSSED SENATE BILL NO. 2989, as amended by the Conference Committee, having failed to receive the constitutional majority, was declared lost.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Beck moved the Senate immediately reconsider the vote by which Engrossed Senate Bill No. 2989, as amended by the Conference Committee, failed to pass the Senate.

## MOTION

On motion of Senator Walgren, the motion for reconsideration by Senator Beck was ordered held for the proper order of business on Friday, March 5, 1976.

## MOTION

Senator Walgren moved that the Senate commence consideration of the Message from the House on Senate Bill No. 3026.

## PARLIAMENTARY INQUIRY

Senator Grant: "Parliamentary inquiry, Mr. President. Mr. President, I believe there is a petition on the Secretary's desk and I want to know what the disposition of that petition is with regard to House Joint Resolution Number 5."

## POINT OF ORDER

Senator Pullen: "Point of order, Mr. President. It would seem to me that Senator Grant's question is out of order because that business is not before us at this time."

## REPLY BY THE PRESIDENT

The President: "The President recognized Senator Grant, Senator Pullen. Senator Grant stated that he wished to make a parliamentary inquiry and the President requested that he do so. The President believes that the inquiry is in order, and in reply to your inquiry, Senator Grant, the President finds what may be a conflict in the rules and is still studying the situation. With your indulgence and that of the other members, the President would appreciate more time to deliberate this matter and possibly render a decision later today or tomorrow."

## PARLIAMENTARY INQUIRY

Senator Grant: "Mr. President, I understand there will be a rules committee meeting today and that is one of the reasons that I would like to have a response, if possible, before we are to adjourn today. I am not sure how many more rules committee meetings there might be. The petition, as you know, calls for referral of that particular measure to the rules committee. It is not a petition that bypasses your rules committee but it does put it in that particular committee. It doesn't bring it to the floor and I would like to have the rules committee have an opportunity to consider it if they meet today."

## REPLY BY THE PRESIDENT

The President: "Perhaps prior to any rules committee meeting that may be held today, the President can give you a decision and the other members, Senator Grant."

## REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, I believe that I had a motion before the body that was presented that we consider Senate Bill No. 3026 and that came somewhat before all the other discourse."

The motion by Senator Walgren carried. The Senate commenced consideration of the Message from the House on Senate Bill No. 3026.

## MESSAGE FROM THE HOUSE

March 2, 1976.

Mr. President: The House has adopted the report of the Free Conference Committee on SENATE BILL NO. 3026, 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

February 26, 1976.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred SENATE BILL NO. 3026, defining learning objectives, have had the same under consideration, and we recommend that the bill be amended as follows:

On page 1, line 12, after "through" and before "in" strike "six" and insert "eight"

Signed by: Senators Stortini, Gould and McDermott; Representatives Bauer, Fortson and Whiteside.

## MOTION

On motion of Senator Stortini, the report of the Free Conference Committee on Senate Bill No. 3026 was adopted.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3026, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Francis, Keefe—2.

SENATE BILL NO. 3026, 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

February 27, 1976.

Mr. President: The House has passed SENATE BILL NO. 3036, with the following amendments:

On page 4, following line 28, insert three new sections as follows:

*"NEW SECTION.* Sec. 7. There is added to chapter 12, Laws of 1961 and to chapter 46.12 a new section to read as follows:

There is hereby created in the motor vehicle fund the vehicle title guarantee account which shall be used to reimburse a vehicle owner when: (1) His vehicle identification number was physically inspected and verified pursuant to RCW 46.12.030(3); and (2) The vehicle is determined subsequently to have been reported stolen at the time of the inspection. Such reimbursement shall be for the value of the vehicle as determined by criteria set forth in RCW 82.44.040: PROVIDED, That no claim shall be allowed under this section following a satisfactory showing by the department that errors, omissions, or transpositions were made in entering the vehicle's identity in the stolen vehicle file.

*NEW SECTION.* Sec. 8. The state treasurer shall transfer fifty thousand dollars from the motor vehicle fund to the vehicle title guarantee account within ten days after the effective date of this act.

*NEW SECTION.* Sec. 9. There is appropriated fifty thousand dollars or so much thereof as may be necessary from the vehicle title guarantee account to the department of motor vehicles for the biennium ending June 30, 1977 for reimbursement to vehicle owners pursuant to section 7 of this 1976 act."

Renumber the remaining sections consecutively, and correct internal references accordingly.

On page 1, line 3 of the title, after "penalties;" insert "making an appropriation;," and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Henry, the Senate concurred in the House amendments to Senate Bill No. 3036.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3036, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

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

Voting nay: Senators Buffington, Lewis (Harry)—2.

Excused: Senators Francis, Keefe—2.

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

#### MESSAGES FROM THE HOUSE

March 4, 1976.

Mr. President: The House has refused to grant the powers of Free Conference on SUBSTITUTE HOUSE BILL NO. 1364.

DEAN R. FOSTER, Chief Clerk:

March 4, 1976.

Mr. President: The Speaker has signed SUBSTITUTE SENATE BILL NO. 3267, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.



## MESSAGE FROM THE HOUSE

March 4, 1976.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 3172, and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed Substitute Senate Bill No. 3172: Representatives Perry, McCormick and Berentson.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed Substitute Senate Bill No. 3172 and the House amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3172 and the House amendments thereto: Senators Bottiger, Henry and Guess.

## MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

## MOTION

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

## REPORTS OF STANDING COMMITTEES

March 4, 1976.

SENATE JOINT RESOLUTION NO. 121, providing for annual sessions of the legislature (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Beck, Chairman; Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

Passed to Committee on Rules for second reading.

March 2, 1976.

SUBSTITUTE HOUSE BILL NO. 1612, authorizing local governments to adopt certain rules by reference (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Goltz, Guess, Murray, North.

Passed to Committee on Rules for second reading.

March 3, 1976.

HOUSE BILL NO. 1624, relating to appropriations (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Fleming, Lewis (Harry), Mardesich, Marsh, Matson, Rasmussen, Sandison, Washington, Woody.

Passed to Committee on Rules for second reading.

## MOTION

At 4:45 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Friday, March 5, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**SIXTIETH DAY**

## MORNING SESSION

Senate Chamber, Olympia, Friday, March 5, 1976.

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

The Color Guard, consisting of Pages Robert Taylor and Vickie Klingele, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ON THIS BEAUTIFUL DAY, O LORD, WE THANK YOU FOR ALL THE GOOD THINGS OF LIFE; FOR THE SEASONS OF THE YEAR; FOR THE SUN, THE SEA AND THE HILLS, FOR THE BLESSINGS OF HEARTH AND HOME, FOR THE FRIENDSHIPS OF LIFE, FOR THE CHALLENGES THAT CONFRONT US IN OUR WORK AND FOR THE OPPORTUNITIES TO CONTRIBUTE TO THE TOTALITY OF GOOD IN OUR WORLD.

"NOW BLESS OUR LEGISLATORS AS THEY TURN ONCE AGAIN TO THEIR TASKS. GRANT THAT THE LONG HOURS OF COMMITTEE AND CAUCUS WILL BE REWARDED BY THE KIND OF LEGISLATION THAT WILL WIN THE APPROBATION OF ALL THOUGHTFUL PEOPLE. AMEN."

## MOTION

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

## MOTION

On motion of Senator Walgren, the Senate advanced to the sixth order of business to consider gubernatorial appointments.

## CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Guess, the appointment of THOMAS HYSLOP as a member of the Commission on Vocational Education was confirmed.

## APPOINTMENT OF THOMAS HYSLOP

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

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

Excused: Senators Fleming, Francis, Herr, Jones, Keefe—5.

## MOTION

On motion of Senator Sandison, the appointment of DIANE JACKSON as a member of the Commission on Vocational Education was confirmed.

## APPOINTMENT OF DIANE JACKSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senators Donohue, Mardesich, Talley—3.

Excused: Senators Fleming, Francis, Herr, Jones, Keefe—5.

## MOTION

On motion of Senator Sandison, the appointment of JOHN LARSEN as a member of the Commission on Vocational Education was confirmed.

## APPOINTMENT OF JOHN LARSEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent or not voting, 4; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Absent or not voting: Senators Bottiger, Henry, Mardesich, Talley—4.

Excused: Senators Fleming, Francis, Herr, Jones, Keefe—5.

## MOTION

On motion of Senator Sandison, the appointment of REVEREND SAMUEL B. MCKINNEY as a member of the Commission on Vocational Education was confirmed.

## APPOINTMENT OF REVEREND SAMUEL B. MC KINNEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent or not voting, 5; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North,

Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Absent or not voting: Senators Bottiger, Guess, Henry, Mardesich, Pullen—5.

Excused: Senators Fleming, Francis, Herr, Jones, Keefe—5.

#### MOTION

On motion of Senator Sandison, the appointment of FLOYD SEXTON as a member of the Commission on Vocational Education was confirmed.

#### APPOINTMENT OF FLOYD SEXTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senators Bottiger, Mardesich, Peterson—3.

Excused: Senators Fleming, Francis, Herr, Jones, Keefe—5.

#### MOTION

On motion of Senator Sandison, the appointment of BETTY FLETCHER as a member of the Council on Post-Secondary Education was confirmed.

#### APPOINTMENT OF BETTY FLETCHER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

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

Absent or not voting: Senator Peterson—1.

Excused: Senators Fleming, Francis, Herr, Jones, Keefe—5.

#### MOTION

On motion of Senator Knoblauch, Senators Bailey and Wilson were excused.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3026,

SENATE BILL NO. 3036,

SENATE BILL NO. 3091.

#### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Sandison, the appointment of ROBERT M. HUMPHREY as a member of the Council on Post-Secondary Education was confirmed.

## APPOINTMENT OF ROBERT M. HUMPHREY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent or not voting, 3; excused, 7.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—39.

Absent or not voting: Senators Bottiger, Peterson, Wanamaker—3.

Excused: Senators Bailey, Fleming, Francis, Herr, Jones, Keefe, Wilson—7.

## MOTION

On motion of Senator Sandison, the appointment of JOHN L. VAN AELSTYN as a member of the Council on Post-Secondary Education was confirmed.

## APPOINTMENT OF JOHN L. VAN AELSTYN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—41.

Absent or not voting: Senator Wanamaker—1.

Excused: Senators Bailey, Fleming, Francis, Herr, Jones, Keefe, Wilson—7.

## MOTION

On motion of Senator Sandison, the appointment of PATRICK M. CALLAN as a member of the Western Interstate Commission on Higher Education was confirmed.

## APPOINTMENT OF PATRICK M. CALLAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—41.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Bailey, Fleming, Francis, Herr, Jones, Keefe, Wilson—7.

## MOTION

On motion of Senator Sandison, the appointment of DR. GLENN TERRELL as a member of the Western Interstate Commission on Higher Education was confirmed.

## APPOINTMENT OF DR. GLENN TERRELL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray,

Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—41.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Bailey, Fleming, Francis, Herr, Jones, Keefe, Wilson—7.

#### MOTION

On motion of Senator Sandison, the appointment of MARY WILSON as a member of the Board of Trustees of Eastern Washington State College was confirmed.

#### APPOINTMENT OF MARY WILSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Bailey, Fleming, Francis, Herr, Jones, Keefe—6.

#### MOTION

On motion of Senator Sandison, the appointment of MARY GATES as a member of the Board of Regents, University of Washington, was confirmed.

#### APPOINTMENT OF MARY GATES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senators Bottiger, Lewis (Harry), Talley—3.

Excused: Senators Fleming, Francis, Herr, Jones, Keefe—5.

#### MOTION

On motion of Senator Sandison, the appointment of KATE WEBSTER as a member of the Board of Regents, Washington State University, was confirmed.

#### APPOINTMENT OF KATE WEBSTER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—41.

Absent or not voting: Senators Bottiger, Lewis (Harry), Woody—3.

Excused: Senators Fleming, Francis, Herr, Jones, Keefe—5.

## MOTION

On motion of Senator Sandison, the appointment of EDITH D. WILLIAMS as a member of the Board of Regents, Washington State University, was confirmed.

## APPOINTMENT OF EDITH D. WILLIAMS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—42.

Absent or not voting: Senators Bottiger, Woody—2.

Excused: Senators Fleming, Francis, Herr, Jones, Keefe—5.

## MOTION

On motion of Senator Sandison, the appointment of MARJI PARKER as a member of the Board of Trustees, Community College District No. 19, Columbia Basin Community College, was confirmed.

## APPOINTMENT OF MARJI PARKER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

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

Absent or not voting: Senator Bottiger—1.

Excused: Senators Fleming, Francis, Herr, Jones, Keefe—5.

## MOTION

On motion of Senator Sandison, the appointment of BERNARD CALFEE as a member of the Board of Trustees, Community College District No. 9, Highline Community College, was confirmed.

## APPOINTMENT OF BERNARD CALFEE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

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

Absent or not voting: Senator Bottiger—1.

Excused: Senators Fleming, Francis, Herr, Jones, Keefe—5.

## MOTION

On motion of Senator Sandison, the appointment of DENNIS S. JOHNSON as a member of the Board of Trustees, Community College District No. 15, Wenatchee Valley Community College, was confirmed.

## APPOINTMENT OF DENNIS S. JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

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

Absent or not voting: Senator Bottiger—1.

Excused: Senators Fleming, Francis, Herr, Jones, Keefe—5.

## MOTION

On motion of Senator Knoblauch, Senator Bottiger was excused.

## MOTION

On motion of Senator Sandison, the appointment of GORDON LIEN as a member of the Board of Trustees, Community College District No. 4, Skagit Valley Community College, was confirmed.

## APPOINTMENT OF GORDON LIEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

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

Excused: Senators Bottiger, Fleming, Francis, Herr, Jones, Keefe—6.

## MOTION

On motion of Senator Sandison, the appointment of GARY OLSON as a member of the Board of Trustees, Community College District No. 14, Clark Community College, was confirmed.

## APPOINTMENT OF GARY OLSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

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

Excused: Senators Bottiger, Fleming, Francis, Herr, Jones, Keefe—6.

## MOTION

On motion of Senator Sandison, the appointment of PAT RICHARDSON as a member of the Board of Trustees, Community College District No. 20, Walla Walla Community College, was confirmed.



## APPOINTMENT OF PAT RICHARDSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

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

Excused: Senators Bottiger, Fleming, Francis, Herr, Jones, Keefe—6.

## MOTION

On motion of Senator Sandison, the appointment of JANE ROMANO as a member of the Board of Trustees, Community College District No. 18, Big Bend Community College, was confirmed.

## APPOINTMENT OF JANE ROMANO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

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

Excused: Senators Bottiger, Fleming, Francis, Herr, Jones, Keefe—6.

## MOTION

On motion of Senator Sandison, the appointment of DR. SPENCER W. SHAW as a member of the Board of Trustees, Community College District No. 10, Green River Community College, was confirmed.

## APPOINTMENT OF DR. SPENCER W. SHAW

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

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

Excused: Senators Bottiger, Fleming, Francis, Herr, Jones, Keefe—6.

## MOTION

On motion of Senator Sandison, the appointment of SHIRLEY SMITH as a member of the Board of Trustees, Community College District No. 13, Lower Columbia Community College, was confirmed.

## APPOINTMENT OF SHIRLEY SMITH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis

(Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Excused: Senators Bottiger, Fleming, Francis, Herr, Jones, Keefe—6.

#### MOTION

On motion of Senator Sandison, the appointment of CLAIRE THOMAS as a member of the Board of Trustees, Community College District No. 8, Bellevue Community College, was confirmed.

#### APPOINTMENT OF CLAIRE THOMAS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

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

Excused: Senators Bottiger, Fleming, Francis, Herr, Jones, Keefe—6.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 4, 1976.

**ENGROSSED HOUSE BILL NO. 1403**, authorizing state general obligation bonds for department of social and health services facilities (reported by Committee on Ways and Means):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Jones, Marsh, Matson, Murray, Newschwander, Sandison, Washington.

Passed to Committee on Rules for second reading.

March 4, 1976.

**ENGROSSED HOUSE BILL NO. 1440**, authorizing bond issue for capital projects at institutions of higher education (reported by Committee on Ways and Means):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Jones, Marsh, Matson, Murray, Newschwander, Sandison, Washington.

Passed to Committee on Rules for second reading.

March 4, 1976.

**HOUSE BILL NO. 1441**, authorizing sale of bonds for capital projects for state community colleges (reported by Committee on Ways and Means):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Jones, Marsh, Matson, Murray, Newschwander, Sandison, Washington.

Passed to Committee on Rules for second reading.

March 4, 1976.

HOUSE BILL NO. 1478, making an appropriation for the department of emergency services (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Jones, Marsh, Matson, Murray, Newschwander, Sandison, Washington.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, March 4, 1976.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 4, 1976, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 3129: Broadening categories of electric power producers which may participate in joint power projects.

SUBSTITUTE SENATE BILL NO. 3158: Making an appropriation to the Washington wing civil air patrol.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

#### MESSAGE FROM THE HOUSE

March 4, 1976.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 90,

SUBSTITUTE HOUSE BILL NO. 1366,

HOUSE BILL NO. 1496, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 90,

SUBSTITUTE HOUSE BILL NO. 1366,

HOUSE BILL NO. 1496.

#### MOTIONS

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

On motion of Senator Walgren, Engrossed House Bill No. 1624 will be considered following Senate Bill No. 3246.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3246.

#### SECOND READING

SENATE BILL NO. 3246, by Senator Donohue:

Making changes in the laws relating to retirement systems authorized pursuant to general laws of the state.

## MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 3246 was substituted for Senate Bill No. 3246 and the substitute bill was placed on second reading and read the second time in full.

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

On page 1, after section 3, beginning on line 27, add sections as follows:

**"NEW SECTION.** Sec. 4. As used in this chapter, unless the context clearly indicates otherwise:

- (1) "Department" means the department of retirement systems;
- (2) "Director" means the director of the department of retirement systems.

**NEW SECTION.** Sec. 5. There is created a department of state government to be known as the department of retirement systems. The executive and administrative head of the department shall be the director, who shall be appointed by the governor with the consent of the senate. The director shall serve at the pleasure of the governor and may be removed upon written notification by the governor to the respective retirement boards.

The director shall have complete charge of and supervisory powers over the department and shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate at which time he shall present to that body the name of the person appointed to the position of director.

**NEW SECTION.** Sec. 6. On the effective date of this 1976 amendatory act, there is transferred to the department of retirement systems, except as otherwise provided in this chapter, all powers, duties, and functions of:

- (1) The Washington public employees' retirement system and the retirement board thereof;
  - (2) The Washington state teachers' retirement system and the board of trustees thereof;
  - (3) The Washington law enforcement officers' and fire fighters' retirement system and the retirement board thereof;
  - (4) The Washington state patrol retirement system and the retirement board thereof;
  - (5) The Washington judicial retirement system and the retirement board thereof;
- and
- (6) The state treasurer with respect to the administration of the judges' retirement fund imposed pursuant to chapter 2.12 RCW.

**NEW SECTION.** Sec. 7. This chapter shall not affect the manner for selecting members of the boards affected by section 4 of this amendatory act, nor shall it affect the terms of any members serving on such boards.

**NEW SECTION.** Sec. 8. The director shall:

- (1) Have the authority to organize the department into not more than three divisions, each headed by an assistant director;
- (2) Have free access to all files and records of various funds assigned to the department for investment purposes and inspect and audit the files and records as deemed necessary;
- (3) Prepare written monthly reports summarizing the investment and bond management activities of the department, which reports shall be sent to the governor, to ways and means committees of the house and senate, to members of the finance advisory committee, to all agencies having a direct financial interest in the investment of funds or issuance and sale of bonds by the director, and to other persons on request;
- (4) Employ personnel to carry out the general administration of the department;
- (5) Submit an annual written report of the activities of the department to the governor and the legislature, including recommendations for statutory changes the director believes to be desirable;
- (6) Adopt such rules and regulations as are necessary to carry out the powers, duties, and functions of the department pursuant to the provisions of chapter 34.04 RCW.

**NEW SECTION.** Sec. 9. The director may delegate the performance of such powers, duties, and functions, other than those relating to rule making, to employees of the department, but the director shall remain and be responsible for the official acts of the employees of the department.

The director shall be responsible for the public employees' retirement system, the teachers' retirement system, the judicial retirement system, the law enforcement officers' and fire fighters' retirement system, and the Washington state patrol retirement system.

**NEW SECTION.** Sec. 10. In addition to the exemptions set forth in RCW 41.06.070, the assistant directors, not to exceed two, and an internal auditor shall also be exempt from the application of the state civil service law, chapter 41.06 RCW.

The officers and personnel appointed by the director pursuant to this section shall be paid salaries fixed by the governor in accordance for the procedure established by law for fixing salaries for officers exempt from the operation of the state civil service law.

All employees and personnel classified under chapter 41.06 RCW and engaged in duties pertaining to the functions transferred by this chapter shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state merit system.

**NEW SECTION.** Sec. 11. The director, with the approval of the respective boards, shall provide for the investment of all funds of the Washington public employees' retirement system, the teachers' retirement system, the Washington law enforcement officers' and fire fighters' retirement system, the Washington state patrol retirement system, the Washington judicial retirement system, and the judges' retirement fund, pursuant to RCW 43.84.150, and shall authorize the state finance committee to execute all such transactions.

**NEW SECTION.** Sec. 12. (1) Except as otherwise provided in this section, on the effective date of this 1976 amendatory act, the department shall succeed to and is vested with all powers, duties, and functions now or by any concurrent act of this 1976 legislature vested in the individual retirement boards set forth in section 4 of this amendatory act relating to the administration of their various retirement systems, including but not limited to the power to appoint a staff and define the duties thereof: **PROVIDED**, That actuarial services required by the department shall be performed by the state actuary as provided in section 24 of this amendatory act.

(2) The department shall keep each retirement board fully informed on the administration of the corresponding retirement system, and shall furnish any information requested by a retirement board.

(3) Rules proposed by the director under RCW 2.10.050, 2.10.070, 41.26.060, 41.32.160, 41.40.020, or 43.43.140 shall be submitted to the appropriate retirement boards for review prior to adoption. After receiving approval of the members of the appropriate board, such rules shall become effective as provided by the Administrative Procedure Act, chapter 34.04 RCW.

(4) Each retirement board shall continue to perform all functions as are vested in it by law with respect to applications for benefits paid upon either temporary or permanent disability, with such staff assistance from the department as may be required.

**NEW SECTION.** Sec. 13. All proposed legislation to be submitted by a retirement board as a departmental request shall be first submitted to the director for evaluation. The director shall obtain an initial actuarial estimate of the costs on each system of the changes contained in the proposed legislation as if the legislation were applicable to each system. The results of such estimate shall be then transmitted to the retirement board which has requested the proposed legislation. The board may modify its legislative proposal into final form for introduction as a bill on the basis of the estimate. The final form of the legislative proposal shall be returned to the director who shall obtain a final actuarial estimate of the costs applied in the same manner as the initial estimate. On or before September 1, the director shall transmit the final legislative proposal together with the actuarial estimates to the governor for consideration in his budget requests and to the chairmen of the ways and means committees of the legislature.

**NEW SECTION.** Sec. 14. If apportionments of budgeted funds are required because of the transfers herein authorized, the director of the office of program planning and fiscal management shall certify such apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustment in funds and appropriation accounts and equipment records in accordance with such certification.

**NEW SECTION.** Sec. 15. On the effective date of this 1976 amendatory act, all rules and regulations, and all pending business before any of the retirement boards whose powers, duties, and functions are transferred to the department by this chapter shall be continued and acted upon by the department.

All existing contracts and obligations pertaining to the functions herein transferred shall remain in full force and effect, and shall be performed by the department. None of the transfers directed by this chapter shall affect the validity of any act performed by a retirement board or by any official or employee thereof prior to the effective date of this 1976 amendatory act.

None of the transfers involving investment of funds by any of the retirement boards shall affect the validity of any act performed by such boards or by any official or employee thereof prior to the effective date of this 1976 amendatory act.

**NEW SECTION.** Sec. 16. All reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions transferred by this chapter shall be made available to the department and to the state actuary.

All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers, duties, and functions transferred by this chapter shall be made available to the department.

All funds, credits, or other assets held in connection with powers, duties, and functions transferred by this chapter shall be assigned to the department.

Any appropriations made to any committee, division, board, or any other state agency for the purpose of carrying out the powers, duties, and functions transferred by this chapter shall on the effective date of this 1976 amendatory act, be transferred and credited to the department for the purpose of carrying out such transferred powers, duties, and functions.

**NEW SECTION.** Sec. 17. The disclosure or use of names and addresses of persons entitled to or receiving benefits from the retirement systems transferred to the department by the provisions of this chapter by any person other than authorized personnel of the department and legislative committees for purposes directly related to the administration of such retirement systems or the study of the retirement systems is prohibited except upon application to and approval by the superior court of Thurston county. Violation of this section by any person including any unauthorized public official shall be a gross misdemeanor punishable by either a year in county jail or a fine of one thousand dollars or by both.

**NEW SECTION.** Sec. 18. Nothing in this chapter nor in the amendment of RCW 43.17.010, 43.17.020, or 43.33.070 shall be construed to affect any existing rights acquired under RCW 43.17.010, 43.17.020, or 43.33.070 except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency or division thereof nor any transfer of powers, duties, and functions as provided in this chapter shall affect the validity of any act performed by such agency or division thereof or any officer thereof prior to the effective date of this 1976 amendatory act.

**NEW SECTION.** Sec. 19. Nothing contained in this chapter shall be construed to alter any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the personnel board as provided by law.

**NEW SECTION.** Sec. 20. Sections 4 through 19 of this amendatory act shall constitute a new chapter in Title 41 RCW.

**NEW SECTION.** Sec. 21. (1) There is hereby created an office within the legislative branch to be known as the office of the state actuary.

(2) The executive head of the office shall be the state actuary who shall be qualified by education and experience in the field of actuarial science and shall be a member of the American Academy of Actuaries. Such person shall be appointed by a special committee of the legislature consisting of: (a) Three members of the senate selected by the president, two of whom shall be members of the majority party and one of whom shall be a member of the minority party; and (b) three members of the house of representatives selected by the speaker, two of whom shall be members of the majority party and one of whom shall be a member of the minority party. The original appointment shall be made not later than ninety days after the effective date of this 1976 amendatory act. A two-thirds vote of the committee shall be required to make the appointment.

(3) If a vacancy occurs in the position of state actuary it shall be filled in the same manner as the original appointment.

**NEW SECTION.** Sec. 22. The state actuary shall be appointed for a term of five years and hold office until a successor is appointed and qualified and a person holding the office of state actuary shall be ineligible for reappointment to such office.

**NEW SECTION.** Sec. 23. The state actuary shall have the authority to select and employ such research, technical, clerical personnel, and consultants as the actuary deems necessary, whose salaries shall be fixed by the actuary and who shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

**NEW SECTION.** Sec. 24. The state actuary shall have the following powers and duties:

(1) Perform all actuarial services for the department of retirement systems, including all studies required by law. Reimbursement for such services shall be made to the state actuary pursuant to the provisions of RCW 39.34.130 as now or hereafter amended.

(2) Advise the legislature and the governor regarding the benefit provisions, funding policies, and investment policies of the department of retirement systems.

(3) Consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.

(4) Prepare a report on each pension bill introduced in the legislature which shall briefly explain the financial impact of the bill.

(5) Provide such actuarial services to the legislature as may be requested from time to time.

**NEW SECTION.** Sec. 25. Sections 21 through 24 of this amendatory act shall constitute a new chapter in Title 44 RCW.

Sec. 26. Section 1, chapter 11, Laws of 1971 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of highways, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and economic development, [and] (11) the department of revenue, and (12) the department of retirement systems, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 27. Section 2, chapter 11, Laws of 1971 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the director of highways, (8) the director of motor vehicles, (9) the director of general administration, (10) the director of commerce and economic development, [and] (11) the director of revenue, and (12) the director of retirement systems.

Such officers, except the director of highways and the director of game, shall be

appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director of highways shall be appointed by the state highway commission, and the director of game shall be appointed by the game commission.

Sec. 28. Section 9, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.33.070 are each amended to read as follows:

In addition to its other powers and duties as may be prescribed by law, the investment advisory committee shall:

(1) Make recommendations as to general investment policies, practices, and procedures to the [board of the Washington public employees' retirement system as constituted under RCW 41.40.030 and 41.26.050 and to the board of trustees of the Washington state teachers' retirement system,] *director of retirement systems* regarding those retirement funds for which [they] *the various retirement boards* are designated trustees [.] ;

(2) Make recommendations as to general investment policies, practices, and procedures regarding all other investment funds to the state finance committee.

[Such boards of trustees] *The director of retirement systems* and the state finance committee shall make the financial decision regarding the advice and recommendations submitted by the investment advisory committee."

Renumber the remaining sections consecutively.

#### POINT OF ORDER

Senator Talley: "Mr. President. Thank you, Senator Mardesich, for the courtesy. I would like to raise the subject of scope and object. The amendment certainly enlarges this bill."

#### MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 3246, together with the pending amendment by Senators Mardesich and Walgren and the Point of Order by Senator Talley, was ordered placed on the second reading calendar today following consideration of Senate Joint Resolution No. 139.

On motion of Senator Walgren, Engrossed House Bill No. 1624 will be considered following Substitute Senate Bill No. 3246.

#### SECOND READING

SENATE BILL NO. 3281, by Senator Newschwander:

Repealing the laws relating to narcotics addiction and the laws relating to the state narcotic farm colony.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 3281 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3281, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

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

Absent or not voting: Senator Goltz—1.



Excused: Senators Fleming, Francis, Herr, Jones, Keefe—5.

SENATE BILL NO. 3281, having received the constitutional 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 11:40 a.m., on motion of Senator Matson, the Senate was declared to be at ease subject to the Call of the President.

At 12:45 p.m., the President announced the Senate would be at ease until 4:00 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 4:00 p.m.

#### MOTION

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

#### REPORT OF CONFERENCE COMMITTEE

March 5, 1976.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1345, providing for a priority program of education, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to propose the following:

Strike all of the Senate amendments and substitute the following:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

(1) It shall be the intent and purpose of this 1976 act to direct the office of superintendent of public instruction to conduct standardized reading, mathematics, and language arts achievement level surveys of approximately two thousand students distributed throughout the state in each of the grade levels eight and eleven during such testing cycles as provided for in subsection (2) of this section. The survey testing shall be based on a statistical random sample of students from these grade levels sufficient to generalize about all of the students at each of the selected grade levels from the state's school districts. The purpose of these surveys is to allow the public and the legislature to evaluate how Washington students in these grades compare to students in the same grades tested in other comparable national achievement surveys. The office of superintendent of public instruction shall coordinate such tests and provide such information as obtained therefrom to the legislature no less often than once every four years.

(2) The superintendent of public instruction shall prepare a report to the legislature on the achievement levels of students in grades eight and eleven based on the achievement level surveys conducted in the 1975-77 biennium and for each of the subsequent testing cycles as designated by the superintendent of public instruction's office. Such report shall include a comparison of the achievement levels attained by Washington students to the levels attained by students outside of the state, with special emphasis placed on the basic skills of reading, mathematics, and language arts. Such report shall also focus on appropriate input variables and comparisons of variables reported by other states' testing programs.

(3) Results of the first survey test shall be made available to the school districts and the legislature no later than June 30, 1977.

(4) In addition to the survey testing for grades eight and eleven as set forth in this 1976 act, every school district is encouraged to test pupils in grade two by an assess-

ment device designed or selected by the local school districts: This test shall be used to help teachers in identifying those pupils in need of assistance in the skills of reading, writing, mathematics, and language arts. The test results are not to be compiled by the superintendent of public instruction, but are only to be used by the local school district.

(5) The superintendent of public instruction shall prepare, with the assistance of local school districts, and conduct a standardized achievement test to be given annually to all pupils in grade four. The test shall assess students' skills in reading, mathematics, and language arts and shall focus upon appropriate input variables. Results of such tests shall be compiled by the superintendent of public instruction, who shall make those results available annually to the legislature, to all local school districts and subsequently to parents of those children tested. The results shall allow parents to ascertain the achievement levels and input variables of their children as compared with the other students within the district, the state and, licable, the nation.

**NEW SECTION.** Sec. 2. There is hereby appropriated to the superintendent of public instruction the sum of three hundred thousand dollars from the state general fund to be expended only in the amount necessary and exclusively for implementing the provisions of this 1976 amendatory act.

**NEW SECTION.** Sec. 3. This 1976 amendatory act shall take effect on July 1, 1976."

On page 1, line 1 of the title strike all the material down to and including "date" on line 5 and insert the following:

"AN ACT Relating to education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; making an appropriation; and providing an effective date"

Signed by: Senators North, Odegaard and Stortini; Representatives Bauer, Bender and Dunlap.

#### MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Substitute House Bill No. 1345.

#### MOTIONS

On motion of Senator Knoblauch, Senators McDermott and Ridder were excused.

On motion of Senator Walgren, the Senate commenced consideration of Senate Joint Resolution No. 139.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 139, by Senators Bluechel, Mardesich, Francis, Grant, Day, Lewis (Harry), Donohue, Peterson, North; Goltz, Odegaard, Morrison, Gould, Jones, Benitz, Matson, Murray, Buffington, Scott and Jolly:

Amending the Constitution to permit all legislators to receive the same salary in 1977.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Joint Resolution No. 139 was substituted for Senate Joint Resolution No. 139 and the substitute resolution was placed on second reading and read the second time in full.

Senator Mardesich moved adoption of the following amendment:

On line 5, after "to" strike everything down to and including the colon on line 7 and insert "Article II of the Constitution of the state of Washington by repealing section 13 thereof and by amending section 25 (Amendment 35) thereof as follows:"

Following line 17 insert a new paragraph as follows:

"Article II, section 13, is hereby repealed."

Debate ensued.

## POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Washington yield to a question, please? Senator Washington, I know we are all interested in the fairest method of going about this and I wonder if you would give us your personal comments upon a merit increase plan."

Senator Washington: "I don't think we are talking about that at the present time."

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

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Joint Resolution No. 139 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 139, and the resolution passed the Senate by the following vote: Yeas, 39; nays, 4; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—39.

Voting nay: Senators Cunningham, Lewis (Harry), Pullen, Wilson—4.

Excused: Senators Fleming, Francis, Herr, Keefe, McDermott, Ridder—6.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 139, having received the constitutional two-thirds majority, was declared passed.

## MOTION

On motion of Senator Walgren, the Senate resumed consideration of Substitute Senate Bill No. 3246.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 3246, by Committee on Ways and Means (originally sponsored by Senator Donohue):

Making changes in the laws relating to retirement systems authorized pursuant to general laws of the state.

The Senate resumed consideration of Substitute Senate Bill No. 3246. Earlier today, an amendment by Senators Mardesich and Walgren had been moved for adoption. Senator Talley had raised a Point of Order and on motion of Senator Walgren, the bill had been held pending a Ruling by the President.

There being no objection, the Point of Order by Senator Talley was withdrawn.

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

On page 2, line 14, after "section" strike "4" and insert "6"

On page 4, line 7, after "section" strike "4" and insert "6"

On motion of Senator Mardesich, the following amendments to the amendment by Senators Mardesich and Walgren were considered and adopted simultaneously:

On page 2, line 19, strike "three" and insert "two".

On page 3, line 18, after "and" insert "exempt"

On page 3, line 20, strike "for" and insert "with"

On page 3, line 24, strike "and personnel"

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

On page 7, section 21, line 23 after "shall be" insert "a fellow in the American society of actuaries and":

Debate ensued.

The motion by Senator Scott failed and the amendment to the amendment was not adopted on a rising vote.

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

On page 7, line 43, strike "five" and insert "seven".

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Scott yield to a question? Senator Scott, the original term proposed was five years and that person became ineligible to serve any longer. They are raising it from five to seven years and the person will still be ineligible to serve after the seven years. My question is this: where do these people come from? Are they independent practitioners or are they in firms?"

Senator Scott: "Senator Rasmussen, in line with the previous amendment that we just looked at, the actuary would be chosen from those persons who are associates in the American Society of Actuaries and have reached that level of competency."

Senator Rasmussen: "That wasn't my question. They may be an associate, or a fellow, or a good fellow but are they practicing independently or are most of them in large actuarial firms?"

Senator Scott: "I think that you had best refer to Senator Clarke or someone else, Senator Mardesich. The question by Senator Rasmussen is where is this individual likely to come from? Is he going to come as an independent practitioner from a large firm?"

Senator Mardesich: "A member of the academy? I would assume he could come from wherever he might. It could be a firm, he could be an individual practicing as an actuary, he could come from the State of Washington, he could come from some other state, I would assume. We will leave that open to the members of the legislature to make the determination from those applicants who applied for the job once the position was advertised."

Senator Rasmussen: "That is why I asked the question. You are on the committee, Senator Mardesich. You picked a part of the committee. You picked that actuary and seven years from now under Senator Scott's amendment another group would be here so the logical thing would be — that individual would be ineligible — but to pick somebody else from that firm that he may be a partner in, and there are no restrictions against partnerships or any other associations within the firm, so you would have one firm continuing on. It would be a possibility."

Senator Mardesich: "I assume that is a possibility but of course, that firm could not be dealing with the state as a consultant with respect to pension programs under the conflicts law."

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Mardesich yield to a question? Senator Mardesich, on page four, line twenty-seven, 'Each retirement board shall continue to perform all functions. Those are vested in it by law with respect to applications for benefits paid upon either a temporary or a permanent disability with such staff assistance from the department as may be required.' What does that section mean? Does that mean that this is the only powers that the board has?"

Senator Mardesich: "No, that does not. If you will look up above on that same page — at the top of the page, you will note that they keep their powers and those powers relating to the administration of the various retirement systems are those which will be handled by the director. This measure leaves with the board those authorities which they now have. That follows all through the rest of that page.

"There is one further distinction which I might make with respect to bills which are introduced relating to retirement systems. With respect to bills introduced affecting any retirement system, the actuary will cause a review to be made and that review must consider not only the effect on the system which is affected by the change. In other words, if there is a change proposed for PERS, he must not only show us the actuarial effect on that system but he must also consider the other systems and show us the actuarial effect on the other systems for the same amendment to be adopted by those other systems. That, of course, is to clarify for us the full impact of the leap-frogging effect which we have tried to avoid. That does not happen under the law today and that is one place

where this goes beyond the law today. We would have an actuarial report. That report would indicate the effect on the total system and then once those retirement board members have proposed a change, presented it to the director, and the actuary passed on to the legislature for consideration. That is one change from the law today."

The motion by Senator Scott carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be adoption of the amendment by Senators Mardesich and Walgren, as amended.

Debate ensued.

#### POINT OF INQUIRY

Senator Goltz: "Will Senator Mardesich yield to a question? Senator Mardesich, I recall during the last session that there was a bill which did essentially at least some of the features of this particular bill. Could you explain — I supported that bill at that time — the ways in which this amendment differs from that bill in any substantive way?"

Senator Mardesich: "The primary difference may be found on page four in which boards retain all the authority they now have. That last bill transferred much of the authority of the boards to the new department, the new director, and that of course is the prime difference. It leaves with the boards the complete review and right to approval of all rule-making by the director. The director cannot impose rules and regulations and adopt them without approval from the boards of the various systems and the boards retain all the control they used to have with respect to investments and all other authority that they had. So, it is quite different. It really gets down to mere consolidation of administrative functions."

#### POINT OF INQUIRY

Senator Talley: "Will Senator Walgren yield? Senator Walgren, I understand you are joining now as a sponsor of those amendments."

Senator Walgren: "That is correct."

Senator Talley: "And, in your opinion, this does not way consolidate any of the pension systems?"

Senator Walgren: "Senator Talley, all I can reiterate is the statement that has been made here on the floor by Senator Mardesich in response to other questions and also an argument with regard to the adoption of this amendment. It is a consolidation matter. It does not go beyond that."

Senator Talley: "Senator Walgren, I have no question what Senator Mardesich said. I am trying to get you to make the same statement."

Senator Walgren: "I endorse the statement that was made by Senator Mardesich."

#### POINT OF INQUIRY

Senator Murray: "Will Senator Mardesich yield to a question? Senator Mardesich, is the intent of this amendment to eliminate, at least eventually, the consulting actuary that we currently employ?"

Senator Mardesich: "The consulting actuary that we currently employ could be retained and probably would be retained because he does have the background on the system. At some future time it is very possible that some other actuary might be called in as a consultant. That could happen."

Senator Murray: "But the state actuary would not replace the outside consulting actuary that normally sets our evaluations for us, our actuarial standards?"

Senator Mardesich: "Not necessarily — but it could."

Senator Murray: "Then, further, under new section twenty-four, on page eight, item number three — under the powers of the state actuary it says, 'consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.' Now, I point out that this says the power of the state actuary will be to consult with the legislature and the governor concerning the actuarial assumptions. Is the intent of this bill that the governor and the legislature would then make the actuarial assumptions?"

Senator Mardesich: "I would say the answer to that would be at least the legislature would know. We would receive a report so that we would know what items are going into determining the actuarial soundness of the system. If the consultant comes in or the director comes in and says 'we are assuming a fifteen percent inflation rate from now on in the system, then it is up to the legislature to react to what it considers that to be, logical or illogical, and suggest that perhaps something should be done about it, and in fact, we could direct other approaches if we desired to. I don't think the legislature wants to get into the position of making all these determinations that an actuary makes. However, we will be in the position of at least reviewing those assumptions to see are they reasonable."

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained by Senators Washington, Herr, Grant, Murray, von Reichbauer, Goltz, Wilson, Mardesich and Marsh.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Mardesich and Walgren, as amended.

#### ROLL CALL

The Secretary called the roll and the amendment by Senators Mardesich and Walgren, as amended, was adopted by the following vote: Yeas, 38; nays, 6; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Woody—38.

Voting nay: Senators Herr, Murray, Rasmussen, Talley, Washington, Wilson—6.

Excused: Senators Fleming, Francis, Keefe, McDermott, Ridder—5.

#### MOTION

On motion of Senator Walgren, Substitute Senate Bill No. 3246, as amended, was ordered to hold its place on the second reading calendar for Saturday, March 6, 1976.

#### MOTION

At 5:15 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Saturday, March 6, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**SIXTY-FIRST DAY****MORNING SESSION**

Senate Chamber, Olympia, Saturday, March 6, 1976.

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, Francis, Keefe, McDermott and Ridder. On motion of Senator Knoblauch, Senators Fleming, Francis, Keefe and Ridder were excused. On motion of Senator Goltz, Senator McDermott was excused.

The Color Guard, consisting of Pages Joseph Noegel and Laurie Pinard, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"AS THIS SESSION DRAWS TO A CLOSE, OUR FATHER, WE ARE REMINDED HOW DIFFICULT AND THANKLESS IS THAT JOB WHERE TO RESPOND TO THE NEEDS OF ONE SEGMENT OF SOCIETY IS TO INVITE THE ANATHEMAS OF ANOTHER. ENCOURAGE, THEN, TODAY THE MEMBERS OF THIS CHAMBER WHO, THOUGH UNABLE TO MAKE SOMETHING OUT OF NOTHING, ARE BUDGETING RESPONSIBLY SUCH RESOURCES AS ARE AVAILABLE. BE WITH THEM NOW AS THEY RETURN TO THEIR ATTACK ON UNRESOLVED ISSUES. HELP THEM TO WORK OUT REASONABLE COMPROMISES WHERE DIFFERENCES ARE FIRMLY ENTRENCHED AND WHEN THE CURTAIN IS FINALLY RUNG DOWN, GIVE THEM JOURNEYING MERCIES TO THEIR SEVERAL DISTRICTS WHERE THE GRASS HAS JUST GOT TO LOOK A LOT GREENER. AMEN."

**MOTION**

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

**REPORT OF STANDING COMMITTEE**

March 5, 1976.

**SENATE BILL NO. 3278**, authorizing general assistance for categories of unemployed, employable persons (reported by Committee on Social and Health Services):

**MAJORITY** recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Gould, Herr, North, Van Hollebeke.

**MOTIONS**

On motion of Senator Day, the rules were suspended and Senate Bill No. 3278 was advanced to second reading and read the second time in full.

On motion of Senator Day, Senate Bill No. 3278 was ordered held on the second reading calendar.

**REPORT OF STANDING COMMITTEE**

March 5, 1976.

**HOUSE JOINT RESOLUTION NO. 5**, amending the Constitution to change the amendment process thereof (reported by Committee on Constitution and Elections):

**MAJORITY** recommendation: Do pass as amended.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Stortini, Washington.

Passed to Committee on Rules for second reading.

## MESSAGES FROM THE HOUSE

March 5, 1976.

Mr. President: The Speaker has signed:

SENATE BILL NO. 3026,

SENATE BILL NO. 3036,

SENATE BILL NO. 3091, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 5, 1976.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 1340, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

March 5, 1976.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 1311 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

## INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 51, by Representative Valle:

Suspension of Engrossed Senate Concurrent Resolution No. 125 for consideration of House Bill No. 1612.

## MOTIONS

On motion of Senator Washington, the rules were suspended, House Concurrent Resolution No. 51 was advanced to second reading and read the second time in full.

On motion of Senator Washington, the rules were suspended, House Concurrent Resolution No. 51 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 1612.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1612, by Committee on Ecology (originally sponsored by Representative Valle):

Authorizing local governments to adopt certain rules by reference.

The bill was read the second time by sections.

On motion of Senator Washington, the rules were suspended, Substitute House Bill No. 1612 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 Rasmussen, the rules were suspended and Substitute House Bill No. 1612 was returned to second reading.

On motion of Senator Rasmussen, Substitute House Bill No. 1612 was ordered held on the second reading calendar.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 1342.



## SECOND READING

HOUSE BILL NO. 1342, by Representatives Tilly, Hayner and Barnes:  
Establishing procedures for payment of costs by convicted criminal defendants.

The bill was read the second time by sections.

On motion of Senator Marsh the rules were suspended, House Bill No. 1342 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1342, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

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

Excused: Senators Fleming, Francis, Keefe, McDermott, Ridder—5.

HOUSE BILL NO. 1342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3278.

## SECOND READING

SENATE BILL NO. 3278, by Senator Donohue (by Department of Social and Health Services request):

Authorizing general assistance for categories of unemployed, employable persons.

Earlier today, the committee report was read and on motion of Senator Day, the rules were suspended and Senate Bill No. 3278 was advanced to second reading and read the second time in full.

On motion of Senator Day the rules were suspended, Senate Bill No. 3278 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3278, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

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

Excused: Senators Fleming, Francis, Keefe, McDermott, Ridder—5.

SENATE BILL NO. 3278, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2537.

## SECOND READING

SENATE BILL NO. 2537, by Senator Walgren:  
Relating to motor vehicles.

## REPORT OF STANDING COMMITTEE

February 27, 1976.

SENATE BILL NO. 2537, relating to motor vehicles (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

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

"Section 1. Section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 297, Laws of 1975 1st ex. sess. and RCW 46.16.380 are each amended to read as follows:

Any person who shall submit satisfactory proof to the director that he or she has lost both of his or her lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair *or who has lost both hands*, shall be entitled to receive a special card to be left in a vehicle in a conspicuous place, bearing distinguishing marks, letters or numerals indicating that the vehicle is being used to transport such a privileged person. Such a privileged person shall also be entitled to receive for one motor vehicle only, a special decal to be affixed to the vehicle in a conspicuous place, designated by the director, bearing distinguishing marks, letters or numerals indicating that the vehicle is owned by or primarily used for such a privileged person. Whenever such owner transfers or assigns his interest in such vehicle, the special decal shall be removed. Such person shall immediately surrender the decal to the director together with a notice of the transfer of interest in such vehicle. If another vehicle is acquired by, or for the primary use of, such person, a new decal shall be issued by the director. Application for renewal, except for the permanently disabled who shall be issued a permanent card, must be made by January 10th of each renewal year together with satisfactory proof of the right to continued use of such special card and decal. No additional fees shall be charged for the issuance of such special card and decal. The director shall promulgate such rules and regulations as he deems necessary to carry into effect this section.

Any unauthorized use of such distinguishing card and decal shall constitute a gross misdemeanor.

Sec. 2. Section 2, chapter 128, Laws of 1961 as amended by section 2, chapter 297, Laws of 1975 1st ex. sess. and RCW 46.61.580 are each amended to read as follows:

Any person who has lost both of his or her lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled, as to be unable to move without the aid of crutches or a wheelchair, *or who has lost both hands*, shall be allowed to park a vehicle being used to transport such person for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted. This section shall have no application to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. Such person shall not be permitted the foregoing privilege unless he obtains and displays a distinguishing card or decal as provided in RCW 46.16.380.

**NEW SECTION.** Sec. 3. This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On line 1 of the title after "vehicles" and before the period insert "; amending section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 297, Laws of 1975 1st ex. sess. and RCW 46.16.380; amending section 2, chapter 128, Laws of 1961 as amended by section 2, chapter 297, Laws of 1975 1st ex. sess. and RCW 46.61.580; and declaring an emergency"

Signed by: Senators Henry, Chairman; Bottiger, Vice Chairman; Beck, Benitz, Bluechel, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Stortini, Talley, Walgren, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendment was adopted.

On motion of Senator Rasmussen, the committee amendment to the title was adopted.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 2537 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2537, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

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

Absent or not voting: Senator Guess—1.

Excused: Senators Fleming, Francis, Keefe, McDermott, Ridder—5.

ENGROSSED SENATE BILL NO. 2537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### REPORT OF STANDING COMMITTEE

March 5, 1976.

SENATE BILL NO. 2700, setting salaries of legislators (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

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

Passed to Committee on Rules for second reading.

#### MOTION

At 10:55 a.m., on motion of Senator Marsh, the Senate recessed until 12:15 p.m.

#### NOON SESSION

The President called the Senate to order at 12:15 p.m.

#### MOTION

On motion of Senator Marsh, the Senate resumed consideration of Substitute House Bill No. 1612.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1612, by Committee on Ecology (originally sponsored by Representative Valle):

Authorizing local governments to adopt certain rules by reference.

The Senate resumed consideration of Substitute House Bill No. 1612. Earlier today, on motion of Senator Rasmussen, the rules were suspended and Substitute House Bill No. 1612 was returned from third reading to second reading.

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

On page 1, line 22, after "ecology" insert ": PROVIDED, That any proposal for a rule, ordinance or resolution which would adopt by reference rules and guidelines or model ordinances pursuant to this section shall be accompanied by the full text of the material to be adopted which need not be published but shall be maintained on file for public use and examination"

On page 1, beginning on line 29, strike the entire subsection (4) through page 2, line 3.

On motion of Senator Washington, the rules were suspended, Substitute House Bill No. 1612, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1612, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 6; excused, 4.

Voting yea: Senators Bailey, Beck, Bénitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—39.

Absent or not voting: Senators Bluechel, Morrison, Pullen, Scott, Sellar, Wana-maker—6.

Excused: Senators Fleming, Keefe, McDermott, Ridder—4.

SUBSTITUTE HOUSE BILL NO. 1612, as amended by the Senate, having received the 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, Senator Lewis (R. H. "Bob"), was excused.

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 1314.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1314, by Representative Bauer:

Limiting school board responsibility to provide detailed descriptions of rights and responsibilities of teachers to those with respect to discipline of pupils.

#### REPORT OF STANDING COMMITTEE

February 27, 1976.

ENGROSSED HOUSE BILL NO. 1314, limiting school board responsibility to provide detailed descriptions of rights and responsibilities of teachers to those with respect to discipline of pupils (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 5, strike "28A.04.132, section"

On page 1, line 8, before "The" strike "(1)"

On page 1, strike lines 12 through 22

On page 1, strike lines 12 through 22 and on line 11 after "schools." insert "*Such rules and regulations shall authorize a school district to use informal due process procedures in connection with the short term suspension of students to the extent constitutionally permissible: PROVIDED, That the state board deems the interest of students to be adequately protected.*"

On page 2, line 12 after "to" strike everything up to and including "*regulations.*" on line 15 and insert "*the discipline of pupils as prescribed by state [and local] statutory law, superintendent of public instruction and state board of education rules and regulations and rules and regulations of the school district.*"

(3) Suspend, expel, or discipline pupils in accordance with RCW 28A.04.132."

On page 2, strike lines 16 through 34

In line 1 of the title after ";" insert "amending section 2, chapter 268, Laws of 1971 ex. sess. and RCW 28A.04.132;"

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

The bill was read the second time by sections.

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

Senator Stortini moved the following amendments be considered and adopted simultaneously:

On page 2, line 11, after "teachers" insert "*and principals*"

On page 2, after section 3, insert the following new section:

"*NEW SECTION.* Sec. 3. There is added to chapter 28A.58 RCW a new section to read as follows:

Within each school the school principal shall see to it that appropriate student discipline is established and enforced."

Re-number the remaining section consecutively.

On motion of Senator Woody, the following amendment to the amendment by Senator Stortini was adopted:

On line 6 of the amendment strike "see to it" and insert "determine"

The motion by Senator Stortini carried and the amendments, as amended, were adopted.

On motion of Senator Stortini, the committee amendment to the title was adopted.

On motion of Senator Stortini, the following amendment to the title was adopted:

On line 3 of the title after "RCW 28A.58.101" insert "and adding a new section to chapter 28A.58 RCW"

On motion of Senator Stortini, the rules were suspended, Engrossed House Bill No. 1314, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1314, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odgaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van. Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—43.

Absent or not voting: Senator Wanamaker—1.

Excused: Senators Fleming, Keefe, Lewis (R. H. "Bob"), McDermott, Ridder—5.

ENGROSSED HOUSE BILL NO. 1314, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MESSAGE FROM THE HOUSE

March 5, 1976.

Mr. President: The Speaker has signed:

HOUSE-BILL NO. 1311,

HOUSE BILL NO. 1340, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MESSAGE FROM THE HOUSE

March 6, 1976.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1345, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

## REPORT OF FREE CONFERENCE COMMITTEE

March 6, 1976.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1345, providing for a priority program of education, have the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators North, Odegaard and Stortini; Representatives Bauer, Bender and Dunlap.

## MOTION

On motion of Senator Lewis (Harry), Senator Matson was excused.

## MOTION

On motion of Senator North, the report of the Free Conference Committee on Engrossed Substitute House Bill No. 1345 was adopted.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1345, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Holbeke, von Reichbauer, Walgren, Washington, Wilson, Woody—41.

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

Excused: Senators Fleming, Keefe, Lewis (R. H. "Bob"), Matson, McDermott, Ridder—6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1345, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1311,  
HOUSE BILL NO. 1340.

## MESSAGE FROM THE HOUSE

March 6, 1976.

Mr. President: The House has adopted the report of the Conference Committee on REENGROSSED SENATE BILL NO. 3038, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

March 5, 1976.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred REENGROSSED SENATE BILL NO. 3038, supplementing loitering statute as formerly applicable to public and private schools, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order that the reengrossed bill be amended as follows:

On page 1, beginning on line 11, strike all the matter up to and including "amended." on line 30 and insert:

"(1) It shall be unlawful for any person to willfully disobey the order of the chief administrative officer of a public school district, or of an authorized designee of any such administrator, to leave any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district if the person so ordered is committing, threatens to imminently commit or incites another to imminently commit any act which would disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district.

(2) It shall be unlawful for any person to refuse to leave public property immediately adjacent to a building, grounds or property which is owned, operated or controlled by a school district when ordered to do so by a law enforcement officer if such person is engaging in conduct which creates a substantial risk of causing injury to any person, or substantial harm to property, or such conduct amounts to disorderly conduct under RCW 9A.84.030.

(3) Nothing in this section shall be construed to prohibit or penalize activity consisting of the lawful exercise of freedom of speech, freedom of press and the right to peaceably assemble and petition the government for a redress of grievance: PROVIDED, That such activity neither does or threatens imminently to materially disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district, or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district: PROVIDED FURTHER, That such activity is not conducted in violation of a prohibition or limitation lawfully imposed by the school district upon entry or use of any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district.

(4) Any person guilty of violating this section shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not more than five hundred dollars, or imprisoned in jail for not more than six months or both so fined and imprisoned."

Following line 36 on page 2 add a new section as follows:

"NEW SECTION. Sec. 3. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

Signed by: Senators von Reichbauer, Guess and Rasmussen; Representatives Gaspard, Brown and Boldt.

## MOTION

On motion of Senator von Reichbauer, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

## MOTION

Senator Marsh moved the Senate now consider Senate Bill No. 3077.

## SECOND READING

SENATE BILL NO. 3077, by Senator Talley (by Board of Pilotage Commissioners request):

Revising qualifications for pilots in state waters.

MOTION

On motion of Senator Talley, Senate Bill No. 3077 was ordered to hold its place on the second reading calendar for Monday, March 8, 1976.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Sandison, the appointment of REID E. HALE as a member of the Board of Trustees, Community College District No. 9, Highline, was confirmed.

APPOINTMENT OF REID E. HALE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Mardesich, Marsh, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—41.

Absent or not voting: Senators Jones, Wanamaker—2.

Excused: Senators Fleming, Keefe, Lewis (R. H. "Bob"), Matson, McDermott, Ridder—6.

MOTION

Senator Marsh moved the Senate now consider Senate Bill No. 3077.

SECOND READING

SENATE BILL NO. 3077, by Senator Talley (by Board of Pilotage Commissioners request):

Revising qualifications for pilots in state waters.

MOTION

On motion of Senator Lewis (Harry), Senate Bill No. 3077 was ordered to hold its place on the second reading calendar for Monday, March 8, 1976.

MOTION

At 12:50 p.m., on motion of Senator Marsh, the Senate adjourned until 11:00 a.m., Monday, March 8, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



**SIXTY-THIRD DAY****MORNING SESSION**

Senate Chamber, Olympia, Monday, March 8, 1976.

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

The Color Guard, consisting of Pages Matt Durkan and Stefani Gissberg, presented the Colors. Reverend Paul J. Beeman, pastor of First United Methodist Church of Olympia, offered the following prayer:

"DEAR LORD, THE MIRACLE HIT US AGAIN THIS MORNING. WE WOKE UP AND FOUND OURSELVES ALIVE. NONE OF US KNOWS HOW LONG WE ARE GOING TO LIVE, NONE OF US IS EVEN SURE HOW LONG WE WILL BE ABLE TO LEARN, OR THINK, OR LOVE. WE COME TO YOU, THEREFORE, WITH GRATITUDE FOR THIS A NEW DAY IN A NEW WEEK. WE COME TO YOU WITH HAPPY HEARTS FOR BEING ALIVE, ABLE TO THINK AND MOVE, AND SPEAK AND RELATE TO ONE ANOTHER. HELP US IN EACH OF THESE ACTIVITIES TODAY. ESPECIALLY AS THE MEMBERS OF THIS BODY CONSIDER THEIR MANY TASKS, ON THE FLOOR, IN COMMITTEE, WITH LOBBYISTS, AS WELL AS THEIR CONTINUING RESPONSIBILITIES BACK HOME. LET THEIR GRATITUDE FOR LIFE EXPRESS ITS EFFERVESCENCE THROUGH SPEEDY FULFILLMENT OF THE DUTIES OF THIS DAY. GRANT, TOO, WE PRAY THEIR SENSE OF SATISFACTION MAY MATCH BOTH THEIR DREAMS AND THEIR DETERMINATION. THE MIRACLE IS NOW. WE THANK YOU IN THE MASTER'S NAME. SO BE IT."

**MOTION**

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

**PERSONAL PRIVILEGE**

Senator Knoblauch: "Point of personal privilege. Members of the Senate, those of you have always enjoyed my sister's candy, this is my farewell as far as bringing candy to the Senate. I want to make my departure very sweet so when you eat that candy today enjoy it very much because it is the last of the good, home, made fudge."

**MESSAGES FROM THE GOVERNOR**

Office of the Governor, March 5, 1976.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 5, 1976, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 3032: Authorizing public hospital districts broader powers to make contracts.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

Office of the Governor, March 6, 1976.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 6, 1976, Governor Evans approved the following Senate Bills entitled:

SENATE BILL NO. 2742: Authorizing duty related benefits for disabilities for university and state college sworn police officers.

SUBSTITUTE SENATE BILL NO. 3003: Adding new provisions to laws relating to archaeological resources.

SENATE BILL NO. 3040: Making certain changes in the budget and accounting act.

SENATE BILL NO. 3149: Increasing funding of the state toxicological laboratory and directing a percentage increase for such funding each biennium.

SENATE BILL NO. 3257: Authorizing teachers' retirement allowances to be paid from interest earnings on the pension reserve fund for certain years.

SUBSTITUTE SENATE BILL NO. 3267: Implementing 1975 vocational education act.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

#### MESSAGES FROM THE HOUSE

March 6, 1976.

Mr. President: The House has passed:  
ENGROSSED HOUSE BILL NO. 1343,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1405,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1407,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1605, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 6, 1976.

Mr. President: The Speaker has signed:  
HOUSE BILL NO. 1342,  
HOUSE CONCURRENT RESOLUTION NO. 51, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 6, 1976.

Mr. President: The House has passed SENATE CONCURRENT RESOLUTION NO. 127, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1342,  
HOUSE CONCURRENT RESOLUTION NO. 51.

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 127.

## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1343, by Representatives Thompson, Newhouse, Curtis, Blair, Schumaker, Clemente, Douthwaite and Erickson:  
Setting legislator's salaries at \$7200 per year.

## MOTIONS

On motion of Senator Walgren, the rules were suspended and Engrossed House Bill No. 1343 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, Engrossed House Bill No. 1343 was ordered held on the second reading calendar.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379, by Committee on Ways and Means-Revenue (originally sponsored by Representatives Kilbury, Randall and Boldt):

Providing for distribution of taxes levied on certain nuclear powered electric generating facilities.

Referred to Committee on Ways and Means.

## MOTIONS

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

On motion of Senator Walgren, the Senate resumed consideration of Substitute Senate Bill No. 3246.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 3246, by Committee on Ways and Means (originally sponsored by Senator Donohue):

Making changes in the laws relating to retirement systems authorized pursuant to general laws of the state.

The Senate resumed consideration of Substitute Senate Bill No. 3246. On March 5, 1976, an amendment by Senators Mardesich and Walgren, as amended, was adopted.

Senator Mardesich moved adoption of the following amendment:

On page 1, line 18, after "state" insert ": PROVIDED, That subsections (1) and (2) of this section shall not apply to persons who have accumulated less than fifteen years service credit in any such system".

## POINT OF INQUIRY

Senator Rasmussen: "Will Senator Mardesich yield to a question? Senator Mardesich, what you provide is a person who has accumulated less than fifteen years. What about the person that has accumulated fifteen and a half years or sixteen years, is working on a highly skilled job and receiving a fairly high salary, gets disabled, is rehabilitated and comes back on another job, which we try to encourage. The fact of the matter is that it is against the law now to discriminate against those physically disabled — or mentally disabled if they are not too bad."

Senator Mardesich: "The amendment as proposed does not apply to the disabled, if you will look at it, Senator Rasmussen. Subsections one and two apply to retirement other than disability. Subsection three applies to disability, and disability benefits would not disqualify him. The amendment applies solely to subsections one and two and not to three, although it is added, and the language after three is a proviso. It says, in effect, that this proviso, this fifteen years, applies only to subsections one and two. That is the reason for putting it that way."

Senator Rasmussen: "What about three?"

Senator Mardesich: "Well, if he came back then he would not continue to receive his disability allowance."

Senator Rasmussen: "Yes, he could. He could be disabled under the workmen's compensation. He could be in a situation where he is getting a small amount. Work-

men's compensation doesn't make a person whole. It only gives him partial and yet he would be barred forever from increasing his pension benefits. He could come back to work, yes. But he would not be allowed to make himself whole in regards to pension benefits."

Senator Mardesich: "Well, he wouldn't be coming back to work in another pension system, though. If you look at subsection three, all that does is prohibit him from coming back to work under another pension system so he could come back into PERS. That is the distinction. Take a look at section three and all that says is he is estopped from entering, a member of, or incurring any contractual rights whatsoever in any other public retirement system. Of course, the reason for that is the problem we have seen that has come up with respect to the LEFF system and—"

Senator Rasmussen: "I would say that he could not come back even under the PERS system."

Senator Mardesich: "If you will read section three, subsection three, that provides that the only thing he can't do—"

Senator Rasmussen: "Could I go one step further? What would be these sections one, two and three in particular do to the person that is in military service, retired?"

Senator Mardesich: "Well, it does nothing, unfortunately, — we have been through that before. I have no problem, myself, with even having it apply to those people but there are apparently a lot of people who feel that if a person is retired under a public pension system other than a state system that he should not be precluded. It is speaking, I assume, specifically of the military."

Senator Rasmussen: "Well, I could raise the question of railroad retirement."

Senator Mardesich: "That is a public system under U.S."

Senator Rasmussen: "But not a state system."

Senator Mardesich: "Then he would be allowed, that is correct. Then, as I say, I have no problem with that—"

Senator Rasmussen: "What does that do to the constitutionality of equal treatment?"

Senator Mardesich: "I don't think you have any problems with that because setting up conditions under which people should be eligible to the state and be eligible for pension benefits."

Senator Rasmussen: "Well, that is my point. You are saying that people covered under railroad retirement, people covered under civil service federal pensions, people covered under military pensions, all those people could come in, go to work, and earn additional benefits under the PERS system or the teachers or whatever system they may be employed in. Then they would put this restriction against only those people that are residents of this state."

Senator Mardesich: "Not particularly residents of this state but members of the state retirement system. As I say, I am inclined to agree with you but there are those who feel we should not get into other systems because if you apply it to the military, what is the sense of not applying it to a retiree of the Boeing Company or Weyerhaeuser and you go on ad infinitum. That is a subject that should probably be the subject of another bill and be fully debated on the floor but that is a much broader question and this bill does not address itself to that question."

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

#### POINT OF INQUIRY

Senator Grant: "Would Senator Mardesich yield to a question? Senator Mardesich, I think perhaps Senator Rasmussen has raised a good question with regard to subsection three which you have explained. It is conceivable that a person may be injured on the job under the state workmen's compensation laws and be permanently and partially disabled, not totally, but be capable of working in other employment, and possibly public employment. In that language in subsection three when you say if he is a beneficiary of a disability allowance in any public retirement system, would it be your intent to include

in public retirement systems the workmen's compensation system in the state of Washington?"

Senator Mardesich: "I don't think you can characterize, strictly speaking, the workmen's compensation system as a quote 'retirement system'. It is, in fact, a disability system but even so, if you stretch the interpretation to include workmen's comp, there is no prohibition in this subsection, as I read it, against that person coming back to work under PERS if he was a member of PERS and continuing to earn credits."

Senator Grant: "I was thinking, Senator Mardesich, and it would have some bearing on my consideration of the measure. But I was thinking of a person working in private employment, as an example, who, and almost all workers in the state are covered by the industrial insurance system, would be injured under the private employment situation and might be capable and able to return to work in a public job. Would he be estopped in your view from working in the public job if he is capable?"

Senator Mardesich: "It is my opinion that he would not be because the disability system is not in a strict sense, a retirement system. It is a system of reimbursement for injuries received."

There being no objection, the amendments to the title to lines 2 and 3, on the Secretary's desk, were withdrawn.

On motion of Senator Mardesich, the following amendments to the title by Senators Bailey, Lewis (Harry) and Walgren were adopted:

On line 1 of the title after "Relating to" strike all the material down to and including "state;" on line 2 of the title and insert: "the creation of a department of retirement systems, providing for a state actuary, and estopping a member of a retirement system created by the general laws of the state from becoming a member of or accruing any contractual rights to another such retirement system under certain conditions; amending section 1, chapter 11, Laws of 1971 and RCW 43.17.010; amending section 2, chapter 11, Laws of 1971 and RCW 43.17.020; amending section 9, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.33.070; creating a new chapter in Title 41 RCW; creating a new chapter in Title 44 RCW;"

On line 3 of the title, after "41.04 RCW;" and before "and" insert "defining crimes; prescribing penalties;"

#### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Mardesich yield to a question? Senator Mardesich, I realize this is Senator Donohue's question, but he is not on the floor. I have a further question regarding those people who would be excluded. What about the person that earns his social security in outside employment, does not elect to take his social security but comes to work for the state? That is another retirement system that is authorized by the state. That would exclude him from then going into state service and becoming a member of the state retirement systems, any one of them. Is that correct?"

Senator Mardesich: "No, I don't believe so, because under the federal social security he is not eligible until he has reached either age sixty-three or sixty-five. It would have to be an extremely rare case, perhaps an exempt person of some kind, who might fit into that category but that would be a very rare occasion. I am not so sure that even social security would fall within the language although I would not make that statement for sure without—"

Senator Rasmussen: "It is a system that is authorized within the state."

Senator Mardesich: "I don't think this is a system authorized by the general law except that we are members. It is a federal system authorized by federal law and we are simply members. And that distinction, I think, would prevail."

Senator Rasmussen: "Well, it is a public retirement system authorized by general laws of this state. At the time that the employees, both the teachers and state employees were allowed to come into the system, we passed a general law authorizing full coverage under social security."

Senator Mardesich: "Then the same laws would apply to here that we had in fifteen years — but nevertheless, I still feel that would not apply and would not apply to disability, most certainly. I don't see what the problem is except for that person who has ac-

tually reached age sixty-two I guess it is, or age sixty-five, and that would have to be an extremely rare circumstance.”

#### MOTION

On motion of Senator Mardesich, the rules were suspended, Engrossed Substitute Senate Bill No. 3246 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3246, and the bill passed the Senate by the following vote: Yeas, 34; nays, 8; absent or not voting, 2; excused, 5.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Sandison, Scott, Sellar, Walgren, Wanamaker, Washington, Wilson, Woody—34.

Voting nay: Senators Bailey, Beck, Grant, Rasmussen, Stortini, Talley, Van Hollebeke, von Reichbauer—8.

Absent or not voting: Senators Bottiger, Donohue—2.

Excused: Senators Fleming, Francis, Keefe, Murray, Ridder—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Lewis (Harry): “Mr. President, point of personal privilege. Mr. President and members of the Senate, I would just like to register my personal feelings with regard to the situation we have in the House. We have a situation where six conferees agreed on a conference report. A major concession was made in that report where we reduced the trial period from three years to one year. All six conferees signed that report.

“The attempt now is, by the majority in the House, to take the power away from the school board and directly (sic) people, and I think that the people of the state should be aware of what is happening over there. What we are witnessing is the unprecedented interference in the legislative process. The testimony of the power and influence of special interest groups, the WEA.

“Ladies and gentlemen, I think it is time that the House got its act together and started representing the people of the state of Washington.”

#### MOTION

At 11:35 a.m., on motion of Senator Walgren, the Senate recessed until 1:00 p.m.

#### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:00 p.m.

#### MOTION

At 1:00 p.m., on motion of Senator Walgren, the Senate recessed until 2:00 p.m.

#### SECOND AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 2:00 p.m.

#### MOTION

At 2:00 p.m., on motion of Senator Walgren, the Senate recessed until 4:00 p.m.

#### THIRD AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 4:00 p.m.

## MOTION

At 4:00 p.m., on motion of Senator Marsh, the Senate adjourned until 11:00 a.m., Tuesday, March 9, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SIXTY-FOURTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 9, 1976.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bottiger, Donohue, Francis, Keefe, Odegaard, Pullen and Ridder. On motion of Senator Knoblauch, Senators Keefe and Ridder were excused.

The Color Guard, consisting of Pages Douglas Lee and Dana Twilight, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"O GOD, THE DIFFERENCE BETWEEN A GOOD LAW AND A BAD ONE IS SO SMALL ON PAPER AND SO GLARING IN PRACTICE. THE DIFFERENCE BETWEEN HELPING PEOPLE AND HURTING PEOPLE COMES FROM SO SLIGHT A SHIFT IN WORDING AND SYNTAX. THE MEMBERS OF THIS BODY KNOW THAT IN THE FACE OF EVERY ACTION THEY TAKE, SOMEBODY WILL TAKE IT WRONG AND SOMEBODY WILL BE BITTERLY OPPOSED AND WILL DENOUNCE THE LEGISLATURE'S GOOD INTENTIONS AS A VICIOUS HOAX. SOMETIMES IT MUST SEEM TO THESE LAWMAKERS THAT WHATEVER THEY DO, THEY CAN NEVER DO IT RIGHT.

"IN THE FACE OF THESE CONTRADICTIONS, OUR FATHER, IT IS SO EASY FOR THEM TO SAY, 'IT DOESN'T MATTER,' SO EASY TO ENCOURAGE CALOUSES OVER THE SENSITIVE AND TENDER PARTS OF THEIR LIVES.

"OUR PRAYER TODAY IS THAT THIS MAY NOT HAPPEN. LET THE LOVING SPIRIT OF OUR MASTER BE THEIR EXAMPLE, THAT IN THE FACE OF CRITICISM AND EVEN PERSECUTION, THEY MAY STAND NOBLY FOR THE WHOLE TRUTH, STEADFASTLY FOR EQUAL JUSTICE, AND ALWAYS FOR LOVE. IN THE MASTER'S NAME. SO BE IT."

## MOTION

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

## PERSONAL PRIVILEGE

Senator Knoblauch: "It has come to my attention, Mr. President, that there are members in the Senate Chamber and galleries who do not salute the flag as it comes down the aisle. I always thought this was a very fine beginning of a day and would hope that every one present would be kind enough to salute the flag as it is brought down the aisle and posted."

## MESSAGES FROM THE HOUSE

March 8, 1976.

Mr. President: The House has concurred in the Senate amendments to **SUBSTITUTE HOUSE BILL NO. 1612** and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

March 8, 1976.

Mr. President: The House has concurred in the Senate amendments to **ENGROSSED HOUSE BILL NO. 1314** and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

March 8, 1976.

Mr. President: The Speaker has signed **SENATE CONCURRENT RESOLUTION NO. 127**, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 8, 1976.

Mr. President: The House has adopted the report of the Free Conference Committee on **ENGROSSED SUBSTITUTE HOUSE BILL NO. 1345** and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

March 8, 1976.

Mr. President: The Speaker has signed:

**HOUSE BILL NO. 1314,**

**SUBSTITUTE HOUSE BILL NO. 1345,**

**SUBSTITUTE HOUSE BILL NO. 1612,** and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

**HOUSE BILL NO. 1314,**

**SUBSTITUTE HOUSE BILL NO. 1345,**

**SUBSTITUTE HOUSE BILL NO. 1612.**

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

## REPORT OF CONFERENCE COMMITTEE

February 26, 1976.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred **SUBSTITUTE HOUSE BILL NO. 779**, permitting employees of political subdivisions of the state to join the state employees insurance and health care system, have had the same under con-



sideration, and we report that we cannot agree and request the powers of Free Conference in order to propose the following amendments to the Senate amendment:

On page 1, line 23 of the Senate amendment, after "RCW" insert ": PROVIDED FURTHER, That in the event of a special district employee transfer pursuant to this section, members of the governing authority shall be eligible to be included in such transfer if such members are authorized by law as of the effective date of this 1976 amendatory act to participate in the insurance program being transferred from and subject to payment by such members of all costs of insurance for members".

On page 2, line 26 of the Senate amendment, after "or" strike "*the legislative branch of any county, municipality, or other political subdivision of the state*" and insert "*of the legislative authority of any county, city, or town*".

Signed by: Senators Bailey, Buffington and Rasmussen; Representatives Sommers, McKibbin and Kuehnle.

#### MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Substitute House Bill No. 779.

#### MESSAGE FROM THE HOUSE

March 8, 1976.

Mr. President: The House has adopted the report of the Free Conference Committee on REENGROSSED SENATE BILL NO. 3038, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### REPORT OF FREE CONFERENCE COMMITTEE

March 5, 1976.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred REENGROSSED SENATE BILL NO. 3038, supplementing loitering statute as formerly applicable to public and private schools, have had the same under consideration and that the bill be amended as recommended by the Conference Committee:

Signed by: Senators von Reichbauer, Guess and Rasmussen; Representatives Gaspar, Brown and Boldt.

#### MOTION

On motion of Senator Guess, the report of the Free Conference Committee on Reengrossed Senate Bill No. 3038 was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 3038, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 6; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Peterson, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senators Bottiger, Donohue, Francis, Mardesich, Odegaard, Pullen—6.

Excused: Senators Keefe, Ridder—2.

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

#### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1405, by Committee on Ways and Means-Appropriations (originally sponsored by Representatives Warnke, Blair, Sommers and Freeman):

Making changes in the LEOFF retirement system.  
Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1407, by Committee on Ways and Means-Appropriations (originally sponsored by Representatives Warnke, Blair, Sommers, Freeman and Pardini):

Making changes in the public employees' retirement system.  
Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1605, by Committee on Ways and Means-Appropriations (originally sponsored by Representatives Sommers, Blair and Freeman):

Making changes in the teachers' retirement system.  
Referred to Committee on Ways and Means.

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 3038.

#### MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.  
On motion of Senator Walgren, the Senate commenced consideration of bills on the second reading calendar.

#### SECOND READING

SENATE BILL NO. 3077, by Senator Talley (by Board of Pilotage Commissioners request):

Revising qualifications for pilots in state waters.  
The bill was read the second time by sections.

#### MOTIONS

On motion of Senator Knoblauch, Senators Bottiger and Francis were excused.  
Senator Walgren moved adoption of the following amendment by Senators Bottiger and Walgren:

On page 1, beginning on line 30, add the following new section:

*NEW SECTION.* Section 2. There is added to chapter 88.16 RCW a new section to read as follows:

No private pilot association shall (1) prevent in any manner a duly licensed Washington state pilot from serving and being compensated as a pilot; (2) excluded from membership any person duly licensed as a Washington state pilot when the Board of Pilotage Commissioners determine additional pilots are required for maintaining a safe, competent and efficient pilotage service on the waters covered by this chapter; or (3) suspend or discipline a pilot and thereby affect his livelihood except on recommendation from the board of pilotage commissioners.

The board shall adopt such rules and regulations as may be necessary to implement the provisions of this section and shall receive and finally determine all claims of alleged violations of this section or such rules.

#### POINT OF ORDER

Senator Guess: "Mr. President, I raise the question of scope and object on the amendment. I would like to speak to the point. Mr. President and members of the Senate, if you will notice the amendment that is on our desks has to do with a private pilot's association that is not now under the purview of the state of Washington. The bill has a very broad title but the problem is that the bill was passed by the legislature establishing the commission. It hasn't got anything to do with this, and by this motion we would put a private pilot's association which is organized under international laws under the control of the state of Washington. It would be as though we took the collective bargaining agreements between management and labor, organized under the Taft-Hartley Act, and the state intervened in between management and labor. This is the situation that is exactly occurring here.

"It somewhat appalls me that we would try to interpose and prevent an organization from disciplining their own people. And I dare say that none of us would want to impose ourselves in between the business agent of the operating engineers union and tell him that he couldn't discipline his people. The first thing you know, you would have nothing but utter chaos.

"The only way that a union can operate is for the people within that union to subscribe to rules and regulations and in the state of Washington, this is what has happened with the pilot's association. As each person comes into that organization he subscribes to the bylaws and if he breaks the bylaws and does not want to live by the bylaws, then that association has the right to chastise him. Only part of the question is considered here because I think that the problem started much sooner than 1973 — 1975 in fact it did, to my knowledge — start in 1973 with testimony. And so, I think that we are in an area that is totally without the purview and the very best interests of the state of Washington for us to put this amendment on the bill."

Debate ensued.

#### POINT OF INQUIRY

Senator Guess: "Will Senator Walgren yield? Senator Walgren, I think that if you would take a look at the language, and you say in there, 'no private pilot's association' and I am going to skip 'shall suspend or discipline a pilot and thereby affect his livelihood.' Now this is the thing I think we are doing. We are saying to an association of employees — they are actually their own — they are entrepreneurs because they don't work for one particular person, they work for a group of persons from time to time. But you are now saying that the private — and mark the word well — you are saying that a private pilot's association is prevented from disciplining any member. That is going very much farther than saying that a man can't come down here and testify."

Senator Walgren: "But Senator Guess, this private association, as you refer to it, is the association that is solely involved with providing the pilots to take ships across the waters of Puget Sound. Now, if this particular person is disciplined for the very fact, the very fact that he came down and testified before a Senate committee and kicked out of the organization and cannot continue his profession, I think that is very serious. I think it is something that we here in the state should be concerned about."

Senator Guess: "Senator Walgren, I agree with you it is a serious thing. The amendment, though, does not say that. It should say that no private pilot's association shall prevent or suspend or discipline a pilot who comes down and testifies in an open meeting. It doesn't say that. It says that he cannot be suspended or disciplined in any way."

#### POINT OF ORDER

Senator Van Hollebeke: "Point of order, Mr. President. I believe the issue before us is still whether or not we have a scope and object problem."

## REMARKS BY SENATOR GUESS

Senator Guess: "I believe, Mr. President, that I realize this is the only way that we can ever get it before the body, that the nature of the language is the thing that is disturbing to me. I believe we are going further here in the control of an organization because the language is so encompassing."

## POINT OF ORDER

Senator Bailey: "Mr. President, this can go on forever, and we are getting now the debate on the bill and whether the bill is a good bill or the amendment is a good amendment. I think the issue is whether it enlarges the scope and object and I don't think it has anything to do with conversation between Senator Walgren and Senator Guess."

## RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Your point is well taken."

## REMARKS BY SENATOR GUESS

Senator Guess: "I am trying to show to the body and to you that it is broader than it is on the face, and therefore it has to do not with the state pilotage — the operation of the state organization — but it has to do with the private organization."

## RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Well, Senator Guess, I think you ought to quit while you are ahead. The President finds in looking at the bill and the amendment that the bill deals basically with two things, question of residency and the raising the pilot fees to one hundred and fifty dollars. The amendment clearly goes beyond that and your point is well taken. It does increase the scope and object of the bill."

The amendment by Senators Bottiger and Walgren was ruled out of order.

## MOTION

On motion of Senator Talley, the rules were suspended, Senate Bill No. 3077 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3077, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

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

Absent or not voting: Senator Donohue—1.

Excused: Senators Bottiger, Francis, Keefe, Ridder—4.

SENATE BILL NO. 3077, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## MESSAGE FROM THE HOUSE

March 3, 1976.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3025, with the following amendment:

On page 1, line 7, after "1977," insert "and pursuant to chapters 41.56 and 41.59 RCW," and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

Senator Stortini moved that the Senate do not concur in the House amendment to Engrossed Senate Bill No. 3025.

## POINT OF INQUIRY

Senator Grant: "Will Senator Stortini yield? Senator Stortini, in the event that the reference to those two RCW's is included in the measure, and you say that it is a negotiable item anyway under 41.56 and 41.59, what harm does it do to refer to the RCW?"

Senator Stortini: "What I am saying is that if this amendment is adopted, though, it would include budget priorities that would also be negotiable and that is not the intent of this measure."

Senator Grant: "Senator Stortini, would you yield further? The whole bill, the body of the bill itself, refers to reduction in force and reemployment."

Senator Stortini: "That is right."

Senator Grant: "I see nothing in here with regard to budget."

Senator Stortini: "The addition of 41.56 and 41.59 that you are familiar with would also include negotiating priorities in school budgets. I think that priority should be left up to the local school districts."

Debate ensued.

The motion by Senator Stortini carried. The Senate refused to concur in the House amendment to Engrossed Senate Bill No. 3025 and asks the House to recede therefrom.

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

## SECOND READING

ENGROSSED HOUSE BILL NO. 1624, by Representatives Shipoch and Bagnariol:

Relating to appropriations.

## MOTION

At 11:42 a.m., on motion of Senator Walgren, the Senate recessed until 1:00 p.m.

## AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:00 p.m.

## MOTION

At 1:02 p.m., on motion of Senator Marsh, the Senate recessed until 2:00 p.m.

## SECOND AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 2:00 p.m.

## MOTION

At 2:05 p.m., on motion of Senator Walgren, the Senate recessed subject to the Call of the President.

## THIRD AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 3:10 p.m.

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

## REPORT OF STANDING COMMITTEE

March 9, 1976.

SENATE BILL NO. 2778, relating to revenue and taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2778 be substituted therefor without recommendation.

Signed by: Senators Donohue, Chairman; Wilson, Second Vice Chairman; Bailey, Fleming, Grant, Mardesich, Marsh, Rasmussen, Sandison, Washington, Woody.

Senators Walgren, Sandison and Marsh demanded a Call of the Senate. A Call of the Senate was ordered.

#### CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senators Keefe and Ridder, who were previously excused.

#### MOTION

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

#### MOTIONS

On motion of Senator Walgren, the rules were suspended and Senate Bill No. 2778 was advanced to second reading.

On motion of Senator Donohue, Substitute Senate Bill No. 2778 was substituted for Senate Bill No. 2778 and the substitute bill was read the second time in full.

Senator Donohue moved adoption of the following amendment:

On page 1, beginning on line 5, strike everything after the enacting clause and insert:

"Section 1. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 9, chapter 281, Laws of 1971 ex. sess. and RCW 82.08.020 are each amended to read as follows:

There is levied and there shall be collected a tax on each retail sale in this state equal to four and one-half percent of the selling price: *PROVIDED, That from and after the first day of June, 1976, until the thirtieth day of June, 1977, such tax shall be levied and collected in an amount equal to four and six-tenths percent of the selling price.* The tax imposed under this chapter shall apply to successive retail sales of the same property.

Sec. 2. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 1, Laws of 1975 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 subdivision (2) of RCW 82.12.030, 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 of four and one-half percent: *PROVIDED, That from and after the first day of June, 1976, until the thirtieth day of June, 1977, such tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of four and six-tenths percent.*

*NEW SECTION.* Sec. 3. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

From and after the first day of June, 1976, until the thirtieth day of June, 1977, 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 in the amount of six percent of

the tax payable under the provisions of RCW 82.04.220 through 82.04.290, 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 exact amount of the additional tax hereby imposed.

*NEW SECTION.* Sec. 4. This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

Senator Walgren demanded a roll call and the demand was sustained by Senators Herr, Washington, Day, Fleming, Knoblauch, McDermott, Van Hollebeke, von Reichbauer and Rasmussen.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senator Donohue.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 12; nays, 35; excused, 2.

Voting yea: Senators Bailey, Beck, Clarke, Goltz, Herr, Knoblauch, Matson, McDermott, Odegaard, Sandison, Walgren, Washington—12.

Voting nay: Senators Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Francis, Gould, Grant, Guess, Henry, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wilson, Woody—35.

Excused: Senators Keefe, Ridder—2.

Senator Cunningham moved adoption of the following amendments:

On page 6, line 29, after "of" strike "six" and insert "four"

On page 6, line 36, add the following new sections:

"*NEW SECTION.* Sec. 4. There is added to chapter 82.04 RCW a new section to read as follows:

Upon every person engaging within this state in the business of growing or producing for sale upon his own lands or upon land in which he has a present right of possession, any agricultural or horticultural produce or crop, including the raising for sale of any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of forty-four one-hundredths of one percent.

*NEW SECTION.* Sec. 5. Section 82.04.330, chapter 15, Laws of 1961, section 7, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.330 are each hereby repealed."

Renumber the remaining section consecutively.

#### POINT OF ORDER

Senator Washington: "Mr. President, I do raise the point of order and I believe that it does raise the scope and object of the bill. In the present taxation involves raising the rates of those businesses which are already included. This adds a completely new and large segment of business to this particular tax and obviously greatly expands the scope and object of the bill."

Debate ensued.

#### RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The President, in ruling on the point of order, agrees that the remarks made by Senator Francis — this is a broad bill. As a matter of fact, it doesn't expand the scope and object. It reduces the exemption. Your point is not well taken."

Senator Herr moved the amendment by Senator Cunningham be laid upon the table.

Senator Francis demanded a roll call and the demand was sustained by Senators Lewis (Harry), Bailey, Van Hollebeke, Woody, North, Gould, McDermott, Sandison and Talley.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senator Cunningham.

#### ROLL CALL

The Secretary called the roll and the amendment was laid upon the table by the following vote: Yeas, 33; nays, 14; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—33.

Voting nay: Senators Bluechel, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Jones, Lewis (Harry), McDermott, Murray, North, Van Hollebeke, Woody—14.

Excused: Senators Keefe, Ridder—2.

#### MOTION

On motion of Senator Donohue, the rules were suspended, Substitute Senate Bill No. 2778 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2778 and the bill failed to pass the Senate by the following vote: Yeas, 16; nays, 31; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Fleming, Francis, Goltz, Grant, Henry, Herr, Knoblauch, Marsh, McDermott, Sandison, Stortini, Van Hollebeke, Walgren—16.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Scott, Sellar, Talley, von Reichbauer, Wanamaker, Washington, Wilson, Woody—31.

Excused: Senators Keefe, Ridder—2.

SUBSTITUTE SENATE BILL NO. 2778, having failed to receive the constitutional majority, was declared lost.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Washington moved that the Senate reconsider the vote by which Substitute Senate Bill No. 2778 failed to pass the Senate.

#### MOTION TO HOLD RECONSIDERATION MOTION FOR MARCH 10, 1976

On motion of Senator Washington, the motion for reconsideration was ordered held for March 10, 1976 and so ordered by President Pro Tempore Henry.

#### MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1976-222.

On motion of Senator Cunningham, the rules were suspended and any member wishing to be added as an additional sponsor will be permitted.

Senator Cunningham moved adoption of the following resolution:



## SENATE RESOLUTION 1976-222

By Senators Cunningham, Bailey, Lewis (Harry), McDermott, Wilson and von Reichbauer:

WHEREAS, Certain species of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities and such species should not be permitted to diminish beyond the point at which they cease to be a significant functioning element in the ecosystem of which they are a part; and

WHEREAS, There presently exists within Puget Sound and the salt waters contiguous thereto a species of mammal commonly known as the "killer whale"; and

WHEREAS, There is inadequate knowledge of the ecological and population dynamics of such mammals and of the factors which bear upon their ability to reproduce and survive in an atmosphere of continuing encroachment by man; and

WHEREAS, It is the sense of the Washington Legislature that the killer whales should be protected and encouraged to develop in a natural state and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem; and

WHEREAS, Present methods and techniques of pursuing and capturing the killer whales present substantial and serious questions as to their efficiency, humaneness and effect on marine life in this delicate ecosystem;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that the United States Congress be requested to declare an immediate moratorium on the intimidation, harassment, hunting and capturing of killer whales in Puget Sound and adjacent salt waters;

BE IT FURTHER RESOLVED, That the United States Congress be requested to direct the appropriate federal agencies to cease issuing permits to hunt and/or capture this mammal and revoke all such existent permits;

AND BE IT FURTHER RESOLVED, That copies of this resolution be sent to the United States Department of Commerce, the National Marine Fisheries Service, members of the Congressional delegation from this state, the Marine Mammal Commission, and the Scientific Advisors on Marine Mammals.

Senator Peterson moved adoption of the following amendment by Senators Peterson and Rasmussen:

Following paragraph five of the resolution insert the following:

"WHEREAS, The capture of five killer whales in Budd Inlet at Olympia has been widely publicized; and

WHEREAS, The Senate is opposed to the capture of this endangered species in the waters of the State of Washington; and

WHEREAS, Governor Evans in 1974 was requested to approve the designation of Puget Sound as a sanctuary for killer whales, as provided in laws administered by the National Oceanographic and Atmospheric Administration; and

WHEREAS, At that time Governor Evans refused to make the designation of Puget Sound as a sanctuary for this endangered species; and

WHEREAS, Now is the time for the Governor to take definite action;"

Immediately preceding the last paragraph of the resolution insert the following:

"BE IT FURTHER RESOLVED, By the Senate of the State of Washington that Governor Evans reconsider his objections and immediately notify the National Oceanographic and Atmospheric Administration that the State of Washington withdraws its previous objection to the designation of Puget Sound as a killer whale sanctuary and approves of such action by the federal government; and"

On the last line of the resolution after "Mammals" and before the period insert ", and that this Resolution immediately be transmitted to Governor Evans"

## POINT OF ORDER

Senator Cunningham: "Point of order, Mr. President. Is it possible to expand the object of a resolution?"

President Pro Tempore Henry: "I would seriously doubt, Senator Cunningham, that it is."

Senator Cunningham: "Then I would question whether or not this amendment doesn't expand the scope and object of my initial resolution."

Debate ensued.

#### RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "It is pretty hard to enlarge the scope and object of a whale, I would think, offhand. I know of no constitutional provision enlarging the scope and object of a resolution."

Senator Peterson demanded a roll call and the demand was sustained by Senators Herr, Talley, Matson, Rasmussen, Bottiger, Bailey, Donohue, Goltz and Peterson.

#### MOTION

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

#### POINT OF INQUIRY

Senator Lewis (Harry): "Mr. President, I wonder if Senator Clarke would yield to a question. Senator Clarke, to your knowledge, does the Governor have authority to restrict the use of the waters of Puget Sound as a state action? Would you comment on that, please."

#### POINT OF INQUIRY

Senator Bottiger: "Will Senator Peterson yield to a question? Senator Peterson, before we vote on this, I am a little concerned about the number of tons of salmon that a killer whale eats, and if we are trying to conserve the salmon, I wonder if we couldn't send these killer whales to Canada or something."

Senator Peterson: "Senator Bottiger, I can only respond to this point as chairman of the natural resources committee. No one has ever determined the amount of salmon that the killer whale eats in the Puget Sound sanctuary. What this does, NOAA had requested from the Governor two years ago for his support in declaring Puget Sound a sanctuary. We don't know — the department of fisheries doesn't know — the Governor's office doesn't know — no one knows the confirmation of what the killer whales eat in the way of salmon but I am sure that if we want to get into Indians, we can talk about that, too. But I don't think anybody knows that answer."

Senators Walgren, Talley and Herr demanded the previous question and the demand was sustained.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senators Peterson and Rasmussen.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 23; absent or not voting, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Day, Donohue, Francis, Goltz, Henry, Herr, Jolly, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Sandison, Stortini, Talley, von Reichbauer, Walgren—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Murray, Newschwander, North, Pullen, Sellar, Van Hollebeke, Wanamaker, Washington, Wilson, Woody—23.

Absent or not voting: Senators Fleming, Grant, Scott—3.

Excused: Senators Keefe, Ridder—2.

#### MOTION

Senator Peterson moved Senate Resolution 1976-222 be laid upon the table.

The motion by Senator Peterson failed.

Further debate ensued.

Senator Cunningham demanded a roll call and the demand was sustained by Senators von Reichbauer, Washington, Gould, Beck, North, Pullen, Buffington, Goltz and Talley.

President Pro Tempore Henry declared the question before the Senate to be the roll call on Senate Resolution 1976-222.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Resolution 1976-222 and the resolution passed the Senate by the following vote: Yeas, 23; nays, 20; absent or not voting, 4; excused, 2.

Voting yea: Senators Bailey, Bluechel, Cunningham, Francis, Goltz, Gould, Jones, Knoblauch, Lewis (Harry), Marsh, McDermott, Murray, North, Odegaard, Pullen, Rasmussen, Sandison, Scott, Talley, von Reichbauer, Walgren, Washington, Wilson—23.

Voting nay: Senators Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Guess, Henry, Herr, Jolly, Lewis (R. H. "Bob"), Mardesich, Morrison, Newschwander, Peterson, Stortini, Van Hollebeke, Wanamaker, Woody—20.

Absent or not voting: Senators Fleming, Grant, Matson, Sellar—4.

Excused: Senators Keefe, Ridder—2.

#### MOTION FOR RECONSIDERATION

Senator Lewis (Harry) moved to immediately reconsider the failure of Substitute Senate Bill No. 2778 and was interrupted by the following motion by Senator Walgren:

#### MOTION

On motion of Senator Walgren, the motion for reconsideration on Engrossed Senate Bill No. 2989 by Senator Beck was ordered held for March 10, 1976.

#### MOTION

At 4:40 p.m., Senator Walgren moved the Senate adjourn until 10:00 a.m., Wednesday, March 10, 1976.

Senator Lewis (Harry) demanded a roll call and the demand was sustained by Senators Benitz, Matson, Guess, Clarke, Murray, North, Morris, Bluechel and Wanamaker.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the motion by Senator Walgren that the Senate adjourn.

#### ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 26; nays, 19; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Fleming, Francis, Goltz, Henry, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—26.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Wanamaker—19.

Absent or not voting: Senators Grant, Sellar—2.

Excused: Senators Keefe, Ridder—2.

The motion by Senator Walgren carried. At 4:45 p.m., the Senate adjourned until 10:00 a.m., Wednesday, March 10, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**SIXTY-FIFTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Wednesday, March 10, 1976.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bottiger, Donohue, Francis, Keefe, Matson, Odegaard and Ridder. On motion of Senator Knoblauch, Senators Keefe and Ridder were excused.

The Color Guard, consisting of Pages Daniel Miller and Dee Hauso, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"MEDIATE WITH ME ABOUT THOSE PERSONS WHO ARE RESPONSIBLE FOR YOUR BEING HERE THIS MORNING. SEE WHETHER YOU CAN CLEAR YOUR MIND OF TODAY'S AGENDA LONG ENOUGH TO REMEMBER THEM. THERE ARE YOUR PARENTS, PERHAPS ALIVE, PERHAPS LONG-SINCE DEAD, WHO GAVE YOU THE COURAGE TO TRUST YOUR OWN ABILITIES. THEY WOULD BE PROUD THIS MORNING TO KNOW YOU ARE HERE. THERE ARE TEACHERS WHO SAW IN YOU THE POTENTIAL GOOD AND TEACHABLENESS TO BE ABLE TO INTEGRATE YOUR EDUCATION INTO RESPONSIBLE ACTION. THERE IS THAT PERSON IN YOUR PAST WHO GAVE YOU YOUR FIRST RESPONSIBLE JOB, WHO BELIEVED YOU COULD MAKE IT. THERE IS THAT SOMEONE WHO BELIEVED IN YOU ENOUGH TO SUGGEST THAT YOU RUN FOR POLITICAL OFFICE. A SHIVER RAN UP YOUR SPINE, AND YOU WONDERED IF THEIR TRUST IN YOU WAS WELL PLACED. AND THERE ARE THE VOTERS WHOSE BALLOTS DECLARED TO YOU, 'I GIVE YOU THE RIGHT TO REPRESENT ME, TO TAKE ALL NECESSARY POLITICAL ACTION ON MY BEHALF', WITH THE MEMORY OF ALL THESE CLUSTERING AROUND US IN THIS MOMENT, LET US PRAY:

"OUR FATHER, THOSE WHO HAVE TRUSTED US AND INSPIRED US MAKE OF THIS A HOLY MOMENT. THEIR SPIRITS CHALLENGE US. BUT BEHIND THEM ALL, WE SEE YOUR HAND, WE EXPERIENCE YOUR TRUST IN US, AND WE CELEBRATE THE FREEDOM OF WILL AND CHOICE YOU GIVE US TODAY. HELP THE MEMBERS OF THIS SENATE TO ACT FREELY, WISELY, AND WITH THE RESPONSIBILITY OF YOUR HOLY PRESENCE THROUGHOUT THIS DAY. IN THE MASTER'S NAME. SO BE IT."

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

March 9, 1976.

SENATE BILL NO. 2963, amending state patrol laws (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2963 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Knoblauch.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENT

March 9, 1976.

DR. WILLIAM H. CLEAVER, to the position of member of the Aeronautics Commission, appointed by the Governor on June 17, 1975 for the term ending December 31, 1979, succeeding George Corley (reported by the Committee on Transportation and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Henry, Chairman; Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Stortini, Walgren, Wanamaker.

Passed to Committee on Rules.

## MESSAGES FROM THE HOUSE

March 9, 1976.

Mr. President: The House has passed HOUSE CONCURRENT RESOLUTION NO. 54, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 9, 1976.

Mr. President: The House has passed:  
ENGROSSED HOUSE BILL NO. 1497,  
HOUSE CONCURRENT RESOLUTION NO. 53, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MESSAGE FROM THE HOUSE

March 6, 1976.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2038, with the following amendments:

On page 1, line 2 of the title, after "crimes;" strike "and" and after "penalties" insert "; and making an appropriation"

On page 5, line 20, after "ecology" strike "with" and insert "within"

On page 6, following line 15, add a new section to read as follows:

"NEW SECTION. Sec. 11. (1) Nothing in this act shall apply to any radioactive waste or radioactive material.

(2) Nothing in this chapter shall alter, amend, or supersede the provisions of chapter 80.50 RCW, as now existing or hereafter amended, or grant to the department or to the solid waste advisory committee any authority regarding the regulation, certification, construction, or siting of thermal power plants, as defined in such acts."

Renumber the remaining section(s) appropriately.

On page 6, following line 15, insert a new section as follows:

"NEW SECTION. Sec. 12. There is appropriated to the department of ecology from the state and local improvements revolving account of the general fund out of the proceeds of the sale of bonds or notes as authorized in chapter 43.83A RCW (Referendum 26) the sum of one million three hundred fifty-three thousand dollars, or as much thereof as may be necessary, for the following purposes:

(1) The sum of one hundred fifty-three thousand dollars for the department to develop a comprehensive plan for the adequate treatment of extremely hazardous wastes being generated in the state, and the techniques and requirements necessary for adequately disposing of such wastes and for securing and monitoring disposal sites. The objective of such a comprehensive plan shall be to determine the statewide facility requirements for the adequate disposal of extremely hazardous wastes being generated in the state and for those expected to be generated in the future.

(2) The sum of one million two hundred thousand dollars for the purchase of real property on the Hanford Reservation by the department for the construction of a disposal site for extremely hazardous wastes and for the construction of facilities necessary for the operation of the disposal site including, but not limited to, security and monitoring facilities."

Renumber the remaining section accordingly.

On page 6, line 16, after "through" strike "10" and insert "11", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

Senator Washington moved the Senate concur in the House amendments to Substitute Senate Bill No. 2038.

#### POINT OF INQUIRY

Senator Guess: "Will Senator Washington yield? Senator Washington, is this amendment as extensive as House Bill No. 933 was?"

Senator Washington: "No, it is just a simple amendment. There are a couple of very minor corrective amendments and simply an amendment at the end which provides for the appropriation. No, they didn't strike any portion of the Senate bill and add their very extensive bill to it."

Senator Guess: "Thank you."

The motion by Senator Washington carried. The Senate concurred in the House amendments to Substitute Senate Bill No. 2038.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2038, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 6; excused, 2.

Voting yea: Senators Bailey, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senators Beck, Bottiger, Donohue, Francis, Matson, Odegaard—6.

Excused: Senators Keefe, Ridder—2.

SUBSTITUTE SENATE BILL NO. 2038, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 9, 1976.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2537, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

At 10:15 a.m., on motion of Senator Walgren, the Senate recessed until 11:55 a.m.

#### SECOND MORNING SESSION

President Pro Tempore Henry called the Senate to order at 11:55 a.m.

## MOTION

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

## MOTION FOR RECONSIDERATION

On March 9, 1976, a motion for reconsideration was made by Senator Washington on the failure of Substitute Senate Bill No. 2778 to pass the Senate. At that time, the motion was held for the eighth order of business to March 10, 1976.

The Senate resumed consideration of the motion.

Debate ensued.

Senator Scott demanded a roll call and the demand was sustained by Senators Walgren, Washington, Sandison, Bailey, Lewis (Harry), Bluechel, von Reichbauer, Gould and Van Hollebeke.

President Pro Tempore Henry declared the question before the Senate to be the motion by Senator Washington that the Senate reconsider the vote by which Substitute Senate Bill No. 2778 failed to pass the Senate.

## ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 26; nays, 20; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Goltz, Grant, Henry, Herr, Jolly, Knoblauch, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—26.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—20.

Absent or not voting: Senator Francis—1.

Excused: Senators Keefe, Ridder—2.

SUBSTITUTE SENATE BILL NO. 2778 was placed on third reading, on reconsideration.

## MOTIONS

On motion of Senator Knoblauch, Senator Francis was excused.

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

## THIRD READING

SUBSTITUTE SENATE JOINT RESOLUTION NO. 131, by Committee on Ways and Means:

Authorizing a state net income tax with limitations.

## MOTIONS

On motion of Senator Lewis (Harry), the rules were suspended and Substitute Senate Joint Resolution No. 131 was returned to second reading.

Senator Clarke moved adoption of the following amendment:

On page 1, line 8, after "(1)" strike "Income" and insert "Net income, defined as gross income less expenses incurred to achieve it, and less deductions, exemptions and credits as determined by the legislature."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Clarke, your amendment will have 'net income defined as gross income, less expenses incurred to achieve it.' That would presumably be based on your federal income tax?"

Senator Clarke: "Not necessarily because there are adjustments also by the federal Congress as to how they define expenses. This would not create a situation where, in effect, we would be delegating to Congress the right to determine what were necessary expenses. That would be a matter, I think, that would be left to our own legislature."

Senator Rasmussen: "Well, did you look at the other amendment that I have passed out? It has no name on it. In the rush to get amendments ready, we forgot to slip the name on it. It is proposed by myself in which you would specify any statute providing a net income tax upon taxpayers shall be based upon, and shall not exceed, and whatever the figure we determine on there, the taxpayers' federal income tax liability for the same tax year. Wouldn't that solve the problem?"

Senator Clarke: "No, Senator, I don't think it would. As a matter of fact, I think that any proposal to include in our Constitution a delegation of authority to the federal Congress to make determinations would be an undesirable act upon our part. I think we want to retain within this state the right to make those decisions."

Senator Rasmussen moved adoption of the following amendment to the amendment by Senator Clarke:

Amend the amendment to page 1, line 8 as follows:

After "achieve it," strike the remainder of the amendment.

Debate ensued.

#### POINT OF INQUIRY

Senator Cunningham: "Would Senator Clarke yield to a question? Senator Clarke, if we were to adopt Senator Rasmussen's amendment to your amendment, would that preclude the state from then correcting the inadequacies in the federal exemption laws such as deals with the single versus married or joint returns?"

Senator Clarke: "I think it would definitely have that danger, and again, I know of no other provision in our Constitution which would have the effect of delegating to the federal government the right to make determinations for the state. I think it would be a very unwise step for us to take to put in our Constitution that we follow some unknown future federal enactment. That is the substance of what you are suggesting."

Further debate ensued.

#### POINT OF INQUIRY

Senator Talley: "Will Senator Clarke yield to a question? Senator Clarke, Senator Rasmussen made the statement that if we had a state income tax, the amount we paid would be deductible from the federal income tax."

Senator Clarke: "That is a matter that would be determined by the federal Congress. We would have no ability to make a determination as to what would be deductible from the federal income tax. Currently, the law, in further answer — however, as the federal tax now stands, it would be deductible."

Further debate ensued.

Senators Walgren, Washington and Herr demanded a Call of the Senate. A Call of the Senate was ordered.

#### CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senators Francis, Keefe and Ridder, who were previously excused.

#### MOTION

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

There being no objection, on motion of Senator Rasmussen, the amendment to the amendment by Senator Clarke was withdrawn.

Senator Marsh moved adoption of the following amendment by Senators Marsh and Clarke to the amendment by Senator Clarke:

Amend the amendment to page 1, line 8 as follows:

After "achieve it" strike " , and less deductions, exemptions and credits"

Debate ensued.



## POINT OF INQUIRY

Senator Woody: "Will Senator Marsh yield? Senator Marsh, under the current federal income tax code, interest from your home mortgage is now deductible not because it is an expense incurred to achieve gross income but rather it is an itemized deduction. If we were to adopt your amendment, would interest payable on your home mortgage be an expense incurred to achieve gross income?"

Senator Marsh: "No, it would not. It would not be deductible. What you are getting in lieu of that deduction for interest is a credit, a personal credit for each taxpayer and for each dependent in your household equal to the product of one thousand dollars multiplied by the lowest rate of tax applicable to taxpayers other than corporations.

"To translate that into something concrete, if the lowest tax rate were three percent, you would be getting a thirty dollar credit for yourself and for each dependent in your household. If you have a household of four, including yourself, you would be getting a hundred twenty dollar credit against your tax bill in lieu of that interest deduction."

Senator Woody: "And if, however, we used the federal approach and you had about fourteen hundred dollars worth of interest to be deducted from fifteen thousand dollars worth of adjusted gross income you would then compute that to arrive at your ultimate reportable income for tax computation purposes before you get your credit. Is that not correct?"

Senator Marsh: "Yes, that is correct, and whether or not you are better off having a deduction for interest or a credit against your taxes depends upon what your tax bracket is, as I am sure you would agree."

Senator Woody: "Well, that would illustrate the point that by making a credit would apply to everyone, no matter what their own circumstances would be, would be to ignore their own circumstances, that is a person who does not have a home mortgage that they are paying interest on, as opposed to a young family with two point three children who has a thirty-five thousand dollar mortgage."

Debate ensued.

There being no objection, on motion of Senator Marsh, the amendment by Senators Marsh and Clarke to the amendment by Senator Clarke was withdrawn.

Further debate ensued.

## POINT OF INQUIRY

Senator Washington: "Will Senator Clarke yield to a question? I may be wrong but it seems to me what we are doing here rather than just having regular deductions — Senator Woody and others have mentioned the necessity of having deductions — but should those deductions come from net income? In other words, don't you define net income and then of course, in your income tax you have various other deductions, but they don't necessarily come off of net income. I think that is the problem with your definition here. You would have one definition for net income and then there should be a separate provision that would state what other deductions you can have."

Senator Clarke: "Well, Senator, I just want to remove any question by including the additional wording of deductions and exemptions as determined by the legislature. I want to be sure that we are not, by defining net income, preventing the legislature from making those additional deductions from net income in connection with the application of the tax because in other portions of the bill then, you refer to percentages of net income. That should be net income after. You have not only the expense deletions but also take away the other deductions and so forth, so I think it merely clarifies the proposition that it is necessary to have that in there."

Senator Rasmussen moved adoption of the following amendment to the amendment by Senator Clarke:

Amend the amendment to page 1, line 8 as follows:

After "achieve it," strike the remainder of the amendment.

Debate ensued.

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

The motion by Senator Clarke carried and the amendment was adopted on a rising vote.

#### MOTION

At 1:05 p.m., on motion of Senator Walgren, the Senate was declared to be at ease. President Pro Tempore Henry called the Senate to order at 1:35 p.m.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich moved the Senate immediately reconsider the vote by which the amendment by Senator Clarke to Substitute Senate Joint Resolution No. 131 was adopted by the Senate.

Debate ensued.

The motion by Senator Mardesich carried.

President Pro Tempore Henry declared the question before the Senate to be adoption of the following amendment by Senator Clarke, on reconsideration:

On page 1, line 8, after "(1)" strike "Income" and insert:

"Net income, defined as gross income less expenses incurred to achieve it, and less deductions, exemptions and credits as determined by the legislature."

Senator Clarke moved adoption of the following amendment to the amendment by Senator Clarke:

Amend the Clarke amendment to page 1, line 8 as follows:

After "expenses" and before "incurred" insert "necessarily"

Debate ensued.

The motion by Senator Clarke carried and the amendment to the amendment by Senator Clarke was adopted.

The motion by Senator Clarke carried. The amendment, as amended, on reconsideration, was adopted.

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

On page 1, line 16, after "amount" and before "expended" insert "to be"

Senator Lewis (Harry) moved adoption of the following amendment by Senator Fleming:

On page 1, line 30 after "7%" and before the period insert "and shall not be higher than the rate imposed on corporations"

Debate ensued.

The motion by Senator Lewis (Harry) carried and the amendment by Senator Fleming was adopted.

Senator Pullen moved adoption of the following amendment:

On page 1, line 28, strike subsections (c) and (d) through page 2, line 13 and insert:

"(c) The highest rate of any tax imposed upon or measured by the net income of taxpayers other than corporations shall not exceed 3.5%. The rate schedule of any tax imposed upon or measured by the net income of taxpayers other than corporations shall not be graduated. The lowest amount of income subject to the tax rate shall not be less than one thousand dollars nor more than four thousand dollars.

(d) The rate of tax imposed on or measured by the net income of corporations shall not be higher than 7%. The rate of tax on corporate taxpayers shall not be graduated."

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Mr. President, I would like to respond a little bit to Senator Pullen and perhaps I can do so by asking my expert on biblical matters, Senator Van Hollebeke, if he will yield to a question. Senator Van Hollebeke, as I read thirty here, I detect the possibility that they are talking about a graduated income tax. Do you have an opinion on that?"

Senator Van Hollebeke: "I have had my research staff going over this for the last hour or two and the conclusion reached was that in Leviticus thirty where it speaks of all the tithe of the land, and whether of the seed of the land or of the fruit of the tree is the Lord's, that is speaking directly to the tithe and thus only to the ten percent. But where it

reads to the effect that if a man will at all redeem aught of his tithes, he shall add thereto the fifth part thereof, it comes graduated and I think that the 'Pullen Plan' is really a graduated net income tax with that interpretation."

Senator Bottiger: "Mr. President, in addition to that, on behalf of the farm bloc, I see that rather than the Lord, somebody else — about the time of Moses — had a terribly discriminatory clause in here for the farm bloc because we have to give away our first animal and you city people don't."

Further debate ensued.

On motion of Senator Scott, the amendment by Senator Pullen was laid upon the table.

Senator Rasmussen moved adoption of the following amendment:

On page 1, line 18, beginning with subsection (b) strike all the material down to and including "dollars" on page 2, line 9, and insert:

"(b) Any statute imposing a net income tax upon taxpayers shall be based upon and shall not exceed 6% of the taxpayer's federal income tax liability for the same tax year."

Debate ensued.

Senator Washington demanded a roll call and the demand was sustained by Senators Talley, Fleming, Beck, Gould, Herr, Wilson, Grant, Van Hollebeke and Stortini.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senator Rasmussen.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; nays, 21; excused, 3.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Goltz, Gould, Grant, Henry, Herr, Knoblauch, Marsh, McDermott, Peterson, Rasmussen, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—25.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Guess, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Sellar, Woody—21.

Excused: Senators Francis, Keefe, Ridder—3.

Senator Grant moved adoption of the following amendment by Senators Grant and Van Hollebeke:

On page 2, after line 16, insert a new subsection as follows:

"(3) During any time a tax imposed upon or measured by net income on corporations and individuals is in effect, no sales or use tax shall be imposed on (a) food products for off premises human consumption, and (b) prescription drugs as defined by the legislature."

Renumber the remaining subsections consecutively.

#### POINT OF INQUIRY

Senator Cunningham: "Thank you, Mr. President. Would Senator Grant yield to a question? Senator Grant, as I just mentioned to you again, in the seventy-five edition of the taxpayer's guide on page fourteen, it uses figures as to the percentage that lower, intermediate and higher income people are paying for food, housing, etc. These figures do not jibe with the tax inequities that you just referred to. Could you tell me what your source is, please?"

Senator Grant: "My source, Senator Cunningham, is the department of revenue. The current tax structure in the State of Washington for families with an income of four thousand dollars or less, just the sales taxes paid, the equivalent — the amount of that income that goes towards sales tax — you know, the rate is four point five — is four point one. Four point one. Because, obviously, they have to eat. The present sales tax rate for families with an income of ten thousand — the effective rate, just on the sales tax — is three point three. Fifteen thousand dollar income, the effective rate is two point eight. Twenty-five thousand dollar income, it is two point one; fifty thousand dollar in-

comes, it is one point four. So that is roughly three times the amount paid by those in the low income range for sales taxes. I am not just talking about food but if you adjusted the tax on food, I can show you other examples and these are figures that have been supplied me by the department of revenue. If you adjust the tax, take it off food, increase it by seven-tenths of one percent on all items — all other items — that is just a wash insofar as revenue, the tax structure becomes more progressive insofar as ability to pay. It is still not equal. It doesn't resemble the proposal that Senator Pullen was advancing here but it certainly makes the system less regressive than we have now. My source is the department of revenue."

Debate ensued.

Senator Fleming demanded a roll call and the demand was sustained by Senators Grant, Washington, Van Hollebeke, Talley, Goltz, Gould, Stortini, McDermott and Herr.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senators Grant and Van Hollebeke.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 26; nays, 20; excused, 3.

Voting yea: Senators Bottiger, Buffington, Day, Fleming, Goltz, Gould, Grant, Henry, Herr, Jolly, Knoblauch, Marsh, McDermott, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson—26.

Voting nay: Senators Bailey, Beck, Benitz, Bluechel, Clarke, Cunningham, Donohue, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Murray, Newschwander, North, Sellar, Wanamaker, Woody—20.

Excused: Senators Francis, Keefe, Ridder—3.

On motion of Senator Matson, the following amendment by Senators Matson and Lewis (Harry) was adopted:

On page 2, line 18, after "of" and before "The" insert "one-half"

Senator Clarke moved adoption of the following amendment by Senators Clarke, Marsh and Jones:

On page 2, line 26, after "excess of" strike all the matter down through "subsection" on line 29, and insert "six dollars per thousand dollars of the true and fair value of such property"

Senator Odegaard moved adoption of the following amendment to the amendment by Senators Clarke, Marsh and Jones:

Amend the amendment to page 2, line 26, as follows:

Strike "six dollars per thousand of the true and fair value of such property" and insert "one-fifth of one percent of the state average assessed valuation per pupil"

Debate ensued.

The motion by Senator Odegaard carried and the amendment to the amendment by Senators Clarke, Marsh and Jones was adopted on a rising vote.

On motion of Senator Mardesich, the amendment by Senators Clarke, Marsh and Jones as amended by Senator Odegaard was laid upon the table.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Herr moved that the Senate immediately reconsider the vote by which the following amendment by Senators Matson and Lewis (Harry) was adopted earlier today:

On page 2, line 18, after "of" and before "The" insert "one-half"

Debate ensued.

Senator Herr demanded a roll call and the demand was sustained by Senators Washington, Rasmussen, von Reichbauer, Fleming, Woody, Van Hollebeke, Grant, Stortini and Goltz.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the motion by Senator Herr that the Senate reconsider the vote by which the amendment by Senators Matson and Lewis (Harry) was adopted.

#### ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 25; nays, 21; excused, 3.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Goltz, Grant, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Rasmussen, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—25.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Gould, Guess, Henry, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Peterson, Pullen, Sellar, Talley, Wanamaker—21.

Excused: Senators Francis, Keefe, Ridder—3.

President Pro Tempore Henry declared the question before the Senate to be adoption of the amendment by Senators Matson and Lewis (Harry), on reconsideration.

Debate ensued.

#### POINT OF INQUIRY

Senator Matson: "Mr. President, will Senator Fleming yield to a question? Do you know of any tax in this state that has ever been reduced?"

Senator Fleming: "I don't ever recall us passing an income tax either but there is always a first time, and we — two years ago — reduced the inventory tax."

Further debate ensued.

#### POINT OF INQUIRY

Senator Herr: "Mr. President, would Senator Matson yield to a question? I would like to possibly support your amendment but I would like one question. If I support your amendment, will you vote for the bill?"

Senator Matson: "You already know the answer to that. The answer is 'no', because this kind of a proposition is ridiculous, but understand that while we are here — whether we support or oppose a bill — we do have the responsibility of attempting to perfect and make it fair."

Senator Herr: "Thank you very much. You answered my question."

Senator Herr demanded a roll call and the demand was sustained by Senators Matson, Talley, Washington, von Reichbauer, McDermott, Lewis (Harry), Jones, Murray and Stortini.

President Pro Tempore Henry declared the question before the Senate to be the roll call on adoption of the amendment by Senators Matson and Lewis (Harry), on reconsideration.

#### ROLL CALL

The Secretary called the roll and the amendment, on reconsideration, was adopted by the following vote: Yeas, 26; nays, 20; excused, 3.

Voting yea: Senators Bailey, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Guess, Henry, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Murray, Newschwander, North, Peterson, Pullen, Sellar, Stortini, Talley, von Reichbauer, Wanamaker—26.

Voting nay: Senators Beck, Bottiger, Fleming, Goltz, Gould, Grant, Herr, Jolly, Knoblauch, Marsh, McDermott, Odegaard, Rasmussen, Sandison, Scott, Van Hollebeke, Walgren, Washington, Wilson, Woody—20.

Excused: Senators Francis, Keefe, Ridder—3.

Senator Grant moved adoption of the following amendment:

On page 2, line 16, strike "five and three-tenth" and insert "six"

Senator Mardesich moved adoption of the following amendment to the amendment by Senator Grant:

Amend the Grant amendment to page 2, line 16 as follows:

Strike "six" and insert "seven"

Debate ensued.

The motion by Senator Mardesich failed and the amendment to the amendment by Senator Grant was not adopted on a rising vote.

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

On motion of Senator Clarke, the following amendment by Senator Mardesich will be divided for consideration by the Senate.

Senator Mardesich moved adoption of the following amendment through subsection (a).

On page 2, beginning on line 22, strike all of subsection (5) and insert the following:

"(5) Notwithstanding the provisions of section two of this article:

(a) An additional tax levy upon real and personal property by the state to be used exclusively for the support of the common schools is hereby authorized not to exceed in any year two dollars per thousand of the true and fair value of such property in money."

"(b) Subsequent to November 1, 1977, any school district may levy for maintenance and operation of schools for each year of a period no longer than two years, an additional amount per pupil not to exceed one-fourth of one percent of the state average assessed valuation per pupil when specifically authorized to do so by a majority of electors voting on the proposition to levy such tax at a general election. Paragraph (a) of section 2 of article VII of this constitution shall not apply to school districts subsequent to November 1, 1977."

Debate ensued.

Senator Mardesich demanded a roll call and the demand was sustained by Senators Washington, Benitz, Newschwander, Sellar, Jones, North, Bluechel, Bailey and Herr.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senator Mardesich to page 2, line 22(5)(a).

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 36; nays, 10; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Buffington, Clarke, Cunningham, Donohue, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Woody—36.

Voting nay: Senators Bluechel, Bottiger, Day, Fleming, McDermott, Pullen, Rasmussen, Van Hollebeke, Washington, Wilson—10.

Excused: Senators Francis, Keefe, Ridder—3.

Senator Mardesich moved adoption of subsection (b) of the amendment to page 2, beginning on line 22:

"(b) Subsequent to November 1, 1977, any school district may levy for maintenance and operation of schools for each year of a period no longer than two years, an additional amount per pupil not to exceed one-fourth of one percent of the state average assessed valuation per pupil when specifically authorized to do so by a majority of electors voting on the proposition to levy such tax at a general election. Paragraph (a) of section 2 of article VII of this constitution shall not apply to school districts subsequent to November 1, 1977."

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

On line 6 of the amendment after "a" and before "majority" insert "60%"

Debate ensued.

Senator Lewis (Harry) demanded a roll call and the demand was sustained by Senators Wanamaker, Newschwander, Sellar, North, Benitz, Pullen, Morrison, Clarke and Jones.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senator Lewis (Harry) to the amendment by Senator Mardesich.

#### ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 19; nays, 27; excused, 3.

Voting yea: Senators Benitz, Clarke, Cunningham, Day, Donohue, Guess, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Newschwander, Pullen, Sellar, Van Hollebeke, Wanamaker, Washington, Wilson—19.

Voting nay: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Fleming, Goltz, Gould, Grant, Henry, Herr, Knoblauch, Mardesich, Marsh, McDermott, Murray, North, Odegaard, Peterson, Rasmussen, Sandison, Scott, Stortini, Talley, von Reichbauer, Walgren, Woody—27.

Excused: Senators Francis, Keefe, Ridder—3.

Senator Mardesich moved adoption of the following amendment to the amendment by Senator Mardesich:

On line 5 of the amendment after "valuation" and before "per" insert "for the preceding year"

Debate ensued.

The motion by Senator Mardesich carried and the amendment to the amendment by Senator Mardesich was adopted.

President Pro Tempore Henry declared the question before the Senate to be adoption of the amendment by Senator Mardesich to page 2, beginning on line 22(5)(b), as amended.

Senator Bottiger demanded a roll call and the demand was sustained by Senators Van Hollebeke, McDermott, Scott, Clarke, Day, Grant, Gould, Lewis (Harry) and Morrison.

President Pro Tempore Henry declared the question before the Senate to be the roll call on adoption of the amendment by Senator Mardesich, as amended.

#### ROLL CALL

The Secretary called the roll and the amendment, as amended, was not adopted by the following vote: Yeas, 14; nays, 32; excused, 3.

Voting yea: Senators Bailey, Beck, Bottiger, Cunningham, Gould, Henry, Marsh, Peterson, Rasmussen, Sandison, Talley, Walgren, Wanamaker, Woody—14.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Goltz, Grant, Guess, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Washington, Wilson—32.

Excused: Senators Francis, Keefe, Ridder—3.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich moved the Senate immediately reconsider the vote by which the amendment by Senator Mardesich, as amended, was not adopted.

Debate ensued.

#### POINT OF INQUIRY

Senator Mardesich: "Will Senator Clarke yield to a question? In view of the constitutional authority allowing special levies with the sixty percent and unlimited amounts, how can you take care of it by statute later unless it is simply by some limitation that would be contrary to the constitution?"

Senator Clarke: "You may have a point. I am not sure whether that constitutional provision is simply by way of a limitation provision or whether the legislature could. I would concede that there would be a question there, though."

Senator Mardesich: "Wouldn't your problem rather be answered by a change in the percentage of assessed valuation which would allow the maximum? Even here you have a maximum of one hundred and fifty dollars. A hundred and fifty dollars is more than ten percent — is about ten percent of your current school budget."

Senator Clarke: "Senator, this is simply a limitation, and in the event the limitation, or something that could be more easily understood, like six dollars per thousand, which was what I had in my proposed 136, that in reality would reduce the amount of special levies that we customarily do levy on the east side. But nevertheless it would be an acceptable amount. Now, the proposal that you have restricts us to the extent that I am quite sure that it would lose you votes on the entire proposition."

Senator Mardesich: "I fail to accept that argument because the limitation and people are prone to go with limitations. It seems to me you had a very good amendment with respect to statewide equalization of special levies except that was even more complicated and that is why I didn't include it."

Senator Clarke: "In answer to that, I had in my 136 proposed a further amendment with respect to equalization of special levies which would by constitution have permitted the legislature to make provision for equalization which to me is the ideal method of taking care of it in the Constitution. That, then, would permit the legislature to adopt equitable methods of distributing this present big inequality as related to the number of students and assessed valuation but the way we are approaching it now I can't go along with."

The motion for reconsideration by Senator Mardesich failed.

Senator Pullen moved adoption of the following amendment:

On page 3, line 9 after "time" insert:

": PROVIDED, That any such adoption by reference after the enactment of the original implementing legislation shall not result in an increase in income taxes"

Debate ensued.

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

On motion of Senator Cunningham, the following amendment by Senators Cunningham, Lewis (R. H. "Bob"), Pullen and Lewis (Harry) was adopted:

On page 3, section 1, after line 11, insert a new subsection as follows:

"(9) Notwithstanding any other provision of this constitution, the total amount of all taxes imposed by the state of Washington shall not exceed nine percent of the total personal income of the residents of the state of Washington as determined on an annual basis."

Senator Washington moved adoption of the following amendment:

Amend the resolution by increasing the figure 6% in the Rasmussen amendment to 10%.

#### POINT OF ORDER

Senator Gould: "Point of order, Mr. President. Mr. President, is it possible to amend an amendment that has already been adopted?"

#### RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Part of the bill can perfect at any time, Senator."

#### FURTHER RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Henry: "Senator Washington, if I may interrupt, Senator Gould's point of order, under paragraph 209 of Reed's states that the general rule of parliamentary procedure is that when an assembly has come to a conclusion or decision, that result shall be regarded as final. Her point is well taken."

#### REMARKS BY SENATOR WASHINGTON

Senator Washington: "Mr. President, in all due respect, I believe at least it is the custom to allow a member of the Senate to respond to a . . . ."



## REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "You may speak to a point of personal privilege if you like."

## REMARKS BY SENATOR WASHINGTON

Senator Washington: ". . . no, I prefer to speak on the point of order, and I believe I have that right to speak on the point of order."

## REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Proceed."

## REMARKS BY SENATOR WASHINGTON

Senator Washington: "Thank you, Mr. President. This particular point — the matter has been completed. The point which has been called to your attention does not apply in this situation. The Rasmussen amendment became complete when it was placed upon the bill. It became a part of the bill. It is now a part of the bill before us and we have the right to amend a bill which is before us. It isn't necessary. The only other way you could do it would be to call for a reconsideration and that certainly would not be essential in a situation such as this."

## REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The general rule of parliamentary proceedings is when the assembly has come to a conclusion or decision that result shall be regarded as final. This is necessary for the orderly action of the assembly itself. If what has once been decided could at all times again be opened by each member, there would be no end of confusion. Now, what else would you like me to do?"

## REMARKS BY SENATOR WASHINGTON

Senator Washington: "The point which was raised that you cannot — upon reconsidering. You can have one reconsideration of the adoption of an amendment. You can't keep on reconsidering. This is true, and that is what that rule means but once you have decided to amend the bill — I don't know whether we have the votes to reconsider or whether you would get it back on again."

## REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Well, Senator Washington, you can argue from now and on. You can appeal the decision of the Chair if you want to. I made the ruling. Her point was well taken."

The amendment by Senator Washington was ruled out of order.

Senator Goltz moved adoption of the following amendment:

On page 1, line 8, beginning with "Article VII" strike the remainder of the joint resolution and insert the following:

"Article VII, section 12. Notwithstanding any other provision of this Constitution, the legislature shall have the power to impose a tax upon income from whatever source derived: PROVIDED, That the first statute enacting an income tax shall be referred to the people and approved by a majority vote thereon: AND PROVIDED FURTHER, That the enactment of any increase in the rate or rates of any tax allowed by this Constitution shall be subject to the referendum procedures provided by Article II of this Constitution.

Income shall not be deemed property within the meaning of this Constitution, and a tax upon income shall not be deemed to be a property tax.

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.

## POINT OF INQUIRY

Senator Morrison: "Would Senator Goltz yield to a question, please? Senator Goltz, is it your intent with this to offer to the people the statutory enactment of the income tax at the same time as you are offering the constitutional amendment?"

Senator Goltz: "No, it is not."

Senator Morrison: "In other words, you are asking then to vote on an income tax without any specific provisions."

Senator Goltz: "This would be asking them to vote on the authorization of an income tax with the understanding that they would have back as a referendum, the enacting legislation."

Senator Morrison: "Could you predict a timetable on this procedure?"

Senator Goltz: "Thirty-four days."

Senator Morrison: "Thank you."

Senator Cunningham moved adoption of the following amendment to the amendment by Senator Goltz:

After line 21 of the Goltz amendment, insert the following:

"(9) Notwithstanding any other provision of this constitution, the total amount of all taxes imposed by the state of Washington shall not exceed nine percent of the total personal income of the residents of the state of Washington as determined on an annual basis."

## POINT OF INQUIRY

Senator Bottiger: "Would Senator Cunningham yield to a question? Senator Cunningham, my understanding of, quote, 'taxes imposed by the state of Washington' would include all of the subdivisions of the state."

Senator Cunningham: "You mean local government?"

Senator Bottiger: "Yes."

Senator Cunningham: "It is our understanding that is not true in that local taxation is addressed separately in this bill."

Senator Bottiger: "Senator Cunningham, the publicity of the proponent of this idea, the lady that is filing the amendment, thinks otherwise. She says this is all taxes, the group that does so. Now, the problem with your amendment is, you take a fire district or a school district that wants to run a levy and maybe they want to buy the fire hall one time or they build the school building and the swimming pool one time and they are willing to vote for a larger amount. When we added all those up, which one of them goes over the nine percent? Are we going to decide that Fife gets to build theirs, or pass their levy, or Senator Clarke's area does not have their levy because they have, quote, 'somehow broken the rule in that area of the nine percent'?"

"For this reason, that idea, while very worthwhile, and very popular to consider, simply isn't practical."

Senator Cunningham: "Mr. President, in an attempt to respond to the question, it is our understanding with the caucus attorney and with some others that I have talked to that this, by stating 'taxes imposed by the state of Washington' will simply be just state taxes and have nothing to do with local taxation or those taxing entities. I would urge and request your support of this amendment."

Further debate ensued.

Senator Matson demanded a roll call and the demand was sustained by Senators Lewis (Harry), Morrison, Guess, Jones, Benitz, Pullen, Bluechel, North and Buffington.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Cunningham, Lewis (R. H. "Bob"), Pullen and Lewis (Harry) to the amendment by Senator Goltz.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 16; nays, 30; excused, 3.

Voting yea: Senators Benitz, Clarke, Cunningham, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Murray, Newschwander, Pullen, Scott, Sellar, Wanamaker—16.

Voting nay: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Day, Donohue, Fleming, Goltz, Gould, Grant, Henry, Herr, Jolly, Knoblauch, Marsh, McDermott, North, Odegaard, Peterson, Rasmussen, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—30.

Excused: Senators Francis, Keefe, Ridder—3.

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

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute Senate Joint Resolution No. 131 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Joint Resolution No. 131, and the resolution failed to pass the Senate by the following vote: Yeas, 23; nays, 23; excused, 3.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Fleming, Goltz, Gould, Grant, Henry, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Peterson, Rasmussen, Sandison, Stortini, Van Hollebeke, Walgren, Washington, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Day, Donohue, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Scott, Sellar, Talley, von Reichbauer, Wanamaker, Wilson—23.

Excused: Senators Francis, Keefe, Ridder—3.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 131, having failed to receive the constitutional two-thirds majority, was declared lost.

#### MOTION

At 4:35 p.m., on motion of Senator Walgren, the Senate was declared to be at ease subject to the Call of President Pro Tempore Henry.

#### EVENING SESSION

President Pro Tempore Henry called the Senate to order at 8:25 p.m.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 1624.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1624, by Representatives Shinpoch and Bagnairol:

Relating to appropriations.

#### REPORT OF STANDING COMMITTEE

March 3, 1976.

ENGROSSED HOUSE BILL NO. 1624, relating to appropriations (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

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

"*NEW SECTION*. Section 1. A supplemental budget as set forth in this 1976 amendatory act is hereby adopted and subject to the provisions set forth in this 1976 amendatory act, the several amounts specified in this 1976 amendatory act, or so much thereof as may be necessary 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, including operations and capital improvements, for the fiscal biennium beginning July 1, 1975, and

ending June 30, 1977, except as otherwise provided, out of the several funds of the state hereinafter named.

**NEW SECTION. Sec. 2. FOR THE HOUSE OF REPRESENTATIVES**

General Fund Appropriation. . . . .	\$	752,663
Total Appropriation. . . . .	\$	752,663

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess. the house of representatives shall pay expenses quarterly to the department of general administration, general administration facilities and revolving account, for services rendered by the department for operation, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1975. Not more than \$390,163 shall be expended by the house of representatives for the purposes of this section.

(2) Not more than \$50,000 shall be expended to study the feasibility of creating an inflation index for governmental expenditure analysis.

(3) Not more than \$250,000 shall be expended to undertake a property tax study.

(4) Not more than \$35,000 shall be expended to employ counsel pursuant to Senate Concurrent Resolution 122.

(5) Not more than \$27,500 shall be expended for the continuation of present Public Service Broadcasting Television coverage of legislative activity and events.

**NEW SECTION. Sec. 3. FOR THE SENATE**

General Fund Appropriation. . . . .	\$	614,647
Total Appropriation. . . . .	\$	614,647

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess. the senate shall pay expenses quarterly to the department of general administration, general administration facilities and revolving account, for services rendered by the department for operation, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1975. Not more than \$287,147 shall be expended by the senate for the purposes of this section.

(2) Not more than \$27,500 shall be expended for the continuation of present Public Service Broadcasting Television coverage of legislative activity and events.

(3) An amount, not to exceed \$50,000 of this appropriation, may be utilized, but not be limited to, senate expenses for hiring attorneys and other additional staff people as may be necessary to defend the State of Washington relative to its position in regards to chapter 125, Laws of 1975 1st ex. sess. (ESHB 527), in which the regulation of the size of tankers entering Puget Sound was passed.

(4) Not more than \$250,000 of this appropriation may be expended for, but not be limited to, senate expenses related to actuarial and other expert staff and services directed toward resolution of problems relating to post retirement cost-of-living adjustments and the effect of proposed pension reform measures now before the legislature.

**NEW SECTION. Sec. 4. FOR THE SUPREME COURT.**

General Fund Appropriation. . . . .	\$	103,808
Total Appropriation. . . . .	\$	103,808

The appropriation contained in this section shall be expended

solely for expenses incurred in perfecting appellate review of indigent cases.

**NEW SECTION. Sec. 5. FOR THE GOVERNOR — SPECIAL APPROPRIATIONS**

General Fund Appropriation — State . . . . .	\$	18,515,519
General Fund Appropriation — Federal . . . . .	\$	787,865
Special Fund Salary Increase Revolving Fund		
Appropriation . . . . .	\$	6,793,848
Total Appropriation. . . . .	\$	26,097,233

The appropriations contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated herein and shall be subject to the following conditions and limitations:

(1) Not more than \$8,872,915 of general fund moneys (including \$780,274 in federal funds) shall be expended to implement, effective October 1, 1976, 50% of the 1975-1976 salary survey findings (5% indicated increase) for state classified employees and for comparable salary increases for state employees exempt from the classified service.

(2) Not more than \$3,071,614 of general fund moneys shall be expended to implement, effective October 1, 1976, 50% of the 1975-1976 salary survey findings (4.25% indicated increase) for state higher education classified employees.

(3) Not more than \$7,333,218 of general fund moneys of the appropriation contained in this section shall be expended to provide effective October 1, 1976, an average 5% salary increase for faculty and exempt employees of the four year units of higher education and the community college system. In the event such appropriation is not sufficient to implement such increase on October 1, 1976, the institutions may through reprioritization of existing resources provide for the 5% average increase: PROVIDED, That no community college district or four year unit of higher education may grant from any fund source any additional salary increase greater than that authorized in this 1976 amendatory act.

(4) Not more than \$25,638 of general fund moneys (including \$7,591 in federal funds) shall be expended to provide, effective October 1, 1976, an average 5% salary increase for Commissioned members of the Washington State Patrol.

(5) Not more than \$6,793,849 of Special Fund Salary Increase Revolving Fund moneys shall be expended to provide an average 5% salary increase effective October 1, 1976, to faculty and exempt employees of the four year units of higher education and the community college system, and commissioned members of the Washington State Patrol and to implement 50% of the 1975-1976 salary survey findings (5% indicated increase) for state classified employees and comparable salary increases for state employees exempt from the classified service and 4.25% indicated increase) for state higher education classified employees. To facilitate payment of such increases the state treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund in accordance with schedules provided by the office of program planning and fiscal management.

**NEW SECTION. Sec. 6. FOR THE GOVERNOR — SPECIAL APPROPRIATIONS**

General Fund Appropriation. . . . .	\$	1,030,220
Total Appropriation. . . . .	\$	1,030,220

The appropriation contained in this section shall be expended

exclusively to implement the provisions of sections 1 through 4 of chapter 263, Laws of 1975 1st ex. sess.

Sec. 7. Section 11, chapter 269, Laws of 1975 1st ex. sess. (unmodified) is amended to read as follows:

**FOR THE GOVERNOR — SPECIAL APPROPRIATIONS**

General Fund Appropriation—State . . . . .	\$	105,640,918
General Fund Appropriation—Federal . . . . .	\$	12,962,742
Special Fund Salary Increase Revolving Fund		
Appropriation . . . . .	\$	41,087,810
Total Appropriation . . . . .	\$	159,691,470

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$630,000 for the governor's emergency fund to be allocated for the purpose of carrying out the critically necessary work of any agency: *PROVIDED, That not more than \$150,000 shall be used as matching funds for individual and family grants qualifying under regulations established by the Federal Disaster Assistance Administration.*

(2) Not more than \$700,000 may be [allocated] *allotted* by the governor for survey and installation purposes.

(3) \$20,000 for the Interstate Nuclear Compact.

(4) \$2,000 for the Advisory Commission on Intergovernmental Relations.

(5) \$100,340 for the Council on State Governments.

(6) \$60,000 for Governor's Transition.

(7) \$75,000 for the National Guard Association Conference.

(8) Not more than \$117,016,320 in general fund moneys (including \$12,962,742 in federal funds) shall be expended for continuation during the 1975-77 biennium of the salary increases which were granted effective March 1, 1975 pursuant to section 2, chapter 9, Laws of 1975 to state classified and higher education classified employees, state employees exempt from the classified service, faculty and exempt employees of the four year units of higher education and the community college system, excluding student employees not under the jurisdiction of the state personnel board or higher education personnel board classification systems, and commissioned members of the Washington state patrol. Such salary increase funds include increments, or their equivalent, that may be granted by the individual institutions of higher education.

(9) Not more than \$41,087,810 in Special Fund Salary Increase Revolving Fund moneys shall be expended for continuation during the 1975-77 biennium of the salary increases granted pursuant to section 2, chapter 9, Laws of 1975, and to facilitate payment of such increases the state treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund, in accordance with schedules provided by the office of program planning and fiscal management.

**NEW SECTION. Sec. 8. FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT**

General Fund Appropriation . . . . .	\$	850,000
Total Appropriation . . . . .	\$	850,000

The appropriation contained in this section shall be expended exclusively within the Supplies and Services Furnished in Previous Biennia program. Allocations shall be made to state agencies in accordance with instructions from OPP&FM.

**NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF PERSONNEL**

State Employees' Insurance Fund Appropriation . . . . .	\$	295,892
Total Appropriation. . . . .	\$	295,892

**NEW SECTION. Sec. 10. FOR THE DATA PROCESSING AUTHORITY**

General Fund Appropriation. . . . .	\$	464,254
General Fund — Resource Management Cost Account		
Appropriation . . . . .	\$	85,000
Total Appropriation. . . . .	\$	549,254

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$126,901 of the \$464,254 general fund appropriation contained in this section shall be expended to assist agencies in transferring to a consolidated data processing environment.

(2) The resource management cost account appropriation contained in this section shall be expended to assist the Department of Natural Resources in transferring to a consolidated data processing environment.

(3) \$337,353 of the \$464,254 general fund appropriation contained in this section shall be expended for completion of the payroll / personnel project.

**NEW SECTION. Sec. 11. FOR THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

Retirement System Expense Fund Appropriation. . . . .	\$	66,201
Total Appropriation. . . . .	\$	66,201

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$21,116 shall be expended for creating a new position of internal audit supervisor, including related employee benefits, equipment and supplies.

(2) \$45,085 shall be expended for the implementation of the provisions of chapter 73, Laws of 1975 1st ex. sess. for all retired members of the system who apply.

**NEW SECTION. Sec. 12. FOR THE TEACHERS' RETIREMENT SYSTEM**

General Fund Appropriation — State . . . . .	\$	500,000
Total Appropriation. . . . .	\$	500,000

The appropriation contained in this section shall be expended exclusively for the purpose of granting an ad hoc increase for one year in the minimum pension provided in RCW 41.32.497, to seven dollars and fifty cents per month for each year of creditable service to all members who retired prior to April 25, 1973. Such increase shall take effect July 1, 1976.

**NEW SECTION. Sec. 13. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund Appropriation. . . . .	\$	267,968
General Fund — Motor Transport Account		
Appropriation . . . . .	\$	271,477
Total Appropriation. . . . .	\$	539,445

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$105,000 of the \$267,968 general fund appropriation contained in this section shall be expended for the maintenance and upkeep of the Northern State Hospital facility through March 31, 1976.

(2) The department of general administration shall perform minimal maintenance and upkeep of the Northern State Hospital facility from April 1, 1976, through December 31, 1976, or until a lease agreement is completed prior to December 31, 1976.

(3) \$25,000 of the \$267,968 general fund appropriation contained in this section shall be used to terminate employees at the Northern State Hospital facility if a lease agreement is completed prior to December 31, 1976, and to terminate employees at the Northern State Hospital facility if a reduction in force occurs.

(4) Prior to any disposal of the property of Northern State Hospital by either the department of natural resources or the department of general administration, the proposal for any such disposition shall be submitted to the house and senate ways and means committees for approval or rejection if the legislature is in session. If the legislature is not in session the proposal for any such disposition shall be submitted for approval or rejection to the legislative budget committee. If the house and senate ways and means committees or the legislative budget committee fails to approve or reject a proposal within sixty days of its submittal to the legislative bodies herein named such proposal shall be deemed to have been approved.

(5) \$30,000 of the \$267,968 general fund appropriation contained in this section shall be expended solely to provide for the premium costs of insurance coverage for all state-owned, state-chartered, state-rented or state employee-owned aircraft being used on authorized state business, including passengers. This coverage shall be in force for all such aircraft, whether piloted by a state employee or by an employee or employees of a charter or rental firm.

(6) \$107,968 of the general fund appropriation shall be expended exclusively by the Division of Banking.

**NEW SECTION. Sec. 14. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

State Funding Sources . . . . .	\$	13,322,519
Federal Funding Sources . . . . .	\$	8,079,049
Total Funding Sources . . . . .	\$	21,401,568

The appropriations contained in sections 15 through 19 of this 1976 amendatory act shall be subject to the following conditions and limitations:

(1) In addition to the transfer authority granted in section 50(3), chapter 269, Laws of 1975 1st ex. sess., the Department of Social and Health Services is hereby authorized to transfer up to one and one-half percent of the total appropriations contained in sections 51 through 61 of chapter 269, Laws of 1975 1st ex. sess. (uncodified) between programs upon review and approval of both the Office of Program Planning and Fiscal Management and the Standing Committees on Ways and Means of the Legislature.

(2) The department is authorized to transfer up to one and one-half percent of the full time equivalent staff years authorized by sections 51 through 61 of chapter 269, Laws of 1975 1st ex. sess. (uncodified) between programs upon review and approval of both the Office of Program Planning and Fiscal Management and the Standing Committees on Ways and Means of the Legislature. Such transfer shall be approved only if it is evidenced that the safety and well-being of either (a) employees of the department, or (b) those persons under the care of the state, is involved.

(3) The department shall be deemed to have received the necessary approval for the release of funds appropriated by section 62, chapter 269, Laws of 1975 1st ex. sess. (uncodified), except, that only funds related to (a) administrative and support services; (b) foster care caseload review; and (c) staff related costs within income maintenance and medical assistance caseload controls may be used for the purposes of subsections (1) and (2) of this section.



(4) The department shall not implement a twice monthly payment program.

(5) The department may make payment of proper claims for service rendered in the 1973-75 biennium which have been timely filed pursuant to RCW 74.09.160.

(6) The department shall implement the requirements of Initiative 316.

(7) The department shall revise such rules and regulations as pertain to the cost reimbursement system for skilled nursing and intermediate care facilities to allow vendors under such system to utilize any savings achieved without subsequent penalty, within:

(a) The cost centers of (i) restorative care and recreational activities; (ii) dietary services; and (iii) facility and patient services; and

(b) The heat portion of the operation of plant cost center.

(8) The department shall develop and implement an accounting procedure which will provide, in a timely manner, for potential encumbrances of claims filed pursuant to RCW 74.09.160, so that belated claims may be more accurately forecast.

(9) If a reduction in force is required, such reduction shall be applied in a proportional manner among (a) all merit system classifications and exempt personnel; and (b) programs.

(10) The department shall develop short and long term comprehensive plans for the entire state correctional system in the form of a substantive legislative proposal which shall be submitted to the 45th Legislature. Such proposal shall include, but not be limited to, the following:

(a) Use of one of the two proposed new facilities for offenders who are mentally ill and/or in need of protective custody;

(b) Use of one of the two proposed new facilities for offenders who are dangerous and/or disruptive;

(c) Significant reduction in incidents of violence and illegal drug trafficking within the facilities;

(d) Restructuring of present and new facilities to provide for a continuum of security ranging from maximum to minimum status. Such a system shall be structured so as to provide for the proper environment for training, treatment, and self-help programs. Restructuring shall include the expansion of the honor camp system or equivalent minimum security units for nondangerous offenders who are able to function in a minimum security environment;

(e) Extensive development or self-help programs within each facility;

(f) Extensive development of prison industries and the utilization of inmates in prison maintenance;

(g) Expansion of vocational training programs to provide inmates with the certification necessary for transition to employment in the community;

(h) Development of program and job performance standards, and an evaluation process for all adult correction programs operated and/or funded by the department;

(i) Development of a staff recruitment and training policy, the main objective of which is to limit the role of personnel as custodians to the minimum amount necessary to maintain order, and to expand the role of personnel as facilitators for training, treatment, and self-help programs;

(j) Expansion of community resources, to include, but not be limited to, probation and parole services, court diversion, restitution centers, halfway houses, drug and alcoholism treatment centers, and

training and employment placement services; and

(k) Thorough examination of the needs for medical, dental, and psychological care within the system.

(11) The department shall develop short and long term comprehensive plans for both institutional and community rehabilitative services within the developmental disabilities program in the form of a substantive legislative proposal which shall be submitted to the 45th Legislature. Such proposal shall include, but not be limited to, the following:

(a) The deinstitutionalization of existing facilities, including the priority of residents to be deinstitutionalized;

(b) The level and type of treatment and training both within the institution and in the community;

(c) The roles of both the community colleges and institutions of higher education;

(d) The role of the community and various advocate groups; and

(e) The operational level in funding and full time equivalent staff years.

(12) General assistance for unemployed, employable persons may be provided in accordance with eligibility requirements and standards established by the department to an applicant who:

(a) Meets the eligibility requirements of RCW 74.08.025; and

(b) Is a resident of the State of Washington; and

(c) Is either:

(i) A single person who is fifty years of age or over; or

(ii) A married couple when one of the spouses is fifty years of age or older; or

(iii) A minor dependent child living in the home with one or both parents, who are not eligible for aid to families with dependent children or continuing general assistance; or

(iv) A minor child living outside the parental home and enrolled in high school or a vocational training plan approved by the local office of the department.

**NEW SECTION. Sec. 15. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES — ADULT CORRECTIONS AND REHABILITATION PROGRAM**

**(1) COMMUNITY REHABILITATION SERVICES**

General Fund Appropriation — State . . . . .	\$	100,000
Total Appropriation. . . . .	\$	100,000

The appropriation contained in this subsection shall be subject to the following condition and limitation: Beginning on November 1, 1976, the department shall provide a grant for the purpose of the continuation of the Yakima county work release project.

**(2) SPECIAL PROJECTS PROGRAM**

General Fund Appropriation — State . . . . .	\$	100,000
Total Appropriation. . . . .	\$	100,000

The appropriation contained in this subsection shall be subject to the following condition and limitation: The department shall perform a study in cooperation with private industry to determine the feasibility of a cooperative effort by both the department and private industry in the joint operation of a moderate security facility in a specialized prison work-training program.

**NEW SECTION. Sec. 16. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES — INCOME MAINTENANCE PROGRAM**

**(1) MAINTENANCE GRANTS**

General Fund Appropriation — State . . . . .	\$	8,440,720
General Fund Appropriation — Federal . . . . .	\$	4,057,140
Total Appropriation. . . . .	\$	12,497,860

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) \$12,322,860 (including \$4,057,140 from federal funds) shall be utilized for upgrading maintenance grant standards by 4.0 percent for fiscal year 1977.

(b) \$175,000 shall be utilized for an inflationary increase of 3.0 percent in congregate care vendor rates for fiscal year 1977.

(2) INTERMEDIATE CARE FACILITIES

General Fund Appropriation — State . . . . .	\$	239,580
General Fund Appropriation — Federal . . . . .	\$	268,004
Total Appropriation. . . . .	\$	507,584

The appropriations contained in this subsection shall be utilized only for vendor rate increases of 5.08 percent in intermediate care facility vendor rates for fiscal year 1977.

(3) OTHER ASSISTANCE

General Fund Appropriation — State . . . . .	\$	20,000
Total Appropriation. . . . .	\$	20,000

The appropriation contained in this subsection shall be utilized for an inflationary increase of 2.4 percent in burial vendor rates for fiscal year 1977.

*NEW SECTION.* Sec. 17. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES — COMMUNITY SOCIAL SERVICES PROGRAM — FAMILY AND CHILDREN SERVICES

General Fund Appropriation — State . . . . .	\$	480,000
General Fund Appropriation — Federal . . . . .	\$	240,000
Total Appropriation. . . . .	\$	720,000

The appropriations contained in this subsection shall be utilized for inflationary increases of 2.4 percent in vendor rates for fiscal year 1977.

*NEW SECTION.* Sec. 18. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES — MEDICAL ASSISTANCE PROGRAM

(1) GENERAL MEDICAL ASSISTANCE

General Fund Appropriation — State . . . . .	\$	3,517,219
General Fund Appropriation — Federal . . . . .	\$	3,513,905
Total Appropriation. . . . .	\$	7,031,124

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) \$2,342,860 (including \$1,085,716 from federal funds) shall be utilized for upgrading maintenance grant standards by 4.0 percent for fiscal year 1977.

(b) \$3,168,264 (including \$1,698,189 from federal funds) shall be utilized for vendor rate increases of 3.09 percent in skilled nursing facility vendor rates for fiscal year 1977.

(c) \$1,520,000 (including \$730,000 from federal funds) shall be utilized for an inflationary increase of 2.4 percent in vendor rates.

(2) SPECIAL PROJECTS

General Fund Appropriation — State . . . . .	\$	395,000
Total Appropriation. . . . .	\$	395,000

The appropriation contained in this subsection shall be subject to the following conditions and limitations:

(a) \$335,000 contained in this subsection shall be expended exclusively by the department for a contract for purchase of research

with the Fred Hutchinson Cancer Research Center for maintaining the program at current level and to maintain a competitive position for private and federal-match funding.

(b) \$60,000 shall be used to purchase rural health manpower requirements for the Clearinghouse.

**NEW SECTION. Sec. 19. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES — PUBLIC HEALTH PROGRAM — ENVIRONMENTAL HEALTH IMPROVEMENT**

General Fund Appropriation — State . . . . .	\$	30,000
Total Appropriation. . . . .	\$	30,000

The appropriation contained in this section shall be expended exclusively to fund 1.0 FTE staff years for the purposes of investigating wastewater pollution, particularly as it relates to aerobic devices.

**NEW SECTION. Sec. 20. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY**

General Fund Appropriation — State . . . . .	\$	15,000
Total Appropriation. . . . .	\$	15,000

The appropriation contained in this section shall be expended exclusively for a grant to the City of Bremerton to coordinate and study the impact of the Trident Submarine Support Base upon the city as it relates to current and future law enforcement program efforts toward traffic control and the public peace and safety.

Sec. 21. Section 67, chapter 269, Laws of 1975 1st ex. sess. (unco-dified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation — State . . . . .	\$	5,396,030
General Fund Appropriation — Federal . . . . .	\$	60,000
Accident Fund Appropriation . . . . .	\$	[18,457,844]
	\$	19,142,054
Medical Aid Fund Appropriation . . . . .	\$	[16,577,497]
		17,261,707
Plumbing Certificate Fund Appropriation. . . . .	\$	74,100
Electrical License Account Appropriation . . . . .	\$	3,035,849
Total Appropriation. . . . .	\$	[43,601,320]
	\$	44,969,740

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) [It is the intent of the legislature that] Not more than [\$1,-200,000] \$2,200,000 shall be expended for the Automated Records Management System (ARMS) under the Industrial Insurance Program, and that the department shall abolish [sixty-five] *twenty-six* positions in the Industrial Insurance Program [not later than January 30, 1977, as the result of such implementation of ARMS] *not later than November 30, 1976, as the result of such implementation of the Automated Records Management System (ARMS).*

(2) \$786,669 of the general fund appropriation shall be expended, pursuant to chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.160, for the payment of claims to provide relief for victims of criminal acts committed between January 1, 1972, and July 1, 1974. Of such amount, \$118,408 shall be for administrative and appeals costs based upon the enactment of chapter [ ] 176, Laws of 1975 1st ex. sess. [(SB 2070).]

(3) Upon the enactment of chapter [ ] 296, Laws of 1975 1st ex. sess. [(ESSB 2400), \$315,743] \$225,245 of the general fund appropriation — state moneys shall be transferred from the department of labor and industries to the public employment relations commis-

sion created by such chapter.

*NEW SECTION.* Sec. 22. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Reappropriation . . . . .	\$	383,920
Total Reappropriation . . . . .	\$	383,920

The reappropriation contained in this section shall be expended exclusively for the continuation of the Program for Local Service through June 30, 1977.

Sec. 23. Section 149, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION  
— GENERAL APPORTIONMENT

General Fund Appropriation:		
For General Apportionment . . . . .	\$	[1,073,195,265
	\$	1,139,279,871
Total Appropriation. . . . .	\$	[1,073,195,265]
		1,139,279,871

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Salary increases for classified and certificated employees of common school districts are not mandated by the provisions of this section.

(2) [Any local school district which does provide a salary increase from funds appropriated by this section shall provide a district-wide salary increase which is equal for both certificated and classified personnel.

(3) Local school districts receiving funds from the appropriation made in this section may expend all or a portion of such funds to retain needed personnel in lieu of salary increases.

[(4) It is the intent of the legislature that] (3) To the extent that any district receives funds through the state apportionment formula in excess of the amount anticipated by such a district when it established its excess levy for collection in 1976 or 1977 and when such excess can be utilized to relieve special levy burdens, then such a district should place a first priority on reducing its special levy.

[(5)] (4) The superintendent of public instruction is hereby authorized to direct from the appropriation contained in this section, such funds as may be necessary to grant salary increases for certificated and classified employees funded through categorical programs, but in no event shall such allocation for the 1975-76 school year exceed the average salary increase amount authorized for state employees during the 1974-75 fiscal year and in no event shall such additional allocation for the 1976-77 school year exceed the 5@ indicated salary increase amount authorized for state employees during the 1975-76 fiscal year.

[(6)] (5) The weighting schedule used by the superintendent of public instruction during the 1975-77 biennium in computing the apportionment of funds for each school district shall be based on the following factors:

(a) A base weighting factor of 1.0 for each full time equivalent student enrolled;

(b) An additional weighting factor of 1.0 for each full time equivalent student enrolled in vocational education in grades 9-12 which is approved by the superintendent of public instruction. The superintendent of public instruction shall report the results of a comprehensive study on vocational education to the standing ways and

means committees no later than January 1, 1976. Such study shall document the cost of vocational education presently qualifying for 0.2 support on a sample basis. Such study shall include an examination of the criteria for determining full time equivalents and recommendations for alternative funding procedures and a time line for implementation thereof;

(c) Continuation of the weighting factors used by the superintendent of public instruction for the purpose of reimbursement to each school district for costs resulting from staff education and experience greater than the minimum requirements. The superintendent of public instruction shall employ the staff characteristic factor of the respective local districts established in each of the immediately preceding school years for purposes of distribution throughout the 1975-77 biennium;

(d) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for school districts enrolling not more than 250 full time equivalent students in grades 9-12;

(e) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for nonhigh school districts enrolling not more than 100 full time equivalent students which districts have been judged to be remote and necessary by the state board of education;

(f) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for small school plants which are judged remote and necessary within any school district by the state board of education;

(g) An additional weighting factor for a period of not more than four years, for any consolidated school district formed after July 1, 1971, equal to the additional weighting factor in effect in each qualifying district during the school year immediately preceding consolidation, which district consists of one or more former school districts which were either remote and necessary or which contained not more than 250 students in grades 9-12;

(h) An additional weighting factor of 0.25 for full time equivalent students residing on tax exempt property as set forth in RCW 28A.41.140(6)(b) or (c); and

(i) An additional weighting factor of 0.25 for full time equivalent students in an approved interdistrict cooperative program as authorized by RCW 28A.41.140(6)(a) and 28A.58.075.

*(6) Not more than five million four hundred thousand dollars of such funds appropriated by this section shall be allocated to districts, during the 1976-77 school year, which have submitted but failed to authorize one or more excess levies for maintenance and operations for collection in 1976 and with a relatively high percentage of urban, rural, racial, and disadvantaged children, to continue quality educational programs for the 1976-77 school year at approximately the same student-teacher ratio that existed during the 1975-76 school year for any such districts or schools within such districts.*

(7) [It is the intent of the legislature that] A portion of the funds appropriated by this section for general apportionment may be used by school districts for costs associated with public use of school gymnasiums during evening and weekend hours.

(8) During the 1975-77 biennium the superintendent of public instruction shall distribute not more than \$960,000 of the funds appropriated by this section for general apportionment, outside of the apportionment formula to school districts for the following purposes:

(a) To pay fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by the provisions of RCW 52.36.020 by the expenditure of not more than \$560,000;

(b) To pay for school district emergencies by the expenditure of not more than \$400,000.

(9) During the 1975-77 biennium the superintendent of public instruction may direct the expenditure of funds contained in this appropriation to fund the percentage of school psychologists, speech therapists and other ancillary personnel not funded in the handicapped excess cost appropriation for the 1975-77 biennium.

(10) During the 1976-77 fiscal year the superintendent of public instruction may contract for services relating to proprietary educational clinics as an alternative education program for high school dropouts in an amount of not more than \$192,800 of the funds appropriated by this section. The superintendent shall adopt rules and regulations to carry out the provisions of this subsection.

**NEW SECTION. Sec. 24. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**General Fund — Common School Financial Loan**

Account Appropriation . . . . .	\$ 120,000,000
Total Appropriation . . . . .	\$ 120,000,000

No portion of the funds appropriated in this section shall be expended until available from the common school financing loan account of the general fund as provided for in chapter \_\_\_\_ (SB \_\_\_\_), Laws of 1975-76 2nd ex. sess.: PROVIDED FURTHER, That all funds shall be advanced to those school districts wishing to participate and in such amounts as in accordance with the common school financing advancement program pursuant to chapter \_\_\_\_ (SB \_\_\_\_), Laws of 1975-76 2nd ex. sess. and as hereinafter set forth in this section:

(1) The maximum levy eligible for partial advancement reimbursement and to enable any school district to participate in the common school financing advancement program for any school district which submitted excess levies for maintenance and operation purposes in 1974 for 1975 collection and/or in 1975 for 1976 collection shall be computed by the following formula:

(a) Such district's per FTE anticipated revenue as determined by the levy submitted in 1974 for 1975 collection or 1975 for 1976 collection, whichever is the greater.

PLUS

(b) An inflation factor of ten percent per year as applied to the base as determined in subdivision (a) of this subsection.

MULTIPLIED BY

(c) Such district's most recent year available actual spring property tax collection rate as determined by the superintendent of public instruction.

MULTIPLIED BY

(d) Such district's estimated annual FTE for the school year for which the advancement program is to be applied: PROVIDED, That any district entering the common school financing advancement program for the 1976-77 school year which levied an excess levy for collection in 1976, shall be allowed a maximum levy for the tax collection year 1978 and any subsequent year equal to the amount of revenue derived during the preceding school year from excess levies and the common school financing advancement program with the in-

flationary factor of ten percent provided for in subsection (1)(b) above.

(2) The maximum levy eligible for partial advancement reimbursement and to enable any school district to participate in the common school financing advancement program for any school district which did not submit excess levies for maintenance and operation purposes in 1974 for 1975 collection or in 1975 for 1976 collection shall be computed by the following formula:

(a) Such district's per FTE 1975-76 apportionment revenue from state and local sources.

PLUS

(b) An inflation factor of ten percent per year as applied to the base as determined in subdivision (a) of this subsection.

MULTIPLIED BY

(c) Such district's most recent years available actual spring property tax collection rate as determined by the superintendent of public instruction.

MULTIPLIED BY

(d) Such district's estimated annual FTE for the school year for which the advancement program is to be applied.

(3) The maximum dollar amount per district which can be advanced by the state to any such district which determines to participate in the financing advancement program and is otherwise qualified under subsections (1) and (2) above shall be determined by the following formula:

Maximum eligible levy established pursuant to subsection (1) or (2) above, as the case may be.

MINUS

The anticipated spring collection property tax within such collection year.

Notwithstanding any other provision of this section, no school district shall be required to enter into the common school financing advancement program as a prerequisite to the receipt of state apportionment funds pursuant to chapter 28A.41 RCW: PROVIDED, That any school district which has entered into said school financing advancement program for one year shall not be required to continue in such program in any subsequent year: PROVIDED FURTHER, That any district which has entered into the school financing advancement program shall be required to transfer to the state general fund the entire amount of any such advancement upon receipt of their fall excess levy collection and in the event such fall levy collection is not sufficient to pay the full amount of the advancement, the district shall provide for the payment of such unpaid balance from other district resources, subject to the withholding of state apportionment funds otherwise due pursuant to chapter 28A.41 RCW: AND PROVIDED FURTHER, That the superintendent of public instruction shall develop rules and regulations to carry out the provisions of this section: AND, PROVIDED FURTHER, That notwithstanding any other provision of this section, any school district desiring to participate in the school financing advancement program which has certified a levy in excess of the maximum allowable under the provisions of subsections (1) or (2) of this section may participate in such program but shall in no event receive an amount which together with the excess levy spring collection for such year will be greater than the maximum receivable if coming within the provisions of subsections (1) or (2) above.



Distribution of funds pursuant to this section and chapter — (SB \_\_\_), Laws of 1975-76 2nd ex. sess. shall be subject to rules and regulations of the superintendent of public instruction in accordance therewith.

In the event that any school district shall elect to reduce, pursuant to the provisions of this section, the amount of any 1976 special levy request for collection in 1977 heretofore presented to a county auditor or comparable elected official for special election purposes under the provisions of RCW 29.13.020 prior to the effective date of this section, said county auditor or comparable elected official shall deem the request for such reduced amount to be an emergency matter necessitated by the provisions of this section and shall accordingly reduce the amount of such special levy request for election purposes as requested by a school district in accordance herewith.

**NEW SECTION. Sec. 25. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION — FOR THE PACIFIC SCIENCE CENTER**

General Fund Appropriation. . . . .	\$	70,000
Total Appropriation. . . . .	\$	70,000

The appropriation contained in this section shall be expended exclusively for the purpose of implementing the contract for educational services between the Pacific Science Center and the superintendent of public instruction.

Sec. 26. Section 152, chapter 269, Laws of 1975 1st ex. sess. (un-codified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION — FOR PUPIL TRANSPORTATION**

General Fund Appropriation. . . . .	\$	61,699,889
Total Appropriation. . . . .	\$	61,699,889

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$350,000 shall be expended to provide for the improved management of the transportation and safety programs initiated by chapter 91, Laws of 1974 ex. sess.

(2) The superintendent of public instruction shall develop a new vehicle depreciation schedule that more accurately reflects the useful life of transportation equipment and shall report recommendations to the respective ways and means committees of the legislature not later than September 1, 1975.

(3) *The superintendent of public instruction is hereby authorized to expend not more than \$25,456 of the appropriation contained in this section to support the driver's safety training program.*

Sec. 27. Section 157, chapter 269, Laws of 1975 1st ex. sess. (un-codified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION — FOR THE GIFTED PUPIL PROGRAM**

General Fund Appropriation. . . . .	\$	[913,000]
.....	\$	953,000
Total Appropriation. . . . .	\$	[913,000]
.....	\$	953,000

The appropriation contained in this section shall be subject to the following conditions [or] and limitations:

(1) The superintendent of public instruction shall provide a report to the legislative budget committee not later than February 1, 1976, which shall include the following:

[(1)] (a) A state-wide needs assessment which shall be a six year projection;

- [(2)] (b) Quantifiable definitions of intellectually and creatively gifted students who are determined eligible for excess cost funding;
- [(3)] (c) An explanation of screening techniques relating to gifted students;
- [(4)] (d) A description of instructional methods relating to gifted students;
- [(5)] (e) Program cost data; and
- [(6)] (f) Program success data.

(2) During the 1976-77 fiscal year the superintendent of public instruction shall contract for services to support an approved gifted program to be conducted at Fort Worden state park in an amount not to exceed \$65,000 of the appropriation contained in this section.

**NEW SECTION. Sec. 28. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION — FOR AN ACCOUNTABILITY PROGRAM**

General Fund Appropriation. . . . .	\$	200,000
Total Appropriation. . . . .	\$	200,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) The superintendent of public instruction shall conduct, during the 1976-77 school year, a standardized testing program of basic skills to determine the achievement level of approximately 2,000 students distributed throughout the state in each of the grade levels 4, 8, and 11. Such testing shall include reading, writing, mathematics, and language arts.

(2) The results of the basic skills testing program shall be made available to the local school districts and the legislature no later than June 30, 1977.

(3) The superintendent of public instruction shall encourage all local districts to utilize standardized testing procedures, such testing shall include reading, writing, mathematics and language arts, for all students in the grade levels 4, 8, and 11.

Sec. 29. Section 160, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION — FOR THE TRAFFIC SAFETY PROGRAM**

<b>General Fund — Traffic Safety Education Account</b>		
Appropriation . . . . .	\$	[8,951,410]
.....	\$	10,345,379
Total Appropriation. . . . .	\$	[8,951,410]
.....	\$	10,345,379

*The increased appropriation contained in this section shall be expended exclusively for the purpose of reducing the cost of student participation fees for the traffic safety education program.*

**NEW SECTION. Sec. 30. FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation. . . . .	\$	398,952
Total Appropriation. . . . .	\$	398,952

The appropriation contained in this section shall be expended exclusively within the Plant Operations and Maintenance program for inflationary cost increases in fuel.

**NEW SECTION. Sec. 31. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION**

General Fund Appropriation. . . . .	\$	20,000
Total Appropriation. . . . .	\$	20,000

The appropriation contained in this section shall be expended exclusively for graphic art purposes.

*NEW SECTION.* Sec. 32. FOR THE STATE LIBRARY

General Fund Appropriation. . . . .	\$	55,000
Total Appropriation. . . . .	\$	55,000

The appropriation contained in this section shall be expended exclusively for the Radio Talking Book program for the blind: PROVIDED, That the program directors develop recommendations regarding common media procedures toward state-wide and expanded individual use.

*NEW SECTION.* Sec. 33. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation. . . . .	\$	75,000
Total Appropriation. . . . .	\$	75,000

The appropriation contained in this section shall be expended exclusively for the development of a viable operatic program in this state.

*NEW SECTION.* Sec. 34. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation. . . . .	\$	530,760
Total Appropriation. . . . .	\$	530,760

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Expenditure of the funds shall be contingent upon the Washington state parks and recreation commission increasing the fees for overnight camping in state parks by one dollar, effective on or before May 1, 1976.

(2) The first \$530,760 collected from the increased fees required by subsection (1) of this section shall be deposited in the state general fund, notwithstanding the provisions of RCW 43.51.270. Any moneys collected by the commission in excess of \$530,760 from the increased fees required by subsection (1) of this section shall be placed in the Trust Land Purchase Account provided for in RCW 43.51.280.

*NEW SECTION.* Sec. 35. FOR THE DEPARTMENT OF GAME

Game Fund Appropriation. . . . .	\$	62,000
Total Appropriation. . . . .	\$	62,000

The appropriation contained in this section shall be expended exclusively for increased staffing in the Environmental Management program and for increased costs in the Administrative and Supporting Services program.

*NEW SECTION.* Sec. 36. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation. . . . .	\$	135,000
Total Appropriation. . . . .	\$	135,000

The appropriation contained in this section shall be expended for the operation of new salmon rearing facilities becoming operational during the current biennium.

*NEW SECTION.* Sec. 37. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation. . . . .	\$	162,500
Total Appropriation. . . . .	\$	162,500

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) This appropriation shall be expended only for forest insect control and shall be transferred to the Forest Insect and Disease Control Fund only as such funds are actually needed for insect control costs.

(2) On and after the effective date of this 1976 amendatory act,

the first \$81,250 of reimbursement received by the department for forest insect control work shall be repaid to the general fund.

**NEW SECTION. Sec. 38. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund Appropriation. . . . .	\$	3,000
Total Appropriation. . . . .	\$	3,000

The appropriation contained in this section shall be expended exclusively for starling control.

**NEW SECTION. Sec. 39. FOR THE DEPARTMENT OF MOTOR VEHICLES**

General Fund Appropriation. . . . .	\$	221,231
Highway Safety Fund Appropriation . . . . .	\$	163,305
Motor Vehicle Fund Appropriation . . . . .	\$	159,316
General Fund — Marine Fuel Tax Refund Account		
Appropriation . . . . .	\$	12,671
Total Appropriation. . . . .	\$	556,523

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$12,671 from the general fund — marine fuel tax refund account appropriation shall be expended exclusively for the implementation of chapter 50, Laws of 1975-76 2nd ex. sess. (SHB 455).

(2) \$78,340 of the general fund appropriation shall be expended exclusively to implement the provisions of chapter 280, Laws of 1975 1st ex. sess.

(3) \$24,698 of the general fund appropriation shall be expended exclusively to implement the provisions of chapter 171, Laws of 1975 1st ex. sess.

(4) \$28,193 of the general fund appropriation shall be expended exclusively to implement the provisions of chapter 190, Laws of 1975 1st ex. sess.

(5) \$90,000 may be expended by the Medical Disciplinary Board to enter into personal services contracts with physicians at the usual, customary, and reasonable fees to perform physical and/or mental examinations ordered by the board under the terms of section 3, chapter 61, Laws of 1975 (RESB 2058) and to enter into personal services contracts with such organizations or individuals as the board deems to be necessary and competent to prepare specific management plans for administrative, investigative, adjudicative, communications, and medical evaluative procedures in order to obtain full implementation of chapter 61, Laws of 1975.

(6) \$23,625 of the highway safety fund appropriation shall be expended exclusively to implement the provisions of chapter 244, Laws of 1975 1st ex. sess.

**NEW SECTION. Sec. 40. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

	<i>Reappro-</i> <i>priations</i>	<i>From the</i> <i>Fund Designated</i>
(1) Repair and improve utilities and facilities — (omnibus) DSHS Construction Account (HJR 52)		1,500,000
(2) To research, design, and implement demonstration projects on energy conservation and solar heating principles in new DSHS construction DSHS Construction Account (HJR 52)		283,337

(3) For the Adult Correction program completion of environmental impact statements for two maximum security facilities and two moderate facilities: PROVIDED, That none of these facilities shall be considered for either Walla Walla or Monroe: PROVIDED FURTHER, That the department shall provide a report substantiating community involvement and acceptance of the site selection

DSHS Construction Account  
(HJR 52)

100,000

(4) For the Developmental Disabilities Program completion of environmental impact statements for eight residential training groups, each consisting of one training center and three state residential homes, which are geographically separated: PROVIDED, That the department shall provide a report substantiating community involvement and acceptance of the site selection

DSHS Construction Account  
(HJR 52)

200,000

(5) For the Veterans' Services Program — repair storm sewer, Soldiers' Home and Colony

DSHS Construction Account  
(HJR 52)

217,000

(6) For the construction of a perimeter security fence, Western State Hospital

DSHS Construction Account  
(HJR 52)

200,000

Sec. 41. Section 5, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) For the Adult Correction Program		
(a) Construct and equip Automotive Vocational Training Building — Washington State Penitentiary		
General Fund	89,400	
(b) Locking system for wing six — Washington State Penitentiary		
General Fund	8,310	
(c) Fire and safety improvements, Washington State Penitentiary		
General Fund		151,000
(d) Modification of existing laundry facilities, Washington State Reformatory		
CEP & RI Account		130,000

(e) Modernization of resident (in-mate) living areas — Washington State Reformatory		
General Fund	477,751	
(f) Construct and equip new Women's Correctional Institution — Purdy Treatment Center for Women (17,229)		
General Fund	10,099	
CEP & RI Account	7,130	
(g) Renovate roofs, Washington Correction Center		
CEP & RI Account		150,000
(h) Construct and equip work release housing unit, Indian Ridge Treatment Center		
General Fund		155,250
(i) Dormitory, kitchen equipment, Larch Mountain Honor Camp		
General Fund		200,000
(j) Firland Correction Center		
DSHS Construction Account (HJR 52)		60,000
(k) Bag house, steam plant, Washington State Reformatory		
DSHS Construction Account (HJR 52)		94,635
(2) For the Juvenile Rehabilitation Program		
(a) Secondary power supply, Naselle Youth Camp		
CEP & RI Account		35,515
(b) Construct and equip four residential living units, Naselle Youth Camp		
DSHS Construction Account (HJR 52)		1,458,000
(c) Remodel kitchen, Mission Creek Youth Camp		
General Fund		59,771
(d) Construct and equip treatment security unit, Maple Lane School, State Building and Higher Education		
Construction Account	1,229	
(e) Construct and equip group home		
General Fund	24,763	
(f) Improvements to meet fire marshal recommendation at Green Hill School		
General Fund		70,136
(g) New roof on recreation building at Green Hill School		
General Fund		15,000
(h) Construct covered play area,		

Naselle Youth Camp		
DSHS Construction Account		
(HJR 52)		15,000
(3) For the Mental Health Program		
(a) Renovate bathrooms, Eastern State Hospital		
General Fund		40,000
(b) Construct and equip a 150-bed psychiatric hospital (Medical Lake): PROVIDED, That the design and construction of this facility shall be such that it may be expanded by further construction if added beds are required: PROVIDED FURTHER, That no currently existing structure at this facility shall be demolished as a result of this construction		
DSHS Construction Account		
(HJR 52)		2,995,000
(c) Construct and equip Pharmacy and Central Supply Building, Western State Hospital		
CEP & RI Account	48,583	
(d) Fire alarm and detection, Phase II, Western State Hospital		
General Fund		199,200
(e) Remodel and equip kitchen and dining room; construct Refrigeration Building, Western State Hospital		
CEP & RI Account	288,965	
(f) Construct and equip a 350-bed psychiatric hospital (Steilacoom)		
DSHS Construction Account		
(HJR 52)		6,985,000
(g) [Construct and equip one community health center] <i>To supplement federal and local funds under community mental health construction grant number 10-C-530-03-1-73-1 for construction of a mental health wing at Children's Orthopedic Hospital located in Seattle, Washington and a mental health facility at Seattle Mental Health Institute: PROVIDED, That the facilities authorized by this subparagraph shall be exempt from the conditions imposed by section 2, chapter 276, Laws of 1975 1st ex. sess.</i>		
DSHS Construction Account		
(HJR 52)		[800,000]
		801,328
(4) For the Developmental Disabilities Program		
(a) Replace Redwood Hall, Fircrest School (10,064)		

General Fund	2,968	
State Building and Higher Education		
Construction Account	7,096	
(b) Construct and equip Activities Building, Fircrest School		
General Fund	3,337	
(c) Construct a covered outdoor area, Interlake School		
General Fund	4,819	
(d) Construct and equip an Instructional Services Building, Rainier School		
State Building and Higher Education		
Construction Account	16,649	
(e) [Renovation, Rainier School DSHS Construction Account (HJR 52)]		[2,766,432]
(f) [ Upgrade utilities, Phase II, Rainier School		
General Fund		425,000
[(g)] (f) Construct and equip dietary addition, Lakeland Village		
CEP & RI Account	160,433	
[(h)](g) Construct lavatory facilities—residential halls, Lakeland Village		
CEP & RI Account	362,116	
[(i) Construct and equip a 225-bed developmental disabilities residential unit and construct and equip dietary addition, Phase II, Lakeland Village		
DSHS Construction Account (HJR 52)]		[4,816,271]
(j) Repair of road and parking areas, Lakeland Village		
General Fund		[137,780]
(k) Repair floors, Lakeland Village		
General Fund		[253,452]
(h) (1) Renovate, construct and equip residential units at Lakeland Village, including dietary, road and parking areas, and repair of floors (2) Construct and equip small residential and training units at or near Lakeland Village to provide a demonstration of the appropriateness of expanding this concept to other institutions		
DSHS Construction Account (HJR 52)]		8,992,049
[(1)] (i) Install new elevator, Yakima Valley School		
General Fund		134,540



[(m)] (j) Kitchen renovation, School for the Blind General Fund	9,524	
[(n)] (k) Renovate kitchen, pri- mary area, and Administration Build- ing, School for the Blind General Fund		320,000
[(o)] (l) Install fire alarms and smoke detectors for four cottages and the primary school at the School for the Blind General Fund		50,000
[(p)] (m) Install exterior freight only elevator on the existing commis- sary building at the School for the Blind General Fund		12,500
[(q)] (n) Construct and equip Ad- vanced Classroom Building, School for the Deaf General Fund	493,921	
[(r)] (o) Construct a covered out- door area, School for the Deaf General Fund	21,316	
[(s)] (p) Remodel kitchen-dining room building at the School for the Deaf General Fund	61,287	
[(t)] (q) Provide secondary source of power, School for the Deaf CEP & RI Account		43,680
[(u)] (r) Provide fire and safety improvements, School for the Deaf General Fund		46,900
[(v)] (s) Remodel superintendent's residence for Student Union Building and activate the closed circuit TV sys- tem, School for the Deaf CEP & RI Account		30,000
[(w)] (t) Demolish Watson Hall at State School for the Deaf General Fund		44,000
[(x)] (u) For site development and construction of a community educa- tional facility for the developmentally disabled: PROVIDED, That the appro- priation contained in this subsection is contingent upon acquisition of the former Nike-Ajax site from the Kent School District and department of health, education and welfare DSHS Construction Account (HJR 52)		300,000
[(y)] (v) Replace boilers, Phase II,		

## Fircrest School

DSHS Construction Account (HJR 52)		367,700
[[z]] (w) Repair utilities, Fircrest school		
DSHS Construction Account (HJR 52)		165,735
(5) For Veterans' Services Program		
(a) Remodel and equip kitchen, Phase II, Soldiers' Home		
General Fund	340,849	
(b) [Fire, safety, and health, Veter- ans' Homes] Upgrade [ to] <i>for</i> fire, safety, [ and ] health, <i>and expanded</i> <i>facility standards of the Veterans'</i> <i>Administration, and to construct a</i> [100] 78-bed nursing facility at the Veterans' Home and a 40-bed nursing addition at the Soldiers' Home and Colony. Facilities will meet state licens- ing <i>and Federal Social Security Act,</i> <i>Title XIX</i> standards [(5,250,142)] (7,399,816)		
General Fund—State	369,927*	
DSHS Construction Account (HJR 52)	[1,183,075]	1,935,461
General Fund — Federal	1,300,000	[2,197,140]
		3,594,428
CEP & RI Account	200,000	
*To be repaid from CEP & RI Account in the 1975-77 biennium.		
(c) Replace boilers, Veteran's Home (201,250)		
General Fund — State		130,800
General Fund — Federal		70,450
(6) General		
(a) Upgrade for fire and safety stan- dards (Omnibus)		
To upgrade fire and safety standards per recommendation of the state fire marshal and safety inspectors and to provide a contingency fund for unan- ticipated capital needs and cost over- runs.		
General Fund	637,642	
(b) Repair and improve utilities — (Omnibus)		
Renovate water, electric, steam, and sewer lines; replace boilers, provide contingency fund for unanticipated needs and cost overruns (400,576)		
General Fund	397,884	
CEP & RI Account	2,692	
(c) Repair and improve facilities — (Omnibus)		

Provide for minor repairs to roofs, roads, parking areas, and buildings and provide contingency fund for unanticipated needs and cost overruns (1,057,210)

General Fund	557,210	500,000
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(d) Preplanning projects 1973-79 (484,778)

General Fund	184,778	
DSHS Construction Account (HJR 52)		300,000

(e) Social and Health Services Facilities (to be allocated for specific projects) (24,797,240)

State and Local Improvement Revolving Account	10,047,240	14,750,000
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(f) Contingency Expense Fund  
DSHS Construction Account  
(HJR 52)

585,000

**NEW SECTION. Sec. 42. FOR THE STATE PARKS AND RECREATION COMMISSION**

Modernization and improvements at state parks to provide safe storage for flammable liquids as set forth in subsections (1) through (3) of this section pursuant to the provisions of section 4(3), chapter 129, Laws of 1972 ex. sess.

State and Local Improvement revolving Account — Public Recreation Facilities

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(1) Region I		27,500
(2) Region II		56,000
(3) Region III		30,900

Sec. 43. Section 9, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISHERIES**

(1) Safety installations to meet WISHA requirements  
[General Fund—State]  
*Fisheries*

<i>Capital Projects Account</i>	270,350
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(2) Improved domestic water supplies — [Neham] *Nemah* and Willapa hatcheries

[General Fund—State] *Fisheries*

<i>Capital Projects Account</i>	21,000
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(3) Pollution abatement facilities for state hatcheries

[General Fund—State] <i>Fish-</i> <i>eries</i>			
<i>Capital Projects Account</i>			600,000
(4) Pollution abatement facilities for federal hatcheries			
General Fund—Federal			550,000
(5) Humptulips hatchery			
General Fund—State	75,000		[1,883,800]
General Fund—Federal	75,000		470,950
<i>Fisheries</i>			
<i>Capital Projects Account</i>			1,883,800
(6) Reappropriations for projects previously authorized			
General Fund—State	345,535		
General Fund—Federal	545,300		
(7) Acquisition and development of recreational facilities at the fol- lowing locations:			
(a) Tideland Access-Point Whitney and Penn Cove (84,350)			
(b) Public Access-Penn Cove, Point Whitney, and Oakland Bay (195,000)			
(c) Outdoor Tour Facilities—So- leduck Hatchery (89,715)			
(d) Boating Access-Clallam County (200,000)			
(e) Boat Launch Facility—Merrill and Ring Park, Clallam County (43,624)			
(f) Fishing Pier—Edmonds (450,000)			
(g) Artificial Reefing—Edmonds (4,500): PROVIDED, That prior to construction the department shall exe- cute agreements transferring operation and/or maintenance responsibilities to the department of natural resources or local public bodies within whose juris- diction such facilities are constructed: PROVIDED FURTHER, That vari- ances to the policy set forth in this sec- tion may be granted by the legislative budget committee or its statutory suc- cessor			
Outdoor Recreation Account			497,000
Outdoor Recreation Account appropriation pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess.			570,189
(8) Spawning habitat improvement projects			
[General Fund—State] <i>Fish-</i> <i>eries</i>			
<i>Capital Projects Account</i>			235,000
(9) Land acquisition—Columbia River hatcheries			

	[General Fund—State]	
12700		
	<i>Capital Projects Account</i>	192,000
(10)	Exploration, land purchase and design of new production facilities	
	[General Fund—State] <i>Fish-</i> <i>eries</i>	
	<i>Capital Projects Account</i>	300,000
(11)	Land acquisition for release ponds and pollution abatement facili- ties	
	[General Fund—State] <i>Fish-</i> <i>eries</i>	
	<i>Capital Projects Account</i>	141,000
(12)	Release ponds	
(a)	George Adams hatchery	
	[General Fund—State] <i>Fish-</i> <i>eries</i>	
	<i>Capital Projects Account</i>	[87,500]
		350,000
	[General Fund—Federal]	[87,500]
(b)	Green River hatchery	
	[General Fund—State] <i>Fish-</i> <i>eries</i>	
	<i>Capital Projects Account</i>	[50,000]
		32,500
	<i>General Fund—Federal</i>	32,500
(c)	Icy Creek	
	[General Fund—State]	
<i>Fisheries</i>		
	<i>Capital Projects Account</i>	137,500
	<i>General Fund—Federal</i>	137,500
(d)	[Samish] <i>Nooksack</i> hatchery	
	[General Fund—State] <i>Fish-</i> <i>eries</i>	
	<i>Capital Projects Account</i>	90,000
	<i>General Fund—Federal</i>	90,000
(e)	[Soleduck hatchery] <i>Bear</i> <i>Springs Ponds</i>	
	[General Fund—State] <i>Fish-</i> <i>eries</i>	
	<i>Capital Projects Account</i>	[650,000]
		87,500
	<i>General Fund—Federal</i>	87,500
(f)	Skykomish hatchery	
	[General Fund—State] <i>Fish-</i> <i>eries</i>	
	<i>Capital Projects Account</i>	[35,000]
		22,500
	<i>General Fund—Federal</i>	22,500
(g)	<i>McAllister Springs</i> <i>Fisheries</i>	
	<i>Capital Projects Account</i>	100,000
(h)	<i>Johns Creek</i> <i>Fisheries</i>	

	<i>Capital Projects Account</i>	200,000
	<i>General Fund—Federal</i>	200,000
(13)	Clam Pond-Point Whitney [General Fund—State] <i>Fish-</i> <i>eries</i>	
	<i>Capital Projects Account</i>	30,000
(14)	[Green River hatchery—water system improvement] <i>Minter Creek</i> <i>Hatchery—Hupp Springs acquisition</i> <i>and development</i> [General Fund—State] <i>Fish-</i> <i>eries</i>	
	<i>Capital Projects Account</i>	120,000
(15)	Facilities improvement project [General Fund—State] <i>Fish-</i> <i>eries</i>	
	<i>Capital Projects Account</i>	289,750
(16)	Lewis River hatchery—resi- dence [General Fund—State] <i>Fish-</i> <i>eries</i>	
	<i>Capital Projects Account</i>	30,000
(17)	Toutle hatchery water supply improvement, release ponds, and freezer replacement General Fund—Federal	1,075,000
(18)	Klickitat hatchery—rebuild rearing ponds General Fund—Federal	75,000
(19)	Elokomin hatchery release pond General Fund—Federal	275,000

Sec. 44. Section 10, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GAME

	<i>Reappro-</i> <i>priations</i>	<i>From the</i> <i>Fund Designated</i>
(1) Purchase, construct, improve and equip fish and game protective fa- cilities, administrative facilities, build- ings, hatcheries, game farm facilities, rearing ponds, and game range facili- ties [3,727,096] (3,782,096)		
Game Fund—State	[1,160,848]	1,215,848
Game Fund—Federal (Reimbursable)		2,179,648
Game Fund—Local (Reimbursable)		386,600
(2) Purchase and develop lands for outdoor recreation [(3,405,500)] (3,- 868,679)		
Outdoor Recreation Account	[758,000] 1,221,179	472,500

Outdoor Recreation Account appropriation pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess.

1,550,000 625,000

*NEW SECTION. Sec. 45. FOR THE UNIVERSITY OF WASHINGTON*

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(1) Complete Phase II renovation of Bagley Hall University of Washington Building Account		1,700,000
(2) Complete renovation of Smith Hall University of Washington Building Account		1,550,000
(3) Provide working drawings for locker room space addition to Edmundson Pavilion University of Washington Building Account		67,000
(4) Complete construction and equipping of basement in Kane Hall University of Washington Building Account		924,000

*NEW SECTION. Sec. 46. FOR WASHINGTON STATE UNIVERSITY*

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(1) Construct and equip a chemical storage facility Washington State University Building Account		323,800
(2) Construct and equip a centralized animal laboratory for teaching and research activities Washington State University Building Account		1,521,200
(3) Construct and equip swine facilities at Hastings farm for teaching and research Washington State University Building Account		1,617,200
(4) Provide planning funds for the Intercollegiate Center for Nursing Education State Higher Education Construction Account		183,500
(5) Complete working drawings on Phase I Computer Services—Martin Stadium/Academic Center Washington State University Building Account		272,700

*NEW SECTION. Sec. 47. FOR EASTERN WASHINGTON STATE COLLEGE*

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
Complete renovations to Science and Isle buildings		
Eastern Washington State College Capital Projects Account		75,000

*NEW SECTION. Sec. 48. FOR CENTRAL WASHINGTON STATE COLLEGE*

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Complete working drawings for remodeling of Bouillion Library		
State Higher Education Construction Account		170,000
(2) Complete working drawings for remodeling of theatre and drama facil- ities in McConnell Hall		
State Higher Education Construction Account		174,000

*NEW SECTION. Sec. 49. FOR WESTERN WASHINGTON STATE COLLEGE*

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
Construct and equip an addition to and remodel the auditorium/music building		
State Higher Education Construction Account		1,874,925

*NEW SECTION. Sec. 50. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION*

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Emergency capital repairs		
Community College Capital Construction Account		846,349
(2) Construct and equip addition to learning resource center and struc- tural improvements at Clark Commu- nity College		
Community College Capital Construction Account		778,502
(3) Construct and equip utility dis- tribution tunnels at Highline Commu- nity College		
Community College Capital Construction Account		1,220,839
(4) Renovation for fine arts and office space in Old Broadway High School auditorium at Central Seattle Community College		
Community College Capital Construction Account		2,351,339



(5) Remodel Ehret Hall at Centralia Community College Community College Capital Construction Account	391,973
(6) Construct and equip maintenance shops at Green River Community College Community College Capital Construction Account	430,208
(7) Remodel Art and Music Building for handicapped students at Olympic Community College Community College Capital Construction Account	205,224
(8) Construct and equip greenhouse and science laboratory at Everett Community College Community College Capital Construction Account	81,163
(9) Remodel vocational facilities at Clark Community College Community College Capital Construction Account	905,863
(10) Remodel vocational facilities for flight planning program at Big Bend Community College Community College Capital Construction Account	52,287
(11) Purchase and remodel of dormitory space to office space at Olympic Community College Community College Capital Construction Account	889,788
(12) Construct and equip welding lab, and remodel existing storage facility at Everett Community College Community College Capital Construction Account	441,565
(13) Construct and equip science laboratories and fine arts instructional facility and remodel existing space at Edmonds Community College Community College Capital Construction Account	2,624,299
(14) Construct and equip addition to physical education facility for locker space at Fort Steilacoom Community College Community College Capital Construction Account	229,943
(15) Construct and equip a new learning resource center, central storage facility and remodel existing facilities at Highline Community College	

Community College Capital Construction Account	6,835,718
(16) Construct and equip instructional space for music at Shoreline Community College	
Community College Capital Construction Account	1,023,464
(17) Construct and equip learning resource center, vocational, fine arts, and skills lab as well as storage and student activity facility at South Seattle Community College	
Community College Capital Construction Account	6,023,676
(18) Remodel existing bookstore for geology instruction at Highline Community College	
Community College Capital Construction Account	142,521
(19) Construct and equip fine arts and office facility and complete lecture hall space at Fort Steilacoom Community College	
Community College Capital Construction Account	1,011,283

The funds appropriated for the projects in subsections (2) through (19) of this section shall be released only after the Department of General Administration and the office of Program Planning and Fiscal Management have accepted and approved working drawings for the designated projects.

**NEW SECTION. Sec. 51. FOR THE LIQUOR CONTROL BOARD**

Liquor Board Revolving Fund Appropriation. . . . . \$ 1,000

The Washington State Liquor Control Board is authorized in its discretion to negotiate for and exchange its warehouse site and building, located at 4201 East Marginal Way South, Seattle, for a warehouse site and building which, with this appropriated amount, shall be of equal or greater value to be provided by the Port of Seattle at a different location in King County.

Sec. 52. Section 187, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

In accordance with the provisions of this section the office of program planning and fiscal management shall use the allotment process during the 1975-77 biennium to control the funding of the formula portion of the instruction and departmental research programs of all the four year institutions of higher education and the community colleges. For the purpose of the controls outlined in this section, deviations in the formula entitlements for faculty staffing shall be the controlling factor. For the purpose of this section, the "contract level" is defined as the formula entitlement level upon which the budget is base, and the "base level" is defined as the formula entitlement level corresponding to the prior years' contract or actual enrollment level, whichever is lower. Controls]: *PROVIDED, That for the initial year of the biennium for community colleges the base for implementing the contract level shall be the budgeted enrollment level*

as determined by the state board for community college education at which each college district was funded for the 1974-75 year. The provisions of contract enrollment shall be applied to each four year institution separately and to the community college education system as a total entity. "Growth funding" is defined as that portion of the appropriation by which the contract level exceeds the base level. All growth funds shall be reserved at the time of annual allotments. Such reserves shall be released only to the extent that the contract level is achieved, based upon the office of program planning and fiscal management's population studies section projections of full year enrollments from actual enrollments on the tenth day of the fall term. Growth funding not so released shall lapse at the end of a fiscal year. [In any case where actual formula faculty entitlement, as computed from full year enrollments in spring, exceeds the contract level by more than one and one-half percent, appropriated funds equal in amount to the student operating fees derived from such excess enrollment shall be withheld during the same or subsequent year and shall revert to the state general fund following the close of the 1975-77 biennium.]

**NEW SECTION.** Sec. 53. If, on the basis of revenue estimates and projections effective May 1, 1976, the governor determines that general fund expenditures are likely to exceed general fund revenues for the current biennium, he shall order reductions in expenditures by agencies in the executive branch, excluding higher education and the state common school system, up to an aggregate amount not to exceed \$20,000,000, of which not more than \$15,000,000 shall be absorbed by the department of social and health services. The office of program planning and fiscal management, at the direction of the governor, shall determine the amount of savings by each agency: PROVIDED, That if a reduction in force is required to implement the provisions of this section, such reduction shall be based on FTE staff years and applied in a proportional manner among (a) all merit system classifications and exempt personnel; and (b) programs.

**NEW SECTION.** Sec. 54. There is hereby appropriated to the general fund the sum of \$5,508,264 from Suspende Fund 705.

**NEW SECTION.** Sec. 55. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 56. This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On line 1 of the title after "AN ACT Relating to" strike the remainder of the title and insert "expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning July 1, 1975 and ending June 30, 1977; amending section 11, chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 67, chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 149, chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 152, chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 157, chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 160, chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 5, chapter 276, Laws of 1975 1st ex. sess. (uncodified); amending section 9, chapter 276, Laws of 1975 1st ex. sess. (uncodified); amending section 10, chapter 276, Laws of 1975 1st ex. sess. (uncodified); amending section 187, chapter 269, Laws of 1975 1st ex. sess. (uncodified); making other appropriations; and declaring an emergency."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Fleming, Lewis (Harry), Mardesich, Marsh, Matson, Rasmussen, Sandison, Washington, Woody.

On motion of Senator Walgren, the Senate resolved itself into a Committee of the Whole, Senator Henry in the Chair, for the purpose of considering Engrossed House Bill No. 1624.

#### COMMITTEE OF THE WHOLE

Engrossed House Bill No. 1624 was considered in the Committee of the Whole and on motion of Senator Walgren, the committee arose without a report.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute Senate Bill No. 2778 on third reading.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 2778, by Committee on Ways and Means (originally sponsored by Senators Donohue, Odegaard and Wilson):  
Relating to revenue and taxation.

## MOTION

Senator Washington moved Substitute Senate Bill No. 2778 be held on the third reading calendar for March 11, 1976.

Debate ensued.

There being no objection, the motion by Senator Washington was withdrawn.

## MOTION

Senator Bottiger moved the rules be suspended and Substitute Senate Bill No. 2778 be returned to second reading.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Thank you, Mr. President. Senator Walgren, would you yield to a question? Senator Walgren, the tax bill that we reconsidered the other day on a motion by Senator Washington — that is the bill that contains approximately thirty-six million dollars to fund the budget that Senator Donohue, the chairman of ways and means committee, has presented to us tonight?"

Senator Walgren: "That is correct, Senator Rasmussen. That tax measure needs to pass in order to fund the budget bill that we have been working on. It would not, of course, fund the two hundred and eighty million dollars that is going to be required to take care of the Newschwander plan. On the other hand, if that tax bill goes down to defeat then of course all the items that we have contained in the budget that came out of the ways and means committee cannot be funded and that budget will not be able to go into effect."

Senator Rasmussen: "Thank you, Senator Walgren."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Donohue, would you yield to a question? Senator Donohue, in the event that we were to receive enough votes for this budget, if we pass this tax bill, and then we pass the budget as you have presented it to us, that will provide for a raise for state employees, some for nursing homes, and a major portion of it for schools. Is this correct?"

Senator Donohue: "If I understand you correctly, Senator, the budget that we are working on at the present time needs the thirty-six million dollar tax package which is in the present Substitute Senate Bill No. 2778 to balance this particular budget — the budget you have in your pink sheet. It would take care of those items that you mentioned."

Senator Rasmussen: "Thank you, Senator Donohue."

Further debate ensued.

## POINT OF ORDER

Senator Day: "Point of order, Mr. President. Is the motion to suspend the rules debatable?"

## RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "No."

Further debate ensued.

Senator Mardesich demanded a roll call and the demand was sustained by Senators

Donohue, Rasmussen, Jones, Knoblauch, Clarke, Morrison, Sellar, North and Lewis (Harry).

President Pro Tempore Henry declared the question before the Senate to be the motion by Senator Bottiger that the rules be suspended and Substitute Senate Bill No. 2778 be returned to second reading.

#### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 30; nays, 16; excused, 3.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Fleming, Goltz, Gould, Grant, Henry, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Matson, McDermott, Morrison, Murray, Newschwander, North, Pullen, Sandison, Scott, Sellar, Stortini, Van Hollebeke, Wanamaker, Washington, Wilson, Woody—30.

Voting nay: Senators Beck, Clarke, Cunningham, Day, Donohue, Guess, Herr, Jolly, Mardesich, Marsh, Odegaard, Peterson, Rasmussen, Talley, von Reichbauer, Walgren—16.

Excused: Senators Francis, Keefe, Ridder—3.

#### MOTION

On motion of Senator Walgren, Substitute Senate Bill No. 2778 was ordered held on the third reading calendar for Thursday, March 11, 1976.

#### MOTION

On motion of Senator Walgren, the Senate resolved itself into a Committee of the Whole for the purpose of resuming consideration of Engrossed House Bill No. 1624.

#### COMMITTEE OF THE WHOLE

President Pro Tempore Henry in the Chair.

Engrossed House Bill No. 1624 was considered in the Committee of the Whole. The committee arose and reported back without report.

#### MOTION

On motion of Senator Walgren, the Senate resumed consideration of Substitute Senate Bill No. 2778.

#### THIRD READING

**SUBSTITUTE SENATE BILL NO. 2778**, by Committee on Ways and Means (originally sponsored by Senators Donohue, Odegaard and Wilson):

Relating to revenue and taxation.

#### MOTION

On motion of Senator Walgren, the rules were suspended and Substitute Senate Bill No. 2778 was returned to second reading.

#### MOTIONS -

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

At 11:45 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Thursday, March 11, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SIXTY-SIXTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Thursday, March 11, 1976.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Keefe, Peterson, Pullen, Ridder and Sandison. On motion of Senator Knoblauch, Senators Keefe, Peterson and Ridder were excused. On motion of Senator Lewis (R. H. "Bob"), Senator Pullen was excused. There being no objection, Senator Sandison was excused.

The Color Guard, consisting of Pages Tim Hughes and Tammira Price, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"THERE IS A QUOTATION WHOSE SOURCE I DON'T KNOW BUT IS MEANINGFUL TO ME. IT DECLARES, 'WE HAVE TWO SOURCEBOOKS FOR LIVING, THE BIBLE AND THE DAILY NEWSPAPER. OUR TASK IS TO DEMONSTRATE THE RELATIONSHIP BETWEEN THEM.' THAT IS A TASK YOU AND I HAVE IN COMMON, RELIGION AND POLITICS; TO DEMONSTRATE THE RELATIONSHIP BETWEEN WHAT IS, AND WHAT OUGHT TO BE. LET US PRAY:

"OUR FATHER, WE ARE PAINFULLY AWARE OF THE HEADLINES SCREAMING AT US ABOUT ALL THAT IS WRONG WITH OUR SOCIETY. OPEN US TODAY TO THE STILL, SMALL VOICE OF CONSCIENCE, AND OF YOUR WORD, ENABLING US TO KNOW HOW THINGS OUGHT TO BE, AND HOW WE CAN MOVE TOWARD THEM. LET YOUR SPIRIT ENABLE US TODAY IN ONE, SMALL BUT CONFIDENT STEP OF LOVE. IN THE MASTER'S NAME. SO BE IT."

## MOTION

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

## MESSAGES FROM THE HOUSE

March 10, 1976.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3017, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 10, 1976.

Mr. President: The Speaker has signed SENATE BILL NO. 3038, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE SENATE BILL NO. 2038,  
 SENATE BILL NO. 2537,  
 SENATE BILL NO. 3017.

## MOTION

At 10:10 a.m., on motion of Senator Marsh, the Senate was declared to be at ease subject to the Call of President Pro Tempore Henry.

President Pro Tempore Henry called the Senate to order at 11:45 a.m.

## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1497, by Representatives Ceccarelli, Pardini, Bagnariol, Ehlers and Deccio (by Insurance Commissioner request):

Revising laws relating to insolvent insurers.

Referred to Committee on Financial Institutions.

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

## MESSAGE FROM THE HOUSE

March 10, 1976.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3172, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

March 6, 1976.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3172, creating a state energy policy commission, have had the same under consideration, and we report that we are unable to agree and respectfully request powers of free conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

*NEW SECTION.* Section 1. The legislature finds and declares that it is the continuing purpose of state government, consistent with other essential considerations of state policy, to foster wise and efficient energy use and to promote energy self-sufficiency through the use of indigenous and renewable energy sources, consistent with the promotion of reliable energy sources, the general welfare, and the protection of environmental quality.

*NEW SECTION.* Sec. 2. It is the policy of the state of Washington that:

(1) The development and use of a diverse array of energy resources with emphasis on renewable energy resources shall be encouraged;

(2) The development and use of energy resources shall be consistent with the statutory environmental policies of the state;

(3) Energy conservation and elimination of wasteful and uneconomic uses of energy and materials be encouraged. This conservation should include, but not be limited to, resource recovery and materials recycling;

(4) In energy emergency shortage situations, energy requirements to maintain the public health, safety, and welfare shall be given priority in the allocation of energy resources, and citizens and industry shall be assisted in adjusting to the limited availability of energy in order to minimize adverse impacts on their physical, social, and economic well being; and

(5) State government shall provide a source of impartial and objective information in order that this energy policy may be enhanced.

*NEW SECTION.* Sec. 3. As used in this chapter:

(1) "Energy" means: Petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material; electricity; solar radiation; geoth-

ermal resources; organic waste products; wind; tidal activity; or any other substance or process used to produce heat, light, or motion;

(2) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency, or any other entity, public or private, however organized;

(3) "Director" means the director of the state energy office;

(4) "Council" shall mean the energy advisory council created in section 8 of this 1976 amendatory act;

(5) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, municipal utility, public utility district, joint operating agency, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state; and

(6) "Energy facility" means an energy facility as defined in RCW 80.50.020 as now or hereafter amended.

*NEW SECTION.* Sec. 4. The "state energy office" is hereby created as an agency of state government, responsible to the governor and the legislature for carrying out the purposes of this chapter. The director shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. The salary of the director shall be determined pursuant to the provisions of RCW 43.03.040. The director shall employ such personnel as are necessary to carry out the provisions of this chapter. The employment of such personnel shall be in accordance with the provisions of chapter 41.06 RCW, except as provided in section 10 of this 1976 amendatory act: **PROVIDED**, That the state energy office and its powers, duties and functions shall be dissolved and this act as it relates thereto shall have no further force and effect after April 1, 1981: **PROVIDED FURTHER**, That the legislature may extend this time period through legislative enactment.

*NEW SECTION.* Sec. 5. The energy office shall have the following duties:

(1) To establish and maintain a central repository in state government for collection of data on energy resources, including but not limited to:

(a) Data on energy supply, demand, costs, projections, and forecasts;

(b) Inventory data on energy research projects in the state conducted under public and/or private auspices, and the results thereof;

(2) To prepare analyses of such data as well as analyses of projections and/or forecasts of energy supply and demand in the state and region as are necessary for development of recommendations with respect to the timing of construction of additional facilities and other energy programs and the development of other information as is necessary to support the performance of its duties;

(3) To carry out energy related administrative and program functions and activities established by federal law, regulations, or guidelines which are and which have previously been or may be determined to be suitable for implementation by the state of Washington;

(4) To develop and disseminate guidelines for the development of conservation plans for use by government, industry, and individual citizens;

(5) To prepare in conjunction with the energy advisory council, contingency plans for implementation by state government in the case of a clear and foreseeable danger of energy shortages or actual energy emergencies. Such plans shall include procedures for determining when such shortages or emergencies exist, the state officers and agencies to participate in such determination, and actions to be taken by various agencies and officers of state government in order to reduce hardship and maintain the general welfare during such emergencies. The components of such plans that require legislation for their implementation shall be presented to the legislature in the form of proposed legislation at the earliest practicable date;

(6) To advise and support agencies of state government whose plans and programs involve the production, conversion, transmission, or end-use of significant amounts of energy, or which require knowledge of the present and projected supply and



demand of energy, so that such agencies may evaluate the consequences of such actions with respect to state energy goals;

(7) To advise and support the regulatory functions of state agencies through information, reports, and studies;

(8) To present state interests and concerns on energy matters to local governments, other states, regional interstate energy organizations, federal agencies, and private interests: PROVIDED, That nothing in this subsection shall be construed to abrogate or diminish the functions, powers, or duties of other state agencies established by law;

(9) To present the state's interests in the field of nuclear energy to federal, regional, and local authorities and to private interests as an identifiable activity within its overall program;

(10) To make periodic reports and policy and program recommendations to the governor and the legislature and to submit proposed legislation to the legislature;

(11) To serve as the official state agency responsible for coordination of energy-related activities;

(12) To adopt rules, pursuant to chapter 34.04 RCW, necessary to carry out the powers and duties enumerated in sections 5 and 6 of this 1976 amendatory act.

**NEW SECTION.** Sec. 6. In addition to the duties prescribed in section 5 of this 1976 amendatory act, the energy office shall have the authority to:

(1) Obtain all necessary information from energy producers, suppliers, and consumers, doing business within the state of Washington, from political subdivisions in this state, or any person as may be necessary to carry out the provisions of this chapter. Such information may include but not be limited to:

- (a) Sales volume;
- (b) Forecasts of energy requirements; and
- (c) Inventory of energy.

Notwithstanding any other provision of law to the contrary, information furnished under this subsection shall be confidential and maintained as such, if so requested by the person providing the information, if the information is proprietary.

It shall be unlawful to disclose such information except as hereinafter provided. A violation shall be punishable, upon conviction, by a fine of not more than one thousand dollars for each offense. In addition, any person who wilfully or with criminal negligence, as defined in RCW 9A.08.010, discloses confidential information in violation of this subsection may be subject to removal from office or immediate dismissal from public employment notwithstanding any other provision of law to the contrary.

Nothing in this subsection prohibits the use of confidential information to prepare statistics or other general data for publication when it is so presented as to prevent identification of particular persons or sources of confidential information.

(2) Receive and expend funds obtained from the federal government or other sources by means of contracts, grants, awards, payments for services, and other devices in support of energy-related scientific and technical programs, studies, experiments, and other activities beneficial to the state of Washington: PROVIDED, That expenditures of such funds shall be subject to prior approval by the legislative budget committee.

**NEW SECTION.** Sec. 7. In addition to the duties and functions assigned by sections 5 and 6 of this 1976 amendatory act, the director of the state energy office shall:

- (1) Supervise the day-to-day functions of the office;
- (2) Assign, reassign, and coordinate personnel to the office and prescribe their duties subject to the provisions of chapter 41.06 RCW;
- (3) Provide staff support to the energy advisory council;
- (4) Advise the governor and the legislature on energy matters and of existing and imminent energy shortages.

**NEW SECTION.** Sec. 8. There is hereby created an energy advisory council consisting of eleven members.

(1) Members of the council shall be named within thirty days of the effective date of this 1976 amendatory act. The membership shall include the following:

- (a) The director of the state energy office;

(b) The governor shall appoint four members as follows:

(i) One member experienced and knowledgeable in the affairs and operations of electric utility operations;

(ii) One member experienced and knowledgeable in the affairs and operations of the natural gas industry;

(iii) One member experienced and knowledgeable in the affairs and operations of the petroleum products industry;

(iv) One member shall be from an industrial user of electricity, natural gas, and petroleum products; and

(c) The president of the senate shall appoint two members;

(d) The speaker of the house of representatives shall appoint two members;

(e) In addition to appointments made pursuant to subparagraphs (c) and (d) of this subsection the president of the senate and speaker of the house of representatives shall each appoint one additional member who represents the interests of residential consumers of energy.

(2) No member appointed to the council under subsections (c), (d), and (e) of subsection (1) of this section shall receive, while a member of the council, any substantial portion of his income directly or indirectly from any utility or other person owning or operating any energy facility, or from any manufacturer or seller of any major component of any energy facility. No such member of the council shall be employed by any utility or other person owning or operating any energy facility, or by any manufacturer or seller of any major component of any energy facility during the three-year period following termination as a member of the council.

(3) No member of the council shall hold any state elected office, or hold an appointment to a state elective office.

(4) Members of the council shall make the same reports as are required of elected officials by chapter 42.17 RCW.

(5) Members except for the director of the state energy office shall be appointed to four-year terms except for initial terms as provided for in this subsection as follows:

(a) Two of the initial terms of members appointed by the governor shall expire on January 15, 1978, and two on January 15, 1980;

(b) One of the initial terms of members appointed by the president of the senate shall expire on January 15, 1978, one on January 15, 1979, and one on January 15, 1980;

(c) One of the initial terms of members appointed by the speaker of the house shall expire on January 15, 1978, one on January 15, 1979, and one on January 15, 1980.

(6) Members may be removed from office only because of inability or failure to perform their duties, as determined by a majority vote of the council, following a recommendation by the governor that a member be removed. Vacancies shall be filled by appointments for the unexpired term.

(7) The council shall select one of its members, other than the director of the state energy office, to serve as chairman at the pleasure of the council.

(8) Six members of the council shall constitute a quorum for conducting business.

(9) Members of the council shall be compensated at the rate of forty dollars per day for each day engaged in the business of the council and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. No person appointed to membership on the council who is compensated for service as a member of the council for less than ten days or seventy hours in any month, whichever amount is less, shall receive service credit for such service for that month.

*NEW SECTION.* Sec. 9. The council shall have the following duties:

(1) To advise, monitor, and review the programs and policies of the state energy office and to provide direction and guidance for the activities of the state energy office; to approve by a majority vote all major programs and policies of the state energy office;

(2) To act as a source of innovative ideas and policy approaches in energy matters;

(3) To advise and make recommendations to the governor and the legislature on state energy policies, practices, programs, and legislation;

(4) To make recommendations to the governor for appropriate emergency curtailment and/or allocation plans and procedures to be used in the event of an energy alert or energy emergency;

(5) To advise the governor of the time or times, if any, based on pertinent information, when energy supply conditions require execution of energy alert or energy emergency curtailment and/or allocation procedures, and also the time or times when such procedures can prudently be terminated;

(6) To monitor and review in conjunction with the state energy office, compliance with and effectiveness of orders of the governor issued under sections 18, 22, and 28 of this 1976 amendatory act: PROVIDED, That compliance by regulated distributors shall be reviewed by the Washington utilities and transportation commission and the results thereof shall be reported to the council;

(7) To interpret and coordinate energy related functions and activities established under federal law, regulations, or guidelines which are assigned to or required to be performed by the state of Washington, or which are determined to be suitable for implementation by the state of Washington: PROVIDED, That the governor may designate, with approval of the energy advisory council, appropriate agencies of the state for implementation of all or parts of certain energy programs of the federal government where such designation is in the interest of efficiency, economy, or utilization of special expertise: PROVIDED FURTHER, That the energy advisory council shall advise such agencies and review the work performed pursuant to such designation by the governor: PROVIDED FURTHER, That nothing in this subsection shall be construed as limiting the authority of the governor over operations of state agencies; and

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

*NEW SECTION.* Sec. 10. 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 within the state energy office to the director, the director's confidential secretary, the director's deputy director, and to no more than two assistant directors.

Sec. 11. Section 5, chapter 10, Laws of 1965 and RCW 43.31.300 are each amended to read as follows:

The director of the *department of commerce and economic development* through the division of nuclear energy development, known as the office of nuclear energy development, *in cooperation with the state energy office*, shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) Expend such state funds as may be appropriated by the legislature in order to acquire, develop and operate land and facilities which the director believes will foster the development of the state's nuclear economic potential. Such acquisition may be by lease, dedication, purchase, or other arrangement: PROVIDED, *HOWEVER*, That nothing herein shall be deemed to authorize the state to acquire nuclear facilities or property to engage in competition with organizations or persons. The leasing from the [Atomic Energy Commission] *Energy Research and Development Administration* of one thousand acres of land lying within the boundaries of the Hanford works near Richland, Washington, in a lease executed on September 10, 1964, is an example of the proper exercise of powers within the purposes of this chapter.

(2) Lease, sublease, or sell real and personal properties to public or private bodies on a competitive basis and at a fair market value when the director believes that such transactions will foster the development of the state's nuclear economic potential.

The director may, however, on a competitive basis lease real and personal properties at less than fair market value on a short term basis if he believes that the long term gain to the state's economic growth justifies such an agreement. Where the lease or sale requires the lessee or purchaser to use the premises for the operation of a specific type of activity, the notice to bidders shall specify the type of business activity required. Final selection among bidders shall, subject to the provisions herein, be by the director with the advice and consent of the [governor's advisory council on nuclear energy and radia-

tion] *state energy office.*

(3) Enter into contracts with state and private institutions within the state for the carrying out of basic research in such uses of nuclear energy as may be helpful to the economic development of the state.

(4) Assure the maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state of Washington against nuclear incidents that may occur on privately or state controlled nuclear facilities.

(5) Assume responsibility for perpetual surveillance and/or maintenance of radioactive materials held for waste management purposes at any publicly or privately operated facility located within the state, in the event the parties operating such facilities abandon said responsibility, and whenever the federal government or any of its agencies has not assumed said responsibility.

In order to finance such perpetual surveillance and maintenance as the director may undertake, he may collect fees from private or public parties holding radioactive materials for waste management purposes at a total charge of not less than [five cents per cubic foot of space occupied by materials so held, stored, or buried] *the prevailing rates at similar sites in the nation: PROVIDED.* That in the event the estimated total of such fees will be insufficient to defray the estimated cost of administration of this responsibility for any next ensuing fiscal biennium, the director may prescribe additional fees [ , not exceeding fifty cents per cubic foot, ] as may be necessary to defray estimated waste management expenses for future fiscal bienniums. All such fees, when received by the director, shall be transmitted to the state treasurer, who shall act as custodian. The treasurer shall place the money in a special account, in the nature of a revolving fund, which may be designated "perpetual maintenance fund," to be disbursed on authorization of the director, or his designated representative. Disbursement shall be made in the manner prescribed by chapter 42.24 RCW, and shall be subject to post audit by the state auditor. No appropriations shall be required to permit expenditures and payment of obligations from such fund, but the condition of the fund and its administration [by the director] shall be reported biennially to the legislature *by the director.* Moneys in the perpetual maintenance fund shall be invested by the state finance committee in the manner as other state moneys: *PROVIDED. HOWEVER,* That any interest accruing as a result of investment shall accrue to the perpetual maintenance fund.

Additional moneys as may be specifically appropriated by the legislature, or received from any public or private source, may be placed in the perpetual maintenance fund. The perpetual maintenance fund shall be used exclusively for surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations.

(6) Enter into an agreement with the federal government or any of its authorized agencies to assume perpetual surveillance and/or maintenance of lands leased or purchased from the federal government or any of its authorized agencies and used as a burial or storage site for radioactive wastes.

Sec. 12. Section 1, chapter 207, Laws of 1961 and RCW 70.98.010 are each amended to read as follows:

It is the policy of the state of Washington in furtherance of its responsibility to protect the public health and safety and to encourage, insofar as consistent with this responsibility, the industrial and economic growth of the state [ :

(1) *and to institute and maintain a regulatory and inspection program for sources and uses of ionizing radiation so as to provide for [(a)] (1) compatibility with the standards and regulatory programs of the federal government, [(b)] (2) a single, effective system of regulation within the state, and [(c)] (3) a system consonant insofar as possible with those of other states [ ; and*

(2) *To institute and maintain a program to encourage widespread participation in the development and utilization of sources of ionizing radiation and atomic energy for peaceful purposes to the maximum extent consistent with the health and safety of the public].*

Sec. 13. Section 2, chapter 207, Laws of 1961 as amended by section 1, chapter 88,

Laws of 1965 and RCW 70.98.020 are each amended to read as follows:

It is the purpose of this chapter to effectuate the policies set forth in RCW 70.98.010 *as now or hereafter amended* by providing for:

(1) A program of effective regulation of sources of ionizing radiation for the protection of the occupational and public health and safety;

(2) A program to promote an orderly regulatory pattern within the state, among the states and between the federal government and the state and facilitate intergovernmental cooperation with respect to use and regulation of sources of ionizing radiation to the end that duplication of regulation may be minimized;

(3) A program to establish procedures for assumption and performance of certain regulatory responsibilities with respect to byproduct, source, and special nuclear materials[;]

(4) A program to permit maximum utilization of sources of ionizing radiation consistent with the health and safety of the public[.]

Sec. 14. Section 24, chapter 207, Laws of 1961 and RCW 70.98.210 are each amended to read as follows:

The energy [and the council] shall study, formulate, and recommend to the legislature from time to time specific recommendations to further the purposes of this chapter.

**NEW SECTION.** Sec. 15. The legislature finds that energy in various forms is increasingly subject to possible shortages and supply disruptions, to the point that there may be foreseen an emergency situation, and that without the ability to institute appropriate emergency measures to reduce and/or allocate the usage of energy through a program of mandatory usage curtailment and/or allocation, a severe impact on the health, safety, and general welfare of our state's citizens may occur. The prevention or mitigation of the effects of such energy shortages or disruptions is necessary for preservation of the public health and welfare of the citizens of this state.

It is the intent of this chapter to:

(1) Establish necessary energy emergency powers for the governor and define the conditions under which such powers are to be exercised;

(2) Provide penalties for violations of this chapter.

**NEW SECTION.** Sec. 16. As used in this chapter:

(1) "Energy facility" means a facility which produces, extracts, converts, transports, or stores energy.

(2) "Energy" means petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material, or electricity.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency or any other entity, public or private, however organized.

(4) "Council" means the energy advisory council created by section 8 of this 1976 amendatory act.

(5) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, joint operating agencies, municipal utility, public utility district, or cooperative, which engage in or are authorized to engage in the activity of generating, transmitting or distributing energy in this state.

**NEW SECTION.** Sec. 17. It is the intent of the legislature that the governor and the council, in developing provisions for the allocation, conservation, and consumption of energy give due consideration to supplying vital public services such as essential governmental operations, health and safety functions, emergency services, public mass transportation systems, food production and processing facilities, and energy supply facilities during conditions of an energy supply alert or energy emergency. In developing any energy allocation programs, provisions should be made for the equitable distribution of energy among the geographic areas of the state.

**NEW SECTION.** Sec. 18. In addition to his existing powers and duties, the governor shall have the following duties and special energy emergency powers subject to the definitions and limitations in this chapter.

(1) The governor may, upon finding that a situation exists which threatens to seri-

ously disrupt or diminish energy supplies to the extent that life, health, or property may be jeopardized, declare a condition or state of "energy supply alert", at which time all of the general and specific emergency powers further enumerated in this section shall become effective. Concurrent with such declaration the governor shall convene the council which shall then meet within five days of the declaration of the alert, if it is not already in session.

(2) The condition of "energy supply alert" shall terminate after sixty consecutive days unless a continuing condition of "energy supply alert" exists, which shall be defined as the occurrence of either of the following: (a) Extension by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply, or (b) declaration of the legislature by concurrent resolution of a continuing condition of "energy supply alert".

(3) The conditions of an energy supply alert shall alternatively cease to exist upon a declaration to that effect by either of the following: (a) The governor; or (b) the legislature, by concurrent resolution, if in regular or extraordinary session.

(4) In a declared state of energy supply alert, the governor may, upon recommendation or approval of the energy advisory council, (a) implement such programs, controls, standards, priorities, and quotas for the production, allocation, conservation, and consumption of energy; (b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

Nothing in this chapter shall be construed to mean that any program, control, standard, priority quota, or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of a declared state of energy supply alert.

If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

Because of the emergency nature of this chapter, all actions authorized or required hereunder, or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including, but not limited to, the requirement for environmental impact statements.

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor.

*NEW SECTION.* Sec. 19. To protect the public welfare during conditions of energy alerts or emergencies, the chief executive of each political subdivision of the state and each state agency is hereby authorized and directed to carry out in his jurisdiction such energy supply alert or energy emergency measures as may be ordered by the governor.

*NEW SECTION.* Sec. 20. In order to attain uniformity, as far as is practicable throughout the country in measures taken to aid in energy crisis management, all action taken under this chapter and all orders and rules made pursuant hereto, shall be taken or made with due consideration for and consistent when practicable with the orders, rules, regulations, actions, recommendations, and requests of federal authorities.

*NEW SECTION.* Sec. 21. Notwithstanding any provision of law or contract to the contrary, all persons who are affected by an order issued or action taken pursuant to this chapter shall comply therewith immediately.

*NEW SECTION.* Sec. 22. The governor may order any distributor to take such action on his behalf as may be required to implement orders issued pursuant to this chapter, and no distributor shall be liable for actions taken in accordance with such order: PROVIDED, That orders to regulated distributors shall be issued by the Wash-

ington utilities and transportation commission in conformance with orders of the governor.

**NEW SECTION.** Sec. 23. (1) Any person aggrieved by an order issued pursuant to this chapter may petition the governor and request an exception from or modification of such order. The governor may grant, modify, or deny such petition as the public interest may require.

(2) An appeal from any order issued or action taken pursuant to this chapter may be taken to the state supreme court. Such an appeal shall take the form of a petition for a writ of mandamus or prohibition under Article IV, section 4 of the state Constitution, and the supreme court shall have exclusive jurisdiction to hear and act upon such an appeal. Notwithstanding the provisions of chapter 7.16 RCW, or any other applicable statute, the superior courts of this state shall have no jurisdiction to entertain an action or suit relating to any order issued for action taken pursuant to this chapter, nor to hear and determine any appeal from any such order. The provisions of Rule on Appeal 1-58 shall apply to any proceedings in the supreme court brought pursuant to this chapter.

**NEW SECTION.** Sec. 24. Any person wilfully violating any provision of an order issued by the governor pursuant to this chapter shall be guilty of a gross misdemeanor.

Sec. 25. Section 43.06.010, chapter 8, Laws of 1965 as amended by section 8, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.010 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

- (1) He shall supervise the conduct of all executive and ministerial offices;
- (2) He shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;
- (3) He shall make the appointments and supply the vacancies mentioned in this title;
- (4) He is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;
- (5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;
- (6) He may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;
- (7) He may require the attorney general to aid any prosecuting attorney in the discharge of his duties;
- (8) He may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state prison or of any person who has committed or is charged with the commission of a felony;
- (9) He shall perform such duties respecting fugitives from justice as are prescribed by law;
- (10) He shall issue and transmit election proclamations as prescribed by law;
- (11) He may require any officer or board to make, upon demand, special reports to him, in writing;
- (12) He may, after finding that a public disorder, disaster, *energy emergency*, or riot exists within this state or any part thereof which affects life, health, property or the public peace, proclaim a state of emergency in the area affected and the powers granted him during a state of emergency shall be effective only within the area described in the proclamation.

Sec. 26. Section 1, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.200 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in RCW 43.06.010, and 43.06.200 through 43.06.270 *each as now or hereafter amended* shall have the following meaning:

"State of emergency" means an emergency proclaimed as such by the governor pursuant to RCW 43.06.010 *as now or hereafter amended*.

"Energy emergency" means a condition in which the unavailability or disruption of energy supply poses an immediate and grave threat to life, health, property, or the public peace in the area in which such condition is declared to exist. "Energy" shall include the following: (1) Petroleum and other liquid fuels; (2) natural or synthetic fuel gas; (3) solid carbonaceous fuels; (4) fissionable nuclear material; and (5) electricity.

"Governor" means the governor of this state, or in case of his removal, death, resignation or inability to discharge the powers and duties of his office, then the person who may exercise the powers of governor pursuant to the Constitution and laws of this state relating to succession in office.

"Criminal offense" means any prohibited act for which any criminal penalty is imposed by law and includes any misdemeanor, gross misdemeanor, or felony.

Sec. 27. Section 2, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.210 are each amended to read as follows:

The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 *as now or hereafter amended* shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 *as now or hereafter amended*. The state of emergency shall cease to exist upon the issuance of a proclamation of the governor declaring its termination: **PROVIDED**, That the governor must terminate said state of emergency proclamation when order has been restored in the area affected: **PROVIDED, FURTHER**, *That the condition of a state of emergency declared upon a finding that an energy emergency exists shall terminate after thirty consecutive days unless a continuing condition of state of emergency exists, which shall be defined as the occurrence of any of the following: (1) Extension by the governor based on a declaration by the president of the United States of a national emergency; or (2) declaration of the legislature by concurrent resolution of a continuing condition of a state of emergency.*

**NEW SECTION.** Sec. 28. There is added to chapter 43.06 RCW a new section to read as follows:

In the event of an energy emergency as defined in RCW 43.06.200 *as now or hereafter amended*, the governor, after proclaiming a state of emergency therefor, may order such prohibition or curtailment of energy use or allocation, production, or distribution of energy as he deems necessary to preserve and protect public health, welfare, and safety, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such an emergency: **PROVIDED**, That in developing such orders, the governor shall implement only the recommendations of the energy advisory council developed for use in the event of an energy alert and energy emergencies: **PROVIDED FURTHER**, That such controls regarding energy use and any other emergency order made by the governor in the event of an energy emergency shall not have any continuing legal effect after the cessation of the declared state of energy emergency.

Any person wilfully violating any provision of an order issued by the governor under this section shall be guilty of a gross misdemeanor.

Sec. 29. Section 1, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.010 are each amended to read as follows:

The legislature finds that the present and predicted growth in [electric power] *energy* demands in the state of Washington requires the development of a procedure for the selection and utilization of sites for [thermal generating facilities] *energy facilities* and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites [and the routing of associated transmission



lines] will have a significant impact upon the welfare of the population, the location and growth of industry and the use of the natural resources of the state.

It is the policy of the state of Washington [that, while recognizing] *to recognize* the pressing need for increased [power generation] *energy* facilities, [the state shall] *and to ensure* through available and reasonable methods, that the location and operation of [thermal power plants] *such facilities* will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.

It is the intent to seek courses of action that will balance the increasing demands for [thermal power plant] *energy facility* location and operation in conjunction with the broad interests of the public. Such action will be based on these premises:

(1) To assure Washington state citizens that, where applicable, operational safeguards are at least as stringent as the criteria established by the federal government and are technically sufficient for their welfare and protection.

(2) To preserve and protect the quality of the environment; to enhance the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; to promote air cleanliness; and to pursue beneficial changes in the environment.

(3) To provide abundant [low-cost electrical] *energy at reasonable cost.*

Sec. 30. Section 2, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.020 are each amended to read as follows:

(1) "Applicant" means any [electric utility which] *person who* makes application for a site location certification pursuant to the provisions of this chapter;

(2) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter;

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized;

(4) ["Electric utility" means cities and towns, public utility districts, regulated electric companies, electric cooperatives and joint operating agencies, or combinations thereof, engaged in or authorized to engage in the business of generating, transmitting or distributing electric energy;

(5) "Site" means any proposed location [wherein the power plant, related or supporting facilities, and associated transmission lines will be located] *for an energy facility;*

[(6)] (5) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, *in effect as of the date of certification, which have been adopted [in] pursuant to RCW 80.50.050 as now or hereafter amended* as conditions to be met prior to or concurrent with the construction or operation of any [thermal power plant coming under this chapter] *energy facility;*

[(7)] "Associated transmission lines" means new transmission lines constructed to operate at nominal voltages in excess of 200,000 volts to connect a thermal power plant to the northwest power grid;]

(6) "*Associated facilities*" means *new storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages in excess of 200,000 volts to connect a thermal power plant to the northwest power grid: PROVIDED, That common carrier railroads or motor vehicles shall not be included;*

(7) "Transmission facility" means *any of the following together with their associated facilities:*

(a) *Crude or refined petroleum or liquid petroleum product transmission pipe-*

line: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquified petroleum gas transmission pipeline: A pipeline for the purpose of delivering gas to a distribution facility or more specifically, a "gas transmission line" as defined by the office of pipeline safety, United States department of transportation, except an interstate natural gas pipeline regulated by the United States federal power commission;

(8) "Energy transmission corridor" means land jointly used for more than one new transmission facility;

[(8)] (9) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies;

[(9)] (10) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel, including nuclear materials, for distribution of electricity by electric utilities;

[(10)] "Thermal power plant site evaluation council" or "council" means the body defined under RCW 80.50.030 [(11)] "Energy facility" means an energy plant, transmission facilities, or an energy transmission corridor: *PROVIDED*, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense;

[(11)] (12) "Council" means the energy facility site evaluation council created by section 31 of this 1976 amendatory act;

(13) "Counsel for environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080;

[(12)] (14) "Construction" means on-site work and construction shall not be deemed to have commenced until there has been an expenditure of not less than two hundred fifty thousand dollars in on-site improvements, excluding exploratory work;

[(13)] (15) "Chairman" means the chairman of the [thermal power plant site evaluation] council;

[(14)] (16) "Member agency" means departments, agencies and commissions enumerated in RCW 80.50.030(3) as now or hereafter amended;

(17) "Energy plant" means the following facilities together with their associated facilities:

(a) Any stationary thermal power plant with generating capacity of two hundred fifty thousand kilowatts or more and floating thermal power plants of fifty thousand kilowatts or more, including associated facilities;

(b) Facilities which will result in receipt of liquified natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(c) Facilities which will result in the receipt of more than an average of fifty thousand barrels per day of crude or refined petroleum which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(d) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and

(e) Facilities which will result in the processing of more than twenty-five thousand barrels per day of petroleum into refined products.

Sec. 31. Section 3, chapter 45, Laws of 1970 ex. sess. as amended by section 46, chapter 171, Laws of 1974 ex. sess. and RCW 80.50.030 are each amended to read as follows:

(1) There is hereby created and established [a "thermal power plant] the "energy

facility site evaluation council".

(2) The *nonvoting* chairman of the council shall be [appointed by the governor with the advice and consent of the senate and shall serve at the pleasure of the governor. The salary of the chairman shall be determined pursuant to the provisions of RCW 43.03.028 as now or hereafter amended] *the director of the state energy office: PRO-VIDED, That the director may designate a deputy director or assistant director to serve as chairman.*

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies [and], commissions *and committees* or their statutory successors:

- (a) [Water pollution control commission] *Department of ecology*
- (b) [Department of water resources
- (e) Department of fisheries [(d)] (c) Department of game
- [(e) State air pollution control board
- (f)] (d) Department of parks and recreation
- [(g)] (e) Department of [health] *social and health services*
- [(h)] (f) Interagency committee for outdoor recreation
- [(i)] (g) Department of commerce and economic development
- [(j)] (h) Utilities and transportation commission
- [(k)] (i) Office of program planning and fiscal management
- [(l)] (j) Department of natural resources
- [(m)] (k) Planning and community affairs agency
- [(n)] (l) Department of emergency services
- [(o)] (m) Department of agriculture
- (n) *Department of highways.*

(4) The county legislative authority of every county wherein an application for a proposed [thermal power plant] site is filed shall appoint a member *or designee* to the council. The member *or designee* so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he represents and such member *or designee* shall serve until there has been a final acceptance or rejection of such proposed site;

(5) *For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he represents and such member or designee shall serve until there has been a final acceptance or rejection of such proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.*

Sec. 32. Section 4, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.040 are each amended to read as follows:

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

(2) To appoint an executive secretary to serve at the pleasure of the council;

(3) To appoint and prescribe the duties of such clerks, employees and agents as may be necessary to carry out the provisions of this chapter: **PROVIDED**, That such persons shall be employed pursuant to the provisions of chapter 41.06 RCW;

(4) To develop and apply topical environmental and ecological guidelines in relation to the type, design, and location of [thermal power plant sites and associated transmission line routes] *energy facilities subject to this chapter*;

(5) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.04 RCW;

(6) To prescribe the form, content, and necessary supporting documentation for site certification;

(7) To receive applications for site locations and to investigate the sufficiency

thereof;

(8) To make and contract, when applicable, for independent studies of [thermal power plant sites and transmission line routes] *sites* proposed by the applicant;

(9) To conduct hearings on the proposed location of the [thermal power plant] sites [and, when applicable, the associated transmission line routes];

(10) To prepare written reports to the governor which shall include: (a) a statement indicating whether the application is in compliance with the council's topical guidelines, (b) criteria specific to the site and transmission line routing, and (c) a council recommendation as to the disposition of the application;

(11) To prescribe the means for monitoring of the effects arising from the construction and the operation of [thermal power plants, and where applicable, associated transmission lines] *energy facilities* to assure continued compliance with terms of certification;

(12) *To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication; and*

(13) *To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington.*

Sec. 33. Section 5, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.050 are each amended to read as follows:

Promptly after it is organized under this chapter, the council shall give notice, pursuant to the Administrative Procedure Act, chapter 34.04 RCW, of intention to adopt as rules the comprehensive guidelines recommended by the [thermal power plant evaluation] council. The [thermal power plant site evaluation] council shall adopt the proposed guidelines as rules after making any changes or additions that are appropriate in view of facts and testimony presented at the hearing, provided that the guidelines so changed are consistent with the purposes of this chapter.

Sec. 34. Section 6, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.060 are each amended to read as follows:

(1) Provisions of this chapter shall apply to *those energy facilities to be newly constructed or installed anywhere within the state of Washington, or to reconstruction or enlargement of such existing energy facilities where the new physical capacity being added meets or exceeds those capacities defined in section 30 of this 1976 amendatory act. No construction of such energy facilities or energy transmission corridors may be undertaken, except as otherwise provided in this chapter, after the effective date of this 1976 amendatory act, without first obtaining certification in the manner provided in this chapter.*

(2) *Provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity of an energy facility.*

(3) *Applications for certification of thermal power plants and associated transmission lines made prior to the effective date of this 1976 amendatory act, shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding the effective date of this 1976 amendatory act.*

[Any stationary thermal power plant with generating capacity of two hundred fifty thousand kilowatts or more and floating thermal power plants of fifty thousand kilowatts or more, including associated transmission lines installed anywhere within the state of Washington. No construction of any such facility may be undertaken, after February 23, 1970, without first obtaining certification in the manner as herein provided, except that this chapter shall not apply to any such thermal power plant presently operating, or under construction, and its associated transmission lines.

(2)] (4) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

Sec. 35. Section 7, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.070 are each amended to read as follows:

(1) The council shall receive all applications for [thermal power plant] *energy fa-*

*cility* site certification. A fee of twenty-five thousand dollars for each proposed site, to be applied toward the cost of any study authorized in subsection (2) of this section, shall accompany the application and shall be a condition precedent to any further consideration or action on the application by the council.

(2) After receiving an application for site certification, the council shall commission its own, independent consultant study to measure the consequences of the proposed [power plant] *energy facility* on the environment for each site application. The council shall direct the consultant to study any matter which it deems essential to an adequate appraisal of the site. The full cost of the study shall be paid by the applicant: PROVIDED, That said costs exceeding a total of twenty-five thousand dollars shall be payable subject to applicant giving prior approval to such excess amount.

(3) All payments required of the applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the applicant.

Sec. 36. Section 10, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.100 are each amended to read as follows:

(1) The council shall report to the governor its recommendations [for the disposition] *as to the approval or disapproval* of an application for certification within twelve months of receipt by the council of such an application, or such later time as is mutually agreed by the council and the applicant.

(2) Within sixty days of receipt of the council's report the governor shall approve or reject the application for certification.

(3) The issuance of denial of the certification by the governor shall be final as to that application *but shall not preclude submission of a subsequent application for the same site on the basis of changed conditions or new information.*

(4) Upon approval by the governor of the application for certification the chairman of the council shall within thirty days compose and submit a certification agreement for execution by the governor and the applicant.

Sec. 37. Section 11, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.110 are each amended to read as follows:

(1) If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, or any rule or regulation promulgated thereunder, this chapter shall govern and control and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

(2) The state hereby preempts the regulation and certification of [thermal power plant sites and thermal power plants as defined in RCW 80.50.020] *the location, construction, and operational conditions of certification of the energy facilities included under RCW 80.50.060 as now or hereafter amended.*

Sec. 38. Section 12, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.120 are each amended to read as follows:

(1) Subject to the conditions set forth therein any certification signed by the governor shall bind the state [or any] *and each* of its departments, agencies, divisions, bureaus, commissions or boards *of this state whether a member of the council or not* as to the approval of the site and the construction and operation of the proposed [thermal power plant and any associated transmission lines] *energy facility.*

(2) The certification shall authorize the [electric utility] *person* named therein to construct and operate the proposed [thermal power plant and any associated transmission lines] *energy facility* subject only to the conditions set forth in such certification.

(3) The issuance of a certification shall be in lieu of any permit, certificate or similar document required by any department, agency, division, bureau, commission or board of this state *whether a member of the council or not.*

Sec. 39. Section 1, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.170 are each amended to read as follows:

It is the intent of RCW 80.50.175 *as now or hereafter amended* to expedite the certification of sites for [thermal power plants and associated transmission lines.] *energy*

*facilities subject to this chapter* to minimize duplication of effort in conducting studies of and preparing environmental impact statements relating to such sites, to authorize and encourage cooperation between the council and counties, other governmental agencies, and municipal or public corporations in connection with such sites, and to provide for a single detailed statement in accordance with RCW 43.21C.030(2)(c) where any proposed [thermal power plants and associated transmission lines] *energy facilities* are subject to certification pursuant to chapter 80.50 RCW, and to further the development of [power generation] facilities to meet pressing needs: PROVIDED, That it is the intent of the legislature that appropriate consideration will be given to protecting and preserving the quality of the environment.

Sec. 40. Section 2, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.175 are each amended to read as follows:

(1) In addition to all other powers conferred on the council under this chapter, the council shall have the powers set forth in this section.

(2) The council, upon request of any potential applicant, is authorized, as provided in this section, to conduct a *preliminary* study of any potential site prior to receipt of an application for site certification. A fee of ten thousand dollars for each potential site, to be applied toward the cost of any study agreed upon pursuant to subsection (3) of this section, shall accompany the request and shall be a condition precedent to any action on the request by the council.

(3) After receiving a request to study a potential site, the council shall commission its own independent consultant to study matters relative to the potential site. The study shall include, but need not be limited to, the preparation and analysis of environmental impact information for the proposed [thermal power plant and associated transmission lines at the] potential site and any other matter the council and the potential applicant deem essential to an adequate appraisal of the potential site. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential site is located, any federal, state, or local governmental agency that might be requested to comment upon the potential site, and any municipal or public corporation having an interest in the matter. The full cost of the study shall be paid by the potential applicant: PROVIDED, That such costs exceeding a total of ten thousand dollars shall be payable subject to the potential applicant giving prior approval to such excess amount.

(4) Any study prepared by the council pursuant to subsection (3) of this section [shall] *may* be used in place of the "detailed statement" required by RCW 43.21C.030(2)(c) by any branch of government except the [thermal power plant site evaluation] council created pursuant to chapter 80.50 RCW. Except for actions of the [thermal power plant site evaluation] council under chapter 80.50 RCW, all proposals, for legislation and other actions of any branch of government of this state, including state agencies, municipal and public corporations, and counties, to the extent the legislation or other action involved approves, authorizes, permits, or establishes procedures solely for approving, authorizing or permitting, the location, financing or construction of [one or more thermal power plants or associated transmission lines] *any energy facility* subject to certification under chapter 80.50 RCW, shall be exempt from the "detailed statement" required by RCW 43.21C.030. Nothing in this subsection shall be construed as exempting any action of the [thermal power plant site evaluation] council from any provision of chapter 43.21C RCW.

(5) All payments required of the potential applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the potential applicant.

(6) Nothing in this section shall change the requirements for an application for [thermal power plant] site certification or the requirement of payment of a fee as provided in RCW 80.50.070, or change the time for disposition of an application for certification as provided in RCW 80.50.100.

(7) Nothing in this section shall be construed as preventing a city or county from requiring any information it deems appropriate to make a decision approving a partic-

ular location.

Sec. 41. Section 5, chapter 155, Laws of 1973 and RCW 90.48.262 are each amended to read as follows:

(1) The powers established under RCW 90.48.260 shall be implemented by the department through the adoption of rules in every appropriate situation. The permit program authorized under RCW 90.48.260(1) shall constitute a continuation of the established permit program of RCW 90.48.160 and other applicable sections within chapter 90.48 RCW. The appropriate modifications as authorized in this 1973 amendatory act are designed to avoid duplication and other wasteful practices and to insure that the state permit program contains all required elements of and is compatible with the requirements of any national permit system.

(2) Permits for [thermal power plants] *energy facilities* subject to chapter 80.50 RCW shall be issued by the [thermal power plant] *energy facility* site evaluation council: PROVIDED, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to said chapter. The council shall have all powers necessary to establish and administer a point source discharge permit program pertaining to such plants, consistent with applicable receiving water quality standards established by the department, and to qualify for full participation in any national waste discharge or pollution discharge elimination permit system. The council and the department shall each adopt, by rules, procedures which will provide maximum coordination and avoid duplication between the two agencies with respect to permits in carrying out the requirements of this act including, but not limited to, monitoring and enforcement of certification agreements, and in qualifying for full participation in any such national system.

**NEW SECTION.** Sec. 42. There is added to chapter 80.50 RCW a new section to read as follows:

All rules of the thermal power plant site evaluation council in effect on the effective date of this 1976 amendatory act shall continue in full force and effect until amended or rescinded by the energy facility site evaluation council after the effective date of this 1976 amendatory act.

**NEW SECTION.** Sec. 43. Section 7, chapter 207, Laws of 1961, section 4, chapter 88, Laws of 1965, section 1, chapter 44, Laws of 1969, section 18, chapter 18, Laws of 1970 ex. sess., section 162, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 70.98.070 are each hereby repealed.

**NEW SECTION.** Sec. 44. (1) Sections 1 through 9 of this 1976 amendatory act shall constitute a new chapter in Title 43 RCW. (2) Sections 15 through 24 of this 1976 amendatory act shall constitute a new chapter in Title 43 RCW.

**NEW SECTION.** Sec. 45. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 46. This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect March 15, 1976."

In line 1 of the title, after "energy;" strike the remainder of the title and insert "amending section 43.31.040, chapter 8, Laws of 1965 as last amended by section 2, chapter 221, Laws of 1967 and RCW 43.31.040; amending section 5, chapter 10, Laws of 1965 and RCW 43.31.300; amending section 1, chapter 207, Laws of 1961 and RCW 70.98.010; amending section 2, chapter 207, Laws of 1961 as amended by section 1, chapter 88, Laws of 1965 and RCW 70.98.020; amending section 24, chapter 207, Laws of 1961 and RCW 70.98.210; amending section 43.06.010, chapter 8, Laws of 1965 as amended by section 8, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.010; amending section 1, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.200; amending section 2, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.210; amending section 3, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.220; amending section 1, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.010; amending section 2, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.020; amending section 3, chapter 45, Laws of 1970 ex. sess. as amended by section 46, chapter 171, Laws of 1974 ex. sess. and RCW 80.50.030;

amending section 4, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.040; amending section 5, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.050; amending section 6, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.060; amending section 7, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.070; amending section 10, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.100; amending section 11, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.110; amending section 12, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.120; amending section 1, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.170; amending section 2, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.175; amending section 5, chapter 155, Laws of 1973 and RCW 90.48.262; creating new chapters in Title 43 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.06 RCW; adding a new section to chapter 80.50 RCW; repealing section 7, chapter 207, Laws of 1961, section 4, chapter 88, Laws of 1965, section 1, chapter 44, Laws of 1969, section 18, chapter 18, Laws of 1970 ex. sess., section 162, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 70.98.070; defining crimes; prescribing penalties; prescribing an effective date; and declaring an emergency."

Signed by: Senators Henry, Bottiger and Guess; Representatives Perry, McCormick and Berentson.

#### MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Substitute Senate Bill No. 3172.

#### MESSAGE FROM THE HOUSE

March 10, 1976.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 779, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

#### REPORT OF FREE CONFERENCE COMMITTEE

February 26, 1976.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 779, permitting employees of political subdivisions of the state to join the state employee's insurance and health care system, have had the same under consideration, and we recommend that the Senate amendment be adopted with the following amendments:

On page 1, line 23 of the Senate amendment, after "RCW" insert ": PROVIDED FURTHER, That in the event of a special district employee transfer pursuant to this section, members of the governing authority shall be eligible to be included in such transfer if such members are authorized by law as of the effective date of this 1976 amendatory act to participate in the insurance program being transferred from and subject to payment by such members of all costs of insurance for members"

On page 2, line 26 of the Senate amendment, after "or" strike "*the legislative branch of any county, municipality, or other political subdivision of the state*" and insert "*of the legislative authority of any county, city, or town*"

Signed by: Senators Bailey, Buffington and Rasmussen; Representatives Sommers, McKibbin and Kuehnle.

#### MOTION

On motion of Senator Walgren, the report of the Free Conference Committee on Substitute House Bill No. 779 was adopted.



## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 779, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 4; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Rasmussen, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Absent or not voting: Senators Herr, Peterson, Pullen, Sellar—4.

Excused: Senators Keefe, Ridder, Sandison—3.

SUBSTITUTE HOUSE BILL NO. 779, 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.

## MOTIONS

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

On motion of Senator Walgrén, the Senate commenced consideration of the motion for reconsideration by Senator Beck on the failure of the Senate to pass Engrossed Senate Bill No. 2989, as amended by the Conference Committee, on March 4, 1976.

## PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, point of parliamentary inquiry. The bill, as I understand it, is in conference. There is a Free Conference committee report which the Senate rejected — in effect, killing the bill. Senator Beck is asking us to reconsider that and I know of no way he can get it back to second or third reading or anything else."

Debate ensued.

## REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Well, of course. I think that the correct procedure would be for this body to reconsider this vote where the bill failed to pass and then reconsider the vote by which we adopted the Free Conference committee report. Then having failed to adopt the Free Conference committee report, it goes back into conference. That is the only procedure I think will work."

The motion by Senator Beck carried and the Senate moved to reconsider the vote by which Engrossed Senate Bill No. 2989, as amended by the Conference Committee, failed to pass the Senate.

Debate ensued.

## MOTION

On motion of Senator Beck, further consideration of Engrossed Senate Bill No. 2989, as amended by the Conference Committee, on reconsideration, was ordered held.

## MOTION

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

## REPORTS OF STANDING COMMITTEES

March 11, 1976.

ENGROSSED HOUSE BILL NO. 1497, revising laws relating to insolvent insurers (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

March 11, 1976.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1544, revising laws relating to insurance (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass as amended.

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

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

March 11, 1976.

Mr. President: The House has passed SENATE BILL NO. 3281, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 11, 1976.

Mr. President: The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 2038,

SENATE BILL NO. 2537,

SENATE BILL NO. 3017, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

At 12 noon, on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:30 p.m.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3281.

Senators Walgren, Herr and Washington demanded a Call of the Senate. A Call of the Senate was ordered.

#### CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senators Keefe and Ridder, who had previously been excused.

#### MOTIONS

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

At 1:58 p.m., on motion of Senator Bailey, the Senate was declared to be at ease until 3:15 p.m.

President Pro Tempore Henry called the Senate to order at 3:15 p.m.

#### MOTION

On motion of Senator Walgren, the Senate resumed consideration of Substitute Senate Bill No. 2778.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 2778, by Committee on Ways and Means (originally sponsored by Senators Donohue, Odegaard and Wilson):

Relating to revenue and taxation.

The Senate resumed consideration of Substitute Senate Bill No. 2778. The bill failed to pass the Senate on March 9, 1976. On March 10, 1976, the Senate moved to reconsider the vote by which the Senate failed to pass the bill. At that time, the bill was returned to second reading and held.

Senator Bottiger moved adoption of the following amendment:

On page 1, line 1, after "taxation;" strike the remainder of the bill and insert the following:

"amending section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140; 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 3, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.240; amending section 82.04.250, chapter 15, Laws of 1961 as last amended by section 4, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.250; amending section 3, chapter 65, Laws of 1970 ex. sess. and RCW 82.04.255; amending section 82.04.260, chapter 15, Laws of 1961 as last amended by section 7, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.260; amending section 82.04.270, chapter 15, Laws of 1961 as last amended by section 6, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.270; amending section 82.04.275, chapter 15, Laws of 1961 as amended by section 12, chapter 149, Laws of 1967 ex. sess. and RCW 82.04.275; 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 8, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.290; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 9, chapter 281, Laws of 1971 ex. sess. and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 1, Laws of 1975 2nd ex. sess. and RCW 82.12.020; amending section 82.16.020, chapter 15, Laws of 1961 as last amended by section 12, chapter 299, Laws of 1971 ex. sess. and RCW 82.16.020; amending section 84.04.120, chapter 15, Laws of 1961 and RCW 84.04.120; amending section 84.52.052, chapter 15, Laws of 1961 as last amended by section 102, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.052; amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020; adding a new chapter to Title 28A RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW; adding new sections to chapter 28A.47 RCW; creating new sections; prescribing effective dates; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

## PART I

*NEW SECTION.* Section 1. It is the intent of this chapter to create a governmental agency which is a taxing district within the meaning of Article VII, section 2 of the state Constitution and which is authorized to levy ad valorem taxes upon all taxable property within the state for the purpose of raising and providing revenues for the support of the common schools of the state and thereby implementing the provisions of Article IX, section 1 of the state Constitution.

*NEW SECTION.* Sec. 2. For purposes of this chapter:

(1) "Authority" shall mean the Washington special levy authority established pursuant to section 3 of this amendatory act.

(2) "State board" shall mean the state board of education established pursuant to chapter 28A.04 RCW.

(3) "Board of the authority" shall mean the board of directors of the Washington special levy authority.

(4) "Superintendent" shall mean the superintendent of public instruction.

*NEW SECTION.* Sec. 3. There is hereby established the Washington special levy authority, a governmental agency within the meaning of Article VII, section 2 of the state Constitution.

*NEW SECTION.* Sec. 4. (1) The authority shall be governed and all of its powers exercised by a board of directors which shall consist of the members of the state board. The terms of the members of the board of the authority shall coincide with their terms as members of the state board.

(2) Members of the board of the authority shall receive per diem in lieu of compensation, and travel expenditures, in accordance with standard rates for part time boards, councils, and commissions as certified by the director of the office of program planning and fiscal management.

(3) The superintendent shall be ex officio president and chief executive officer of the board of the authority. As such ex officio president the superintendent shall have the right to vote only when there is a question before the board of the authority upon which no majority opinion has been reached among the members present and voting thereon. The superintendent shall provide all information which the board of the authority may require in its proceedings and shall keep appropriate records of such proceedings.

(4) The superintendent may make, on behalf of the board of the authority, all certifications required by this chapter.

(5) A majority of the members of the board of the authority shall constitute a quorum for the transaction of any business and, unless a greater number is required by the bylaws of the authority, the act of a majority of the members present at any meeting shall be deemed to be the act of the board of the authority.

(6) The board of the authority shall adopt bylaws for the authority.

*NEW SECTION.* Sec. 5. Except as otherwise limited by this chapter, the authority shall have power:

- (1) To have a seal and alter the same at pleasure;
- (2) To make and execute contracts and all other instruments necessary or convenient for the exercise of its power;
- (3) To sue and be sued;
- (4) To make and alter bylaws for its organization and internal management;
- (5) To levy ad valorem taxes upon the assessed valuation of all taxable property within the state in accordance with the provisions of RCW 84.52.052, as now or hereafter amended, such assessed valuation to be the same as that determined in accordance with the provisions of RCW 84.52.065;
- (6) To fix the rate of such levy, within the limitation provided for in RCW 84.52.052, as now or hereafter amended;
- (7) To call a special election for the authorization of such levy and fix the time therefor in accordance with the provisions of this chapter and RCW 84.52.052, as now or hereafter amended;
- (8) To promulgate such rules and regulations as are necessary or convenient to carry out its functions and duties pursuant to this chapter;
- (9) To do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted in this chapter.

*NEW SECTION.* Sec. 6. All liabilities incurred by the authority shall be satisfied exclusively from the assets and credit of the authority; and no creditor or other person shall have any recourse to the assets, credit, or services of the state on account of any debts, obligations, or liabilities of the authority.

*NEW SECTION.* Sec. 7. (1) The board of the authority shall meet in March of each year at such time and place as the superintendent shall determine for the purposes of exercising the powers conferred by section 5 (6) and (7) of this amendatory act. The board of the authority may call a special election to be held on such date as it deems proper for purposes of obtaining specific authorization from the electors of the state to levy the taxes provided for in section 5(5) of this amendatory act. Notwithstanding the provisions of RCW 84.52.010 and 84.52.054, the additional tax to be levied by the authority shall be set forth on the ballot of the proposition to be submitted to the voters in

terms of the dollar rate of tax levy upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue, together with an estimate of the amount which will be produced by the levy at the rate set forth on the ballot proposition.

(2) In the event that the levy provided for in section 5(5) of this amendatory act is authorized at the special election called by the authority, the board of the authority shall meet in August of the calendar year in which the levy is to be made at such time and place as the superintendent shall determine, and shall make such levy. Notwithstanding the provisions of RCW 84.52.010 and 84.52.054, such levy shall be expressed and certified in terms of the dollar rate of tax levy upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(3) Within three days after making such levy, the authority shall certify the levy to the department of revenue, who shall thereafter equalize and apportion such tax levy in accordance with RCW 84.48.080 in the same manner as other taxes levied for state purposes. Thereafter all state and local agencies, boards, and officers shall perform the same duties with respect to such levy as are performed with respect to other taxes levied for state purposes.

*NEW SECTION.* Sec. 8. There is hereby created in the state treasury a permanent fund to be known as the Washington special levy authority trust fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. All moneys deposited therein shall be expended only for the maintenance and operation of the common schools.

*NEW SECTION.* Sec. 9. The attorney general, through his office, shall supply such assistance as the authority may require in order to carry out its responsibilities under this chapter.

Sec. 10. 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 are each amended to read as follows:

Upon every person engaging within this state in business as an extractor; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, extracted for sale or for commercial or industrial use, multiplied by the rate of [forty-four one-hundredths] *four hundred eighty-four one-thousandths* of one percent;

The measure of the tax is the value of the products, including byproducts, so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 11. Section 82.04.240, chapter 15, Laws of 1961 as last amended by section 3, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.240 are each amended to read as follows:

Upon every person except persons taxable under subsections (2), (3), (4), (5), (6), or (8) of RCW 82.04.260 engaging within this state in business as a manufacturer; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of [forty-four one-hundredths] *four hundred and eighty-four one-thousandths* of one percent.

The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 12. Section 82.04.250, chapter 15, Laws of 1961 as last amended by section 4, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.250 are each amended to read as follows:

Upon every person except persons taxable under subsection (9) of RCW 82.04.260 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 one-hundredths] *four hundred and eighty-four one-thousandths* of one percent.

Sec. 13. 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 *and one-tenth of one* 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. 14. Section 82.04.260, chapter 15, Laws of 1961 as last amended by section 7, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of [one one-hundredth] *eleven one-thousandths* of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour manufactured, multiplied by the rate of [one-eighth] *one hundred and thirty-eight one-thousandths* of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of [one-quarter] *two hundred and seventy-five one-thousandths* of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of [one-eighth] *one hundred and thirty-eight one-thousandths* of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of [three-tenths] *thirty-three one-hundredths* of one percent.

(6) Upon every person engaging within this state in the business of manufacturing aluminum pig, ingot, billet, plate, sheet (flat or coiled), rod, bar, wire, cable or extrusions; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of [four-tenths] *forty-four one-hundredths* of one percent.

(7) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of [forty-four one-hundredths] *four hundred and eighty-four one-thousands* of one percent.

(8) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of [thirty-three one-hundredths] *three hundred and sixty-three one-thousandths* of one percent.

(9) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of [twenty-five one-hundredths] *two hundred and seventy-five one-thousandths* of one percent.

(10) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of [twenty-five one-hundredths] *two hundred and seventy-five one-thousandths* of one percent.

(11) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of [twenty-five one-hundredths] *two hundred and seventy-five one-thousandths* of one percent.

Sec. 15. Section 82.04.270, chapter 15, Laws of 1961 as last amended by section 6, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.270 are each amended to read as follows:

(1) Upon every person except persons taxable under subsections (1) or (9) of RCW 82.04.260 engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of [forty-four one-hundredths] *four hundred and eighty-four one-thousandths* of one percent.

(2) The tax imposed by this section is levied and shall be collected from every person engaged in the business of distributing in this state articles of tangible personal property, owned by them from their own warehouse or other central location in this state to two or more of their own retail stores or outlets, where no change of title or ownership occurs, the intent hereof being to impose a tax equal to the wholesaler's tax upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales: PROVIDED, That the tax designated in this section may not be assessed twice to the same person for the same article. The amount of the tax as to such persons shall be computed by multiplying [forty-four one-hundredths] *four hundred and eighty-four one-thousandths* of one percent of the value of the article so distributed as of the time of such distribution: PROVIDED, That persons engaged in the activities described in this subsection shall not be liable for the tax imposed if by proper invoice it can be shown that they have purchased such property from a wholesaler who has paid a business and occupation tax to the state upon the same articles. This proviso shall not apply to purchases from manufacturers as defined in RCW 82.04.110. The department of revenue shall prescribe uniform and equitable rules for the purpose of ascertaining such value, which value shall correspond as nearly as possible to the gross proceeds from sales at wholesale in this state of similar articles of like quality and character, and in similar quantities by other taxpayers: PROVIDED FURTHER, That delivery trucks or vans will not under the purposes of this section be considered to be retail stores or outlets.

Sec. 16. Section 82.04.275, chapter 15, Laws of 1961 as amended by section 12, chapter 149, Laws of 1967 ex. sess. and RCW 82.04.275 are each amended to read as follows:

Upon every person engaging within this state in the business of wholesale sales of manufacturer's stock of cigarettes warehoused in this state by the manufacturer and sold by him at wholesale in this state; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of one hundred [seventy-six] *and ninety-four one-thousandths* of one percent.

Persons and activities taxed under this section shall not be liable for the wholesaling tax under the provisions of RCW 82.04.270.

Sec. 17. 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 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6), as now or hereafter amended; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of [forty-four one-hundredths] *four hundred and eighty-four one-thousandths* of one percent.

Sec. 18. 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 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, 82.04.275 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 *and one-tenth of one* 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. 19. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 9, chapter 281, Laws of 1971 ex. sess. and RCW 82.08.020 are each amended to read as follows:

There is levied and there shall be collected a tax on each retail sale in this state equal to [four and one-half] *five* percent of the selling price. The tax imposed under this chapter shall apply to successive retail sales of the same property.

Sec. 20. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 1, Laws of 1975 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 subdivision (2) of RCW 82.12.030, 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 of [four and one-half] *five* per cent.

Sec. 21. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 12, chapter 299, Laws of 1971 ex. sess. and RCW 82.16.020 are each amended to read as follows:

There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(1) Railroad, express, railroad car, water distribution, light and power, telephone and telegraph businesses: Three and [six-tenths] *ninety-six one-hundredths of one* per cent;

(2) Gas distribution business: Three *and three-tenths of one* percent;

(3) Urban transportation business: [Six-tenths] *Sixty-six one-hundredths of one* percent;

(4) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: [Six-tenths] *Sixty-six one-hundredths of one* percent;

(5) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and [eight-tenths] *ninety-eight one-hundredths of one* percent.

Sec. 22. Section 84.04.120, chapter 15, Laws of 1961 and RCW 84.04.120 are each amended to read as follows:

"Taxing district" shall be held and construed to mean and include the state and any county, city, town, township, port district, school district, road district, metropolitan park district, water district or other municipal corporation, or other governmental agency now or hereafter existing, having the power or authorized by law to impose burdens upon property within the district in proportion to the value thereof, for the purpose of obtaining revenue for public purposes, as distinguished from municipal corporations authorized to impose burdens, or for which burdens may be imposed, for such purposes, upon property in proportion to the benefits accruing thereto.

Sec. 23. Section 84.52.052, chapter 15, Laws of 1961 as last amended by section 102, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.052 are each amended to read as follows:

(1) 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 in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts.

(2) Any county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 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, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty

rural library district, fire protection district, cemetery district, city or town in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended, at a special election to be held in the year in which the levy is made.

(a) *Beginning with the levy to be made in the year 1976 for collection in the year 1977, the aggregate tax levy amount of any school district for maintenance and operations purposes that may be levied by a vote of the people under the authority of this subsection for any one year shall not exceed an amount equal to that which would be produced by a levy of two dollars per thousand upon the assessed value of such district's taxable property as determined by the county assessor. In the event any school district has called an election for authorization of an excess levy in 1976 for collection in the year 1977 for maintenance and operations purposes prior to the effective date of this 1976 amendatory act and has or will have received voter authorization for an amount greater than the aggregate tax levy amount set forth in this subsection such school district is authorized to levy in 1976 no amount greater than the aggregate tax levy amount set forth in this subsection: PROVIDED, That, such two dollar per thousand limitation shall, for each school district which has made a levy of a tax pursuant to RCW 84.52.052 for collection in 1976, be reduced by an amount equal to the difference between the district's estimated receipt of funds from such 1976 collectible levy applied to the 1975-76 school year as set forth in the district's final budget as defined in RCW 28A.65.095 and the total amount of such 1976 collectible levy.*

(b) *Beginning with levies to be made in the year 1976 for collection in the year 1977, the aggregate tax levy rate of any school district for maintenance and operations purposes that may be levied by a vote of the people under the authority of this section for any one year shall not exceed the aggregate total of:*

(i) *The amount which could be raised by a tax of two dollars per thousand dollars upon the state equalized value of both all taxable property and the timber shown on the timber roll within the school district: PROVIDED, That for purposes of this paragraph, the term "state equalized value" shall mean the district's assessed value of property and, the value of such district's timber as shown on the timber roll divided by the indicated ratio of the county, or portion thereof, in which the district is located, fixed by the state department of revenue, both of which factors shall be for the assessment year immediately preceding the year in which such levy is to be made; and*

(ii) *The amount which could be raised by a tax of two dollars per thousand dollars of assessed value upon the assessed value of such district's taxable property and the value of such district's timber as shown on the timber roll: PROVIDED, That any school district in which no tax is levied for maintenance and operations purposes for collection in calendar year 1976 under authority of this section, may levy for collection in calendar year 1977 an additional amount equal to the amount which could be raised by a tax of two dollars per thousand dollars of assessed value upon the assessed value of such district's taxable property and the value of such district's timber as shown on the timber roll.*

(3) *The Washington special levy authority established pursuant to sections 1 through 9 of this amendatory act may levy taxes at a rate in excess of the rate specified in RCW 84.52.043, 84.52.050 through 84.52.056, and 84.52.065, or RCW 84.55.010 through 84.55.050 to be used exclusively for the operation and maintenance of the common schools, when authorized so to do by the electors of the state in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended, at a special election to be held one time only in any year in which the levy is made. The maximum dollar rate levied by the Washington special levy authority for school maintenance and operations purposes under this subsection for any one year shall not exceed the rate of two dollars per thousand upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.*

(4) *A special election may be called and the time therefor fixed by the Washington special levy authority, board of county commissioners or other county legislative authority, board of school directors, or council, board of commissioners, or other gov-*

erning body of any metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition 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".

(5) (a) *During each school district fiscal year in which no state-wide special levy is collected as authorized pursuant to RCW 84.52.052, as now or hereafter amended, the provisions of subsection (2)(b) of this section, as now or hereafter amended, shall be in effect and the provisions of subsection (2)(a) of this section, as now or hereafter amended, shall be considered null and void.*

(b) *During each school district fiscal year in which a state-wide special levy is collected as authorized pursuant to RCW 84.52.052, as now or hereafter amended, the provisions of subsection (2)(a) of this section, as now or hereafter amended, shall be in effect and the provisions of subsection (2)(b) of this section, as now or hereafter amended, shall be considered null and void.*

Sec. 24. Section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020 are each amended to read as follows:

The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his county. All taxes upon real and personal property made payable by the provisions of this title shall be due and payable to the treasurer as aforesaid on or before the thirtieth day of April in each year, after which date they shall become delinquent, and interest at the rate of eight percent per annum shall be charged upon such unpaid taxes and upon unpaid personal property taxes from the date of delinquency until paid: PROVIDED, That when the total amount of tax on any lot, block or tract of real property payable by one person is ten dollars or more, and if all of such tax levied by the Washington special levy authority for the maintenance and operation of the common schools pursuant to RCW 84.52.052(3), as now or hereafter amended, and all of such tax levied by or for any school district pursuant to RCW 84.52.052 and one-half of such tax levied for all other purposes be paid on or before the said thirtieth day of April, then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such [remaining one-half] remainder shall become delinquent, and interest at the rate of eight percent per annum shall be charged upon said remainder from the date of delinquency until paid: PROVIDED, FURTHER, That when the total amount of personal property taxes falling due in any year, payable by one person, is ten dollars or more, and if all of such tax levied by the Washington special levy authority for the maintenance and operation of the common schools pursuant to RCW 84.52.052(3), as now or hereafter amended, and all of such tax levied by or for any school district pursuant to RCW 84.52.052 and one-half of such taxes levied for all other purposes be paid on or before said thirtieth day of April then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such [remaining one-half] remainder shall become delinquent, and interest at the rate of eight percent per annum shall be charged upon said remainder from the date of delinquency until paid. All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations: PROVIDED, FURTHER, That all moneys re-

*ceived and collected by the county treasurer pursuant to the tax levy by the Washington special levy authority for the maintenance and operation of the common schools pursuant to RCW 84.32.052(3), as now or hereafter amended, shall be credited and deposited to the Washington special levy authority trust fund created pursuant to section 8 of this amendatory act.*

## PART II

**NEW SECTION.** Sec. 25. The legislature recognizes the paramount importance of the common school system in this state and the need to provide adequate financial support for educational programs. It is therefore the intent of this 1976 amendatory act to make available sufficient financial resources to enable the common school system to provide ample educational opportunities to public school students and to further encourage local support of the common schools by providing supplemental state payments to guarantee and equalize educational opportunity.

**NEW SECTION.** Sec. 26. After July 1, 1976, each school district which has received authorization for collection of an excess levy for general maintenance and operations in accordance with section 27 of this 1976 amendatory act shall be guaranteed, from funds appropriated for the purposes of this chapter, a supplemental amount as follows: To the extent that any levy in the full amount authorized by section 27(1)(b) of this 1976 amendatory act raises less than an amount equal to three hundred dollars per average annual full time equivalent pupil enrolled in the district, the district shall receive a supplemental amount equal to the deficiency: **PROVIDED**, That in the event a school district levies less than the maximum amount authorized by section 27(1)(b) of this 1976 amendatory act, the supplemental amount shall be proportionately reduced. The average annual full time equivalent pupils enrolled shall be that for the last completed school year.

**NEW SECTION.** Sec. 27. (1) Each levy proposal submitted to the voters for approval, to be eligible for supplemental payments of state funds as set forth in section 26 of this 1976 amendatory act, in addition to the requirements set forth in chapter 84.52 RCW, shall meet the following requirements: (a) It shall state that it is submitted as qualification for such supplemental payments; (b) the proposal shall not exceed the amount which would be raised by a tax of two dollars per thousand dollars upon the state equalized value of both all taxable property and the timber shown on the timber roll within the school district: **PROVIDED**, That for purposes of this subsection the term "state equalized value" shall mean a district's assessed value of property and/or, as the case may be, the value of such district's timber as shown on the timber roll divided by the indicated ratio of the county, or portion thereof in which the district is located, fixed by the department of revenue, both of which factors shall be for the assessment year immediately preceding the year in which such proposed levy is to be made; (c) it shall be set forth separately on the ballot in such manner that it can be approved by the voters without concurrent approval of any other proposal for additional levies pursuant to chapter 84.52 RCW; and (d) any election(s) on such proposal(s) shall be conducted on the following dates: First election — on the second Tuesday in March; second election — on the second Tuesday in May: **PROVIDED**, That any election(s) on levy proposals submitted to the voters for collection in 1977 may be held on or before May 25, 1976: **AND PROVIDED FURTHER**, That nothing contained in this 1976 amendatory act shall be construed as authorizing or purporting to authorize more than two such submissions within the twelve months prior to the date on which the proposed levy is to be made.

(2) In the event any school district has called an election for authorization of an excess levy for collection in 1977 (for maintenance and operations purposes, as defined by the superintendent of public instruction) pursuant to RCW 84.52.052 prior to the effective date of this 1976 amendatory act:

(a) In the event that the amount, if any, authorized by such district's electors is less than or equals the maximum amount set forth in section 30 of this 1976 amendatory act, such district shall receive the supplemental amount computed in the manner set forth in section 26 of this 1976 amendatory act;

(b) In the event that the amount, if any, authorized by such district's electors exceeds the aggregate total set forth in section 30 of this 1976 amendatory act, such district is authorized to levy in 1976 no amount greater than the aggregate total levy amount authorized by section 30 of this 1976 amendatory act, and thereafter, such district shall receive the supplemental amount computed in the manner set forth in section 26 of this 1976 amendatory act.

*NEW SECTION.* Sec. 28. Prior to November 1st of each year, the superintendent of public instruction, in cooperation with the department of revenue, shall determine the state-wide average assessed valuation per full time equivalent pupil by dividing the assessed valuation used by the state for the collection of taxes in the current calendar year by the state-wide average annual full time equivalent pupils enrolled during the last completed school year. If such state-wide average assessed valuation per full time equivalent pupil exceeds the state-wide average assessed valuation per full time equivalent pupil computed on the basis of the assessed valuation used by the state for state taxes collected in 1976 and the state-wide average annual full time equivalent pupils enrolled in the 1974-1975 school year, the three hundred dollar guarantee level set forth in section 26 of this 1976 amendatory act shall be increased for the following school year by an amount equal to two dollars per thousand dollars of such excess.

*NEW SECTION.* Sec. 29. The superintendent of public instruction shall compute the entitlement of each school district for payments under the terms of this 1976 amendatory act and apportion such amount from moneys appropriated by the legislature over the school budget year in which the property taxes authorized pursuant to section 27 of this 1976 amendatory act are first payable.

### PART III

*NEW SECTION.* Sec. 30. In the event the statewide special levy authorized pursuant to Sec. 23 of this 1976 amendatory act is rejected by the voters, the provisions of sections 25 through 29 of this 1976 amendatory act and RCW 84.52.052 2(b), as now or hereafter amended shall be in effect during the calendar year of such rejection.

In the event the statewide special levy authorized pursuant to Sec. 23 of this 1976 amendatory act is authorized by the voters, the provisions of sections 25 through 29 of this 1976 amendatory act and RCW 84.52.052 2(b) shall be considered null and void during the calendar year of such voter authorization.

*NEW SECTION.* Sec. 31. Sections 1 through 9 of this 1976 amendatory act shall constitute a new chapter in Title 28A RCW.

*NEW SECTION.* Sec. 32. Sections 25 through 29 of this 1976 amendatory act are added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW.

*NEW SECTION.* Sec. 33. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

*NEW SECTION.* Sec. 34. This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately: PROVIDED, That sections 10 through 23 of this 1976 amendatory act shall be effective on and after April 1, 1976: PROVIDED FURTHER, That section 24 of this 1976 amendatory act shall be effective on and after January 1, 1977."

Senator Mardesich moved adoption of the following amendment to the amendment by Senator Bottiger:

On page 21, on the last line of section 33, after "circumstances" strike "is not affected" and insert "shall be without further force and effect"

Debate ensued.

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

On motion of Senator Mardesich, the following amendments to the amendment by Senator Bottiger were adopted:

On page 7, beginning on line 7, strike all the matter down through "percent." on line 12 and insert:

"[(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale, the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.]"

On page 7, line 13, strike "(2)" and insert "[ (2) ] (1)"

On page 7, line 18, strike "(3)" and insert "[ (3) ] (2)"

On page 7, line 24, strike "(4)" and insert "[ (4) ] (3)"

On page 7, line 31, strike "(5)" and insert "[ (5) ] (4)"

On page 8, line 2, strike "(6)" and insert "[ (6) ] (5)"

On page 8, line 8, strike "(7)" and insert "[ (7) ] (6)"

On page 8, line 15, strike "(8)" and insert "[ (8) ] (7)"

On page 8, line 21, strike "(9)" and insert "[ (9) ] (8)"

On page 8, line 28, strike "(10)" and insert "[ (10) ] (9)"

On page 8, line 34, strike "(11)" and insert "[ (11) ] (10)"

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

On page 2, line 7 after "28A.41 RCW;" delete "adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW; adding new sections to chapter 28A.47 RCW;"

Senator Morrison moved adoption of the following amendment to the amendment by Senator Bottiger:

On page 13, after Section 21, line 22 insert a new section as follows:

"*NEW SECTION.* Sec. 22. In the event the statewide special levy authorized pursuant to Section 24 of this 1976 amendatory act is rejected by the voters, ten percent of the moneys received and collected pursuant to RCW 82.04.230 through 82.04.290, 82.08.020, 82.12.020, and 82.16.020, each as amended by this 1976 amendatory act, during the 12 months immediately subsequent to such rejection, shall be placed in the common schools support account which is hereby created in the general fund, to be used exclusively for the support of the common schools pursuant to legislative appropriation."

Renumber remaining sections consecutively.

#### POINT OF INQUIRY

Senator Donohue: "Will Senator Morrison yield? The extra money you are talking about, do you have an idea what that amount is?"

Senator Morrison: "Yes, approximately a hundred and twenty-four million dollars per year and if all the state-wide levies passed, if we shifted to the Bottiger portion of the plan — Senator Bottiger, correct me, but approximately a hundred and seventeen to a hundred and twenty million of that would be used. What we are just providing is if all that money is not used that it is still earmarked within the general fund for educational support purposes."

Senator Donohue: "I understand that. I think staff said that above the needs of the Bottiger plan there would probably be about thirty million dollars."

Senator Bottiger: "Mr. President, I think that is probably correct because of the lateness of this year and the number of districts that simply could not qualify under the Hodde plan, especially after we wait for the state election it may be even more than that. What Senator Morrison is doing is saying to the people and to us that that excess money collected would stay there and the amount of any tax increase necessary next year is reduced by what we have still got on hand."

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

On motion of Senator Bottiger, the following amendments to the amendment by Senator Bottiger were considered and adopted simultaneously:

On page 18, line 14 after "RCW" strike "84.32.052(3)" and insert "84.52.052(3)"

On page 19, line 13 after "Sec." strike "26" and insert "27"

On page 20, line 13 after "section" strike "30" and insert "27"

On page 20, line 18 strike "30" and insert "27"

On page 20, line 20 after "section" strike "30" and insert "27"

#### MOTION

At 3:47 p.m., on motion of Senator Matson, the Senate was declared to be at ease.

President Pro Tempore Henry called the Senate to order at 4:12 p.m.

President Pro Tempore Henry declared the question before the Senate to be adoption of the amendment by Senator Bottiger, as amended.

Debate ensued.

#### POINT OF INQUIRY

Senator Scott: "Would Senator Walgren yield? Senator Walgren, it is plain the pass that we are at right now is — the minority came forth with a plan. It is not dissimilar from that created by Senator Bottiger and former Speaker Hodde, and we are going to have to vote on it. I think we have the right to know how many votes on the most recent count there are in the majority caucus for this plan. Are you going to supply a fair share? Does this measure have any chance of passing? Exactly what is the point?"

Senator Walgren: "Senator Scott, as I indicated before this session even started, we were going to make a determination as to what the level of school funding, what kind of a budget we were going to have and that determination was going to be made out here on the floor. It was one of my desires that we have a bill or bills that come down here to the floor of the Senate so that we could debate it openly, that we could propose whatever amendments had to be proposed. I think that is what we have been doing. Now, we are all going to have an opportunity of voting. I don't know what each and every individual on this floor thinks or how they are going to vote but they are going to have that opportunity of saying yes or no. So I think we are going to get that count just very shortly. I don't know how many votes there are for any particular plan out here at the moment."

Further debate ensued.

Senator Newschwander demanded a roll call and the demand was sustained by Senators Benitz, Bottiger, Gould, Morrison, Fleming, Washington, Buffington, Bailey and Wanamaker.

President Pro Tempore Henry declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bottiger, as amended.

#### ROLL CALL

The Secretary called the roll and the amendment, as amended, was not adopted by the following vote: Yeas, 16; nays, 31; excused, 2.

Voting yea: Senators Bluechel, Bottiger, Buffington, Goltz, Gould, Grant, Jones, Knoblauch, Lewis (Harry), Matson, Morrison, Murray, Newschwander, North, Scott, Washington—16.

Voting nay: Senators Bailey, Beck, Benitz, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Guess, Henry, Herr, Jolly, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—31.

Excused: Senators Keefe, Ridder—2.

Senator Grant moved adoption of the following amendment:

On page 1, line 1, after "taxation;" strike the remainder of the bill and insert the following:

"providing for the levy and collection of a flat gross income tax by the state; specifying methods and procedure for the ascertainment and payment of such tax; prescribing powers and duties of the department of revenue in relation thereto; providing penalties; exempting food from sales and use taxes; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030; adding a new chapter to chapter 15, Laws of 1961 and to Title 84 RCW; adding a new section to chapter 15, Laws of 1961 and to chapter 82.04 RCW; adding a new section to

chapter 15, Laws of 1961 and to chapter 82.16 RCW; and prescribing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

*NEW SECTION.* Section 1. Sections 2 through 13 of this act are added to chapter 15, Laws of 1961 and Title 84 RCW as a new chapter therein.

*NEW SECTION.* Sec. 2. For the purposes of this chapter unless otherwise required by context:

(1) "Department" means the department of revenue;

(2) "Taxpayer" means any natural person or individual, and every corporation, company, association, partnership, trust, estate or other business entity or organization operated for profit and receiving income;

(3) "Doing business" includes any transaction or transactions within this state by any taxpayer in the course of his or its business or activity;

(4) "Income year" means the calendar year: PROVIDED, That the first income year shall be for the six month period commencing on July 1, 1976.

(5) "Transfer payments" means public assistance payments received pursuant to Title 74 RCW, unemployment compensation payments received pursuant to state or federal law and payments received pursuant to the federal social security act.

*NEW SECTION.* Sec. 3. There is hereby levied upon and shall be collected from every taxpayer a tax computed at the rate of seven tenths of one percent of the taxpayer's gross income received from and after July 1, 1976.

*NEW SECTION.* Sec. 4. "Gross income" means all income which may be constitutionally taxable as property: PROVIDED, That gross income shall not include transfer payments. No deduction for costs, losses or other expenses whatsoever shall be allowable in determining "gross income". For the purpose of ascertaining the gain derived or loss sustained from the sale or other disposition of property, real, personal, or mixed, the basis shall be the fair market value as of the effective date of this act or the cost of said property on the date of acquisition if acquired after the effective date of this act under regulations prescribed by the department.

*NEW SECTION.* Sec. 5. A taxpayer engaged in business within and without this state shall be taxed only on such gross income as is derived from business transacted within this state. The amount of gross income allocable to this state shall be determined in accordance with standards prescribed in Article IV of RCW 82.56.010 (Multistate tax compact). The department shall prescribe uniform regulations to determine proper apportionment of the gross income of such taxpayer to this state in accordance with such standards.

*NEW SECTION.* Sec. 6. Except as otherwise provided, the first tax due under this chapter shall be due and payable on or before April 30, 1977 for the preceding calendar year, and on or before April 30th each year thereafter: PROVIDED, That the department may by rule prescribe a different filing and payment date for taxpayers whose accounts are maintained on other than a calendar year basis.

*NEW SECTION.* Sec. 7. Every employer making a payment of wages or salaries earned in this state shall deduct and withhold a tax in such amount as shall be prescribed in tables promulgated by the department to reasonably reflect the tax liability of the employee under this act, and which shall be computed by the department in such a manner as to result as closely as possible in annual withholding of the taxpayer's annual tax liability. Every employer making a deduction and withholding as outlined above, shall furnish to the employee a record of the amount of tax withheld from such employee on forms to be prescribed and furnished by the department. Remittance of taxes withheld shall be made at such times and in such manner as are prescribed by regulations to be prescribed by the department.

*NEW SECTION.* Sec. 8. Every employer or any other person required under section 7 of this act to deduct and withhold taxes from wages or salaries making payments of wages or salaries earned in this state, regardless of the place where such payment is made, shall be liable for the payment of the tax required to be deducted and withheld under section 7 of this act and shall not be liable to any individual for the amount of any such payment. Whenever any person is required to collect or withhold the tax imposed



under this act from any other person and to pay over such tax to the department, the amount of tax so collected or withheld shall be held to be a special fund in trust for this state.

*NEW SECTION.* Sec. 9. The amount so deducted and withheld as tax under sections 7 and 8 of this act during any taxable year shall be allowed as a credit against the tax imposed for such taxable year by this act. If the tax liability of any individual shown by the return is less than the total amount of the credit which he is entitled to claim pursuant to this section, such individual shall be entitled to a refund in the amount of the excess of the credit over the tax otherwise due. No credit or refund shall be allowed pursuant to this section unless such credit or refund is claimed on a return filed for the taxable year for which such amount was so deducted and withheld.

*NEW SECTION.* Sec. 10. (1) Returns shall be in such form as the department shall from time to time prescribe and shall be filed with the department on or before April 30th for the preceding calendar year, unless a different filing and payment date has been prescribed by the department. Whenever good cause exists, the department may allow further time for filing returns except that no extension may be granted for more than six months.

(2) There shall be annexed to the return a statement verified by a written declaration of the taxpayer making the return to the effect that the statements contained therein are true.

(3) The department shall cause to be prepared blank forms for the returns and shall cause them to be distributed throughout the state and to be furnished upon application, but failure to receive or secure the form shall not relieve the taxpayer from the obligation of making any return required by this chapter.

*NEW SECTION.* Sec. 11. If any taxpayer has failed to include in a return filed, either intentionally or through error, any item of gross income which should be included under the provisions of this chapter, the department shall require from such taxpayer a return, or supplementary return under oath, in such form as it shall prescribe, of all items of gross income which the taxpayer received during the year for which the return is made. If from a supplementary return, or otherwise, the department finds that any items of gross income includible under this chapter, have been omitted from the original return, it may require the items so omitted to be disclosed to it, under oath of the taxpayer, and to be added to the original return. No return or supplementary return shall be deemed complete, so as to prevent the application of penalties and interest, unless the correctness of all matters contained therein has been certified by the taxpayer or a reasonable officer therefor.

*NEW SECTION.* Sec. 12. (1) Any taxpayer, or representative of any taxpayer, who, with intent to evade this tax, fails to make, render, sign or verify any return, or pay the tax imposed by this chapter, shall be guilty of a gross misdemeanor for each such act.

(2) Any person, including any taxpayer, or representative of any taxpayer, who, with intent to evade this tax, wilfully makes any false statement in any notice, estimate, or return required to be filed by this act, or who falsifies his or the taxpayer's books or records, shall be guilty of a felony.

(3) The department shall in writing immediately notify both the attorney general and the prosecuting attorney of the applicable county of each such violation.

*NEW SECTION.* Sec. 13. The powers conferred and duties imposed upon the department and the state treasurer with respect to the administration of chapter 82.04 RCW by RCW 82.32.110, 82.32.120, 82.32.130, 82.32.320, 82.32.340, and 82.32.380 shall be applicable to the administration of the taxes imposed pursuant to this act.

Sec. 14. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030 are each amended to read as follows:

The tax hereby levied shall not apply to the following sales:

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16 or 82.28 RCW; PROVIDED, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12 RCW;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16 RCW, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36 RCW: PROVIDED, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12 RCW;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: PROVIDED, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12 RCW;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers whether owned by or leased with or without drivers and used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce whether such use is by the owner or whether such motor vehicles and trailers are leased to the user with or without drivers: PROVIDED, That the purchaser or user must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to nonresidents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point

outside this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the purchaser at a point outside this state, or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certificate supported by identification ascertaining residence as provided by the department of revenue and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the department of revenue with the regular report and a duplicate to be retained by the dealer.

(16) Sales of poultry for use in the production for sale of poultry or poultry products.

(17) Sales to nonresidents of this state for use outside of this state of machinery and implements for use in conducting a farming activity, when such machinery and implements will be transported immediately outside the state. As proof of exemption, an affidavit or certification in such form as the department of revenue shall require shall be made for each such sale, to be retained as a business record of the seller.

(18) Sales for use in states, territories and possessions of the United States which are not contiguous to any other state, but only when, as a necessary incident to the contract of sale, the seller delivers the subject matter of the sale to the purchaser or his designated agent at the usual receiving terminal of the carrier selected to transport the goods, under such circumstances that it is reasonably certain that the goods will be transported directly to a destination in such noncontiguous states, territories and possessions.

(19) Sales to municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services rendered in respect to contracts for watershed protection and/or flood prevention. This exemption shall be limited to that portion of the selling price which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act, Public Laws 566, as amended;

(20) Sales of semen for use in the artificial insemination of livestock;

(21) Sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that he is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this subsection must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and

maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of one dollar. The department may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his own, or a counterfeit permit, with intent to violate the provisions of this subsection shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

(22) Sales of form lumber to any person engaged in the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof.

(23) Sales of, cost of, or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling of sand, gravel and rock when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to sales of, cost of, or charges made for such labor and services, if the sand, gravel, or rock is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(24) Sales of wearing apparel to persons who themselves use such wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(25) Sales of pollen.

(26) Sales to one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(27) The renting or leasing of motor vehicles and trailers to a nonresident of this state for use exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and for purposes of this exemption the term "nonresident" shall apply to a renter or lessee who has one or more places of business in this state as well as in one or more other states but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained and operated from the renter's or lessee's place of business in another state.

(28) Sales of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral

order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(29) Sales of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(30) Sales of insulin, prosthetic devices, and medically prescribed oxygen.

(31) Sales of food products for human consumption.

*"Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.*

*"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.*

*"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.*

*"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.*

*The exemption of "food products" provided for in this paragraph shall not apply: (a) when the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, or (b) when the food products are ordinarily sold for immediate consumption or or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.*

Sec. 15. Section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030 are each amended to read as follows:

The provisions of this chapter shall not apply:

(1) In respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than thirty days prior to the time he entered this state;

(2) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 RCW and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 RCW as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16 RCW;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by a nonresident of this state of any motor vehicle or trailer used exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and in respect to the use by a nonresident of this state of any motor vehicle or trailer so registered and licensed and used within this state for a period not exceeding fifteen consecutive days under such rules as the department of revenue shall adopt: PROVIDED, That under circumstances determined to be justifiable by the department of revenue a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein, shall include a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user's place of business in another state; and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer whether owned by or leased with or without driver to the permit holder and used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of motor vehicles pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state whether such motor vehicle or trailer is owned by or leased with or without driver to the permit holder;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36 RCW: PROVIDED, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of motor vehicles shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other na-

tional calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of poultry in the production for sale of poultry or poultry products;

(12) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(13) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to and used exclusively by a school in connection with its driver training program: PROVIDED. That this exemption and the term "school" shall apply only to (a) the University of Washington, Washington State University, the state colleges and the state community colleges or (b) any public, private or parochial school accredited by either the state board of education or by the University of Washington (the state accrediting station) or (c) any public vocational school meeting the standards, courses and requirements established and prescribed or approved in accordance with the Community College Act of 1967 (chapter 8, Laws of 1967 first extraordinary session);

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 RCW or chapter 82.12 RCW;

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed services and are stationed outside this state pursuant to military orders, but this exemption shall not apply to members of the armed services called to active duty for training purposes for periods of less than six months and shall not apply to the use of motor vehicles or trailers acquired less than thirty days prior to the discharge or release from active duty of any person from the armed services;

(16) In respect to the use of semen in the artificial insemination of livestock;

(17) In respect to the use of form lumber by any person engaged in the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED. That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof;

(18) In respect to the use of any sand, gravel, or rock to the extent of the cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling such sand, gravel, or rock, when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to the use of such material to the extent of the cost of or charge made for such labor and services, if the material is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(19) In respect to the use of wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(20) In respect to the use of tangible personal property held for sale and displayed in single trade shows for a period not in excess of thirty days, the primary purpose of which is to promote the sale of products or services.

(21) In respect to the use of pollen.

(22) In respect to the use of the personal property of one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the

annexation or incorporation of any part of the territory of one political subdivision by another.

(23) In respect to the use of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(24) In respect to the use of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(25) In respect to the use of insulin, prosthetic devices, and medically prescribed oxygen.

(26) *In respect to the use of food products for human consumption.*

*"Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.*

*"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.*

*"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.*

*"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.*

*The exemption of "food products" provided for in this paragraph shall not apply: (a) when the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, or (b) when the food products are ordinarily sold for immediate consumption or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.*

**NEW SECTION.** Section 16. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

Any taxes paid by any taxpayer after July 1, 1976 pursuant to the flat rate gross income tax law enacted during the 1976 session of the legislature shall be allowed as a credit against the total of any taxes imposed upon any taxpayer by chapter 82.04 RCW (business and occupation tax).

**NEW SECTION.** Sec. 17. There is added to chapter 15, Laws of 1961 and to chapter 82.16 RCW a new section to read as follows:

Any taxes paid by any taxpayer after July 1, 1976 pursuant to the flat rate gross income tax law enacted during the 1976 session of the legislature shall be allowed as a credit against the total of any taxes imposed upon any taxpayer by chapter 82.16 RCW (public utility tax).

**NEW SECTION.** Sec. 18. This statute constitutes a single integrated plan for balanced revision of the tax structure of this state. It is the intention of the legislature that if any part of this statute is declared to be unconstitutional, then this entire statute shall be



void and of no further force and effect.

*NEW SECTION.* Sec. 19. The effective date of this 1976 amendatory act is July 1, 1976."

#### MOTION

On motion of Senator Bailey, the rules were suspended and the sponsor of an amendment will be allowed to suspend the three-minute rule to explain the amendment. Debate ensued.

#### POINT OF INQUIRY

Senator Marsh: "Will Senator Grant yield? Senator Grant, in reviewing your proposal I do not find the referendum clause on it that you discussed with some of us earlier. Do you intend to add it to this measure?"

Senator Grant: "Mr. President, Senator Marsh, if the measure needed a referendum in order to attract votes, yes I will offer it. I think it is on the desk."

Senator Grant moved adoption of the following amendment to the amendment by Senator Grant:

On page 19, line 12, after "19," strike all the language on lines 12 and 13 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 the provisions of section 1, Article II of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

#### POINT OF INQUIRY

Senator Gould: "Will Senator Grant yield? I also obviously have not had a chance to read the whole bill but is there a proviso that this will only go to education or to schools?"

Senator Grant: "No, there is not."

Senator Gould: "So it will just go into the general fund?"

Senator Grant: "This is not the distribution measure, Senator Gould."

Senator Gould: "Okay, how do you intend to apportion it then, after that?"

Senator Grant: "The apportionment could be taken up by any number of plans. A combination of the Bottiger-Newschwander plan or whatever plan the legislature seems to think is the best. This provides the funding."

Senator Gould: "I have two other questions, if I may. One, could it also just go into the general fund and be used for anything else if we passed it as is?"

Senator Grant: "Yes, it could. If there were other items that were higher priority to the legislature, it could be."

Senator Gould: "I guess my last question is, do you have any idea how much money it would add if we extended this to personal income as well as business income?"

Senator Grant: "This is also extended to personal income. This is not just a flat tax on business income."

Senator Gould: "You mean it is a tax on you and me also?"

Senator Grant: "That is correct."

Senator Gould: "Okay, fine, thank you."

Debate ensued.

The motion by Senator Grant carried and the amendment to the amendment by Senator Grant was adopted.

Senator Van Hollebeke demanded a roll call and the demand was sustained by Senators Marsh, Goltz, Bailey, Washington, Sandison, Donohue, Benitz, Grant and Knoblauch.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senators Grant, as amended.

#### ROLL CALL

The Secretary called the roll and the amendment, as amended, was not adopted by the following vote: Yeas, 6; nays, 41; excused, 2.

Voting yea: Senators Bottiger, Francis, Goltz, Grant, Marsh, Walgren—6.

Voting nay: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—41.

Excused: Senators Keefe, Ridder—2.

#### MOTION

On motion of Senator Walgren, Substitute Senate Bill No. 2778 was ordered held for later consideration.

#### MOTION

On motion of Senator Walgren, the Senate resolved itself into a Committee of the Whole for the purpose of resuming consideration of Engrossed House Bill No. 1624.

#### COMMITTEE OF THE WHOLE

President Pro Tempore Henry in the Chair.

Engrossed House Bill No. 1624 was considered in the Committee of the Whole and on motion of Senator Walgren the committee arose without report.

#### MOTION

On motion of Senator Walgren, the Senate resumed consideration of the Conference Committee report, on reconsideration, on Engrossed Senate Bill No. 2989 and the failure of the Senate to pass the bill as amended by the Conference Committee.

Debate ensued.

#### MOTION

On motion of Senator Walgren, the Senate failed to adopt the report of the Conference Committee on Engrossed Senate Bill No. 2989, on reconsideration, and requests the conferees to consider submitting a new report.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of the Conference Committee report on Substitute House Bill No. 1329.

#### REPORT OF CONFERENCE COMMITTEE

March 11, 1976.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1329, making changes in the public disclosure laws, have had the same under consideration, and we report that we cannot agree and we, therefore, respectfully request powers of Free Conference in order to propose the following:

Strike everything after the enacting clause, and insert the following:

"Section 1. Section 29.18.040, chapter 9, Laws of 1965 and RCW 29.18.040 are each amended to read as follows:

(1) Declarations of candidacy shall be filed as follows:

[(1)] (a) For state offices, United States senate, United States house of representatives, and the state legislature and superior court when electors from a district comprising more than one county vote upon the candidates, in the office of the secretary of state.

[(2)] (b) For offices, except city and town offices, when electors from only one county vote upon the candidates, in the office of the county auditor.

[(3)] (c) For city and town offices, in the office of the city clerk.

(2) *Each official with whom declarations of candidacy are filed under this section, within one business day following the closing of the applicable filing period, shall forward to the public disclosure commission a copy of each declaration of candidacy filed in his office during such filing period or a list containing the name of each candidate who files such a declaration in his office during such filing period together with a precise identification of the position sought by each such candidate and the date on which each such declaration was filed. Such official, within three days following his receipt of any letter withdrawing a person's name as a candidate, shall also forward a copy of such withdrawal letter to the public disclosure commission.*

Sec. 2. Section 29.79.490, chapter 9, Laws of 1965 and RCW 29.79.490 are each amended to read as follows:

Every person shall be guilty of a gross misdemeanor who:

(1) For any consideration or gratuity or promise thereof, signs or declines to sign any initiative or referendum petition; or

(2) Advertises in any manner that for or without consideration, he will solicit or procure signatures upon or influence or attempt to influence persons to sign or not to sign, to vote or not to vote upon an initiative or referendum petition, or to vote for or against any initiative or referendum; or

(3) For any consideration or gratuity or promise thereof solicits or procures signatures upon an initiative or referendum petition; or

(4) Gives or offers any consideration or gratuity to any person to induce him to sign or not to sign, or to solicit or procure signatures upon an initiative or referendum petition, or to vote for or against any initiative or referendum measure; or

(5) Interferes with or attempts to interfere with the right of any voter to sign or not to sign an initiative or referendum petition or with the right to vote for or against an initiative or referendum measure by threats, intimidation, or any other corrupt means or practice; or

(6) Receives, handles, distributes, pays out, or gives away, directly or indirectly, money or any other thing of value contributed by or received from any person, firm, association, or corporation whose residence or principal office is, or the majority of whose members or stockholders have their residence outside, the state of Washington, for any service rendered for the purpose of aiding in procuring signatures upon any initiative or referendum petition or for the purpose of aiding in the adoption or rejection of any initiative or referendum measure: *PROVIDED, That this subsection shall not apply to or prohibit any activity which is properly reported in accordance with the applicable provisions of chapter 42.17 RCW.*

Sec. 3. Section 9, chapter 1, Laws of 1973 as amended by section 7, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.090 are each amended to read as follows:

(1) Each report required under RCW 42.17.080 shall disclose for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than three days prior to the date the report is due:

(a) The funds on hand at the beginning of the period;

(b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the [preceding twelve-month period] *campaign or in the case of a continuing political committee, the current calendar year: PROVIDED, That the income which results from the conducting of a fund-raising activity which has previously been reported in accordance with section 9 of this 1976 amendatory act may be reported as one lump sum, with the exception of that portion of such income which was received from persons whose names and addresses are required to be included in the report required by section 9 of this 1976 amendatory act: PROVIDED FURTHER, That contributions not exceeding ten dollars in the aggregate from any one person during the election campaign may be re-*

ported as one lump sum so long as the campaign treasurer maintains a separate and private list of the names, addresses, and amounts of each such contributor;

(c) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(d) The name and address of each political committee from which the reporting committee or candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts, dates, and purpose of all such transfers;

(e) All other contributions not otherwise listed or exempted;

(f) The name and address of each person to whom an expenditure was made in the aggregate amount of twenty-five dollars or more, and the amount, date, and purpose of each expenditure;

(g) The total sum of expenditures;

(h) The surplus or deficit of contributions over expenditures;

(i) The disposition made of any surplus of contributions over expenditures;

(j) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter; and

(k) Funds received from a political committee not domiciled in Washington state and not otherwise required to report under this chapter (a "nonreporting committee"). Such funds shall be forfeited to the state of Washington unless the nonreporting committee or the recipient of such funds has filed or within three days following such receipt shall file with the commission a statement disclosing: (i) its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses, and titles of its officers or if it has no officers, the names, addresses, and titles of its responsible leaders; (iv) a statement whether the nonreporting committee is a continuing one; (v) the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (vi) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; (vii) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions to the nonreporting committee during the preceding twelve-month period, together with the money value and date of such contributions; (viii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of twenty-five dollars or more, the amount, date, and purpose of such expenditure, and the total sum of such expenditures; (ix) such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(2) The campaign treasurer and the candidate shall certify the correctness of each report.

Sec. 4. Section 10, chapter 1, Laws of 1973 and RCW 42.17.100 are each amended to read as follows:

[In addition to the other reports required by this chapter]

(1) [Any person who makes an expenditure in support of or in opposition to any candidate or proposition (except to the extent that a contribution is made directly to a candidate or political committee), in the aggregate amount of one hundred dollars or more during an election campaign, shall file with the commission a report signed by the contributor disclosing (a) the contributor's name and address, and (b) the date, nature, amount and recipient of such contribution or expenditure; and] (a) *For the purposes of this subsection (1) the term "independent campaign expenditure" shall mean any expenditure which is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17.060, 42.17.065, 42.17.080, or 42.17.090.*

(b) *Within three days after the date of making an independent campaign expendi-*

ture which by itself or when added to all other such independent campaign expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within three days after the date of making an independent campaign expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made such independent campaign expenditure shall file with the commission and the county auditor of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) an initial report of all independent campaign expenditures made during such campaign prior to and including such date.

(c) At the following intervals each person who is required to file an initial report pursuant to subsection (1)(b) of this section shall file with the commission and the county auditor of the county of residence for the candidate supported or opposed by the independent campaign expenditure for in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) a further report of the independent campaign expenditures made since the date of the last report:

(i) On the fifth and nineteenth days immediately preceding the date on which the election is held; and

(ii) Within ten days after the date of a primary election, and within twenty-one days after the date of all other elections; and

(iii) On the tenth day of each month preceding the election in which no other reports are required to be filed pursuant to this subsection (1): PROVIDED, That such further reports required by this subsection (c) shall only be filed if the reporting person has made an independent campaign expenditure since the date of the last previous report filed.

The report filed pursuant to paragraph (ii) of this subsection (1)(c) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(d) All reports filed pursuant to this subsection (1) shall be certified as correct by the reporting person.

(e) Each report required by subsections (1)(b) and (1)(c) of this subsection (1) shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent campaign expenditure, and ending not more than three days prior to the date the report is due:

(i) The name and address of the person filing the report;

(ii) The name and address of each person to whom an independent campaign expenditure was made in the aggregate amount of twenty-five dollars or more, and the amount, date, and purpose of each such expenditure: PROVIDED, That if no reasonable estimate of the monetary value of a particular independent campaign expenditure is practicable, it shall be sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(iii) The total sum of all independent campaign expenditures made during the campaign to date; and

(iv) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter.

(2) (a) Any person who contributes in the aggregate amount of one hundred dollars or more during the preceding twelve-month period to any political committee not domiciled in the state of Washington or not otherwise required to report under this chapter, if the person reasonably expects such political committee to make contributions in respect to any election covered by this chapter, shall file with the commission a report signed by the contributor disclosing [(a)] the contributor's name and address, [and (b)] the date, nature, purpose, amount, and recipient of such contribution, and [(c)] any instructions given as to the use or disbursement of such contribution.

(b) The initial report shall be filed with the commission within three days after the

date on which the aggregate contribution amount of one hundred dollars or more is reached, and each subsequent report shall be filed within three days after each subsequent contribution is made to the same such political committee.

Sec. 5. Section 11, chapter 1, Laws of 1973 and RCW 42.17.110 are each amended to read as follows:

(1) [Within fifteen days after an election] Each commercial advertiser who has accepted or provided political advertising during the election campaign shall [file a report with the commission which shall be certified as correct and] *maintain open for public inspection during the campaign and for a period of no less than three years after the date of the applicable election, during normal business hours, documents and books of account which shall specify:*

(a) The names and addresses of persons from whom it accepted political advertising;

(b) The exact nature and extent of the advertising services rendered; and

(c) The consideration and the manner of paying that consideration for such services [; and

(d) Such other facts as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter].

(2) [No report shall be required from any commercial advertiser as to any single candidate or political committee when the total value of such political advertising does not exceed fifty dollars] *Each commercial advertiser which must comply with subsection (1) of this section shall deliver to the commission, upon its request, copies of such information as must be maintained open for public inspection pursuant to subsection (1) of this section.*

Sec. 6. Section 13, chapter 1, Laws of 1973 and RCW 42.17.130 are each amended to read as follows:

(1) No elective official nor any employee of his office *nor any person appointed to or employed by any public office or agency* may use or authorize the use of any of the facilities of [his] *a public office or agency*, directly or indirectly, for the purpose of assisting [his] *a* campaign for [reelection to the office he holds, or for election to any other office, or for] election of any [other] person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office *or agency* include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office *or agency* during working hours, vehicles, office space, publications of the office *or agency*, and clientele lists of persons served by the office *or agency*: PROVIDED, That *the foregoing provisions of this section shall not apply to those activities [performed by the official or his office] which are part of the normal and regular conduct of the office or agency.*

Sec. 7. Section 24, chapter 1, Laws of 1973 as amended by section 13, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.240 are each amended to read as follows:

(1) Every elected official (except president, vice president, and precinct committeemen) shall after January 1st and before January 31st of each year; and every candidate, and every person appointed to fill a vacancy in an elective office (except for the offices of president, vice president, and precinct committeeman) shall, within two weeks of becoming a candidate, or being appointed to such elective office, file with the commission a written statement sworn as to its truth and accuracy stating for himself and all members of his immediate family, for the preceding twelve months: PROVIDED, That no individual shall be required to file more than once in any calendar year:

(a) Occupation, name of employer, and business address; and

(b) Each 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 an elected official by the governmental entity for which such person serves as an elected official for his service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (i) With respect to a governmental unit in which the elected official holds any elective office, if such entity has received compensation in any form during the preceding twelve months from such governmental unit, the value of such compensation and the consideration given or performed in exchange for such compensation; (ii) The name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which such entity has received compensation in any form in the amount of two thousand five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation: PROVIDED, That the term "compensation" for purposes of this subsection (1)(g)(ii) shall not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing such service; (iii) The name, address, and occupation of every other director and/or officer of any bank or commercial lending institution, the name of which is required to be reported under this subsection or all interest paid by a borrower on loans from and all interest paid to a depositor by such bank or commercial lending institution if such interest exceeds six hundred dollars]: *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 elected official or candidate, 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

(1) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

(3) Elected officials and candidates reporting under this section shall not be required to file the statements required to be filed with the secretary of state under RCW 42.21.060.

Sec. 8. Section 35, chapter 1, Laws of 1973 as last amended by section 93, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 42.17.350 are each amended to read as follows:

There is hereby established a "Public Disclosure Commission" which shall be composed of five members who shall be appointed by the governor, with the consent of the senate. All appointees shall be persons of the highest integrity and qualifications. No more than three members shall have an identification with the same political party. The original members shall be appointed within sixty days after the effective date of this act. The term of each member shall be five years except that the original five members shall serve initial terms of one, two, three, four, and five years, respectively, as designated by the governor. No member of the commission, during his tenure, shall (1) hold or campaign for elective office; (2) be an officer of any political party or political committee; (3) permit his name to be used, or make contributions, in support of or in opposition to any candidate or proposition; (4) participate in any way in any election campaign; or (5) lobby or employ or assist a lobbyist. No member shall be eligible for appointment to more than one full term. A vacancy on the commission shall be filled within thirty days of the vacancy by the governor, with the consent of the senate, and the appointee shall serve for the remaining term of his predecessor. A vacancy shall not impair the powers of the remaining members to exercise all of the powers of the commission. Three members of the commission shall constitute a quorum. The commission shall elect its own chairman and adopt its own rules of procedure in the manner provided in chapter 34.04 RCW. Any member of the commission may be removed by the governor, but only upon grounds of neglect of duty or misconduct in office.

Each member shall receive [fifteen] *seventy-five* dollars for each day or portion thereof spent in performance of his duties as a member of the commission, and in addition shall be reimbursed for travel expenses incurred while engaged in the business of the commission as provided in RCW 43.03.050 and 43.43.060 as now or hereafter amended. The compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state.



Nothing in this section shall prohibit the commission, or any of its members or staff on the authority of the commission, from responding to communications from the legislature or any of its members or from any state agency or from appearing and testifying at an open public meeting (as defined by RCW 42.30.030) or a hearing to adopt rules held pursuant to RCW 34.04.025 on matters directly affecting the exercise of their duties and powers under this chapter.

*NEW SECTION.* Sec. 9. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

(1) In lieu of reporting in accordance with RCW 42.17.060, a political committee may report fund-raising activities in accordance with the provisions of this section.

(2) A fund-raising activity which is to be reported in accordance with the provisions of this section shall conform with the following standards:

(a) The income resulting from the conduct of the activity is derived solely from either (i) the retail sale of goods or services at prices which in no case exceed a reasonable approximation of the fair market value of each item or service sold at the activity, or (ii) a gambling operation which is licensed, conducted, or operated in accordance with the provisions of chapter 9.46 RCW and at which in no case is the monetary value of any prize exceeded by the monetary value of any single wager which may be made by a person participating in such activity;

(b) No person responsible for receiving money at such activity shall knowingly accept payment from a single person which would result in a profit to the committee of ten dollars or more unless the name and address of the person making such payment together with the approximate amount of profit to the committee resulting from such payment are disclosed in the report filed pursuant to subsection (4) of this section; and

(c) Such other standards as shall be established by rule and regulation of the commission to prevent frustration of the purposes of this chapter.

(3) All funds obtained through the use of a fund-raising activity which conforms with the provisions of subsection (2) of this section shall be deposited by the campaign treasurer or deputy campaign treasurer in the same bank account into which contributions received by the committee are being deposited pursuant to RCW 42.17.060.

(4) Within three days after depositing such funds in accordance with subsection (3) of this section, the campaign treasurer or deputy campaign treasurer making the deposit shall file with the commission a report which shall contain the following information:

(a) The date on which the activity occurred;

(b) The location at which the activity occurred;

(c) A precise description of the fund-raising methods used in the activity;

(d) A financial statement noting gross receipts and expenses for the activity, including an inventory list where appropriate;

(e) The monetary value of wagers made and prizes distributed for winning wagers, where appropriate;

(f) The name and address of each person who contributed goods or services to the committee for sale at the activity if the fair market value of the goods or services contributed equals ten dollars or more in the aggregate from such person, together with a precise description of each item or service contributed and its estimated market value;

(g) The name and address of each person whose identity can be ascertained and who makes payments to the committee at such activity which result in a profit of ten dollars or more to the committee, together with the approximate amount of profit to the committee which results from such payments; and

(h) A complete listing of the names and addresses of the persons responsible for conducting the activity.

(5) The statement required by subsection (4) of this section shall be in duplicate upon a form prescribed by the commission, one copy to be filed by the campaign treasurer with the commission, and one copy to be retained by him for his records. Each statement shall be certified as correct by the campaign treasurer or deputy treasurer making the deposit.

*NEW SECTION.* Sec. 10. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

On or after July 1st but before August 1st of each calendar year, the state treasurer, each county, public utility district, and port district treasurer, and each treasurer of an incorporated city or town whose population exceeds one thousand shall file with the commission a report disclosing for the previous twelve months ending June 30:

(1) The name and address of each financial institution which holds or has held during the reporting period public accounts of governmental entities for which the treasurer is responsible; (2) the aggregate sum of time and demand deposits held in each financial institution on June 30 together with the highest balance held at any time during such reporting period.

*NEW SECTION.* Sec. 11. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

(1) Upon the failure of any person to file with the commission or the appropriate county auditor on or before the time specified in this chapter any statement or report herein required to be filed, a civil penalty in the amount of ten dollars shall be forthwith due and payable by the person responsible for the filing thereof. Except as provided in subsection (2) of this section, payment of such civil penalty shall be made to the commission upon the filing of such statement or report subsequent to its due date.

(2) Upon application by the person responsible for such filing the commission may waive the imposition of the civil penalty specified in subsection (1) of this section, if the commission finds that failure to file in timely manner was unavoidable. Application for waiver of penalty shall be by petition in writing, setting forth the circumstances upon which the petitioner relies, and verified under oath by the petitioner. Such written application shall be submitted with the statement or report and shall operate to defer the payment of the civil penalty pending action upon the application by the commission. If the commission finds that failure to file in timely manner was unavoidable, the commission shall enter its order waiving imposition of the penalty. If no such report is timely filed and if the commission finds that failure to file in a timely manner was avoidable, the commission may either:

(a) Enter an order directing immediate payment of the amount of the penalty. The person against whom such order is directed shall be designated as the respondent; or

(b) Find that an apparent violation of this chapter has occurred and take or direct appropriate action in accordance with the provisions of this chapter.

(3) No action taken by the commission pursuant to subsection (2) of this section shall be subject to any provision of law requiring the prior holding of a hearing: PROVIDED, That action taken or directed after a finding of an apparent violation under subsection (2)(b) of this section shall be fully subject to the provisions of this chapter under which the commission chooses to proceed.

(4) Any order issued by the commission under this section shall be subject to judicial review under the administrative procedure act (chapter 34.04 RCW). If the commission's order is not satisfied and no petition for review is filed within thirty days as provided in RCW 34.04.130, the commission may petition the superior court of any county in which a petition for review could be filed under that section, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with section 13 of this 1976 amendatory act.

*NEW SECTION.* Sec. 12. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

(1) The commission may (a) determine whether an actual violation of this chapter has occurred; and (b) issue and enforce an appropriate order following such determination.

(2) The commission, in cases where it chooses to determine whether an actual violation of this chapter has occurred, shall hold a contested case hearing pursuant to the administrative procedure act (chapter 34.04 RCW) to make such determination. Any order which the commission issues under this section shall be pursuant to such hearing.

(3) In lieu of holding a hearing or issuing an order under this section, the commission may refer the matter to the attorney general or other enforcement agency as provided in RCW 42.17.360.

(4) The person against whom an order is directed under this section shall be desig-

nated as the respondent. Such order may require the respondent to cease and desist from the activity which constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17.390(1)(b), (c), (d), or (e): PROVIDED, That no individual penalty assessed by the commission shall exceed two hundred fifty dollars, and in any case where multiple violations are involved in a single complaint or hearing, the maximum aggregate penalty shall not exceed five hundred dollars.

(5) An order issued by the commission under this section shall be subject to judicial review under the administrative procedure act (chapter 34.04 RCW). If the commission's order is not satisfied and no petition for review is filed within thirty days as provided in RCW 34.04.130, the commission may petition the superior court of any county in which a petition for review could be filed under that section, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with section 13 of this 1976 amendatory act.

*NEW SECTION.* Sec. 13. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

The following procedure shall apply in all cases where the commission has petitioned a superior court for enforcement of any order it has issued pursuant to this chapter:

(1) A copy of the petition shall be served by certified mail directed to the respondent at his last known address. The court shall issue an order directing the respondent to appear at a time designated in the order, not less than five days from the date thereof, and show cause why the commission's order should not be enforced according to its terms.

(2) The commission's order shall be enforced by the court if the respondent does not appear, or if the respondent appears and the court finds, pursuant to a hearing held for that purpose:

(a) That the commission's order is unsatisfied; and

(b) That the order is regular on its face; and

(c) That the respondent's answer discloses no valid reason why the commission's order should not be enforced or that the respondent had an appropriate remedy by review under RCW 34.04.130 and failed to avail himself of that remedy without valid excuse.

(3) Upon appropriate application by the respondent, the court may, after hearing and for good cause, alter, amend, revise, suspend, or postpone all or part of the commission's order. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and such action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

(4) The court's order of enforcement, when entered, shall have the same force and effect as a civil judgment.

*NEW SECTION.* Sec. 14. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

(1) Any city, town, county, municipal corporation, quasi-municipal corporation, or special purpose district may individually compensate and pay for the necessary travel and living expenses incurred by its officers or employees for services rendered on behalf of the city, town, county, municipal corporation, quasi-municipal corporation, or special purpose district in connection with providing information to or communicating with any federal, state, or local elected official or public employee: PROVIDED, That this section shall not permit the use of such funds as a direct or indirect emolument, or direct or indirect campaign contribution, provided to any federal, state, or local elected official or public employee who is so contacted by any officer or employee of a city, town, county, municipal corporation, quasi-municipal corporation, or special purpose district.

(2) For the purposes of promoting open government, any city, town, county, municipal corporation, quasi-municipal corporation, or special purpose district which expends funds pursuant to subsection (1) of this section shall report such funds in the same

manner as a soate agency would report the expenditures of funds for such purposes pursuant to RCW 42.17.190.

*NEW SECTION.* Sec. 15. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

The provisions of this 1976 amendatory act are intended to be remedial and shall be liberally construed, and nothing in this 1976 amendatory act shall be construed to limit the power of the commission under any other provision of chapter 42.17 RCW.

*NEW SECTION.* Sec. 16. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

*NEW SECTION.* Sec. 17. This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

In line 1 of the title, after "disclosure;" strike the remainder of the title, and insert "amending section 29.18.040, chapter 9, Laws of 1965 and RCW 29.18.040; amending section 29.79.490, chapter 9, Laws of 1965 and RCW 29.79.490; amending section 9, chapter 1, Laws of 1973 as amended by section 7, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.090; amending section 10, chapter 1, Laws of 1973 and RCW 42.17.100; amending section 11, chapter 1, Laws of 1973 and RCW 42.17.110; amending section 13, chapter 1, Laws of 1973 and RCW 42.17.130; amending section 24, chapter 1, Laws of 1973 as amended by section 13, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.240; amending section 35, chapter 1, Laws of 1973 as last amended by section 93, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 42.17.350; adding new sections to chapter 1, Laws of 1973 and to chapter 42.17 RCW; prescribing penalties; and declaring an emergency."

Signed by: Senators Matson, Bottiger and Beck; Representatives Hawkins, Moon and Brown.

#### MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Substitute House Bill No. 1329.

#### MOTIONS

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

At 7:20 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Friday, March 12, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**SIXTY-SEVENTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Friday, March 12, 1976.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bottiger, Fleming, Herr, Jones, Keefe, Lewis (Harry) and Ridder. On motion of Senator Knoblauch, Senators Keefe and Ridder were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Jones and Lewis (Harry) were excused. On motion of Senator Walgren, Senator Bottiger was excused.

The Color Guard, consisting of Pages Terry Spencer and Lavonna Wheelis, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"MEDITATE A MOMENT WITH ME. JUST OVER FOUR CENTURIES B.C., THE PHILOSOPHER SOCRATES CONCLUDED THAT THE MOST URGENT BUSINESS ON MANKIND'S AGENDA WAS TO CLOSE THE MORALITY GAP. HISTORIAN ARNOLD TOYNBEE INVITES US TO SUPPOSE — JUST SUPPOSE — WHAT WOULD HAPPEN IF THE ABLEST MINDS AND MOST PERCEPTIVE SPIRITS OF OUR TIME WERE TO MAKE THEIR FIRST ORDER OF CONCERN THE CLOSING OF THE MORALITY GAP? THAT WOULD MEAN, FOR US, CONFESSING OUR SIN, TRYING TO DISTINGUISH RIGHT FROM WRONG, ATTEMPTING IN EVERY SITUATION TO DO NOT WHAT IS CONVENIENT, OR COMFORTABLE, OR ACCEPTABLE, BUT WHAT IS MORALLY RIGHT. FRANKLY I FIND THAT INSTITUTIONALIZING MORALITY IS AS DIFFICULT IN THE CHURCH AS YOU MAY IN THE SENATE. CAN POLITICS, THE ART OF THE POSSIBLE, WITH ITS NECESSARY NEGOTIATIONS AND COMPROMISES BE CONDUCTED TO CLOSE THE GAP BETWEEN WHAT IS, AND WHAT IS MORALLY RIGHT? LET US PRAY:

"O GOD, OUR FATHER, FROM WHOM COMES ALL SENSE OF TRUTH, JUSTICE, AND MORALITY, LET US BE SO COMMITTED TO THESE QUALITIES OF LIFE THAT SOCRATES' HOPE FOR THE MORALITY OF MANY MAY BE REALIZED, JUST A LITTLE MORE FULLY TODAY. IN THE MASTER'S NAME. SO BE IT."

**MOTION**

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

**MESSAGES FROM THE HOUSE**

March 11, 1976.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 1305, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 11, 1976.

Mr. President: The Speaker has signed SENATE BILL NO. 3281, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 12, 1976.

Mr. President: The House has passed HOUSE JOINT RESOLUTION NO. 66, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

At 10:15 a.m., on motion of Senator Marsh, the Senate was declared to be at ease subject to the Call of the President Pro Tempore.

President Pro Tempore Henry called the Senate to order at 10:45 a.m.

Senators Walgren, Marsh and Sellar 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 Bottiger, Herr, Jones, Keefe and Ridder. All absent members had been previously excused except Senator Herr.

## MOTION

On motion of Senator Walgren, the Senate proceeded subject to roll call.

## MOTION

At 11:15 a.m., on motion of Senator Donohue, the Senate was declared to be at ease subject to the Call of President Pro Tempore Henry.

At 12:30 p.m., President Pro Tempore Henry called the Senate to order.

## MOTION

At 12:32 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:30 p.m.

Senators Marsh, Bailey and Mardesich 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 Herr, Jones, Keefe and Ridder. Senators Jones, Keefe and Ridder had previously been excused.

## MOTION

On motion of Senator Marsh, the Senate proceeded subject to roll call.

## REPORT OF CONFERENCE COMMITTEE

March 10, 1976.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, changing law relating to contractual rights of school district certificated employees, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 1, line 12, after "contract" strike "or discharged"

On page 1, line 13, after "first" strike everything up to and including "years" on line 14 and insert "year"

On page 1, line 14, after "district" strike everything up to and including "employment" on line 18

On page 1, line 23, after "term" strike everything up to and including "discharged," on line 24

On page 3, line 2, after "for" strike "discharge or"

On page 3, line 5, after "RCW" strike "28A.58.450 through 28A.58.515,"

On page 4, line 20, after "given" strike "by the district" and insert "[by the district]"

On page 4, beginning with "RCW" on line 29, strike all material down to and including "transfer" on line 31 and insert "Transfer"

On page 5, line 22, after "matter." strike all material down to and including "instruction." on line 24

On page 6, line 35, after "imposed" insert "with regard to the good faith performance of such evaluation"

On page 7, line 34, after "or" strike "a dismissal" and insert "the discharge"

On page 10, line 15, after "employee" strike everything up to and including "act," on line 16

On page 10, line 18, before "a" insert "any employee, with the exception of provisional employees as defined in section 1 of this 1976 amendatory act, receiving"

On page 11, line 3, after "shall be" strike "members" and insert "a member"

On page 12, line 29, after "elect" insert ", if the employee consents,"

On page 14, line 32, after "employee" insert ", with the exception of a provisional employee as defined in section 1 of this 1976 amendatory act,"

On page 17, line 8, after "contract" strike all the material down to and including "amended" on line 11

On page 17, line 24, after "renewal" insert "of"

On page 17, line 25, after "RCW" strike "28A.58.450 through 28A.58.515, 28A.67.065," and insert "[28A.58.450 through 28A.58.515, 28A.67.065,]"

Signed by: Senators Stortini, Clarke and Beck; Representatives Bauer, Hayner and Clemente.

#### MOTION

On motion of Senator Marsh, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Substitute House Bill No. 1364.

#### MOTION

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

#### REPORT OF STANDING COMMITTEE

March 12, 1976.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1316, authorizing state funding of senior citizens' nutrition program (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Fleming, Grant, Lewis (Harry), Marsh, Rasmussen, Washington, Woody.

Passed to Committee on Rules for second reading.

#### MOTION

At 1:35 p.m., on motion of Senator Marsh, the Senate was declared to be at ease subject to the Call of President Pro Tempore Henry.

President Pro Tempore Henry called the Senate to order at 2:25 p.m.

#### REPORT OF STANDING COMMITTEE

March 12, 1976.

SENATE BILL NO. 2967, relating to the support of state government (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2967 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Grant, Lewis (Harry), Mardesich, Marsh, Matson, Rasmussen, Sandison, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

#### MOTION

At 2:27 p.m., on motion of Senator Marsh, the Senate was declared to be at ease subject to the Call of President Pro Tempore Henry.

At 3:35 p.m., President Pro Tempore Henry called the Senate to order.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 1313.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1313, by Representatives Ehlers, Shinpoch, Bagnariol and Zimmerman:

Creating the Washington library network's revolving fund.

#### REPORT OF STANDING COMMITTEE

February 26, 1976.

ENGROSSED HOUSE BILL NO. 1313, creating the Washington library network's revolving fund (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 2, after "costs" on line 1 and before "to" on line 2, strike "incidental" and insert "including but not limited"

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Lewis (Harry), Mardesich, Matson, Murray, Newschwander, Rasmussen, Scott.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendment was adopted.

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 1313, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Bailey: "Would Senator Donohue yield? Senator Donohue, I am confused on this bill. I wonder, as it stands without the bill passing, what is going to be the practice of the regional libraries and their use of the network program? If it doesn't pass, what is the difference in the way their program reacts without the bill — with things as they are, or with the bill?"

Senator Donohue: "Without the bill, Senator, the state would be picking up the tab for the cost of the computer program that the libraries are involved in. This merely says that the user fee is actually what it is — the users shall provide funds to help offset the cost of the library network. Without the bill, of course, the state would just have to pick up that tab. The biennial cost of the network is about one point four million dollars."

Senator Bailey: "Senator Donohue, do you mean that they can run this bill without an appropriation? If we don't pass this bill, and it costs one and a quarter million dollars, what authority do they have to run a bill and charge the state for it without an outright appropriation given by us?"

Senator Donohue: "We created earlier this session a library network, state library commission. Isn't that right, Senator Wilson?"

Senator Wilson: "Mr. President and Senator Bailey and others, the state's share of the cost of operating this library network has to be appropriated in the budget. They are not out there running up bills and then sending us invoices that we have to pay. The



amount that the state wants to put into this network each biennium will come before the Ways and Means Committee and will be established in the budget at a certain level."

#### POINT OF INQUIRY

Senator Wilson: "Mr. President, if I could ask Senator Donohue one question. The wording of the bill as I have it on page one, line twenty-two, calls for user fees to pay the full cost of operation and development. I missed your amendment but has that been changed so that in effect there will be an agreement and part of the cost will take the form of user fees and part will be paid by the state?"

Senator Donohue: "No, Senator. I was wrong a moment ago. The language in the bill was not changed and the full cost of this network will be paid by the user fees."

Senator Wilson: "Entirely by the user?"

Senator Donohue: "That is correct, Senator."

Senator Wilson: "None by the state."

Senator Donohue: "That is correct."

Debate ensued.

#### POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Donohue yield, please? Senator, I think I can see both sides of this issue, and I share Senator Washington's concern about libraries without books having great computer systems. One question. I missed a little bit of the floor debate so if I missed something I apologize, but I don't know exactly what the main use of the computers would be. What kind of data processing would take up the bigger percentage of the use of these machines, for instance? Can you give us a little more information on that, please?"

Senator Donohue: "Could I have Senator Wilson answer that question? He is more familiar with that particular area."

Senator Wilson: "Senator Van Hollebeke and members. One of the functions of computerizing the library resources of the state is to avoid precisely what Senator Guess was referring to. That is the prospect of every library in the state amassing thousands of documents — many of them duplicatory. So, a major function of the network is to put into the computer system, by subject matter, author and other categories, those materials which are already available.

"Now, this will serve two purposes. One purpose is when a library user in Colville wants a certain manuscript, it can be quickly determined whether or not that manuscript is available in Spokane, or in Olympia, or in Bellingham, and arrangements can be made for its delivery to Colville. The second purpose this serves then is if the Colville library is thinking of acquiring a book, it can take a look at a print out from the computer system. It finds that five copies of this same book are already available in the Spokane library for example, so there is really no need for the Colville library to purchase another copy since they are already so accessible." Senator Van Hollebeke: "Senator, do you think that one of the prime uses is going to be — or perhaps the prime use is going to be — finding out which books are available where? Because one possible problem I see there is that there really won't be very much transfer of books. First of all, transfer of books is a little bit expensive and I see the possibility there really won't be very much transfer of books. I don't see books moving across state all that much."

Senator Wilson: "Senator, a great deal of that goes on now. Even in our Omak library, which is a good, small town library but has nothing like the collection of the University of Washington — I can obtain any document that is held by any library in the state through the existing interloan program. The development of the computerized system would, among other things, greatly facilitate my being able to obtain such a work."

Senator Van Hollebeke: "Do you happen to know at the present time what kind of books are being transferred mainly? Is it reference books? Or can you say?"

Senator Wilson: "No, I don't know, Senator."

Senator Van Hollebeke: "Okay, thank you."

Further debate ensued.

## MOTION

On motion of Senator Walgren, the rules were suspended and Senator Herr was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1313, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 20; excused, 4.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Gould, Guess, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Stortini, Talley—25.

Voting nay: Senators Bailey, Buffington, Cunningham, Fleming, Francis, Goltz, Grant, Henry, Marsh, McDermott, Morrison, Murray, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—20.

Excused: Senators Herr, Jones, Keefe, Ridder—4.

ENGROSSED HOUSE BILL NO. 1313, as amended by the Senate, having received the constitutional majority, 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. 1403, by Representatives Adams and Pardini (by Office of Program Planning and Fiscal Management request):

Authorizing state general obligation bonds for Department of Social and Health Services facilities.

## REPORT OF STANDING COMMITTEE

March 4, 1976.

ENGROSSED HOUSE BILL NO. 1403, authorizing state general obligation bonds for Department of Social and Health Services facilities (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 22, after "of" and before "thousand" strike "fifty-eight million nine hundred" and insert "twenty-eight million three hundred"

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Jones, Marsh, Matson, Murray, Newschwander, Sandison, Washington.

The bill was read the second time by sections.

Senator Donohue moved adoption of the committee amendment.

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

Amend the committee amendment to page 1, line 22 as follows:

Strike "twenty-eight million three hundred" and insert "thirty-eight million three hundred"

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

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 1403, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1403, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Jolly, Knob-

lauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senators Buffington, Grant—2.

Excused: Senators Herr, Jones, Keefe, Ridder—4.

ENGROSSED HOUSE BILL NO. 1403, as amended by the Senate, having received the constitutional majority, 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. 1440, by Representatives Moreau and Patterson (by Office of Program Planning and Fiscal Management request):

Authorizing bond issue for capital projects at institutions of higher education.

## REPORT OF STANDING COMMITTEE

March 4, 1976.

ENGROSSED HOUSE BILL NO. 1440, authorizing bond issue for capital projects at institutions of higher education (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 16, after "[twelve]" and before "million" on line 17, strike "*thirteen*" and insert "*fourteen*".

On page 1, line 17, after "[four]" and before "hundred" strike "*seven*" and insert "*eight*".

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Jones, Marsh, Matson, Murray, Newschwander, Sandison, Washington.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendments were considered and adopted simultaneously.

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 1441, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1441, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senator Buffington—1.

Excused: Senators Herr, Jones, Keefe, Ridder—4. ENGROSSED HOUSE BILL NO. 1440, as amended by the Senate, having received the constitutional majority, 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. 1441, by Representatives Charette, Smith (Edward), Thompson, Polk, Gaines and Ceccarelli (by Office of Program Planning and Fiscal Management request):

Authorizing sale of bonds for capital projects for state community colleges.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, House Bill No. 1441 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1441, and the bill passed the Senate by the following vote: Yea, 45; excused, 4.

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

Excused: Senators Herr, Jones, Keefe, Ridder—4.

HOUSE BILL NO. 1441, having received the constitutional majority, 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. 1478, by Representatives Charette, Moon, Matthews, Chandler, Newhouse and Berentson (by Office of Program Planning and Fiscal Management request):

Making an appropriation for the department of emergency services.

#### REPORT OF STANDING COMMITTEE

March 4, 1976.

HOUSE BILL NO. 1478, making an appropriation for the department of emergency services (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

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

*"NEW SECTION.* Section 1. For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for the department of fisheries, the state finance committee is hereby authorized to issue from time to time general obligation bonds of the state of Washington in the aggregate principal amount of five million one hundred thirty-two thousand nine hundred dollars, or so much thereof as shall be required to finance the capital projects relating to the department of fisheries as determined by the legislature in its capital appropriations act, chapter \_\_\_\_\_, Laws of 1975-76 2nd ex. sess. (EHB 1626), for such purposes, to be paid and discharged within thirty years of the date of issuance in accordance with Article VII, section 1, of the Constitution of the state of Washington.

*NEW SECTION.* Sec. 2. When the state finance committee has determined to issue such general obligation bonds or a portion thereof as authorized in section 1 of this 1976 act, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of such bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and redemption premium, if any, and interest on such notes shall be applied thereto when such bonds are issued.

*NEW SECTION.* Sec. 3. The state finance committee is authorized to prescribe the form, terms, conditions and covenants of the bonds and/or the bond anticipation notes provided for in sections 1 and 2 of this 1976 act, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each such bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

*NEW SECTION.* Sec. 4. Except for that portion of the proceeds required to pay bond anticipation notes pursuant to section 2 of this 1976 act, the proceeds from the sale of the bonds and/or bond anticipation notes authorized in sections 1 through 6 of this 1976 act, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the fisheries capital projects account of the general fund hereby created in the state treasury. All such proceeds shall be used exclusively for the purposes specified in sections 1 through 6 of this 1976 act and for the payment of the expenses incurred in connection with the sale and issuance of such bonds and bond anticipation notes.

*NEW SECTION.* Sec. 5. The 1976 fisheries bond retirement fund is hereby created in the state treasury for the purpose of the payment of the principal of and interest on the bonds authorized to be issued pursuant to sections 1 through 6 of this 1976 act.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. On July 1st of each such year the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1976 fisheries bond retirement fund an amount equal to the amount certified by the state finance committee.

*NEW SECTION.* Sec. 6. The bonds authorized in sections 1 through 6 of this 1976 act shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

*NEW SECTION.* Sec. 7. Sections 1 through 6 of this 1976 act are added to Title 28B RCW as a new chapter thereof.

*NEW SECTION.* Sec. 8. If any provision of this 1976 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

*NEW SECTION.* Sec. 9. This 1976 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On line 1 of the title after "AN ACT Relating to" strike the remainder of the title and insert "the support of state government; providing for the planning, acquisition, construction, remodeling, improving, and equipping of fisheries facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; creating new sections; and declaring an emergency."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Jones, Marsh, Matson, Murray, Newschwander, Sandison, Washington.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendment was adopted.

On motion of Senator Donohue, the committee amendment to the title was adopted.

On motion of Senator Donohue, the rules were suspended, House Bill No. 1478, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1478, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Herr, Jones, Keefe, Ridder—4.

HOUSE BILL NO. 1478, as amended by the Senate, having received the constitutional majority, 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. 1497, by Representatives Ceccarelli, Pardini, Bagnariol, Ehlers and Deccio (by Insurance Commissioner request):

Revising laws relating to insolvent insurers.

The bill was read the second time by sections.

#### POINT OF INQUIRY

Senator Grant: "I wonder, if before we move to third reading — if Senator Woody would yield to a question. Senator Woody, I am just looking at the priorities here in subsection two, with regard to liquidations. Is it normal or customary that expenses of administration would be taken care of prior to compensation of employees?"

Senator Woody: "Usually, for example, in probate proceedings, the employees who are part of the administration of the estate itself are costs of administration and are paid equally as costs of administration.

"To answer the question that Senator Grant raised, if the employee's compensation relates to a period of time before the administration, then it is not a cost of administration and both in probate proceedings and in dissolutions of corporations, those would come in as secondary in priority. They would come second to costs of administration.

"The theory behind this is before you can have any determination of anybody's rights, anybody's claims, you have to have an administration. You have to either go into court or do something to get the matter before whoever is terminating the thing. The entire thesis, both under federal bankruptcy law and our state laws, is that those costs of administration come first. As a practical matter, in all instances in the guarantee fund where this has come into effect, there have always been funds, more than enough funds, to pay not only the costs of administration but all of the compensation costs relating to employees and the federal, state and local taxes. Where the money usually runs out is down in the general claim area — that is — on line twenty it says 'all other claims'. Those are general creditors who come way behind even compensation of employees."

#### POINT OF ORDER

Senator Lewis (Harry): "Mr. President, I believe we have a resolution that has to be passed prior to considering the bill. This is not within the cut-off resolution and there is a resolution from the House with the bill."

#### RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Your point is well taken. If we don't pass the bill, there is no point in passing the resolution, is there."

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

#### INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 53, by Representative Newhouse:  
Suspension of Engrossed Senate Concurrent Resolution No. 125 for consideration of Engrossed House Bill No. 1497.

#### MOTIONS

On motion of Senator Woody, the resolution was read the second time in full.

On motion of Senator Woody, the rules were suspended, House Concurrent Resolution No. 53 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1497, by Representatives Ceccarelli, Pardini, Bagnariol, Ehlers and Deccio (by Insurance Commissioner request):

Revising laws relating to insolvent insurers.

The Senate resumed consideration of Engrossed House Bill No. 1497 from earlier today.

## POINT OF INQUIRY

Senator Day: "Would Senator Woody yield? Senator Woody, in new section seven here — which has some very meritorious language in it — I notice it applies to handicapped people. What does this section do in effect? It prohibits them from not issuing to the person on the basis of discrimination. What does it do about discrimination relative to rates? Does it in any way prohibit them from making a rate which would be so prohibitive that in effect it is not accomplishing what the section says?"

Senator Woody: "You are directing your questions solely as to the rates?"

Senator Day: "Well, yes. In other words, in here it says that no person or entity engaged in the business of insurance in this state shall refuse to issue any contract, etc., on the basis of the sex, or marital status, or the presence of any sensory, mental, physical and other handicaps. Now, you know they could say, 'yes, we will issue the insurance but the rate is five times the base premium.' Is that possible under this, or is there any . . . ?"

Senator Woody: "On page eight, line five, it says the amount of the benefits payable or any term rate, and that language . . . ."

Senator Day: "That applies to the premium rate, then?"

Senator Woody: "That is correct."

On motion of Senator Woody, the rules were suspended, Engrossed House Bill No. 1497 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1497, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Herr, Jones, Keefe, Ridder—4.

ENGROSSED HOUSE BILL NO. 1497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 50, by Representative Newhouse:

Suspension of Engrossed Senate Concurrent Resolution No. 125 for consideration of Engrossed Substitute House Bill No. 1544.

On motion of Senator Woody, the resolution was read the second time in full.

On motion of Senator Woody, the rules were suspended, House Concurrent Resolution No. 50 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

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

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1544, by Committee on Financial Institutions (originally sponsored by Representatives Ceccarelli, Pardini, Bagnariol, Deccio and McCormick):

Revising laws relating to insurance.

## REPORT OF STANDING COMMITTEE

March 11, 1976.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1544, revising laws relating to insurance (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass with the following amendments:

On page 6, line 29, strike "*the insured or by the agent if authorized in writing by [or on behalf of]*" and insert "or on behalf of"

On page 8, line 13, after "substantiated." strike the remainder of the paragraph

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

The bill was read the second time by sections.

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

On motion of Senator Woody, the rules were suspended, Engrossed Substitute House Bill No. 1544 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Grant: "Senator Woody, I see on page two, subsection (a), new language that speaks to the question of cancellation of insurance. There is a little more notice in both cases. Apparently earlier it required only five days notice before cancellation?"

Senator Woody: "Yes, five days for any purpose whatever."

Senator Grant: "Now it is twenty days except for nonpayment of premium?"

Senator Woody: "That is correct."

Senator Grant: "Why the distinction? It seems to me, first of all, that five days was a very unrealistic notice requirement and that even the ten days for nonpayment may be an unrealistic notice requirement. Would you like to comment on that?"

Senator Woody: "The thought that the insurance commissioner's office and the industry agreed with this — that five days has turned out to be an insufficient period of time, especially with the mails as they are. Sometimes letters mailed on a Thursday would not even get within Seattle by the following Monday or Tuesday and so that five days was totally unacceptable.

"As to whether or not twenty days should apply to all cancellations, there was absolutely no testimony. I have to tell you that when we had the meeting it was a very quickly called meeting. We only had twenty-four hours notice of it. The people who showed up basically said that five days was too little and that ten days was more like it so far as notification where it was for nonpayment of premium. There was also discussion that under the premium finance act, ten days was also the period of time there. It might have made it a little bit difficult to say twenty days' notice for nonpayment of premium but if you had your premium financed, the finance act says ten days and that is all the discussion that occurred."

Senator Grant: "One additional question, please, Senator Woody. On page five, new subsection (d) permits an assessment of up to fifty dollars for each member insurer. Was there any testimony in the committee as to how much would be generated by that assessment?"

Senator Woody: "To answer your question, no, there was not. If Senator Bottiger were here, he could tell me. I think fairly quickly how many insurer members of the guarantee fund there are in the state of Washington. You just multiply that times fifty."

Senator Grant: "So you really have no idea what kind of a fund you are talking about?"

Senator Woody: "I really can't tell you. I ought to know. I admit I should know how many insurer members there are in the guarantee fund but I have never asked that question. I don't know."



## POINT OF INQUIRY

Senator Day: "Senator Woody, I am not trying to put you over the rack here but I would like to ask you a question. 48.30.290 is the enforcement section that you are repealing. Is that replaced in this bill anywhere? You know, there are a lot of good things in new section seven but if there is no enforcement provision and we are repealing the other one . . . ."

Senator Woody: "I have had a request from Senator Grant that the matter be held till the next working day. I am not sure from our majority floor leader when the next working day will be. Yes, at the top of the third reading calendar."

## MOTION

On motion of Senator Woody, Engrossed Substitute House Bill No. 1544, as amended by the Senate, was ordered placed at the beginning of the third reading calendar on the next working day.

## MOTION

On motion of Senator Walgren, Senate Bill No. 2967 was ordered held for later consideration.

## SECOND READING

SENATE BILL NO. 2963, by Senators Lewis (Harry) and Bailey:  
Amending state patrol laws.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2963 was substituted for Senate Bill No. 2963 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 2963 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2963, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Herr, Jones, Keefe, Ridder—4.

SUBSTITUTE SENATE BILL NO. 2963, having received the constitutional majority, was declared passed. 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 Gould, Wilson and Mardesich:  
Setting forth new procedure for preparation of school district budgets.

## MOTIONS

On motion of Senator Stortini, 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 in full.

On motion of Senator Gould, 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.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3127, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Herr, Jones, Keefe, Ridder—4.

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.

#### MOTIONS

On motion of Senator Walgren, all measures passed today were ordered immediately transmitted to the House.

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

#### MESSAGE FROM THE HOUSE

March 12, 1976.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2989, and has granted said committee powers of Free Conference, and the Conference report is hereby transmitted.

DEAN R. FOSTER, Chief Clerk.

#### REPORT OF CONFERENCE COMMITTEE

March 11, 1976.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2989, making changes in the laws relating to election schedules, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 2, line 19, after "*The*" delete "*fourth*" and insert "*third*".

On page 4, line 24, after "*The*" delete "*fourth*" and insert "*third*".

Signed by: Senators Stortini, Beck and Lewis (R. H. "Bob"); Representatives Fortson, Chandler and Sherman.

#### MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Senate Bill No. 2989.

#### MESSAGE FROM THE HOUSE

March 12, 1976.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3172, 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

March 8, 1976.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3172, creating a state energy policy commission, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Henry, Bottiger and Guess; Representatives Perry, McCormick and Berentson.

#### MOTION

On motion of Senator Walgren, the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 3172 was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3172, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; nays, 8; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—37.

Voting nay: Senators Fleming, Francis, Mardesich, Matson, Newschwander, Rasmussen, Sellar, Talley—8.

Excused: Senators Herr, Jones, Keefe, Ridder—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3172, 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

March 12, 1976.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1329, and has granted said committee powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

#### REPORT OF FREE CONFERENCE COMMITTEE

March 11, 1976.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1329, making changes in the public disclosure laws, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Matson, Bottiger and Beck; Representatives Hawkins, Moon and Brown.

## MOTION

On motion of Senator Walgren, the report of the Free Conference Committee on Substitute House Bill No. 1329 was adopted.

## POINT OF ORDER

Senator Rasmussen: "Mr. President, on the Free Conference Committee report on Substitute House Bill No. 1329, I cannot find that section that was adopted by both houses and there was no difference. I would like to ask some member of the Free Conference Committee to explain the part that I was looking for that both the House and the Senate had adopted was the continuing political committee. I can't find that in the Free Conference report any place. Both the House and the Senate had adopted that by their votes."

Debate ensued.

## REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Senator Rasmussen, when the committees came in after the powers of Free Conference, it had the Free Conference Committee report attached and this is exactly what was attached to the report of the Free Conference Committee so we gave them that power of Free Conference; therefore, we gave them the power to write the bill in its present form. They were unable to agree in a Conference Committee."

Senator Rasmussen: "According to the Senate rules and the Joint Rules, the Free Conference Committee only considers those matters of difference. Now, the reason that was put in the rules was because we used to have Free Conference Committees that would come back — it went out of here looking like a giraffe and came back looking like an elephant — and we decided we didn't want that. So if the Free Conference Committees did not have the power to completely rewrite, only to settle those differences that had not been approved by both houses."

## RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Under rule nine, on page 274, 'In case of a failure of conferees to agree on matters at issue between the two houses, a report of the items of such disagreement, including new proposed items within the scope and object of the title of the bill.' Your point is not well taken, Senator Rasmussen."

Further debate ensued.

## MOTIONS

Senator Francis moved that the roll call on final passage of Substitute House Bill No. 1329, as amended by the Free Conference Committee, be held for further consideration on March 13, 1976.

On motion of Senator Walgren, the motion by Senator Francis was amended and further consideration of Substitute House Bill No. 1329 will be held until later today.

## MESSAGE FROM THE HOUSE

March 12, 1976.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, and has granted said committee powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

## REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1976.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, changing law relating to contractual rights of school district certificated employees, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Stortini, Clarke and Beck; Representatives Bauer, Hayner and Clemente.

## MOTION

On motion of Senator Stortini, the Free Conference Committee report on Engrossed Substitute House Bill No. 1364 was adopted.

## POINT OF INQUIRY

Senator Cunningham: "Thank you, Mr. President. I wonder if Senator Stortini would yield to a question. I am curious to know what the full impact on just the hearing procedure would be as to the teacher having the right to be heard before the board, period."

Senator Stortini: "Yes, I listened to the debate in the House and due process came up a number of times by two representatives. I assure you that a tremendous amount of due process, and I think in answer to your question, due process really starts during the evaluation period. If you will look at section number three you will find that a tremendous amount of documentation has to take place before that teacher is even put on probation and once during the probation period, a tremendous amount of help has to take place. So there is due process during that period of time. It puts the entire onus squarely on the shoulders of the administrator to do a good job, in number one; evaluation, and then number two; helping during the probation period.

"During the board hearing, first of all, there shall be a prehearing. Is this what you want? A process that does take place? A prehearing does take place. The employee has more rights, actually, than the board in this case. We find, first of all, that the employee can choose either a closed hearing or an open hearing. He also has the right to file an affidavit of prejudice if he doesn't like the hearing officer that has been chosen by the board and the person representing the employee group.

"Now, once it reaches the board level the board can serve with the hearing officer acting as the presiding officer. If the board so desires, though, they may delete that power to the hearing officer upon the consent of the employee. Does that answer your question?"

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1364, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 28; nays, 17; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Henry, Jolly, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Pullen, Sandison, Scott, Sellar, Stortini, Wanamaker—28.

Voting nay: Senators Bottiger, Fleming, Francis, Goltz, Grant, Knoblauch, McDermott, Odegaard, Peterson, Rasmussen, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—17.

Excused: Senators Herr, Jones, Keefe, Ridder—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, 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 Walgren, Engrossed Substitute House Bill No. 1364, as amended by the Free Conference Committee, was ordered immediately transmitted to the House.

## MOTION

On motion of Senator Walgren, the Senate resumed consideration of Substitute House Bill No. 1329, as amended by the Free Conference Committee. Earlier today, the report was adopted on motion of Senator Walgren.

President Pro Tempore Henry declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1329, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1329, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Sandison, Scott, Sellar, Stortini, Talley, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senators Grant, Rasmussen, Van Hollebeke, von Reichbauer—4.

Excused: Senators Herr, Jones, Keefe, Ridder—4.

SUBSTITUTE HOUSE BILL NO. 1329, 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

March 10, 1976.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3246, with the following amendments:

On page 1, beginning on line 14, strike everything after the enacting clause and insert:

*NEW SECTION.* Section 1. Notwithstanding any other provision of law to the contrary, on and after the effective date of this 1976 amendatory act, any member or former member who

(1) receives a retirement allowance earned by said former member as deferred compensation from any public retirement system authorized by the general laws of this state, or

(2) is eligible to receive a retirement allowance from any public retirement system listed in section 5 of this act, but chooses not to apply, or

(3) Is the beneficiary of a disability allowance from any public retirement system listed in section 5 of this act shall be estopped from becoming a member of or accruing any contractual rights whatsoever in any other public retirement system listed in section 5 of this act: **PROVIDED**, That subsections (1) and (2) of this section shall not apply to persons who have accumulated less than fifteen years service credit in any such system.

*NEW SECTION.* Sec. 2. No director or board of any public retirement system shall issue any written or printed report to the members of a public retirement system on the assets of the system without also reporting the unfunded liability of such system.

*NEW SECTION.* Sec. 3. As used in this chapter, unless the context clearly indicates otherwise:

(1) "Department" means the department of retirement systems;

(2) "Director" means the director of the department of retirement systems.

*NEW SECTION.* Sec. 4. There is created a department of state government to be known as the department of retirement systems. The executive and administrative head of the department shall be the director, who shall be appointed by the governor with the consent of the senate. The director shall serve at the pleasure of the governor and may be removed upon written notification by the governor to the respective retirement boards.

The director shall have complete charge of and supervisory powers over the department and shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate at which time he shall present to that body the name of the person appointed to the position of director.

*NEW SECTION.* Sec. 5. As soon as possible but not more than one hundred and eighty days after the effective date of this 1976 amendatory act, there is transferred to the department of retirement systems, except as otherwise provided in this chapter, all powers, duties, and functions of:

(1) The Washington public employees' retirement system and the retirement board thereof;

(2) The Washington state teachers' retirement system and the board of trustees thereof;

(3) The Washington law enforcement officers' and fire fighters' retirement system and the retirement board thereof;

(4) The Washington state patrol retirement system and the retirement board thereof;

(5) The Washington judicial retirement system and the retirement board thereof;

and  
(6) The state treasurer with respect to the administration of the judges' retirement fund imposed pursuant to chapter 2.12 RCW.

*NEW SECTION.* Sec. 6. This chapter shall not affect the manner for selecting members of the boards affected by section 6 of this amendatory act, nor shall it affect the terms of any members serving on such boards.

*NEW SECTION.* Sec. 7. The director shall:

(1) Have the authority to organize the department into not more than two divisions, each headed by an assistant director;

(2) Have free access to all files and records of various funds assigned to the department for investment purposes and inspect and audit the files and records as deemed necessary;

(3) Prepare written reports at least quarterly summarizing the investment and bond management activities of the department, which reports shall be sent to the governor, to ways and means committees of the house and senate, to members of the finance advisory committee, to all agencies having a direct financial interest in the investment of funds or issuance and sale of bonds by the director, and to other persons on request;

(4) Employ personnel to carry out the general administration of the department;

(5) Submit an annual written report of the activities of the department to the governor and the legislature, including recommendations for statutory changes the director believes to be desirable;

(6) Adopt such rules and regulations as are necessary to carry out the powers, duties, and functions of the department pursuant to the provisions of chapter 34.04 RCW.

*NEW SECTION.* Sec. 8. The director may delegate the performance of such powers, duties, and functions, other than those relating to rule making, to employees of the department, but the director shall remain and be responsible for the official acts of the employees of the department.

The director shall be responsible for the public employees' retirement system, the teachers' retirement system, the judicial retirement system, the law enforcement officers' and fire fighters' retirement system, and the Washington state patrol retirement system.

*NEW SECTION.* Sec. 9. In addition to the exemptions set forth in RCW 41.06.070, the assistant directors, not to exceed two, and an internal auditor shall also

be exempt from the application of the state civil service law, chapter 41.06 RCW.

The officers and exempt personnel appointed by the director pursuant to this section shall be paid salaries fixed by the governor in accordance with the procedure established by law for fixing salaries for officers exempt from the operation of the state civil service law.

All employees classified under chapter 41.06 RCW and engaged in duties pertaining to the functions transferred by this chapter shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state merit system.

*NEW SECTION.* Sec. 10. The director, with the approval of the respective boards, shall provide for the investment of all funds of the Washington public employees' retirement system, the teachers' retirement system, the Washington law enforcement officers' and fire fighters' retirement system, the Washington state patrol retirement system, the Washington judicial retirement system, and the judges' retirement fund, pursuant to RCW 43.84.150, and shall authorize the state finance committee to execute all such transactions.

*NEW SECTION.* Sec. 11. (1) Except as otherwise provided in this section, on the effective date of transfer as provided in section 5 of 1976 amendatory act, the department shall succeed to and is vested with all powers, duties, and functions now or by any concurrent act of this 1976 legislature vested in the individual retirement boards set forth in section 5 of this 1976 amendatory act relating to the administration of their various retirement systems, including but not limited to the power to appoint a staff and define the duties thereof: PROVIDED, That actuarial services required by the department shall be performed by the state actuary as provided in section 22 of this amendatory act.

(2) The department shall keep each retirement board fully informed on the administration of the corresponding retirement system, and shall furnish any information requested by a retirement board.

(3) Rules proposed by the director under RCW 2.10.050, 2.10.070, 41.26.060, 41.32.160, 41.40.020, or 43.43.140 shall be submitted to the appropriate retirement boards for review prior to adoption. After receiving approval of the members of the appropriate board, such rules shall become effective as provided by the Administrative Procedure Act, chapter 34.04 RCW.

(4) Each retirement board shall continue to perform all functions as are vested in it by law with respect to applications for benefits paid upon either temporary or permanent disability, with such staff assistance from the department as may be required.

*NEW SECTION.* Sec. 12. All proposed legislation to be submitted by a retirement board as a departmental request shall be first submitted to the director for evaluation. The director shall obtain an initial actuarial estimate of the costs on each system of the changes contained in the proposed legislation as if the legislation were applicable to each system. The results of such estimate shall be then transmitted to the retirement board which has requested the proposed legislation. The board may modify its legislative proposal into final form for introduction as a bill on the basis of the estimate. The final form of the legislative proposal shall be returned to the director who shall obtain a final actuarial estimate of the costs applied in the same manner as the initial estimate. On or before September 1, the director shall transmit the final legislative proposal together with the actuarial estimates to the governor for consideration in his budget requests and to the chairmen of the ways and means committees of the legislature.

*NEW SECTION.* Sec. 13. If apportionments of budgeted funds are required because of the transfers herein authorized, the director of the office of program planning and fiscal management shall certify such apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustment in funds and appropriation accounts and equipment records in accordance with such certification.

*NEW SECTION.* Sec. 14. On the effective date of transfer as provided in section 5 of this 1976 amendatory act, all rules and regulations, and all pending business before



any of the retirement boards whose powers, duties, and functions are transferred to the department by this chapter shall be continued and acted upon by the department.

All existing contracts and obligations pertaining to the functions herein transferred shall remain in full force and effect, and shall be performed by the department. None of the transfers directed by this chapter shall affect the validity of any act performed by a retirement board or by any official or employee thereof prior to the effective date of transfer as provided in section 5 of this 1976 amendatory act.

None of the transfers involving investment of funds by any of the retirement boards shall affect the validity of any act performed by such boards or by any official or employee thereof prior to the effective date of transfer as provided in section 5 of this 1976 amendatory act.

**NEW SECTION.** Sec. 15. All reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions transferred by this chapter shall be made available to the department and to the state actuary.

All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers, duties, and functions transferred by this chapter shall be made available to the department.

All funds, credits, or other assets held in connection with powers, duties, and functions transferred by this chapter shall be assigned to the department.

Any appropriations made to any committee, division, board, or any other state agency for the purpose of carrying out the powers, duties, and functions transferred by this chapter shall, in the manner prescribed by the director of the office of program planning and fiscal management, be transferred and credited to the department for the purpose of carrying out such transferred powers, duties, and functions.

**NEW SECTION.** Sec. 16. Nothing in this chapter nor in the amendment of RCW 43.17.010, 43.17.020, or 43.33.070 shall be construed to affect any existing rights acquired under RCW 43.17.010, 43.17.020, or 43.33.070 except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency or division thereof nor any transfer of powers, duties, and functions as provided in this chapter shall affect the validity of any act performed by such agency or division thereof or any officer thereof prior to the effective date of transfer as provided in section 5 of this 1976 amendatory act.

**NEW SECTION.** Sec. 17. Nothing contained in this chapter shall be construed to alter any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the personnel board as provided by law.

**NEW SECTION.** Sec. 18. Sections 4 through 17 of this amendatory act shall constitute a new chapter in Title 41 RCW.

**NEW SECTION.** Sec. 19. (1) There is hereby created an office within the legislative branch to be known as the office of the state actuary.

(2) The executive head of the office shall be the state actuary who shall be qualified by education and experience in the field of actuarial science and shall be a member of the American Academy of Actuaries. Such person shall be appointed by a special committee of the legislature consisting of: (a) Three members of the senate selected by the president, two of whom shall be members of the majority party and one of whom shall be a member of the minority party; and (b) three members of the house of representatives selected by the speaker, two of whom shall be members of the majority party and one of whom shall be a member of the minority party. The original appointment shall be made not later than ninety days after the effective date of this 1976 amendatory act. A two-thirds vote of the committee shall be required to make the appointment.

(3) If a vacancy occurs in the position of state actuary it shall be filled in the same manner as the original appointment.

**NEW SECTION.** Sec. 20. The state actuary shall be appointed for a term of seven

years and hold office until a successor is appointed and qualified and a person holding the office of state actuary shall be ineligible for reappointment to such office.

*NEW SECTION.* Sec. 21. The state actuary shall have the authority to select and employ such research, technical, clerical personnel, and consultants as the actuary deems necessary, whose salaries shall be fixed by the actuary and approved by the committee of legislators referred to in section 19, and who shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

*NEW SECTION.* Sec. 22. The state actuary shall have the following powers and duties:

(1) Perform all actuarial services for the department of retirement systems, including all studies required by law. Reimbursement for such services shall be made to the state actuary pursuant to the provisions of RCW 39.34.130 as now or hereafter amended.

(2) Advise the legislature and the governor regarding the benefit provisions, funding policies, and investment policies of the department of retirement systems.

(3) Consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.

(4) Prepare a report on each pension bill introduced in the legislature which shall briefly explain the financial impact of the bill.

(5) Provide such actuarial services to the legislature as may be requested from time to time.

*NEW SECTION.* Sec. 23. Sections 19 through 22 of this amendatory act shall constitute a new chapter in Title 44 RCW.

Sec. 24. Section 1, chapter 11, Laws of 1971 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of highways, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and economic development, [and] (11) the department of revenue, and (12) *the department of retirement systems*, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 25. Section 2, chapter 11, Laws of 1971 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the director of highways, (8) the director of motor vehicles, (9) the director of general administration, (10) the director of commerce and economic development, [and] (11) the director of revenue, and (12) *the director of retirement systems*.

Such officers, except the director of highways and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director of highways shall be appointed by the state highway commission, and the director of game shall be appointed by the game commission.

Sec. 26. Section 9, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.33.070 are each amended to read as follows:

In addition to its other powers and duties as may be prescribed by law, the investment advisory committee shall:

(1) Make recommendations as to general investment policies, practices, and procedures to the [board of the Washington public employees' retirement system as constituted under RCW 41.40.030 and 41.26.050 and to the board of trustees of the Washington state teachers' retirement system,] *director of retirement systems* regarding those

retirement funds for which [they] *the various retirement boards* are designated trustees [.]:

(2) Make recommendations as to general investment policies, practices, and procedures regarding all other investment funds to the state finance committee.

[Such boards of trustees] *The director of retirement systems* and the state finance committee shall make the final decision regarding the advice and recommendations submitted by the investment advisory committee.

*NEW SECTION.* Sec. 27. Sections 1 and 2 of this 1976 amendatory act are added to chapter 41.04 RCW.

*NEW SECTION.* Sec. 28. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

*NEW SECTION.* Sec. 29. This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

Senator Walgren moved the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 3246.

#### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Mardesich yield to a question? Senator Mardesich, the first section of this bill — this is a pension bill consolidating all pensions under one director appointed by the governor. Under the first section you would prohibit any person from participating in the state retirement system who is now — or is eligible to — draw on another pension authorized by the state. Would this affect the person who was on social security and would then want to go to work for the state? He was eligible for social security but was not drawing it."

Senator Mardesich: "Oh, no. Social security would not be a problem because he is not under a state system. Even though the employees of the state are under the social security system, it is through a contractual arrangement."

Senator Rasmussen: "It is a system authorized by the state and we are paying into it."

Senator Mardesich: "It is not a system authorized by the state. It is a system authorized by the federal government and one in which we participate through contract with the federal government, so they would not be precluded. But I also would think that a person of that age, there is very little likelihood that many of them would be coming under the work force but many of them would not be."

Senator Rasmussen: "They may be elected a legislator and they would then be prohibited."

Senator Mardesich: "No, they would not be prohibited if it were merely a matter of collecting the social security."

Senator Rasmussen: "Let us take the illustration of a person who would be fifty years of age. He would have fifteen years of service under a city system and would be RIF'd for some reason or other, he would come down and go to work for the state. He would be eligible for the city pension, small though it may be, but by reason of having more than fifteen years of service, he would be prohibited from going to work for the state."

Senator Mardesich: "That is correct."

Senator Rasmussen: "Okay, then he would not be prohibited from going to work, he would be prohibited from participating in the pension."

Senator Mardesich: "Right."

Senator Rasmussen: "Then that person would go to work alongside of another person hired at the same time and even though the state was paying deferred compensa-

tion into a fund for the one person, which would amount to about seven and a half percent, this other person would be deprived of that portion of deferred compensation?"

Senator Mardesich: "He would."

Senator Rasmussen: "And that would be constitutional?"

Senator Mardesich: "I think it is. The state can make a distinction with respect to whom it hires, depending on age, and anything of that sort and I think the same would be true with respect to the person's retirement benefits. I don't think there would be a constitutional question. There might be some inequity in it."

Senator Rasmussen: "Under the federal law, as it relates to private pensions, it will probably be extended to state and municipalities that portion of the pension paid in by the state or city, or whatever, a person would be entitled to withdraw it as deferred compensation. In this case, you are saying that they would not be able to do that. Under civil service rules, people come to work at the same pay level in the same comparable job. In effect, one person will be working for less money because of deferred compensation than the other person."

Senator Mardesich: "I think that is legal."

Senator Rasmussen: "Then, the other question. A person employed, or a retired military, will be able to participate in state pensions?"

Senator Mardesich: "That is correct."

Senator Rasmussen: "A person retired federal would be able to participate in the state pension?"

Senator Mardesich: "Yes, he could."

Senator Rasmussen: "And retired, or a person eligible, it doesn't matter whether they receive or whether they are getting it for their retirement, would be eligible?"

Senator Mardesich: "Yes, he could."

Senator Rasmussen: "And it is only just one class of citizen that would be prohibited?"

Senator Mardesich: "Those within the system. Those people who were within the system for fifteen years."

Senator Rasmussen: "Thank you."

The motion by Senator Walgren carried. The Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3246.

President Pro Tempore Henry declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3246, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3246, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 9; excused, 4.

Voting yea: Senators Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Jolly, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—36.

Voting nay: Senators Bailey, Beck, Francis, Grant, Lewis (Harry), Murray, Rasmussen, Talley, Washington—9.

Excused: Senators Herr, Jones, Keefe, Ridder—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3246, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Walgren, the Senate resolved itself into a Committee of the Whole, Senator Henry in the Chair, for the purpose of resuming consideration of Engrossed House Bill No. 1624.

COMMITTEE OF THE WHOLE

Engrossed House Bill No. 1624 was considered in the Committee of the Whole and reported back to the Senate, Senator Henry presiding, with the recommendation that it do pass as amended.

On motion of Senator Walgren, the report of the committee was adopted.

On motion of Senator Walgren, the reading had in the Committee of the Whole was considered the second reading of Engrossed House Bill No. 1624.

On motion of Senator Donohue, the amendments proposed by the Committee on Ways and Means on March 10, 1976 were adopted with the following exceptions:

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

On page 1, after line 15, insert:

“The appropriations contained in this act for state agencies include such amounts as are reasonably necessary to obtain information from such agencies by the legislature, its committees or its members, or to represent the official request of such agencies to the legislature, its committees or its members.”

Senators Grant and Cunningham moved adoption of the following amendments:

On page 1, line 18, strike “\$752,633” and insert \$502,663”

On page 1, line 19, strike \$752,633” and insert “\$502,663”

On page 2, beginning on line 8, strike subsection 2 beginning on line 8 through 11. Renumber remaining subsections.

On page 2, beginning on line 12 after “than” strike “\$250,000” and insert “\$50,000”

On page 2, line 22 and line 23, section 3, strike “\$614,647” and insert “\$414,647”

On page 3, section 3, line 17, after “than” strike “\$250,000” and insert “\$50,000”

Debate ensued.

The motion failed and the amendments were not adopted.

The following amendment by Senators Donohue and Odegaard was adopted:

On page 3, line 33, strike all of “NEW SECTION. Sec. 5.” and insert

“NEW SECTION. Sec. 5. FOR THE GOVERNOR — SPE-

CIAL APPROPRIATIONS

General Fund Appropriation—State . . . . .	\$	24,687,358
General Fund Appropriation—Federal . . . . .	\$	1,050,486
Special Fund Salary Increase		
Revolving Fund Appropriation . . . . .	\$	9,058,466
Total Appropriation . . . . .	\$	34,796,310

The appropriations contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated herein and shall be subject to the following conditions and limitations:

(1) Not more than \$11,830,552 of general fund moneys (including \$1,040,365 in federal funds) shall be expended to implement, effective July 1, 1976, 50% of the 1975-1976 salary survey findings (5% indicated increase) for state classified employees and for comparable salary increases for state employees exempt from the classified service.

(2) Not more than \$4,095,485 of general fund moneys shall be expended to implement, effective July 1, 1976, 50% of the 1975-1976 salary survey findings (4.25% indicated increase) for state higher education classified employees.

(3) Not more than \$9,777,624 of general fund moneys shall be expended to provide effective July 1, 1976, an average 5% salary increase for faculty and exempt employees of the four year units of higher education and the community college system: PROVIDED, That no community college district or four year unit of higher education may grant from any fund source any additional salary increase greater than that authorized in this 1976 amendatory act.

(4) Not more than \$34,183 of general fund moneys (including \$10,121 in federal funds) shall be expended to provide, effective July 1, 1976, an average 5% salary increase for commissioned members of the Washington State Patrol.

(5) Not more than \$9,058,466 of Special Fund Salary Increase Revolving Fund moneys shall be expended to provide an average 5% salary increase effective July 1, 1976, to faculty and exempt employees of the four year units of higher education and the community college system, and commissioned members of the Washington State Patrol and to implement 50% of the 1975-1976 salary survey findings (5% indicated increase) for state classified employees and comparable salary increases for state employees exempt from the classified service and (4.25% indicated increase) for state higher education classified employees. To facilitate payment of such increases the state treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund in accordance with schedules provided by the office of program planning and fiscal management."

The following amendment by Senators Goltz and Scott was not adopted:

After section 5 of the Donohue/Odegaard amendment inserting a new section 5, add the following:

"*NEW SECTION.* Sec. 6. In addition to the increase provided herein in section 5, those community college districts, whose actual average salary in 1975-76 is less than that district's average salary on the 1975-76 system allocation schedule, may increase the average salary in 1976-77 up to the district's average on the system's allocation schedule or up to six percent, whichever is less."

The following amendment by Senator Donohue was adopted:

On page 6, line 25, strike "[allocated] *allotted*" and insert "*allotted*"

The following amendment by Senator von Reichbauer was not adopted:

On page 7, beginning on line 33, insert a new section as follows:

"*NEW SECTION.* Sec. 8. FOR THE PUBLIC DISCLOSURE

#### COMMISSION

General Fund Appropriation. . . . .	\$	49,900
Total Appropriation . . . . .	\$	49,900

The appropriation contained in this section shall be expended for data processing costs."

Re-number remaining sections consecutively.

The following amendment by Senators Francis, McDermott, Ridder, Gould, Stortini, Goltz and Lewis (Harry) was not adopted:

On page 8, before section 9, insert:

"*NEW SECTION.* Sec. 9. FOR THE WASHINGTON STATE

#### WOMEN'S COUNCIL

General Fund Appropriation. . . . .	\$	11,988
Total Appropriation . . . . .	\$	11,988"

Re-number remaining sections consecutively.

The following amendment by Senators Morrison, Ridder and Grant was adopted:

On page 8, after line 34, insert a new section as follows:

"*NEW SECTION.* Sec. 11. FOR THE PUBLIC EMPLOY-

#### MENT RELATIONS COMMISSION

General Fund Appropriation. . . . .	\$	228,262
Total Appropriation . . . . .	\$	228,262"

Re-number remaining sections consecutively.

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

On page 9, line 29, strike "267,968" and insert "372,968"

On page 9, line 32, strike "539,445" and insert "644,445"

On page 9, line 36, strike "\$105,000 of the \$267,968" and insert "\$210,000 of the \$372,968"

On page 10, line 4, strike "through March 31, 1976"

On page 10, line 11, strike "267,968" and insert "372,968"

On page 11, line 1, strike "267,968" and insert "372,968"

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

On page 11, line 17, strike "13,322,519" and insert "13,330,519"

On page 11, line 18, strike "8,079,049" and insert "8,070,952"

On page 11, line 19, strike "21,401,568" and insert "21,401,471"

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

On page 15, line 2, subsection (k), after "for" strike "medical" and insert "health"

The following amendment by Senator Van Hollebeke was considered and subsequently withdrawn:

On page 16, after line 11, insert:

"(13) Implementation of a "minimum-to-moderate correctional center at Firlands" pursuant to section 51(4)(b)(i), chapter 269, Laws of 1975, 1st ex. sess. shall be deferred until such time as the 1977 legislature explicitly reviews and approves such implementation."

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

On page 16, after line 11, insert a new subsection as follows:

"(13) The department, through the Special Investigations Division, shall utilize up to \$3,900 for the purpose of establishing and publicizing a toll free welfare fraud hotline as a pilot project during the last year of the 1975-77 biennium."

On motion of Senator Woody, the following amendments by Senators Woody, Marsh and Fleming were adopted:

On page 16, line 16, strike "\$100,000" and insert "\$286,000"

On page 16, line 17, strike "\$100,000" and insert "\$286,000"

On page 16, line 20, after "limitation:" strike the remainder of the subsection down to and including all matter on line 23 and insert "Beginning on November 1, 1976, the department shall provide a grant of \$60,000 for the purpose of continuation of the Yakima work training release project;

Beginning April 1, 1977, the department shall provide a grant of \$45,000 for the purpose of continuation of the King County Women's Community program;

Beginning January 1, 1977, the department shall provide a grant of \$45,000 for the purpose of continuation of the Snohomish County Preprosecutorial Diversion program:

Beginning April 1, 1977, the department shall provide a grant of \$60,000 for the purpose of continuation of Progress House, Pierce County; and

Beginning March 1, 1977, the department shall provide a grant of \$76,000 for the purpose of continuation of the Clark County Community based corrections program."

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

On page 17, line 4, strike "8,440,720" and insert "8,451,556"

On page 17, line 6, strike "12,497,860" and insert "12,508,696"

On page 17, line 14, after "(b)" strike "\$175,000" and insert "\$185,836"

On page 17, line 15, after "increase" strike "of 3.0 percent"

On page 17, line 19, strike "239,580" and insert "304,596"

On page 17, line 20, strike "268,004" and insert "320,869"

On page 17, line 21, strike "507,584" and insert "625,465"

On page 17, line 24, after "increases" strike "of 5.08 percent"

On page 17, line 27, strike subsection (3)

On page 18, line 2, strike "480,000" and insert "260,193"

On page 18, line 3, strike "240,000" and insert "105,827"

On page 18, line 4, strike "720,000" and insert "366,020"

On page 18, line 7, after "increases" strike "of 2.4 percent"

On page 18, line 13, strike "3,517,219" and insert "3,689,174"

On page 18, line 14, strike "3,513,905" and insert "3,587,116"

On page 18, line 15, strike "7,031,124" and insert "7,276,290"

On page 18, line 23, after "(b)" strike "\$3,168,264 (including \$1,698,189)" and insert "\$4,183,433 (including \$2,179,554)"

On page 18, line 25, after "increases" strike "of 3.09 percent"

On page 18, line 28, after "(c)" strike "\$1,520,000 (including \$730,000" and insert "\$749,997 (including \$321,846"

On page 18, line 30, after "inflationary" strike "increase of 2.4 percent" and insert "increases"

The following amendment by Senator Goltz was not adopted:

On page 19, after line 35 insert a new section to read as follows:

"NEW SECTION. Sec. 21. FOR THE HUMAN RIGHTS

COMMISSION

General Fund Appropriation. . . . .	\$	65,430
Total Appropriation . . . . .	\$	65,430

The appropriation contained in this section shall be expended exclusively for investigation of handicap cases."

Renumber the remaining sections consecutively and change internal references accordingly.

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

On page 21, line 11, insert the following:

"NEW SECTION. Sec. 22. FOR THE EMPLOYMENT SECUR-

RITY DEPARTMENT

General Fund Appropriation. . . . .	\$	400,000
Total Appropriation . . . . .	\$	400,000

The appropriation contained in this section shall be expended exclusively within the Employment Orientation program."

Renumber the remaining sections consecutively.

On motion of Senator Donohue, the following amendments by Senators Donohue and Odegaard were adopted:

On page 21, line 26, strike "1,139,279,871" and insert "1,139,305,039"

On page 21, line 28, strike "1,139,279,871" and insert "1,139,305,039"

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

On page 24, line 14, after "than" and before "million" strike "five" and insert "four"

The following amendment by Senator Grant was not adopted:

On page 25, section 23 beginning on line 10, strike all of the underlined material on line 10 through line 15.

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

On page 26, line 5, after "formula:" insert ": PROVIDED, That the superintendent of public instruction shall exercise, up to the limitation determined in subsection (1), the discretion permitted him under the provision of RCW 28A.65.095 in such a manner as to allow districts, upon petition, to budget a portion of the total amount of such district's special levy collectable in 1976-77 school year where it appears necessary or desirable to prevent substantial reduction in educational services rendered by such district during the 1976-77 school year."

The following amendment by Senator McDermott was not adopted:

On page 26, line 15, after "subsection" and before the period insert ": PROVIDED, That those districts which failed to authorize special levies for collection in 1976 shall be allowed an additional 5% inflation factor"

The following amendment by Senator Newschwander was considered and subsequently withdrawn:

On page 21, beginning on line 19, strike all of sections 23 and 24 and insert:

"Sec. 23. Section 149, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION  
— GENERAL APPORTIONMENT

General Fund Appropriation (including all funds deposited in the state treasury pursuant to RCW 84.52.067 during the 1975-77 biennium):

For General Apportionment . . . . .	\$	[1,073,195,265]
		1,357,360,031





any consolidated school district formed after July 1, 1971, equal to the additional weighting factor in effect in each qualifying district during the school year immediately preceding consolidation, which district consists of one or more former school districts which were either remote and necessary or which contained not more than 250 students in grades 9-12;

(h) An additional weighting factor of 0.25 for full time equivalent students residing on tax exempt property as set forth in RCW 28A.41.140(6)(b) or (c); and

(i) An additional weighting factor of 0.25 for full time equivalent students in an approved interdistrict cooperative program as authorized by RCW 28A.41.140(6)(a) and 28A.58.075.

(7) *The superintendent of public instruction, during the 1976-77 program year, shall compute the apportionment of funds for each school district based on the following formula:*

(a) *Determine the allocation of moneys for financial equalization that each district shall receive an amount which shall insure a dollar support level per full time equivalent enrolled pupil of not less than that used in the apportionment formula calculation for either a 1974-75 base school year or a 1975-76 base school year, whichever insures the largest dollar support level, from federal, state, and local funds as determined by the superintendent of public instruction and including such other funds as determined appropriate thereto by the superintendent, plus special excess levies received during such period, plus such additional allocations as determined by the legislature as necessary for an inflationary factor.*

(b) *Notwithstanding any other provision of this subsection (6) for districts below the state average revenue per full time equivalent pupil for comparable districts, the state superintendent of public instruction shall provide by rule a plan that increases the revenue per full time equivalent pupil of such school districts to the state average for comparable districts.*

(c) *The enrollment of any district for the purposes of determining full time pupils for the purposes of this subsection shall be the average number of full time students and part time students as provided for in RCW 28A.41.145 enrolled on the first school day of each month and in accordance with rules and regulations of the superintendent of public instruction."*

The following amendment by Senator McDermott was not adopted:

On page 29, line 29, insert:

**"NEW SECTION. Sec. 25. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD OF EDUCATION).**

General Fund Appropriation. . . . .	\$	76,180
Total Appropriation . . . . .	\$	76,180

The appropriation contained in this section shall be expended exclusively to comply with the provisions of chapter 226, Laws of 1975 1st ex. sess. (Relating to education)."

Re-number remaining sections consecutively and change internal references accordingly.

On motion of Senator Donohue, the following amendment by Senators Donohue and Odegaard was adopted:

Beginning on page 31, line 33 strike all of "NEW SECTION. Sec. 28." down to and including "11." on page 32, line 24.

Re-number remaining sections consecutively.

The following amendment by Senators Fleming, Bluechel, Buffington, Goltz, Murray, Scott and Washington was not adopted:

On page 33, after line 17 insert a new section as follows.

**"NEW SECTION. Sec. 32. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund — Indian Cultural Center		
Construction Account Appropriation . . . . .	\$	1,000,000
Total Appropriation . . . . .	\$	1,000,000

The appropriation contained in this section shall be expended exclusively for a grant to the City of Seattle for planning, design, construction, furnishing and landscaping of a regional Indian cultural and educational facility designated as the "People's Lodge" and located at Discovery Park in Seattle: PROVIDED, That these funds shall not be expended until \$2,700,000 in additional non-state funding is secured, and that House Bill No. 1527 is passed by the Senate."

Renumber remaining sections consecutively.

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

On page 33, after line 28, insert the following:

**"NEW SECTION. Sec. 33. FOR THE COMMISSION FOR VOCATIONAL EDUCATION**

General Fund Appropriation. . . . .	\$	202,125
Total Appropriation . . . . .	\$	202,125

The appropriation contained in this section shall be expended exclusively in the Fire Service Training Program."

Renumber the remaining sections consecutively.

The following amendment by Senators Henry and Donohue was adopted:

On page 35, after line 29, insert the following:

**"NEW SECTION. Sec. 39. FOR THE STATE ENERGY OFFICE**

General Fund Appropriation. . . . .	\$	100,000
Total Appropriation . . . . .	\$	100,000

The appropriation contained in this section is contingent upon the enactment of chapter \_\_\_\_, Laws of 1975-76, 2nd ex. sess. (ESSB 3172)."

Renumber the remaining sections consecutively.

The following amendment by Senator Donohue was adopted:

On page 36, line 7, after "for" strike all the matter down to the period on line 9 and insert: "a study of motor vehicle fuel use under the provisions of RCW 43.99.030"

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

On page 36, following line 36, insert a new subsection as follows:

"(6) Up to \$10,000 may be expended by the Chiropractic Disciplinary Board to carry out the purposes of RCW 18.26."

Renumber the remaining section consecutively.

The following amendment by Senator Woody was not adopted:

On page 37, line 5, add a new section 39 as follows:

**"NEW SECTION. Sec. 39. FOR THE COURT OF APPEALS.**

<i>Reappro-</i>	<i>From the</i>
<i>riations</i>	<i>Fund Designated</i>

Construct new court of appeals facility in Seattle

State Building

Construction Account	2,264,000"
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The following amendment by Senators Woody and Donohue was adopted:

On page 37, beginning on line 21, after "That" strike all the matter down through "considered" on line 22 and insert "the environmental impact statements shall not be required"

The following amendment by Senators Woody and Day was adopted:

On page 37, line 29, insert a new subsection as follows:

"(4) Construct and equip a maximum security facility, Washington state reformatory: PROVIDED, That no existing major buildings or structures, other than a wall, shall be demolished

DSHS CONSTRUCTION  
ACCOUNT

(HJR 52)"

\$10,300,000"

Renumber remaining subsections consecutively.

The Senate refused to consider the following amendment by Senator Cunningham:  
On page 38, beginning on line 11, strike all material down through line 14.

On motion of Senator Van Hollebeke, the following amendment was adopted:

On page 39, after line 19, insert "Implementation of a "minimum-to-moderate correctional center at Firlands" pursuant to section 51(4)(b)(i), chapter 269, Laws of 1975 1st ex. sess. shall be reviewed by the 1977 legislature and approved or disapproved at that time."

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

On page 41, beginning on line 7, strike all the material down through line 24 and insert:

"[(g) Construct and equip one  
community health center

DSHS Construction Account

(HJR 52)

800,000]"

The following amendment by Senators Guess and Donohue was not adopted:

On page 52, in section 47, number the first paragraph "(1)", and after line 36 insert the following subsection:

"(2) Radio-Television Equipment.  
Provide funds for the purchase of  
movable equipment for the Radio-Television Building

Eastern Washington State College

Capital Projects Account

550,000"

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

On page 53, after line 12, insert:

"(3) Provide air conditioning  
system in Dean Hall

Central Washington State College

Capital Projects Account

105,675"

Senator Grant withdrew an amendment to page 56, beginning on line 36, striking section 52 in its entirety.

The following amendment by Senators Odegaard and Lewis (Harry) was not adopted:

On page 57, line 18, after "year" and before the period insert ": PROVIDED FURTHER, That for the second year of the biennium for community colleges, the base for implementing the contract level shall be the actual fall quarter enrollment for the 1974-75 year"

The following amendment by Senator Mardesich was adopted:

On page 58, after "services." on line 6 insert:

"For the purposes of this section, the 1975-77 general fund appropriations made to state agencies headed by elected officials shall be reduced proportionally to those reductions required of executive agencies by the standing committees on Ways and Means of the House and Senate under the provision of RCW 43.88.115."

The following amendments by Senator Donohue were adopted:

On page 11, line 17, strike "13,330,519" and insert "13,516,519"

On page 11, line 19, strike "21,401,471" and insert "21,587,471"

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

On page 32, strike all of new section 30, and renumber remaining section.

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

On page 36, section 42, line 17, strike "221,231" and insert "231,231"

On page 36, section 42, line 22, strike "556,523" and insert "566,523"

The following amendment by Senator Mardesich was not adopted:

On page 21, line 25, after "apportionment" insert "contingent upon passage of Engrossed Substitute House Bill 1364"

The committee amendment to the title was adopted.

President Pro Tempore Henry assumed the Chair.

On motion of Senator Walgren, the report of the committee was adopted and the Committee of the Whole was dissolved.

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 1624, 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 Cunningham: "Thank you, Mr. President. I wonder if Senator Stortini would yield to a question? Senator Stortini, I voted against the amendment but I am at the same time concerned about whether or not we are going to do anything for schools. I know, from my own viewpoint, the teachers union has talked to me only about the continuing contract bill.

"As the chairman of the education committee, could you tell me and the rest of this body what you see their number one priority to be? Does it reflect either funding or continuing contract?"

Senator Stortini: "Their number one priority in reference to the educational association, you mean?"

Senator Cunningham: "Yes."

Senator Stortini: "First of all, let me say this — that we have before us a short range plan. It solves the problem now. We are all concerned, I am sure, about the future and the long range plan. We are concerned about a number of things in education. I, and a number of you — in answer to Senator Cunningham's question, viewed television the other night and I was really shocked. I listened to a WEA lobbyist state that their number one priority — their number one priority — is school funding and they have been working hard in the legislature to get school funding.

"I was going to look up a word in the dictionary here and look for the various meanings to the word liar but I won't do that. As a result of that, I talked to each of you yesterday. I took a survey, forty-seven senators, and I asked you two questions. Number one, I asked you, 'Has a WEA lobbyist come to your office in regard to the continuing contract bill that we just passed?' and number two, 'Have they talked to you about school funding?' I am sure you are interested in the results of that.

"Teacher contracts, all but four of you were contacted — all but four — and most of us a number of times. As far as school funding, the number one priority of the Washington Education Association — their number one priority — they contacted three out of forty-seven Senators — three — and two of those three thought it was some time during the first week of the session. Their number one priority.

"Well, I will tell you something. I would be willing to bet my only bottle of home made wine that that same thing is true over in the House. I talked to Representative Bauer, the chairman of the education committee. He has not been approached and I talked to eleven other House members this morning and not a one had been approached as far as school funding, the number one priority.

"Quality education for children — or personal interest — that is the real question, I think. You know, I think this survey showed that their visits to the various offices consisted of 'where are you on probation, de novo, the hearing process,' rather than 'where are you on improving our educational system?' or 'will you support a funding program?' They are more concerned about the incompetent teacher than the seven hundred and fifty thousand kids in our common schools. I think it is about time that association starts thinking about the kids. I think they would rather have no school funding than lose the continuing contract measure that we just passed. I think most of you feel that way, too. I have a feeling they would just as soon leave the session with no school help and use the legislature as a scape goat for their own failures.

"I have been a member of the Washington Education Association for twenty years and let me tell you that those lobbyists are going to find when they go home after this session that many teachers are disappointed with that association's leadership here in Olympia. They have lost, believe me, members of the Senate — they have lost contact with their membership. The teacher in the classroom is in closer contact and more concerned with educational needs than the leadership of WEA here in Olympia. And, Senator Washington, I agree with you that the WEA leaders and other educational lobbyists have done nothing to encourage a solution to the school funding program."

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1624, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 20; nays, 25; excused, 4.

Voting yea: Senators Beck, Bottiger, Day, Donohue, Fleming, Francis, Goltz, Henry, Jolly, Knoblauch, McDermott, Odegaard, Peterson, Rasmussen, Scott, Stortini, Talley, Walgren, Washington, Woody—20.

Voting nay: Senators Bailey, Benitz, Bluechel, Buffington, Clarke, Cunningham, Gould, Grant, Guess, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Pullen, Sandison, Sellar, Van Hollebeke, von Reichbauer, Wanamaker, Wilson—25.

Excused: Senators Herr, Jones, Keefe, Ridder—4.

ENGROSSED HOUSE BILL NO. 1624, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

#### MOTION

At 6:33 p.m., on motion of Senator Lewis (Harry), the Senate was declared to be at ease.

President Pro Tempore Henry called the Senate to order at 7:55 p.m.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Bailey, the Senate moved to reconsider the vote by which Engrossed House Bill No. 1624, as amended by the Senate, failed to pass.

President Pro Tempore declared the question before the Senate to be the roll call, on reconsideration, of Engrossed House Bill No. 1624, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1624, as amended by the Senate, and on reconsideration the bill passed the Senate by the following vote: Yeas, 30; nays, 15; excused, 4.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Francis, Goltz, Grant, Henry, Jolly, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Odegaard, Peterson, Rasmussen, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—30.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Gould, Guess, Lewis (R. H. "Bob"), Morrison, Murray, Newschwander, North, Pullen, Sellar, Wanamaker—15.

Excused: Senators Herr, Jones, Keefe, Ridder—4.

ENGROSSED HOUSE BILL NO. 1624, as amended by the Senate, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Donohue, Engrossed House Bill No. 1624, as amended by the Senate, was ordered immediately transmitted to the House.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 3172,  
SUBSTITUTE SENATE BILL NO. 3246.

MOTION

On motion of Senator Walgren, the Senate resumed consideration of Engrossed Substitute House Bill No. 1544.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1544, by Committee on Financial Institutions (originally sponsored by Representatives Ceccarelli, Pardini, Bagnariol, Deccio and McCormick):

Revising laws relating to insurance.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1544, as amended by the Senate, from earlier today.

MOTIONS

On motion of Senator Fleming, the rules were suspended and Engrossed Substitute House Bill No. 1544, as amended by the Senate, was returned to second reading.

Senator Fleming moved the following amendments be considered and adopted simultaneously:

On page 8, line 7, after "excluded" and before "or" insert ", increased"

On page 8, line 7, after "sex" strike the comma and insert "or"

On page 8, line 8, after "status, or" insert "be restricted, modified, excluded or reduced on the basis of the"

MOTION

On motion of Senator Clarke, Engrossed Substitute House Bill No. 1544, as amended by the Senate, together with the pending amendments by Senator Fleming, was ordered held on the second reading calendar for March 13, 1976.

MOTION

At 8:12 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Saturday, March 13, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SIXTY-EIGHTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Saturday, March 13, 1976.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Day, Herr, Keefe, McDermott and Ridder. On motion of Senator Knoblauch, Senators Day, Herr, Keefe, McDermott and Ridder were excused.

The Color Guard, consisting of Pages Randy Fitzgerald and Wendes Johnson, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"AS WE COME TO THE END OF THIS WEEK, OUR FATHER, AND AS THE END OF THE SESSION COMES INTO VIEW, WE FEEL MINGLED FRUSTRATION, DISCOURAGEMENT AND ANGER, ALL MIXED UP WITH RELIEF AND SATISFACTION AND JOY. COMPROMISES HAVE BEEN FAR HARDER TO COME BY AND AGREEMENTS FAR MORE DIFFICULT TO REACH THAN MOST OF US HAD IMAGINED. WITH THE PSALMIST OF OLD WE HAVE SAID, 'OUT OF THE DEPTHS HAVE I CRIED UNTO THEE, O LORD; HEAR MY VOICE.' AND WITH HIM OF OLD WE REJOICE THAT YOU HAVE HEARD US, YOU HAVE RESPONDED, YOU HAVE GIVEN US YOUR GUIDANCE. FOR YOUR PRESENCE IN THIS CHAMBER AND FOR YOUR DIVINE GUIDANCE, WE GIVE YOU GRATEFUL THANKS. FOR THE HEALING THAT EVEN NOW IS TAKING PLACE BETWEEN MEMBERS OF HONESTLY DIFFERING POINTS OF VIEW, WE ARE GRATEFUL. LET IT BE COMPLETED.

"AND NOW WE EARNESTLY PRAY FOR OUR CONTINUING ABILITY TO BE OPEN TO YOUR LEADING. LET THIS BE A GOOD AND A PRODUCTIVE DAY IN WHICH WE LIVE FULLY IN RESPONSE TO THE STILL SMALL VOICE OF YOUR WORD WITHIN. IN THE MASTER'S NAME. SO BE IT!"

## MOTION

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

## MESSAGES FROM THE HOUSE

March 12, 1976.

Mr. President: The House has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 779, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

March 12, 1976.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 779, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 779.



## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1305, by Representatives Smith (Rick), Charnley, Douthwaite, Ehlers, Eikenberry, Hawkins and Tilly:

Prohibiting personal use of campaign contributions and concealment of the source of professional fees.

Referred to Committee on Constitution and Elections.

HOUSE JOINT RESOLUTION NO. 66, by Representatives Kalich, Dunlap, Bauer, North, Adams, Bausch, Charnley, Douthwaite, Fischer, Gaines, Haley, Hayner, Hendricks, Lee, McCormick, Paris, Sherman and Zimmerman:

Amending the Constitution to require fifty-five percent majority approval of excess property tax levies.

Referred to Committee on Ways and Means.

## MESSAGE FROM THE HOUSE

March 12, 1976.

Mr. President: The House insists on its position on ENGROSSED SENATE BILL NO. 3025, and asks the Senate for a conference thereon and the conferees are: Representatives Valle, Eng and Haley.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Walgren, the request for a conference on Engrossed Senate Bill No. 3025 was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 3025 and the House amendment thereto: Senators Grant, Gould and Stortini.

## MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

## MOTION

At 10:25 a.m., on motion of Senator Walgren, the Senate recessed subject to the Call of the President.

## SECOND MORNING SESSION

The President called the Senate to order at 11:50 a.m.

## MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business. On motion of Senator Walgren, the Senate resumed consideration of Engrossed House Bill No. 1343.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1343, by Representatives Thompson, Newhouse, Curtis, Blair, Schumaker, Clemente, Douthwaite and Erickson:

Setting legislators salaries at \$7200 per year.

The Senate resumed consideration of Engrossed House Bill No. 1343. On March 8, 1976, on motion of Senator Walgren, the bill was advanced to second reading and read the second time in full and held for later consideration.

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

On page 1, beginning on line 24, strike all of the underlined material ending on line 28

Senator Mardesich moved adoption of the following amendment:

On page 1, line 24, after "dollars" and before the semicolon insert "*PROVIDED, That on January 11, 1977, the salary levels of state elected officials whose terms of office are created by Article III, sections 2 and 3 of the state Constitution and the insurance commissioner shall be reduced to the salary levels existing for such state elected officials on January 13, 1975*"

#### POINT OF ORDER

Senator Bailey: "I would ask to raise the question of scope and object. I think we are in an act raising legislative salaries. I haven't got the bill in front of me but here we are now, reducing the state elected official salaries. I haven't got the title so I can't really tell you the . . . ."

"Mr. President, this is an obvious effort to legalize someone in this legislature running for some of the offices that have been voted pay increases during their term of office. I can't see how it helps anyone because it really doesn't make constitutional anything that is unconstitutional anyway and it is only a statute. It doesn't really change the Constitution. It is only going to result in a lot of court tests and cases and probably knocking salaries back to 1970 — resulting in these people being ineligible anyway. I just think it is kind of a prostitution of a good bill."

#### RULING BY THE PRESIDENT

The President: "The President, in ruling upon the point of order as presented by Senator Bailey, finds that Engrossed House Bill No. 1343 is a single purpose bill to increase the salaries of legislators to seven thousand, two hundred dollars per annum. The proposed amendment would indeed enlarge the scope and object of the bill inasmuch as it would reduce the salaries of all state elected officials to the existing level as of January 13, 1975. Therefore, the point is well taken."

Senators Lewis (Harry), Murray and Scott 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 Day, Herr, Keefe, McDermott and Ridder, who were previously excused.

#### MOTIONS

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

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 1343, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Benitz: "Will Senator Walgren yield to a question? Senator Walgren, what is the possibility of getting a chance to vote on the annual sessions constitutional amendment in this session of the legislature?"

Senator Walgren: "I understand that there is going to be a serious attempt to bring that measure out of the rules at our next rules committee meeting."

Senator Benitz: "Further question. Do you plan to have the rules . . . ."

Senator Walgren: "I hope it will be sooner than that, Senator. Yes, we have some additional bills that will have to be brought out."

Senator Benitz: "Thank you, Senator Walgren."

Further debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1343, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; excused, 4.

Voting yea: Senators Bailey, Bluechel, Bottiger, Buffington, Clarke, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Jolly, Knoblauch, Lewis (Harry), Marsh, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—32.

Voting nay: Senators Beck, Benitz, Cunningham, Guess, Jones, Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Pullen, Sellar, Talley, Wanamaker—13.

Excused: Senators Day, Herr, Keefe, Ridder—4.

ENGROSSED HOUSE BILL NO. 1343, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## MESSAGES FROM THE HOUSE

March 13, 1976.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 1441,

HOUSE BILL NO. 1497, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 13, 1976.

Mr. President: The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 50,

HOUSE CONCURRENT RESOLUTION NO. 53, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 13, 1976.

Mr. President: The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3172,

SUBSTITUTE SENATE BILL NO. 3246, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1441,

HOUSE BILL NO. 1497,

HOUSE CONCURRENT RESOLUTION NO. 50,

HOUSE CONCURRENT RESOLUTION NO. 53.

## MOTIONS

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

At 12:45 p.m., on motion of Senator Walgren, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

## MOTION

At 2:08 p.m., on motion of Senator Walgren, the Senate recessed subject to the Call of the President.

## JOURNAL OF THE SENATE

## SECOND AFTERNOON SESSION

The President called the Senate to order at 4:13 p.m.

## MESSAGE FROM THE HOUSE

March 13, 1976.

Mr. President: The Speaker has signed HOUSE BILL NO. 1313, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MESSAGE FROM THE HOUSE

March 13, 1976. Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 1624, and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed House Bill No. 1624: Representatives Bagnariol, Shimpoch and Polk.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Walgren, the Senate refused to grant the request of the House for a conference on Engrossed House Bill No. 1624 and once again asks the House to concur in the Senate amendments.

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1313.

## MOTION

At 4:15 p.m., on motion of Senator Walgren, the Senate adjourned until 2:00 p.m., Sunday, March 14, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**SIXTY-NINTH DAY****AFTERNOON SESSION**

Senate Chamber, Olympia, Sunday, March 14, 1976.

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 Benitz, Cunningham, Francis, Keefe, McDermott, Morrison, Pullen, Ridder and Sandison. On motion of Senator Knoblauch, Senators Francis, Keefe, McDermott and Ridder were excused. On motion of Senator Murray, Senators Benitz, Cunningham and Morrison were excused. On motion of Senator Lewis (R. H. "Bob"), Senator Pullen was excused.

The Color Guard, consisting of Pages Terry Spencer and Lavonna Wheelis, presented the Colors. Reverend David L. Ernst, pastor of St. Andrew's United Methodist Church of Olympia, offered the following prayer:

"SEND YOUR SPIRIT, O GOD, TO GUIDE US IN OUR WORK THIS DAY. WE ASK FOR GREATER AWE AND WONDER IN YOUR PRESENCE; THANKFUL HEARTS AND OPEN MINDS, SOME LIGHT ON THE SHADOWS OF OUR LIFE. WE WANT TO SEE BEAUTY AND NOT MISS THE JOY; WE WANT TO KNOW WHAT IS JUST; WE WANT TO GROW IN TRUST OF YOU. SO MAY OUR LIVES REFLECT SOMETHING OF OUR PRAYERS. IN CHRIST'S NAME, WE PRAY. AMEN."

**MOTION**

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

**MOTIONS**

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

On motion of Senator Knoblauch, all members were permitted as sponsors to Senate Resolution 1976-239.

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

**SENATE RESOLUTION 1976-239**

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

WHEREAS, The International Order of DeMolay was established to provide moral direction to young men and to assist in the development of leadership qualities; and

WHEREAS, The members of DeMolay chapters throughout the state of Washington will observe the year 1976 as the fifty-seventh anniversary of the order; and

WHEREAS, The week of March 15th through March 21st of this year will be observed as "International DeMolay Week";

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington that it does hereby salute the young men of the Order of DeMolay and commend them for their efforts in providing leadership to the youth of the State of Washington; and

BE IT FURTHER RESOLVED, That the citizens of this state are hereby requested to duly note "International DeMolay Week" in order to insure the success of the commemoration; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a suitably inscribed copy of this resolution to the Washington State Chapter, Order of DeMolay, for appropriate distribution.

#### PERSONAL PRIVILEGE

Senator Walgren: "I would like to introduce Page Dan Bruner of Olympia who will be installed as master counselor of the Olympia Chapter of DeMolay."

#### MOTION

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

#### MESSAGE FROM THE HOUSE

March 13, 1976.

Mr. President: The House has adopted the report of the Free Conference Committee on SENATE BILL NO. 2989, 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

March 11, 1976.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2989, making changes in the law relating to election schedules, have had the same under consideration, and we recommend that the bill be amended as follows:

On page 2 line 19, after "*The*" delete "*fourth*" and insert "*third*"

On page 4 line 24, after "*The*" delete "*fourth*" and insert "*third*"

Signed by: Senators Stortini, Beck and Lewis (R. H. "Bob"); Representatives Fortson, Chandler and Sherman.

#### MOTION

On motion of Senator Beck, the report of the Free Conference Committee on Engrossed Senate Bill No. 2989 was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2989, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; nays, 8; absent or not voting, 1; excused, 8.

Voting yea: Senators Bailey, Beck, Buffington, Clarke, Day, Donohue, Fleming, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Odegaard, Peterson, Rasmussen, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—32.

Voting nay: Senators Bluechel, Bottiger, Gould, Knoblauch, Matson, Murray, Newschwander, North—8.

Absent or not voting: Senator Sandison—1.

Excused: Senators Benitz, Cunningham, Francis, Keefe, McDermott, Morrison, Pullen, Ridder—8.

ENGROSSED SENATE BILL NO. 2989, 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.

## MOTIONS

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

On motion of Senator Walgren, the Senate resumed consideration of Engrossed Substitute House Bill No. 1544.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1544, by Committee on Financial Institutions (originally sponsored by Representatives Ceccarelli, Pardini, Bagnariol, Deccio and McCormick):

Revising laws relating to insurance.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1544. On March 12, 1976, the committee amendments were adopted. On that day, on motion of Senator Woody, the bill was advanced to third reading and held. Later on that day, on motion of Senator Fleming, the rules were suspended and the bill was returned to second reading. The following amendments were moved for adoption by Senator Fleming and at that time the bill and pending amendments were ordered held by Senator Clarke for consideration on March 13, 1976:

On page 8, line 7, after "excluded" and before "or" insert ", increased"

On page 8, line 7, after "sex" strike the comma and insert "or"

On page 8, line 8, after "status, or" insert "be restricted, modified, excluded or reduced on the basis of the"

The motion by Senator Fleming carried and the amendments were adopted.

## MOTIONS

On motion of Senator Knoblauch, Senator Sandison was excused.

On motion of Senator Woody, the rules were suspended, Engrossed Substitute House Bill No. 1544, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1544, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 1; excused, 9.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—39.

Absent or not voting: Senator Washington—1.

Excused: Senators Benitz, Cunningham, Francis, Keefe, McDermott, Morrison, Pullen, Ridder, Sandison—9.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1544, as amended by the Senate, having received the 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 Walgren moved the Senate now consider the House Message on Engrossed Senate Bill No. 3261.

Senator Lewis (Harry) moved Engrossed Senate Bill No. 3261 be referred to the Committee on State Government.

Debate ensued.

There being no objection, the motion by Senator Lewis (Harry) was withdrawn.

## MOTION

On motion of Senator Walgren, the Senate resumed consideration of Substitute House Bill No. 77.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 77, by Committee on Constitution and Elections (originally sponsored by Representatives King, Brown and Chandler):  
Implementing the law relating to elections generally.

The Senate resumed consideration of Substitute House Bill No. 77. On February 27, 1976, the bill, as amended by the Senate, was returned to second reading.

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

On page 5, after "therefor:" on line 17, strike the remainder of the section and insert "[PROVIDED, That in elections for justices of the supreme court, judges of the court of appeals and judges of the superior court, for justices of the peace, and for state superintendent of public instruction, and for directors of first class school districts, if any candidate in the primary receives a majority of all the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter: PROVIDED FURTHER, That the provisions of Article IV, Section 29 of the Washington Constitution shall apply to offices of judges of the court of appeals] *PROVIDED, That no primary election shall be held for any single position for justice of the supreme court, judge of the court of appeals, judge of the superior court, or state superintendent of public instruction, if, after the last day allowed for candidates to withdraw, there are no more than two candidates who have filed for the position to be filled.*"

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Would Senator Bottiger yield to a question? Senator Bottiger, did I hear you say that the judges' ads were getting swamped out and that nobody could see them? What election were you talking about?"

Senator Bottiger: "Senator Rasmussen, what I am talking about is putting them on the November general election when most of the active partisan campaigning is going on. You know and I know the paper is dominated by the partisan ads by candidates such as yourself and I. Maybe not you, Senator, you . . ."

Senator Rasmussen: "That is what I thought you said, Senator, and I thank you."

Senator Grant moved adoption of the following amendment:

On page 5, lines 18 and 26, strike the proviso beginning on line 18 through "voter" on line 26 and reinsert the stricken material on line 26.

## POINT OF INQUIRY

Senator Bailey: "Mr. President, I have no objection to the write-in provision but I would have to ask Senator Grant a question. We had originally decided to strike that language but when Mr. Nicolai looked at it, he thought it violated that part of the Constitution which provides that you don't even print the name of the judge if there is only one running; therefore, it is difficult to leave a write-in there.

"Now, I am from the country and I have never used a voting machine and I don't know how the situation is now. Does it leave room so that you can write in on a nonpartisan basis or is this a new procedure?"

Senator Grant: "Senator Bailey, the article and section of the Constitution that is stricken in the original bill deals with election of superior court judges and the provision for write-in is available in punch card voting areas. There is no problem with regard to a write-in campaign. It can be conducted. I think they currently use kind of a little gray envelope that they insert the punch card into and write on the inner flap of that little green or gray envelope the candidate and the position for any office that they wish to write-in for."

## MOTION

At 2:48 p.m., on motion of Senator Bailey, the Senate was declared to be at ease subject to the Call of the President.



The President called the Senate to order at 3:00 p.m.

There being no objection, the amendment by Senator Grant was withdrawn.

Debate ensued.

Senator Scott demanded a roll call and the demand was sustained by Senators Clarke, Lewis (Harry), Wanamaker, Talley, Washington, Woody, Herr, Bailey and Walgren.

The President declared the question before the Senate to be the roll call on the amendment by Senators Bailey and Mardesich.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; nays, 15; absent or not voting, 1; excused, 8.

Voting yea: Senators Bailey, Beck, Day, Donohue, Goltz, Gould, Grant, Henry, Herr, Jolly, Knoblauch, Mardesich, Marsh, Murray, North, Odegaard, Peterson, Rasmussen, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wilson—25.

Voting nay: Senators Benitz, Bluechel, Bottiger, Buffington, Clarke, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Newschwander, Scott, Walgren, Washington, Woody—15.

Absent or not voting: Senator Fleming—1.

Excused: Senators Cunningham, Francis, Keefe, McDermott, Morrison, Pullen, Ridder, Sandison—8.

On motion of Senator Beck, the rules were suspended, Substitute House Bill No. 77, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 77, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 12; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson—30.

Voting nay: Senators Bluechel, Bottiger, Buffington, Clarke, Jones, Lewis (Harry), Matson, Newschwander, Scott, Sellar, Washington, Woody—12.

Excused: Senators Cunningham, Francis, Keefe, McDermott, Pullen, Ridder, Sandison—7.

SUBSTITUTE HOUSE BILL NO. 77, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 3:05 p.m., on motion of Senator Walgren, the Senate recessed subject to the Call of the President.

The President called the Senate to order at 5:25 p.m.

Senators Walgren, Gould and Herr 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 Cunningham, Keefe, Pullen and Ridder, who had previously been excused.

#### MOTION

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

## MOTION

On motion of Senator Walgren, the Senate resumed consideration of Substitute Senate Bill No. 2778.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 2778, by Committee on Ways and Means (originally sponsored by Senators Donohue, Odegaard and Wilson):

Relating to revenue and taxation.

The Senate resumed consideration of Substitute Senate Bill No. 2778. Substitute Senate Bill No. 2778 failed to pass the Senate on March 9, 1976. On motion for reconsideration by Senator Washington, the Senate moved to reconsider the vote by which Substitute Senate Bill No. 2778 failed. The bill was returned to second reading on March 11, 1976 and attempts at amending failed. On motion of Senator Walgren, the bill was held.

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

On page 1, beginning on line 8 strike everything after the enacting clause and insert:

“*NEW SECTION.* Sec. 1. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

From and after the first day of April, 1976, until the thirtieth day of June, 1977, 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 in the amount of 11 percent of the tax payable under the provisions of RCW 82.04.220 through 82.04.290, 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 exact amount of the additional tax hereby imposed.

*NEW SECTION.* Sec. 2. This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.”

Debate ensued.

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

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

On line 1 of the title after “taxation;” strike the remainder of the title and insert “adding a new section to chapter 15, Laws of 1961 and to chapter 82.04 RCW; prescribing effective dates; and declaring an emergency.”

On motion of Senator Donohue, the rules were suspended, Engrossed Substitute Senate Bill No. 2778 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2778, and the bill, on reconsideration, passed the Senate by the following vote: Yeas, 28; nays, 17; excused, 4.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—28.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. “Bob”), Matson, Morrison, Murray, Newschwander, North, Sellar, Talley, Wanamaker—17.

Excused: Senators Cunningham, Keefe, Pullen, Ridder—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2778, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, Engrossed Substitute Senate Bill No. 2778 was ordered immediately transmitted to the House.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2967.

## SECOND READING

SENATE BILL NO. 2967, by Senators Donohue, Odegaard and Walgren:

Relating to the support of state government.

On motion of Senator Donohue, Substitute Senate Bill No. 2967 was substituted for Senate Bill No. 2967 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Donohue, the rules were suspended, Substitute Senate Bill No. 2967 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## PARLIAMENTARY INQUIRY

Senator Morrison: "Point of parliamentary inquiry, Mr. President. How many votes does it take for passage of this particular measure?"

## REMARKS BY SENATOR DONOHUE

Senator Donohue: "These bonds are House Joint Resolution 52 bonds, the same kind of bond issues that passed through this Senate yesterday in the area of fisheries and we had, I think, three different bond issues that were House Joint Resolution 52 bonds. They do require, according to law, a sixty percent vote. If I am correct, it would mean that we would have to have thirty votes to pass the measure."

## POINT OF INQUIRY

Senator Bottiger: "Would Senator McDermott yield to a question? Senator McDermott, you added a little amendment on to the budget act that went through here that, as I understood it, authorized school districts to borrow on their second half collections, to borrow on the October collection, or issue warrants against the October collection?"

Senator McDermott: "The budget bill has a provision in it which authorizes the superintendent of public instruction explicitly to do what is already in the law, that allows people to borrow against their second half collections."

## POINT OF INQUIRY

Senator Bottiger: "Would Senator Donohue then yield to a question? Senator Donohue, if the school districts can currently borrow against the second half collection, then is there anything else other than we pick up the interest on this bond issue?"

Senator Donohue: "With this particular bill we do pick up the interest, as I said before, if, under Senator McDermott's plan and this statute does allow this at the present time, school districts could go on warrants and borrow all of that money and then they would be paying the interest at that level. It was the consensus of many when we talked about this particular issue that this would be a small amount, the interest paid by the state, to help those school districts rather than to ask them to go along with the plan of Senator McDermott's. This just would give them the opportunity to go under this plan and to know that the funds are there and that the superintendent of public instruction would not have to go through the procedures that you are indicating relative to issuing warrants and so forth, and allowing it to be done."

Senator Bottiger: "Senator Donohue, one more question, then. A school district could both borrow from the state and put that money in the bank and get interest on it and also borrow against their second half collections?"

Senator Donohue: "No, that is not true, Senator. There is within the body of the bill does not allow this. The superintendent of public instruction in the bill would only allo-

cate those funds as needed, monthly, so that the school district would not have this money to invest and collect interest upon but would remain under the control of the superintendent of public instruction and the investment procedure of this state."

Debate ensued.

#### POINT OF INQUIRY

Senator Morrison: "Mr. President, to give you a little more time on your decision, would Senator Donohue yield to a question? Senator Donohue, so far nothing has been said about the cost of the state repaying these bonds in order to maintain a revolving fund. Now, we just heard a comment that once the school districts start on these they pretty well have to stay on it unless sometime in the future, we come up with a plan that they no longer need special levies. My understanding of a revolving fund is that the state borrows the hundred and twenty million dollars you are talking about here.

"School districts borrow from it and while we know they are going to be in a position during their second half collection to repay the money, the only way you maintain the revolving fund is to have the state proceed to pay not only the interest but the principal on the hundred and twenty million dollar bond issue. Now, if my thinking is correct, have you calculated ahead as to the cost from general fund tax sources to maintain this revolving fund?"

Senator Donohue: "Senator, the figure is very difficult to come up with because we don't know as yet how many school districts would, in fact, come under this particular plan, as Senator Francis said. There are many, many districts which will not want to come under the plan. We estimate that maybe we might need to sell approximately thirty million dollars worth of bonds. We also know and have discussed in the ways and means that we will have those obligations and those obligations will be the same as any other bond issue just like those that we passed through here yesterday. For instance, in the fisheries we know that we are going to have those obligations. As far as the total dollar amount of that obligation, I cannot tell you what that is going to be because of the level. I do not have any idea what that level will be. It is just guess at this particular time that about thirty million dollars will be sold and those are the dollars that probably would remain in the revolving fund.

"Now, the payout on that, the principal, would depend of course, on whether they were ten or twenty or thirty year bonds. If you wanted to redeem them it is my understanding that the state finance committee, whoever they sell the bonds to, the agreement that they make with those people, it is very possible that there would not be any penalty. It is possible that there could be a penalty if, in fact, we wanted to pick up out of general fund money those bonds sooner than the maturity date and start funding this particular revolving fund out of general fund money, our own general fund money from tax dollars.

"To answer your question, there are some unknowns, and I understand that, but I don't think I can tell you exactly what the total appropriation would be next January to start redeeming these."

Senator Morrison: "Okay. I appreciate your answer, Senator Donohue. Is it likely that they perhaps would go for the thirty year bonds because of the interest rate that might accompany that long term period?"

Senator Donohue: "It is my understanding from bond counsel that it is very possible to write a ten year maturity, twenty, or thirty. Now, I think that would probably be up to the state finance committee relative to the interest but I wanted to be sure that we knew a little bit about the penalties if we wanted to pay off a thirty year bond sooner. It is my understanding that those arrangements many times can be done through the state finance committee with those people who actually buy the bonds, so . . . ."

Senator Morrison: "I understand what you are saying is the hope that we can eliminate special levies before a thirty year period of time is up and repay these bonds over a shorter period."

Senator Donohue: "I don't know whether we will ever eliminate special levies, Senator."

## REPLY BY THE PRESIDENT

The President: "Senator Morrison, in reply to your parliamentary inquiry, it will be necessary for this measure to receive a sixty percent majority of those elected, a minimum of thirty votes."

Debate ensued.

## POINT OF ORDER

Senator Lewis (Harry): "Point of order, Mr. President. While we are being lacerated, there hasn't been a vote yet and I would like to be lacerated after the vote."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2967, and the bill passed the Senate by the following vote: Yeas, 30; nays, 15; excused, 4.

Voting yea: Senators Bailey, Beck, Clarke, Day, Donohue, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Odegaard, Peterson, Sandison, Stortini, Talley, Van Holbeke, Walgren, Washington, Wilson, Woody—30.

Voting nay: Senators Benitz, Bluechel, Bottiger, Buffington, Gould, Lewis (R. H. "Bob"), Morrison, Murray, Newschwander, North, Rasmussen, Scott, Sellar, von Reichbauer, Wanamaker—15.

Excused: Senators Cunningham, Keefe, Pullen, Ridder—4.

SUBSTITUTE SENATE BILL NO. 2967, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## PERSONAL PRIVILEGE

Senator Day: "Mr. President, point of personal privilege. I think that anyone who has been around here very long knows I am a pretty fiscal conservative, and I want to say that the demonstration by the people from Seattle on this vote was most ridiculous as far as I am concerned.

"I think if I had it to do over again, that if there were enough votes here to reconsider, that is what I would move to do. I cannot imagine after we have been here for thirty days longer than we should have, looking at every way possible to foist upon the people a raise in taxes, that then we turn around and just barely squeak by a method of loaning people the money to get by and the people who are going to ask for the loans vote 'no' on the bill."

## MESSAGE FROM THE HOUSE

March 12, 1976.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3261, with the following amendments:

On page 1, line 14, after "*college education*," insert "*office of community development*,"

On page 1, line 15, after "*authority*," insert "*state finance committee*,"

On page 1, line 15, after "*authority*," insert "*department of fisheries*,"

On page 1, line 16, after "*game commission*," insert "*department of game*,"

On page 1, line 16, after "*game commission*," insert "*each professional staff member of the office of the governor, and each professional staff member of the Legislature*"

On page 1, line 17, after "*racing commission*," insert "*human rights commission*,"

On page 1, line 17, after "*racing commission*," insert "*board of industrial insurance appeals*,"

On page 1, line 18, after "control board," insert "interagency commission for outdoor recreation,"

On page 1, line 18, after "control board," insert "parks and recreation commission,"

On page 1, line 18, after "personnel board," insert "board of prison terms and paroles,"

On page 1, line 18, after "disclosure commission," insert "public employees' retirement system,"

On page 1, line 20, after "tax appeals," insert "teacher's retirement system,"

On page 1, line 21, after "board of trustees," insert "board of trustees of each community college," and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

Senator Rasmussen moved the Senate do concur in the House amendments to Engrossed Senate Bill No. 3261.

#### POINT OF INQUIRY

Senator Goltz: "Mr. President, would Senator Rasmussen yield to a question? In looking over the amendment, Senator Rasmussen, on page one, line fifteen, after 'authority' insert 'department of fisheries' and on page one, line sixteen, after 'game commission' insert 'department of game'. Do these amendments suggest that every employee in the department of fisheries and the department of game will now have to file under the public disclosure law?"

Senator Rasmussen: "No, Senator Goltz. It is the appointed members of the department of fisheries and department of game. It is not intended to go down into the civil service level."

#### POINT OF INQUIRY

Senator Morrison: "Would Senator Rasmussen yield to a question, please? Senator Rasmussen, this talks about adding to this list of people required to file the financial disclosure report each professional staff member of the legislature. Would you describe for me the people who would be covered by that? Is a person professional just because they are paid for work that they perform? Is that your interpretation?"

Senator Rasmussen: "I would not think that it goes down to the stenographer level or the clerk level. It would be those people who were policy makers, things like that, and would be subject to the determination by the public disclosure commission through their rules and regulations."

Senator Morrison: "You are confident then, Senator, that this would not cover everyone who is paid. For instance, pages could be considered at least for the two weeks they are here as professional staff members of the legislature."

Senator Rasmussen: "I have never considered them professionals. They are rather on the order of interns. They are learning government from the ground up. Shoe leather, you might say, up."

Senator Morrison: "Are you sure that is the interpretation we would get as far as . . ."

Senator Rasmussen: "Yes, and I am sure that is the interpretation the public disclosure commission would also put on it. They are reasonable people over there."

Senator Morrison: "Oh? Thank you, sir."

The motion by Senator Rasmussen carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 3261.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3261, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; nays, 19; excused, 4.

Voting yea: Senators Bailey, Beck, Bottiger, Clarke, Day, Donohue, Fleming,

Grant, Guess, Henry, Herr, Jolly, Knoblauch, Marsh, Murray, Odegaard, Peterson, Rasmussen, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington—26.

Voting nay: Senators Benitz, Bluechel, Buffington, Francis, Goltz, Gould, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, McDermott, Morrison, Newschwander, North, Sellar, Wanamaker, Wilson, Woody—19.

Excused: Senators Cunningham, Keefe, Pullen, Ridder—4.

ENGROSSED SENATE BILL NO. 3261, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Lewis (Harry), the rules were suspended and Senator Matson was excused.

#### MESSAGE FROM THE HOUSE

March 14, 1976.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1329, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1329.

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 2989.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Second Substitute House Bill No. 1316.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1316, by Committee on Ways and Means—Appropriations (originally sponsored by Representatives Fortson, Bauer, Adams, Bagnariol, Boldt, Charnley, Charette, Cochrane, Ehlers, Eng, Erickson, Gaines, Gallagher, Greengo, Hansen, Hansey, Hurley (Margaret), Kalich, Knowles, Laughlin, Leckenby, Lee, Lux, Martinis, May, McCormick, Moon, Moreau, Nelson, North, O'Brien, Parker, Peterson, Sherman, Shipoch, Smith (Rick), Tilly, Warnke, Williams and Wojahn):

Authorizing state funding of senior citizens' nutrition program.

#### REPORT OF STANDING COMMITTEE

March 12, 1976.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1316, authorizing state funding of senior citizens' nutrition program (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

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

"NEW SECTION. Section 1. The legislature recognizes the need for the further

development and expansion of alternative forms of care for senior citizens. These alternative forms should be developed to assure that senior citizens receive the level of care needed and that appropriate resources are available to match client needs. Furthermore, services received should be designed to restore individuals to, or maintain them at, the level of independent living they are capable of attaining. Such a system of alternative care should be designed to allow senior citizens to move within this system, thus allowing the appropriate services to be rendered according to the care needs at any particular time. The provision of service should continue until the client is able to function independently, moves to an institution, moves from the state, dies, or withdraws from the program.

Therefore, the legislature deems it to be the public policy of this state that programs shall be developed in order to more appropriately meet the care needs of senior citizens through the creation and/or expansion of alternative care services and a resulting reduction in institutional care.

The legislature further deems it to be the public policy of this state that assistance should be given to enhance and redevelop the retention of the family unit, regardless of age, and that this assistance approach be included in the creation and/or expansion of alternative care services.

*NEW SECTION.* Sec. 2. As used in this chapter, the following words and phrases shall have the following meaning unless the content clearly requires otherwise:

(1) "Area agency" means an agency, other than a state agency, designated by the department to carry out programs or services approved by the department in a designated geographical area of the state.

(2) "Area plan" means the document submitted annually by an area agency to the office for approval which sets forth (a) goals and measurable objectives, (b) review of past expenditures and accounting of revenue for the previous year, (c) estimated revenue and expenditures for the ensuing year, and (d) the planning, coordination, administration, social services, and evaluation activities to be undertaken to carry out the purposes of the Older Americans Act of 1965 (42 U.S.C. Sec. 3024 et. seq.), as now or hereafter amended.

(3) "Department" means the department of social and health services.

(4) "Eligible persons" means senior citizens who are:

(a) Sixty years of age or more and are either (i) nonemployed, or (ii) employed for twenty hours per week or less; or

(b) Are sixty-five years or more of age.

(5) "Low income" means initial resources or subsequent income at or below forty percent of the state median income as promulgated by the secretary of the United States department of health, education and welfare for Title XX of the Social Security Act, or, in the alternative, a level determined by the department and approved by the legislature.

(6) "Income" shall have the same meaning as RCW 74.04.005(12), as now or hereafter amended; except, that money received from section 6 of this act shall be excluded from this definition.

(7) "Resource" shall have the same meaning as RCW 74.04.005(11), as now or hereafter amended.

(8) "Need" shall have the same meaning as RCW 74.04.005(13), as now or hereafter amended.

*NEW SECTION.* Sec. 3. (1) The program of community based services authorized under this chapter shall be administered by the department, through the office of aging. Such services may be provided by the department or through purchase of service contracts, vendor payments or direct client grants.

The office shall, under stipend or grant programs provided under section 6 of this act, utilize, to the maximum staffing level possible, eligible persons in its administration, supervision, and operation.

(2) The department, through the office, shall be responsible for planning, coordination, monitoring and evaluation of services provided under this chapter.

(3) The department, through the office, may designate area agencies in cities of not less than twenty thousand population or in regional areas within the state. These agen-



cies shall submit area plans, as required by the department. They shall also submit, in the manner prescribed by the department, such other program or fiscal data as may be required.

(4) The department, through the office, shall develop an annual state plan pursuant to the Older Americans Act of 1965, as now or hereafter amended. This plan shall include, but not be limited to:

- (a) Area agencies' programs and services approved by the office;
- (b) Other programs and services authorized by the department; and
- (c) Coordination of all programs and services.

(5) The department shall establish rules and regulations for the determination of low income eligible persons. Such determination shall be related to need based on the initial resources of the person entering into a program or service and subsequent income. This determination shall not prevent the eligible person from utilizing a program or service provided by the office or area agency. However, if the determination is that such eligible person is nonlow income, the provision of section 5 of this act shall be applied as of the date of such determination.

*NEW SECTION.* Sec. 4. The community based services for low income eligible persons provided by the department or the respective area agencies may include, but need not be limited to:

(1) Access services designed to provide identification of eligible persons, assessment of individual needs, reference to the appropriate service, and follow-up service where required. These services shall include information and referral, outreach, transportation and counseling;

(2) Day care offered on a regular, recurrent basis. General nursing, rehabilitation, personal care, nutritional services, social casework, activities, mental health as provided pursuant to chapter 71.24 RCW and/or limited transportation services may be made available within this program;

(3) Night services offered on a regular, recurrent basis which provide therapeutic programs at other than regular working hours;

(4) In-home care for persons, including basic health care; performance of various household tasks and other necessary chores, or, a combination of these services;

(5) Counseling on death for the terminally ill and care and attendance at the time of death; except, that this is not to include reimbursement for the use of life-sustaining mechanisms;

(6) Health services which will identify health needs and which are designed to avoid institutionalization; assist in securing admission to medical institutions or other health related facilities when required; and, assist in obtaining health services from public or private agencies or providers of health services. These services shall include periodic health screening and evaluation, in-home services, health education, and such health appliances which will further the independence and well-being of the person;

(7) The provision of low cost, nutritionally sound meals in central locations or in the person's home in the instance of incapacity. Also, supportive services may be provided in nutritional education, shopping assistance, diet counseling and other services to sustain the nutritional well-being of these persons;

(8) The provisions of services to maintain a person's home in a state of adequate repair, insofar as is possible, for their safety and comfort. These services shall be limited, but may include housing counseling, minor repair and maintenance, and moving assistance when such repair will not attain standards of health and safety, as determined by the department;

(9) Civil legal services, as limited by RCW 2.50.100, for counseling and representation in the areas of housing, consumer protection, public entitlements, property, and related fields of law.

*NEW SECTION.* Sec. 5. The services provided in section 4 of this act may be provided to nonlow income eligible persons. The department shall establish a fee schedule based on the ability to pay and graduated to full recovery of the cost of the service provided; except, that nutritional services provided in section 4 of this act shall not be based on need.

*NEW SECTION.* Sec. 6. The department may establish the foster grandparent, senior companion and retired senior volunteer programs funded under the Federal Volunteer Agency (ACTION) (P.L. 93-113 Title II) which provide senior citizens with volunteer stipends, out-of-pocket expenses, or wages to perform services in the community.

*NEW SECTION.* Sec. 7. The department shall develop a policy which will assist families to maintain aged members within the home. This policy shall include those day care or in-home services which will provide respite and relief, particularly when the eligible person is ill or physically disabled.

This policy shall be submitted to the legislature as a legislative proposal not later than January 21, 1977, and it shall contain provisions for subsidies as incentives to attain this goal.

*NEW SECTION.* Sec. 8. Sections 1 through 7 of this act shall be known and may be cited as the "Senior Citizens Services Act".

*NEW SECTION.* Sec. 9. In the event federal funds are applied for for the purposes of obtaining a demonstration project relative to the implementation of this chapter, the department shall submit the demonstration proposal first to the social and health services standing committees of the legislature for review and approval and to the ways and means standing committees of the legislature for review and approval as to costs.

*NEW SECTION.* Sec. 10. Sections 1 through 9 and section 12 of this act shall constitute a new chapter in Title 74 RCW.

*NEW SECTION.* Sec. 11. There is hereby appropriated to the department from the general fund five million six hundred thousand dollars from federal sources to carry out the provisions of this act; except, that for matching purposes not less than ten percent of that amount, from currently appropriated state general funds to the department, may be used. Not more than 13.0 FTE's are authorized to carry out the purposes of this act.

*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."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Fleming, Grant, Lewis (Harry), Marsh, Rasmussen, Washington, Woody.

The bill was read the second time by sections.

Senator Donohue moved adoption of the committee amendment.

Debate ensued.

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

On page 5, line 24, after "Title II)" insert "; or its successor agency,"

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

On page 6, line 16, after "used" insert "; except that \$15,000 shall be made available from the general fund upon passage of this bill for funding the Island County Nutritional Project to July 1, 1976"

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Woody, you are my favorite lawyer. You stand up for the people and sit down for the judges, and that is good. I wish to ask you a technical question, Senator Woody. Senator Wanamaker's amendment has a very good purpose. If we changed that so that it provides that the state department of social and health shall take over these programs at the local level, that would then handle it, wouldn't it?"

Senator Woody: "There is an easier way and that is you can say provided that fifteen thousand dollars shall be used by the department of social and health services for purposes of a continuation of the Island County nutritional projects. That is the same language we used with Yakima, Clark County, Snohomish County and Pierce and King counties for their various projects on — like the Clark County diversion program. That is the sort of language you can use because then you are appropriating two DSA chests

with a proviso that says that they shall use it for a continuation of the following projects."

Senator Rasmussen: "Thank you, Senator Woody."

Senator Herr moved the amendment by Senator Wanamaker to the committee amendment be laid upon the table.

The motion by Senator Herr failed on a rising vote.

#### MOTION

On motion of Senator Francis, Reengrossed Second Substitute House Bill No. 1316, together with the pending amendments, was ordered held for further consideration March 15, 1976.

#### MOTION

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

#### MOTION

At 7:30 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, March 15, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SEVENTIETH DAY

### MORNING SESSION

Senate Chamber, Olympia, Monday, March 15, 1976.

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

The Color Guard, consisting of Pages Steve Grant and Wendy Ewing, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"O CREATOR WHOSE CARE FOR CREATURE AND WORLD CONTINUES, WE CELEBRATE YOUR PATIENCE. ONE DAY IN YOUR SIGHT IS AS A THOUSAND YEARS, A THOUSAND YEARS AS ONE DAY. WE CONFESS OUR FRUSTRATIONS AT THE SHORTNESS OF HUMAN EXISTENCE AND THE INTRACACIES OF HUMAN DECISIONS. GRANT TO US THE GIFT OF PATIENCE, THE ABILITY TO TAKE UPON OURSELVES ONE DAY'S TASK WITH

THE WEIGHT OF A THOUSAND YEARS OF HISTORY AND NOT DESPAIR. PERMIT US TO SEE IN OUR PLODDING STEPS THE PATH TO MAKE THIS DEMOCRACY LIVE AND GROW. THEN TRANSFORM OUR PATIENCE INTO THOUGHTFUL ACTION."

## MOTION

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

## MESSAGES FROM THE HOUSE

March 14, 1976.

Mr. President: The House has passed SECOND SUBSTITUTE HOUSE BILL NO. 1488, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 14, 1976.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1343, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

March 14, 1976.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 3261.

## MOTION

At 11:15 a.m., on motion of Senator Bailey, the Senate was declared to be at ease subject to the Call of the President.

The President called the Senate to order at 12:20 p.m.

## MOTION

At 12:20 p.m., on motion of Senator Walgren, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

## MOTIONS

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

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1976-238.

On motion of Senator Woody, Senators Woody and von Reichbauer were permitted as additional sponsors to Senate Resolution 1976-238.

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

## SENATE RESOLUTION 1976-238

By Senators Goltz, Morrison, North, Beck, von Reichbauer and Woody:

WHEREAS, Our Nation was created two-hundred years ago through the efforts of volunteers — the Minutemen, the Committees on Correspondence, and General George Washington's Revolutionary Army; and

WHEREAS, The spirit of volunteer service, of neighbors helping neighbors, was a major contributor to the development of the country across the plains and to the Pacific; and

WHEREAS, That same spirit exists today in the state of Washington where it is estimated that volunteers contribute more than one billion dollars worth of services annually to communities and citizens of our state; and

WHEREAS, Volunteering provides opportunities for personal growth, and satisfaction for every citizen; and

WHEREAS, State agencies and local units of government increasingly recognize the value of volunteers in partnership for meeting the needs of our citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commends the many thousands of volunteers in this state for their dedication and service, and endorses the week of May 16 to 23, 1976 as VOLUNTEER WEEK 1976 in our Bicentennial Year.

### MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1976-257.

Senator Von Reichbauer moved adoption of the following resolution:

#### SENATE RESOLUTION 1976-257

By Senators von Reichbauer and Walgren:

WHEREAS, The health and safety of our citizens is a matter of vital concern; and

WHEREAS, It is in the public interest to promote the health, safety and welfare of minor children in the state of Washington; and

WHEREAS, Alcoholism has been recognized by the legislature as a disease and treatment thereof mandated pursuant to Chapter 70.96A RCW; and

WHEREAS, Drinking by minors is becoming a major problem in the state of Washington; and

WHEREAS, There exists a need to determine whether or not the existing programs, facilities and statutes of the state are adequate to cope with this problem; and

WHEREAS, Many programs carried on by the state involve numerous entities of government, including the schools, the health departments and various alcoholism programs; and

WHEREAS, There exists a need to determine proper standards, remedies and programs that should be established by appropriate legislation that involve the problem of drinking by minors in the state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington that the Senate Committee on Social and Health Services be directed to conduct a study of the problem of alcoholism as it involves minors in the state of Washington, in particular concentrating upon the correlation between programs and statutory enactments to facilitate the resolution of this problem and other facets incidental thereto; and

BE IT FURTHER RESOLVED, That the Superintendent of Public Instruction, the Washington State Liquor Control Commission and the department of Social and Health Services are requested to provide such assistance as may be needed in connection with such study.

### POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Walgren yield to a question? I noticed that most of the resolutions that you have held and have not acted on on the floor are study resolutions. Is that the procedure you have been adopting?"

Senator Walgren: "I am not sure I understand your question, Senator Lewis."

Senator Lewis (Harry): "Senator, you have a packet of resolutions that I assume were looking forward to adopting at the close of the session. . . ."

Senator Walgren: "Right."

Senator Lewis (Harry): "I observed that a number of those had to do with studies by various committees and so forth."

Senator Walgren: "Correct."

Senator Lewis (Harry): "And so I am not really objecting to the resolution in front of us but if you have established that procedure, I was wondering why we are now considering Senate Resolution 257?"

Senator Walgren: "Because Senate Resolution 257 was just recently put on our desks and not included in this list and I thought we would get it out of the way. It is a noncontroversial matter and is one on which we would not have to spend much time. I thought, Senator Lewis, we would go to some of these in the blue packet on your desk."

The motion by Senator von Reichbauer carried and the resolution was adopted.

#### MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1976-209.

Senator Sandison moved adoption of the following resolution:

#### SENATE RESOLUTION 1976-209

By Senators Sandison, Goltz, Benitz, Odegaard, Scott, Guess and Donohue:

WHEREAS, It is the policy of the State of Washington to compensate its employees at the prevailing rate for similar work performed in other comparable jurisdictions as determined by periodic surveys; and

WHEREAS, There is a continuing need for consistent reliable salary survey information for faculty of the public universities, state colleges and community colleges to guide the legislature in determining appropriate compensation levels;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Council for Postsecondary Education develop appropriate salary survey procedures to separately determine prevailing wage rates for faculty of the four-year institutions of higher education, and of the state community colleges, such surveys to include information on faculty salaries and fringe benefits from appropriate public institutions in other states which are deemed to be comparable to Washington institutions in size, complexity and scope of programs and shall meet qualitative guidelines established by the Council;

BE IT FURTHER RESOLVED, That the surveys shall be conducted under the direction of the Council and the survey findings are to be reported by the Council, by November 15 of each year, to the Ways and Means and Higher Education Committees of the House and Senate and to the Office of Program Planning and Fiscal Management;

BE IT FURTHER RESOLVED, That the State Board for Community College Education and the public universities and colleges be requested to cooperate in the development and execution of the surveys;

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted immediately upon adoption by the Secretary of the Senate to the House of Representatives, the Council for Postsecondary Education, the State Board for Community College Education, and the public universities and four-year colleges in the state.

#### POINT OF INQUIRY

Senator Lewis (Harry): "I wonder if Senator Sandison would yield? Senator Sandison, in regard to salary survey procedures, are you asking them to compare just with other institutions and/or other states, or just what is the scope of the resolution in that regard?"

Senator Sandison: "We are asking them to come up with a report and based on what their findings, we are not necessarily restricting them to other states. We ask them to first look at the state. If they cannot find enough information there and enough comparability, then of course they would go to other states and very possibly, other states than we have in our traditional salary survey comparison."

Senator Lewis (Harry): "Senator, in the past here in the legislature, we have looked at comparisons presented by various institutions of higher education in this state where they have compared their salaries to other states. There has been considerable discussion as to the relevance of these other states as they would bear upon the state of Washington. I note that you have no instruction and are leaving this entirely open to the council. Are you satisfied that they will carefully screen the other states that they are going to utilize to the satisfaction of the legislature?"

"I am concerned about if they included a Harvard or a public or private . . . I am sorry, I see that language. Thank you."

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

#### MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1976-223.

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

#### SENATE RESOLUTION 1976-223

By Senators Washington, Talley and Morrison:

WHEREAS, Time is drawing closer and closer that our fuel requirements will become prioritized for mass transportation needs; and

WHEREAS, The need for a viable rail transportation system throughout this country should be exploited to its fullest; and

WHEREAS, Greater emphasis should be placed on additional rail service throughout our country; and

WHEREAS, In order to reduce auto fuel consumption to provide more rail service routes; and

WHEREAS, Full rail service to all points in Washington State should be reinstated to provide a service enjoyed for many years;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington emphasizes the administration's need for a fast convenient rail passenger service which would bring about energy savings much needed in this country; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and he is hereby directed to transmit a copy of this resolution to the Honorable Warren G. Magnuson, the Speaker of the United States House of Representatives, each member of Congress from the State of Washington, and to the United States Secretary of Commerce.

#### MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1976-228.

Senator Sandison moved adoption of the following resolution:

#### SENATE RESOLUTION 1976-228

By Senators Odegaard, Sandison, Guess and Benitz:

WHEREAS, Senate Bill No. 3031, which was introduced in January, 1976, proposed to exempt members of the Washington National Guard from the payment of fifty percent of any tuition charge; and

WHEREAS, Such entitlement was to be continuous so long as the member of the Washington National Guard maintained satisfactory performance with the Guard and pursued his courses of study in such institution in a manner which satisfied the normal performance of the institution; and

WHEREAS, The National Guard contends that tuition assistance would be one of the most attractive incentives for nonprior service enlistments and retention in the Guard; and

WHEREAS, It has been proposed that Senate Bill No. 3031 is a revenue producing bill for the state of Washington because it would supposedly increase the inflow of federal funds to our state;

NOW, THEREFORE, BE IT RESOLVED, That the Council for Postsecondary Education review Senate Bill No. 3031 to determine the impact the bill would have on the state; and

BE IT FURTHER RESOLVED, That the Council's review include, but not be limited to, a study of (1) the fiscal impact of this legislation on the state as well as the individual institutions of higher education; (2) existing tuition waiver programs for the Guard in other states; (3) exemptions for the Guard with respect to the treatment of other special interest groups; and (4) alternative proposals for offering educational benefits to Washington National Guard members; and

BE IT FURTHER RESOLVED, That the Council for Postsecondary Education report its findings and recommendations to the Higher Education Committee and the Washington State Senate on or before December 1, 1976; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted upon adoption by the Secretary of the Senate to the House of Representatives and the Council for Postsecondary Education.

#### POINT OF INQUIRY

Senator Lewis (Harry): "Senator Sandison, does this bill include community colleges?"

Senator Sandison: "Yes, it does. It would speak only to higher education — to postsecondary education. Community college is part of that system."

Senator Lewis (Harry): "What is the reason or pressure for this? Is this pressure from the guard itself?"

Senator Sandison: "Yes, it is."

Senator Lewis (Harry): "They are requesting this?"

Senator Sandison: "It was Senator Woody's bill. They came before us with General McGee of the national guard and said it would be a great recruiting aid to them and it would also be a morale factor in having people continue as members of the guard. However, the committee did not see fit to pass the bill so we did decide to have a study on it."

#### POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Woody yield? Senator Woody, do you have any idea what the average earnings are for the enlisted men in the guard per month?"

Senator Woody: "I can only tell you I spent nine years with them and my average earnings back then were under three hundred dollars per month."

Senator Lewis (Harry): "Was this your full time job while you were in the guard?"

Senator Woody: "My full-time job?"

Senator Lewis (Harry): "Yes."

Senator Woody: "No, I was earning — what did we earn then — fifty-five dollars per month when we were . . . ."

Senator Lewis (Harry): "Mostly what I am trying to get at, do most of the national guard members have another profession or business or employment? Is this not in addition to their normal regular earnings?"

Senator Woody: "Some of them are in school, like in high school, as I was when I joined at age fifteen. Some of them are in community college or college, and in the non-commissioned areas and officer areas you get older — you tend to be out of education and hopefully are employed. Most of them are."

Senator Lewis (Harry): "Most of those in the national guard, as I understand it, here in Olympia, work in other places. For example, Leo Sweeney is the local Teamster business agent and he has been a member of the national guard for years and this is additional compensation and work for him but he does it on a part-time basis. One other question, if you would yield, Senator Woody."



"I would like you to distinguish between a needy national guardsman who, because he joins and provides a service and is paid at least in part for that service, in addition to the training he receives in the guard — if you could distinguish between his need and the need of a group of people in Yelm or Rainier or Tenino who are earning four, five, six hundred dollars a month, who cannot afford to send their children to community college or to the university. How do you justify giving a national guardsman this cut in tuition and forget about those other needy people?"

#### POINT OF ORDER

Senator Walgren: "Point of order, Mr. President. I raise the question whether or not Senator Lewis is discussing the merits of a bill that might come out here after a study. This is simply a study resolution asking this group to come back with a recommendation at which time Senator Lewis can present to the floor of the Senate all of his very fine arguments against the national guard, if that be his desire."

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

#### MOTIONS

On motion of Senator Sandison, the Senate commenced consideration of Senate Resolution 1976-230.

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

#### SENATE RESOLUTION 1976-230

By Senators Sandison, Odegaard, Donohue, Benitz, Guess, Scott and Goltz:

WHEREAS, The Northwest Association of Schools and Colleges is a private voluntary organization for the development of improved relations and educational quality among and within secondary and higher educational institutions; and

WHEREAS, The Northwest Association has assumed and is recognized as possessing regional responsibility for evaluating and accrediting Washington-based postsecondary educational institutions; and

WHEREAS, While the participation of postsecondary educational institutions in the Northwest Association's accreditation process is voluntary, their eligibility for various tax benefits and student assistance programs, and to a great extent the capacity of their students to transfer credits, is contingent upon accreditation by the Northwest Association;

NOW, THEREFORE, BE IT RESOLVED, That the Council for Postsecondary Education undertake a study of the role of the Northwest Association of Schools and Colleges in the certification of postsecondary educational institutions operating in Washington; and

BE IT FURTHER RESOLVED, That the Council include in its study a review of the accreditation process as it relates to (a) the variety of postsecondary educational enterprises operative in the state, (b) the desirability of non-education representatives in the accreditation process, (c) the effectiveness of accreditation, or the lack thereof, as a means of control of consumer abuses in postsecondary education, and (d) the relationship of accreditation to new and innovative degree programs and educational delivery systems in the state; and

BE IT FURTHER RESOLVED, That the Council for Postsecondary Education report its findings and recommendations to the Senate Committee on Higher Education on or before December 1, 1976; and

BE IT FURTHER RESOLVED, That the Senate Committee on Higher Education review the information provided by the Council and study any effect the actions of the Northwest Association of Schools and Colleges has on policy formation in postsecondary education institutions in Washington; and

BE IT FURTHER RESOLVED, That the Senate Committee on Higher Education report its findings and recommendations to the Washington State Senate on or before January 1, 1977; and

BE IT FURTHER RESOLVED, That the Northwest Association of Schools and

Colleges and the State Board for Community College Education be requested to cooperate in these studies; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transferred immediately upon adoption by the Secretary of the Senate to the House of Representatives, the Northwest Association of Schools and Colleges, the State Board for Community College Education, and to the Council for Postsecondary Education.

#### MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1976-232.

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

#### SENATE RESOLUTION 1976-232

By Senators Sandison, Scott, Benitz, Donohue, Odegaard and Guess:

WHEREAS, Public school enrollment in the state of Washington has been declining since 1968 due to the decline in the number of births which began in 1962; and

WHEREAS, The number of classroom teachers employed in the public schools in the state of Washington has decreased since 1970; and

WHEREAS, Five public and nine private institutions in this state train teachers; and

WHEREAS, The number of graduates of the departments of education of Washington's universities and colleges who have been able to find employment as teachers has declined in the past several years; and

WHEREAS, There exists a possible oversupply of teachers for the number of teaching positions available in the state of Washington and in other states as well; and

WHEREAS, The Washington State Legislature is concerned about the number of unemployed teachers in the state;

NOW, THEREFORE, BE IT RESOLVED, That the Council for Postsecondary Education be directed to examine the situation relating to teacher unemployment and to study the feasibility of closing at least one of the departments of education now in existence in the state public institutions of Central Washington State College, Eastern Washington State College, the University of Washington, Washington State University, and Western Washington State College. Consideration should be taken by the Council of factors such as the geographical location of the institutions and the areas served by the institutions as well as the immediate problem of teacher unemployment. The Council should also consider the possibility of transferring faculty from any institution affected to other institutions, as well as the alternate use of facilities in the event any department is closed, with particular attention to avoiding the need for additional facilities as a result of any closure; and

BE IT FURTHER RESOLVED, That the Superintendent of Public Instruction be particularly requested to cooperate and assist in this study; and

BE IT FURTHER RESOLVED, That Central Washington State College, Eastern Washington State College, Western Washington State College, the University of Washington, Washington State University, and the private institutions having education departments also be requested to cooperate in this study; and

BE IT FURTHER RESOLVED, That the Council for Postsecondary Education report its findings and recommendations to the Senate Committee on Higher Education on or before December 1, 1976; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transferred immediately upon adoption by the Secretary of the Senate to the House of Representatives, the Council for Postsecondary Education, the Superintendent of Public Instruction, Central Washington State College, Eastern Washington State College, Western Washington State College, the University of Washington, Washington State University, and the private institutions of higher education offering teaching credentials.

## MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1976-233.

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

## SENATE RESOLUTION 1976-233

By Senators Sandison, Goltz, Odegaard, Donohue, Benitz and Guess:

WHEREAS, The Washington State Senate supports continued efforts to encourage relationships between the North American countries; and

WHEREAS, The ability to share cultural values is an asset that our two countries have; and

WHEREAS, One way to encourage relationships is through the offering of courses in the respective colleges and universities covering such topics as the history and contemporary problems of the neighboring country;

NOW, THEREFORE, BE IT RESOLVED, That the Council for Postsecondary Education survey courses offered in institutions of higher education in Washington, covering such areas as Canadian problems, government, history, natural resources, etc.; and

BE IT FURTHER RESOLVED, That the Council for Postsecondary Education (1) compile a comprehensive inventory of courses covering Canadian subject matter, and (2) include in their study recommendations for the development of additional courses that should be made available to students in higher education institutions; and

BE IT FURTHER RESOLVED, That the public and private institutions of higher education in this state be requested to cooperate in this study; and

BE IT FURTHER RESOLVED, That the Council for Postsecondary Education report its findings and recommendations to the Senate Committee on Higher Education on or before December 1, 1976; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be transferred immediately upon adoption by the Secretary of the Senate to the House of Representatives, the Council for Postsecondary Education, Washington Friends of Higher Education, and the public and private institutions of higher education in this state.

## MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1976-235.

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

## SENATE RESOLUTION 1976-235

By Senators Talley, Peterson and Morrison:

WHEREAS, It is the responsibility of the State of Washington to promote the health, safety, and welfare of its citizens; and

WHEREAS, Electric, natural gas, and telephone utilities are vital services contributing to the preservation of the overall public health, safety, and welfare; and

WHEREAS, Inflation has caused rates for utility services to increase dramatically during the past few years; and

WHEREAS, Such increased rates have worked a substantial hardship on many citizens of this state, especially the poor, and the elderly on fixed incomes; and

WHEREAS, Many alternative rate structures for utility services are now being proposed;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Transportation and Utilities committee undertake a study of the feasibility and desirability of implementing lifeline rate structures among various classes of utility customers and alternative methods of funding such rate structures;

BE IT FURTHER RESOLVED, That the Senate Transportation and Utilities Committee report the results of its findings and its recommendations to the 1977 session of the Legislature.

## MOTION

At 2:40 p.m., on motion of Senator Walgren, the Senate recessed subject to the Call of the President.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 4:45 p.m.

## MOTION

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

## MOTION

On motion of Senator Walgren, the Senate resumed consideration of Engrossed Second Substitute House Bill No. 1316.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1316, by Committee on Ways and Means—Appropriations (originally sponsored by Representatives Fortson, Bauer, Adams, Bagnariol, Boldt, Charnley, Charette; Cochrane, Ehlers, Eng, Erickson, Fischer, Gaines, Gallagher, Greengo, Hansen, Hansey, Hurley (Margaret), Kalich, Knowles, Laughlin, Leckenby, Lee, Lux, Martinis, Maxie, May, McCormick, Moon, Moreau, Nelson, North, O'Brien, Parker, Peterson, Sherman, Shimpoch, Smith (Rick), Tilly, Warnke, Williams and Wojahn):

Authorizing state funding of senior citizens' nutrition program.

The Senate resumed consideration of Engrossed Second Substitute House Bill No. 1316. On March 14, 1976, the committee amendment was moved for adoption. An amendment by Senators Donohue and Rasmussen to the committee amendment was adopted. Senator Wanamaker had moved adoption of an amendment to page 6, line 16.

There being no objection, the amendment by Senator Wanamaker to the committee amendment was withdrawn.

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

On page 3, line 11, after "chapter" insert "but shall avoid duplication of services"

## POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Wanamaker yield? Senator Wanamaker, are you satisfied that your problem is solved in withdrawing that amendment?"

Senator Wanamaker: "Yes, Senator Lewis. I met this morning with a member of the department and Senator Donohue. We found that the problem could be taken care of within the department, so I withdrew the amendment."

## POINT OF INQUIRY

Senator Mardesich: "Will Senator Wanamaker yield to a question? Senator, is there any indication that he would treat all of us equally, or . . . ?"

Senator Wanamaker: "We did not discuss any other problems. We only spoke of the one and so what other problems there are, I don't know anything about and that is up to the department."

Senator Pullen moved adoption of the following amendment by Senators Pullen, Rasmussen, Benitz and Gould to the committee amendment:

On page 4, section 4, line 1, strike ", but" and insert "and", also strike "need not" and insert "shall"

Debate ensued.

## POINT OF INQUIRY

Senator Washington: "Would Senator Day yield to a question? Do you strongly feel that without this language there is danger that we would not get federal funds for the program?"

Senator Day: "I think that having discussed this with a person who talked to Senator Magnuson's office this morning and said that until he saw the form the bill was in that they are supposed to be funding a pilot program. Now, if all we are going to do is narrow this down to those programs which are already being conducted under title twenty with local government, then there won't be any possibility of the federal government wanting to fund the program as a pilot which is already functioning. So that was the reason why I did not offer that particular amendment myself because I want this to be tight. I want the department to be responsive to the wish of this legislature and particularly this Senate. So I just felt that possibly what we are doing is constricting it in a manner that we, ourselves, could choose what elasticity, if any, we want to give to the program. This way we have locked it into the statute and that's it and if the federal government can't buy what we have in the statute, we are out."

Senator Washington: "Could you point out the specific language again where you think this would have control over the regulations proposed by the department?"

Senator Day: "Section nine, 'in the event the federal funds are applied for — for the purposes of obtaining a demonstration project relative to the implementation of this chapter — the department shall submit the demonstration proposal first to the social and health services standing committees for review and approval' it says. So, they don't just let us review them. We must approve them. Same thing with the ways and means standing committees which have to review and approve them. That is all of those committees and that is a majority of the legislature. That is why I felt that this would be adequate."

"Now, apparently, the department's track record makes people feel that is not adequate and certainly I have not always agreed with them, as you know."

#### POINT OF INQUIRY

Senator Washington: "Senator Guess, would you yield? Senator Guess, by that explanation of Senator Day's, doesn't it appear that both your fears and mine would be taken care of by the rules and regulations being brought back as provided there in section nine in the termination of the act?"

Senator Guess: "Senator Washington, the language of section nine is so written, let me just tell you exactly. It says 'in the event federal funds', now who in Heaven's name doesn't think that the funds are going to be applied for? If the language is going to say that when the department gets the money, this will be a demonstration project but it does not say that. It says in the event federal funds are applied for."

Senator Washington: "Well, don't you think that the department is going to apply for them?"

Senator Guess: "Sure, they are. They will probably be jumping over the hoop when we get out of here this afternoon, if we pass this bill, start to write the application up for the funds. That does not tie to anything. The way that clause is written it does not tie it down and make it mandatory that they bring the funds back to us. It says 'in the event'. I have never heard of such loose language."

#### POINT OF INQUIRY

Senator Washington: "I will repeat the question asked by Senator Guess to Senator Day."

Senator Day: "Of course, the answer is very simply right here, Senator Guess. In section eleven because after we get the amendment on that it will read 'there is hereby appropriated to the department from the general fund, five million six hundred thousand dollars from federal sources to carry out the provisions of this act except that for matching purposes' and I have an amendment which will limit it to one million, nine hundred thousand, 'from currently appropriated state general funds to the department may be used.'

"We are making them eat that one point nine million so it is very possible that they are not going to apply because they are going to have to cough up one point nine million from the present appropriation without any additional appropriation if this passes."

"So, what we are saying here, that is the reason for that particular language. Now, I also understand, Senator Washington, that the Older Americans Act is much more inclusive than ours, much more. That was the reason this was written that way."

Further debate ensued.

#### REMARKS BY SENATOR GUESS

Senator Guess: "I would like to reply to Senator Day. Senator Day, in the ways and means committee last week, I think we sat there some thirteen hours on Wednesday — I believe it was the third of March — when we had the provision in the budget that was going to require that each of the departments would scale down their operations by two percent, we were told then that that would cost the department thirty million dollars. They would have to lay off three thousand people. We shifted that and I am not quite sure exactly how much but I think that we came out and said that that program would cost the department fifteen million dollars.

"We were facing ratable reductions in the department. We cheated the nursing homes out of how many millions? Ten million dollars last year because we did not pay them the going price for care.

"Senator Day, you screamed your head off on this floor asking for another ten or eleven million dollars for the nursing homes. Eleven million. Now, we did not give them the eleven million dollars. The nursing homes are going broke by the dozens. They are going to be kicking these people out on the streets and here we are, we are going to start another program and tell them to eat one point nine million dollars. What if they are already short fifteen to twenty million dollars? Now you are going to ask them to short another two million dollars.

"I think the most tragic thing we can do on this floor is to defraud, to delude, to mislead and to misguide the old people. That is what we are doing today. We are saying, 'Here, you can have this nice, beautiful plum but it is completely rotten on the inside. There is nothing there'.

"Members of the Senate, we are about to perpetuate one of the worst frauds on the old people we could possibly do. We are going to say to them, 'We have started this bright, beautiful new program. We are going to solve all your problems. We are going to come to your homes, we are going to make those repairs, we are going to stop those leaking faucets if the federal government comes up with the money.' If the department can eat two million dollars, if they can take it away from the nursing homes and those old people in there now that are being held in absolute bondage to the department of social and health services.

"Further, it is really a trick on the people that we would pass this thing. We would be standing here at five fifteen on the seventieth day of this session."

#### POINT OF INQUIRY

Senator Jones: "Would Senator Guess yield to a question? There is still a lot of concern about the state getting into the nursing home business. Do you think it would be possible that through federal funding they might be able to get into the nursing home business through this act?"

Senator Guess: "Senator Jones, I would have to read this rather loosely if I said that. But it says that the in-home care now, and it also says that the provisions of services to maintain a person's home in a state of adequate repair insofar as possible for their safety and comfort might lead them to conclude that they were not able to do it in the old homes that these people have. They would be back down here next time for a clutch of houses for us to build so they could take care of them easier."

Senator Herr demanded a roll call and the demand was sustained by Senators Washington, Talley, Stortini, Beck, Day, Francis, Wanamaker, Gould and Mardesich.

The President declared the question before the Senate to be the roll call on the amendment by Senators Pullen, Rasmussen, Benitz and Gould to the committee amendment.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was

not adopted by the following vote: Yeas, 19; nays, 25; absent or not voting, 1; excused, 4.

Voting yea: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Morrison, Murray, Newschwander, North, Pullen, Rasmussen, Scott, Sellar, Wilson—19.

Voting nay: Senators Beck, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Knoblauch, Marsh, Odegaard, Peterson, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—25.

Absent or not voting: Senator Bailey—1.

Excused: Senators Keefe, Matson, McDermott, Ridder—4.

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

On page 5, line 14, after "persons" insert ": PROVIDED, That volunteer workers and public assistance recipients shall be utilized to the maximum extent possible to provide the services provided in section 4 of this act: PROVIDED FURTHER, That when volunteer workers and public assistance recipients are not available, the department shall utilize the bid procedure pursuant to chapter 43.19 RCW for providing such services to low income and non-low income persons whenever the services to be provided are available through private agencies at a cost savings to the department"

There being no objection, the amendment by Senators Guess and Gould to page 5, line 12 to the committee amendment, was withdrawn.

There being no objection, the amendment by Senator Day to page 6, line 8 to the committee amendment, was withdrawn.

On motion of Senator Mardesich, the following amendments to the committee amendment were adopted:

On page 5, after line 11, insert:

"Sections 1 through 9 and section 11 of this act shall constitute a new chapter in Title 74 RCW and shall terminate January 1, 1978."

On page 6, strike new section 10 and renumber remaining sections.

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

On page 6, line 14, strike "not less than ten percent of that amount" and insert "one million nine hundred thousand dollars"

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

#### MOTIONS

On motion of Senator Morrison, Senators Clarke, Jones and Lewis (R. H. "Bob") were excused.

On motion of Senator Day, the rules were suspended, Engrossed Second Substitute House Bill No. 1316, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1316, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 6; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Marsh, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—36.

Voting nay: Senators Cunningham, Gould, Guess, Mardesich, Pullen, Scott—6.

Excused: Senators Clarke, Jones, Keefe, Lewis (R. H. "Bob"), Matson, McDermott, Ridder—7.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1316, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MESSAGE FROM THE HOUSE

March 14, 1976.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 1343,

HOUSE BILL NO. 1364, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1343,

HOUSE BILL NO. 1364.

#### MOTION

At 5:50 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Tuesday, March 16, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



**SEVENTY-FIRST DAY****MORNING SESSION**

Senate Chamber, Olympia, Tuesday, March 16, 1976.

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

The Color Guard, consisting of Pages Dale Olson and Sheryl Jones, presented the Colors. Reverend Leslie G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"FOR YOU, GREAT FATHER OF ALL, THE QUALITY OF MERCY IS NEVER STRAINED. FOR US, AS WE TIRE FROM PROLONGED EFFORT, WE STAND IN DANGER OF LOSING PERSPECTIVE. GRANT TO US A SPECIAL MEASURE OF ENERGY, TO PERFORM TASKS WITH A FRESHNESS AS NEW AS THIS DAY. SUBVERT EVEN OUR LEGITIMATE PARTISAN CONCERNS BY PERMITTING US TO SEE IN OUR BROTHERS AND SISTERS THEIR GOODNESS, AND THUS THEIR GOOD CONCEPTS. TAKE FROM US BRANDS AND CATEGORIES OF POLITICAL CIRCLES, THAT COULD LEAD TO PREJUDICE. RENEW US WITH YOUR GIFTS, THAT ON THIS DAY WE MAY COOPERATE WITH YOU AND EACH OTHER IN CREATING A CLIMATE AND A LEGISLATION FOR THE GOOD OF ALL. AMEN."

**MOTION**

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

**MESSAGES FROM THE HOUSE**

March 16, 1976.

Mr. President: The House has passed:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1282,  
 ENGROSSED HOUSE BILL NO. 1322,  
 ENGROSSED HOUSE BILL NO. 1355,  
 SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 46, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 15, 1976.

Mr. President: The Speaker has signed:  
 SENATE BILL NO. 2989,  
 SENATE BILL NO. 3261, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 15, 1976.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1544, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

## INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1282, by Committee on Social and Health Services (originally sponsored by Representatives Tilly and Barnes):

Authorizing payment of \$150,000 to the beneficiary or dependent of any person killed by a person lawfully absent from a state correctional or mental institution.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 1322, by Representatives Douthwaite and Lux:

Authorizing limitation of on-street parking to vehicles carrying a minimum number of passengers.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 1355, by Representatives Sommers and Dunlap (by State Productivity Council request):

Implementing law relating to the state employee suggestion program.

Referred to Committee on State Government.

SECOND SUBSTITUTE HOUSE BILL NO. 1488, by Committee on Ways and Means (originally sponsored by Representatives Erickson, Bagnariol, Randall and Laughlin):

Reforming school excess levy collections and providing state supplemental payments.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 46, by Committee on Social and Health Services (originally sponsored by Representatives Becker, Peterson, Fischer, Deccio, Hanna and Adams):

Resolving that certain changes be implemented in the office of juvenile rehabilitation of DSHS.

Referred to Committee on Social and Health Services.

## MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of the House Message on Senate Bill No. 3077.

## MESSAGE FROM THE HOUSE

March 13, 1976.

Mr. President: The House has passed SENATE BILL NO. 3077, with the following amendments:

On page 1, line 3 of the title after "RCW 88.16.090" insert "and declaring an emergency"

On page 1, after Section 1, add a *NEW SECTION*. Sec. 2 to read as follows:

"This 1976 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 29, after "account." insert the following:

"No pilot licensed pursuant to this section shall be in any manner fined, suspended, or censured by any association or board for having participated with or served on any commission, board or other agency related to pilotage or the waters of Washington state, or for having testified before any standing committee, subcommittee or select committee of the Washington state legislature.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

Senator Bottiger moved the Senate do concur in the House amendments to Senate Bill No. 3077.

## POINT OF ORDER

Senator Talley: "Mr. President, speaking against the amendment and raising the scope and object of the amendment, we passed this bill in the Senate forty-four to nothing and that same amendment was offered here. So I think it completely enlarges the scope and object of the bill and it should take the course of a new bill."

## PARLIAMENTARY INQUIRY

Senator Bailey: "Parliamentary inquiry. Then if we reject, if scope and object is an issue, the bill then is killed."

## REPLY BY THE PRESIDENT

The President: "Pursuant to rule sixty, depending on the decision, the bill would be assigned to the Senate committee on transportation and utilities."

## RULING BY THE PRESIDENT

The President: "In ruling on the point of order as raised by Senator Talley, the President finds that Senate Bill No. 3077 is a measure which pertains to the residence requirements and fees in connection with a pilot's license. The amendment of the House of Representatives, however, pertains to neither of these subjects but on the other hand places restrictions on what activities may be the basis of fines, suspension or censure of pilots. Therefore, as previously ruled by President Pro Tempore Henry, this amendment does enlarge the scope and object of the bill and pursuant to rule sixty, the President hereby assigns the bill to the Senate committee on transportation and utilities."

Senate Bill No. 3077 was referred to the Senate Committee on Transportation and Utilities.

## MOTIONS

At 11:20 a.m., on motion of Senator Walgren, the Senate recessed until 12:00 noon.

## NOON SESSION

The President called the Senate to order at 12:00 noon.

## MOTION

At 12:03 p.m., on motion of Senator Marsh, the Senate recessed until 2:30 p.m.

## AFTERNOON SESSION

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

## MOTION

At 2:32 p.m., on motion of Senator Walgren, the Senate recessed subject to the Call of the President.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 4:02 p.m.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of the House Message on Engrossed House Bill No. 1624.

## MESSAGE FROM THE HOUSE

March 13, 1976.

Mr. President: The House insists on its position on ENGROSSED HOUSE BILL NO. 1624, and once again asks the Senate for a conference thereon, and the Speaker has

appointed as the House conferees: Representatives Bagnariol, Shinpoch and Polk, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Walgren, the Senate granted the request of the House for a conference on Engrossed House Bill No. 1624 and the Senate amendments thereto.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1624 and the Senate amendments thereto: Senators Donohue, Newschwander and Odegaard.

#### MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

March 15, 1976.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1544, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1544.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of the House Message on Engrossed Second Substitute House Bill No. 1316.

#### MESSAGE FROM THE HOUSE

March 16, 1976.

Mr. President: The House refuses to concur in the Senate amendment to EN-GROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1316, and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees: Representatives Adams, Shinpoch and Freeman, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Walgren, the Senate granted the request of the House for a conference on Engrossed Second Substitute House Bill No. 1316 and the Senate amendment thereto.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 1316 and the Senate amendment thereto: Senators Day, Cunningham and von Reichbauer.

#### MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MOTION

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

MESSAGES FROM THE GOVERNOR

Office of the Governor, March 11, 1976.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 11, 1976, Governor Evans approved the following Senate Bills entitled:

SENATE BILL NO. 3026: Learning objectives.

SENATE BILL NO. 3036: Establishing procedures for enforcing vehicle identification laws.

SENATE BILL NO. 3091: Implementing law relating to certification of personnel employed in the common schools.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

Office of the Governor, March 13, 1976.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 12, 1976, Governor Evans approved the following Senate Bill entitled:

SENATE BILL NO. 3017: Appropriating funds to DSHS for the construction of a community mental health facility at Children's Orthopedic Hospital and at Seattle Mental Health Institute.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

Office of the Governor, March 16, 1976.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 16, 1976, Governor Evans approved the following Senate Bill entitled:

SENATE BILL NO. 3038: Supplementing loitering statute as formerly applicable to public and private schools.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senators Bluechel, Pullen and Wana-maker were excused.

On motion of Senator Knoblauch, Senator Sandison was excused.

On motion of Senator Bottiger, Senator Grant was excused.

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

MOTION

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 1272.

## SECOND READING

HOUSE BILL NO. 1272, by Representatives Sherman, Charnley, Chandler, Barnes and Lee:

Exempting minibus car pools from commercial transportation regulations.

## REPORT OF STANDING COMMITTEE

February 16, 1976.

HOUSE BILL NO. 1272, exempting minibus car pools from commercial transportation regulations (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 13, after "employment" and before the period insert ": PROVIDED, That said transportation or operation shall not compete with nor infringe upon service of an existing auto transportation company certificated under this chapter"

Signed by: Senators Henry, Chairman; Bottiger, Vice Chairman; Benitz, Bluechel, Guess, Jolly, Knoblauch, Sellar, Wanamaker.

The bill was read the second time by sections.

Senator Guess moved adoption of the committee amendment.

## POINT OF INQUIRY

Senator Walgren: "Will Senator Guess yield? Senator Guess, assume that the company had a franchise to operate between two points but was not now actually providing that service between those two points and the minibus operation went into effect. Would this foreclose that existing company that is under regulation by the utilities and transportation commission from then going in and providing that service?"

Senator Guess: "No, sir. We did not think that it would, Senator Walgren. The primary purpose of the minibus will be to take those people off a system and to transport them there. They would have to work it out if it did occur. The certified bus will be able to complain to the public utilities commission and then they would have to iron the thing out if the minibus had gotten established in the area."

Senator Walgren: "But it would be your impression then, that as long as that certificate of use or need and necessity had been previously granted to the particular area — even though it was not being serviced — that the company which had the franchise could come in and start service at any time?"

Senator Guess: "Yes, I believe that is the way the law reads."

The motion by Senator Guess carried and the committee amendment was adopted.

On motion of Senator Guess, the rules were suspended, House Bill No. 1272, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Day: "Mr. President, I don't have anybody to excuse but would Senator Guess yield to a question? Senator Guess, I believe that I am in favor of this bill as written and the only question in my mind is relative to your amendment. The way that reads is, 'provided that said transportation or operation shall not compete with' — and I agree with that — but it goes on to say, 'nor infringe upon service of an existing auto transport.' For example, if there is an existing bus service to Medical Lake, there are a lot of people who drive to Spokane Medical Lake every day and they pool automobiles and possibly minibuses to get back and forth to work. Would this then say that if there is an existing bus service that they would be precluded from so doing?"

Senator Guess: "Yes, sir. The way that I envision this thing, Senator Day, is that if the employer furnishes the bus to a group of employees then they could go ahead and start the minibus without the certificate of need from the PUC but if they were to parallel and do exactly the same service as a bus company could do, well then, they could not do it. But it would not infringe upon it as long as the bus company did not go into the area and serve the passengers who were riding in it. It is very unlikely that a standard bus operation would be able to get into the byways and all around that would impinge upon the normal company."

## POINT OF INQUIRY

Senator Benitz: "Will Senator Guess yield to a question? Senator Guess, you mentioned a company providing this bus. All other conditions being the same, if it were an individual that worked on the job owning the bus of his own, could he provide these services?"

Senator Guess: "Senator Benitz, it would appear to me that any operation whereby passengers are transported between their places of abode or termini near such places and their place of employment, any motor vehicle whose seating capacity is not exceeding fifteen would be applicable to this. So, it would not require that a company furnish the bus and a group of individuals could, under that arrangement — under that language — arrange for their own bus."

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1272, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 2; excused, 10.

Voting yea: Senators Bailey, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Woody—37.

Voting nay: Senators Beck, Walgren—2.

Excused: Senators Bluechel, Francis, Grant, Keefe, Matson, McDermott, Pullen, Ridder, Sandison, Wanamaker—10.

HOUSE BILL NO. 1272, as amended by the Senate, having received the constitutional 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 4:20 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Wednesday, March 17, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SEVENTY-SECOND DAY

## MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 17, 1976.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bottiger, Keefe, Matson, McDermott, Murray, Newschwander, Ridder and Sellar. On motion of Senator Lewis (R. H. "Bob"), Senators Matson, Murray and Sellar were excused. On motion of Senator Knoblauch, Senators Keefe, McDermott and Ridder were excused.

The Color Guard, consisting of Pages Thomas Welsh and Vickie Thompson, presented the Colors. Reverend George L. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"AS THIS FORTY-FOURTH LEGISLATIVE BODY DRAWS TO ITS CONCLUSION, WE CELEBRATE THE PROCESS OF DEMOCRATIC SOCIETY. FROM OUR HONEST AGREEMENTS AND DIFFERENCES, A PLAN IS BEING CARVED OUT WHICH REFLECTS THE BEST OF OUR MUTUAL ACHIEVEMENTS.

"WE ARE REMINDED THAT YOU ARE A GOD OF THIS EARTH. YOU TAKE OUR THOUGHTS AND PUSH THEM THROUGH THE FIERY FURNACE OF AMENDMENT. YOU BIND OUR WILLS BY OTHER'S WILLS, AND CAUSE THEM TO BLEND INTO NEW LAWS.

"GRANT US THE ASSURANCE THAT IN THIS SENATE THERE IS YOUR PRESENCE IN THE MIND AND HEART OF THOSE WHO ARE ELECTED TO REPRESENT THIS STATE. GRANT STRENGTH TO FINISH THE TASK WE HAVE ENJOINED, AND JOY AT ITS CONCLUSION. AMEN."

## MOTION

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

## MESSAGE FROM THE GOVERNOR

Office of the Governor, March 17, 1976.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 16, 1976, Governor Evans approved the following Senate Bills entitled:

SUBSTITUTE SENATE BILL NO. 2038: Regulating environmentally hazardous wastes.

SENATE BILL NO. 2537: Relating to motor vehicles.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

## MOTION

At 11:08 a.m., on motion of Senator Bailey, the Senate recessed until 12:00 noon.

## NOON SESSION

President Pro Tempore Henry called the Senate to order at 12:25 p.m.

## MOTION

At 12:27 p.m., on motion of Senator Marsh, the Senate recessed 2:00 p.m.



## AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 2:00 p.m.

## MOTION

On motion of Senator Knoblauch, Senator Stortini was excused.

Senators Walgren, Lewis (Harry) and Knoblauch demanded a Call of the Senate. A Call of the Senate was ordered.

## CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senators Keefe, Matson, Ridder and Stortini who were previously excused.

## MOTION

On motion of Senator Walgren the Senate proceeded under the Call of the Senate.

## MOTION

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

## REPORT OF STANDING COMMITTEE

March 13, 1976.

SENATE JOINT RESOLUTION NO. 136, amending the Constitution to authorize additional property tax support for the common schools and equalizing school excess levies (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 17, after "*exceed*" and before "*per*" strike "*four dollars*" and insert "*two dollars and fifty cents*"

On page 2, line 35, after "*collected*" strike all the language down to and including "*districts*" on line 9 of the page 3, and insert "*and distributed pursuant to state law*"

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Clarke, Jones, Lewis (Harry), Mardesich, Marsh, Matson, Sandison, Washington, Woody.

## MOTIONS

On motion of Senator Walgren, the rules were suspended and Senate Joint Resolution No. 136 was advanced to second reading and read the second time in full.

Senator Woody moved adoption of the committee amendment to page 2, line 17.

On motion of Senator Francis, the following amendment by Senators Francis, Clarke and Fleming to the committee amendment was adopted:

On line 2 of the amendment to page 2, line 17, strike "*two dollars and fifty cents*" and insert "*three dollars*"

The motion by Senator Woody carried and the committee amendment to page 2, line 17, as amended, was adopted.

On motion of Senator Woody, the committee amendment to page 2, line 35 was adopted.

## POINT OF INQUIRY

Senator Talley: "I wonder if Senator Clarke would yield to a question? I did not quite understand your last remarks. Now doesn't this say that all districts shall receive the same amount?"

Senator Clarke: "No, Senator, it does not. To this extent, it leaves it up to the legislature. If, in the future, the legislature should enact some statute which would provide a different method of distribution of the special levy, I am advised that — and this supposedly was researched by the attorney general's office — this would enable the legislature to do that."

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

On page 1, line 19, after "a" insert "*constitutional amendment authorizing a*"

On page 1, line 20, strike "*imposed by the state*" and insert "*adopted*"

Senator Clarke moved adoption of the following amendment:

On page 3, after line 36, insert:

"BE IT FURTHER RESOLVED, That the foregoing amendment shall be submitted to the qualified electors of the state in such a manner that they may vote for or against it separately from the proposed amendment to Article VII, section 2 of the Constitution of the state of Washington contained in Senate Joint Resolution No. 137.

BE IT FURTHER RESOLVED, That as the amendatory provisions of Senate Joint Resolution No. 137 authorizing special levies for the support of the common schools for a two year period are included in substance in the amendatory provisions of the foregoing amendment, the legislature hereby directs that if both proposed amendments are approved and ratified, then the provisions of the foregoing amendment shall become part of the Constitution and the provisions of Senate Joint Resolution No. 137 shall be null and void."

#### POINT OF INQUIRY

Senator Guess: "Mr. President, will Senator Clarke yield? Senator Clarke, did I misunderstand you? In the first paragraph it appears to me that it is going to be set up so that you can vote for the two parts. In other words, 136 and 137, but down in the second paragraph I am confused about a language that they have inserted there."

Senator Clarke: "You see, 137, as I understand it, relates exclusively to the extension of the authorization of special levies from one year to two years. That also is included in 136 but of course the people should be able to vote for both of these amendments or either one of them alternatively. The problem would arise if they are both adopted because then you would have two separate, simultaneously adopted amendments to the Constitution both of which provided for the change from one year to two years. The intent of this, and as I say, it was prepared by the ways and means staff, presumptively after consultation with the code reviser, that this was the way to do it so that if they were both adopted that then the one which, in substance, would go into the Constitution would be 136 because there would be no sense in having the enactment twice for the two-year period."

Senator Guess: "Mr. President, I would like to point out the language in 137 which says, 'provided and notwithstanding any provision of this constitution any proposition pursuant to this subsection to levy additional tax for the support of the common schools may provide such support for a two year period.' They replace that and the 136 by saying, and sub two on page two, line sixteen, 'by any school district for each year of not to exceed a two year period and not to exceed three dollars per thousand.' Now is that exactly the same proposition? If we adopt 136 why don't we tell the secretary of state to forget 137?"

Senator Clarke: "Senator, you can't do that because the people might want simply to extend the two-year period and not adopt the remaining portions of 136. So, in effect, I don't see any way since 137 has already passed both houses to keep it off the ballot. The only purpose of this is a mechanical situation is to what you can do with the Constitution if you extend it to two years in two separate but simultaneously adopted constitutional amendments."

Senator Guess: "Thank you, Senator."

#### POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Clarke yield? Senator Clarke, I understand what you are trying to get to but the thing that bothers me is what would be the effect in the event that 137 were defeated at the polls as it would affect 136 with your amendment? It seems to me that we could be building a conflict that I am not sure we resolve with your amendment. What would be the position if 137 were defeated?"

Senator Clarke: "If 137 is defeated and 136 is adopted, then it makes no difference whether 137 is defeated or adopted. —Because the reason that they have to both be on the ballot is that some people might prefer not to vote for the other provisions in 136 but

to extend the right to vote special levies to a two-year period in which event they would vote against 136 and for 137 and that is what would happen. So, there is no way that I can see that 137 could or should be kept off the ballot."

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

On motion of Senator Clarke, the rules were suspended, Engrossed Senate Joint Resolution No. 136, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 136, and the resolution passed the Senate by the following vote: Yeas, 40; nays, 5; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Woody—40.

Voting nay: Senators Day, Grant, Rasmussen, Washington, Wilson—5.

Excused: Senators Keefe, Matson, Ridder, Stortini—4.

ENGROSSED SENATE JOINT RESOLUTION NO. 136, having received the constitutional two-thirds majority, was declared passed.

#### MESSAGES FROM THE HOUSE

March 17, 1976.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3127, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 17, 1976.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 1272 and has passed the bill as amended by the Senate, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MESSAGE FROM THE HOUSE

March 15, 1976.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 77 on line 23 of the title; on page 10, line 2; on page 10, line 7; and refuses to concur in the amendment on page 5, line 17, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

Senator Beck moved the Senate do recede from the Senate amendment to page 5, line 17 to Substitute House Bill No. 77.

Debate ensued.

The motion by Senator Beck carried.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 77, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; excused 4.

Voting yea: Senators Beck, Benitz; Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Sandison, Scott, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Voting nay: Senators Bailey, Mardesich, Pullen, Sellar, von Reichbauer—5.

Excused: Senators Keefe, Matson, Ridder, Stortini—4.

SUBSTITUTE HOUSE BILL NO. 77, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3127.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of the House Message on Substitute Senate Bill No. 2963.

#### MESSAGE FROM THE HOUSE

March 13, 1976.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2963 with the following amendment:

On page 1, line 9, after "(1)" strike all material down to and including "sixty-five." on line 12, and insert the following:

"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.*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendment to Substitute Senate Bill No. 2963.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2963, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 3; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, North, Peterson, Pullen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senator Rasmussen—1.

Absent or not voting: Senators Donohue, Newschwander, Odegaard—3.

Excused: Senators Keefe, Matson, Ridder, Stortini—4.

SUBSTITUTE SENATE BILL NO. 2963, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 54, by Representatives Pardini, Moreau and Berentson:

Suspend Engrossed Senate Concurrent Resolution No. 125 for consideration of Substitute Senate Bill No. 3097.

On motion of Senator Walgren, the rules were suspended, House Concurrent Resolution No. 54 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, House Concurrent Resolution No. 54 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## POINT OF INQUIRY

Senator Grant: "Will Senator Walgren yield? Senator Walgren, could you tell us what the concurrent resolution deals with? Before we determine to consider this, I should think we ought to know the urgency of the matter."

Senator Walgren: "The concurrent resolution is necessary because the subject of the bill that we are going to be considering is outside of the scope of our original concurrent resolution. It is just that a determination be made by the Senate here as to whether or not they want to take up the subject of requiring economic impact statements to be made in connection with any rules and regulations that might be adopted by any local governments or agencies of local government of of the state."

Debate ensued.

House Concurrent Resolution No. 54, having received the constitutional majority, was adopted.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 3097.

## MESSAGE FROM THE HOUSE

March 16, 1976.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3097 with the following amendments:

On page 1, lines 7 and 8, after "rules" strike "and regulations"

On page 1, beginning on line 9, after "Sec. 2." strike all material down to and including "considerations." on line 14, and insert "All state agencies and local government entities with rule-making authority under state law or local ordinance shall adopt methods and procedures which will insure that economic values will be given appropriate consideration in the rule-making process along with environmental, social, health, and safety considerations."

On page 1, beginning on line 22, strike all of section 4, and renumber the remaining sections consecutively.

On page 1, line 27 strike "Section 5."

On page 2, line 3, strike "6" and insert "5", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Knoblauch, Senators Donohue, Newschwander and Odegaard were excused to attend a meeting of a Conference Committee.

## MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3097.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3097, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 4; excused, 7.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, North, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—38.

Voting nay: Senators Beck, Grant, Jolly, Walgren—4.

Excused: Senators Donohue, Keefe, Matson, Newschwander, Odegaard, Ridder, Stortini—7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3097, as amended by the House, having received the constitutional majority, was declared passed: There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1976-264.

Senator Rasmussen moved adoption of the following resolution:

## SENATE RESOLUTION 1976-264

By Senators Rasmussen, Guess, and Woody:

WHEREAS, United States diplomatic representatives are presently engaged in negotiations with representatives of the government of Panama, under a declared purpose of establishing a new treaty relationship between the United States and Panama; and

WHEREAS, The United States since 1903 has continuously occupied and exercised control over the Zone, constructed the Canal, and since 1914, for a period of sixty years, operated the Canal in a highly efficient manner without interruption, under the terms of the Hay-Pauncefote Treaty of 1901, the Hay-Bunau-Varilla Treaty of 1903, and the Thomson-Urrutia Treaty of April 6, 1914, making a total investment in the Canal, including defense, at a cost to the taxpayers of the United States of over \$5,-695,745,000; and

WHEREAS, The United States House of Representatives on February 2, 1960, adopted House Concurrent Resolution 459, 86th Congress, reaffirming the authority of the United States over the Zone territory by the overwhelming vote of 382 to 12, thus demonstrating the firm determination of our people that the United States maintain its jurisdiction over the Canal and the Zone; and

WHEREAS, The Panama Canal is essential to the defense and national security of the United States. It is of vital importance to the economy and interoceanic commerce of the United States with the remainder of the free world.

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that there be no relinquishment or surrender of any essential national interest of the United States or any essential right, power, authority, or property, tangible or intangible; and

BE IT FURTHER RESOLVED, That the elements of essential United States national interest shall be: (1) The right to defend the Canal and to intervene unilaterally to accomplish this before or after the termination of any treaty; (2) the right to expand capacity on such canal or build a sea-level canal when necessary; (3) the right to use the Canal on an unrestricted basis before or after termination of the treaty; and (4) the right to operate the Canal for the duration of the treaty; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of State to the Honorable Gerald R. Ford, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

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

On page 2, line 8, after "States," insert "Dr. Henry Kissinger, United States Secretary of State,"

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

On page 1, line 18, strike "indispensable sovereignty"

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

#### MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1976-256.

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

#### SENATE RESOLUTION 1976-256

By Senators Rasmussen and Day:

WHEREAS, There exists grave concern with respect to intergovernmental lobbying; and

WHEREAS, There has been the potential for improper coercion of activities between the various arms of state government and the political subdivisions thereof; and

WHEREAS, Legislative study is necessary to determine the influence of the various arms of government upon each other; and

WHEREAS, It may be necessary to subpoena witnesses and documents in the course of such study;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington that the Senate direct the Senate Committee on State Government to conduct a study into the intergovernmental relations of the various governmental entities within the state of Washington, with particular direction toward intergovernmental lobbying and political activity among the various governmental entities, and report its findings and any necessary legislation to the next regular session of the legislature; and

BE IT FURTHER RESOLVED, That the Senate Committee on State Government be granted the power of subpoena for persons and documents necessary to the study directed by this resolution, which power shall expire with the beginning of the next regular session of the legislature.

#### MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1976-265.

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

#### SENATE RESOLUTION 1976-265

By Lieutenant Governor Cherberg, Senators Henry and Keefe:

WHEREAS, Today, the 17th of March is, throughout the world, recognized as St. Patrick's Day, in honor of the patron saint credited with the conversion of Ireland to Christianity; and

WHEREAS, This eloquent, though uneducated writer and bishop, after being carried into slavery at the age of 16, rose to become a great spiritual leader; and

WHEREAS, The exact day of his birth, and even the year of his birth, are somewhat in doubt, it is on this day we celebrate the birth of the saint who we know to have been born sometime in the early part of the 5th Century; and

WHEREAS, Legends verify that he drove the snakes out of Ireland and for more than 1,000 years the people of Ireland and immigrants throughout the Christian world have celebrated this day as St. Patrick's Day in his honor; and

WHEREAS, The many shamrocks we see today are a remembrance of St. Patrick's use of this simple flower to explain the complex Trinity Doctrine, a typical example of his simple but effective ability to preach to the world; and

WHEREAS, Jeremiah F. Lavell, President of the Friendly Sons of Saint Patrick of Seattle, and his loyal Board of Directors and officers, have made the maximum effort to honor the patron saint of Ireland this evening in Seattle, and many throughout the world will join in this celebration;

NOW, THEREFORE, LET IT BE KNOWN, That the Senate of the State of Washington, which state has the green of Ireland in its flag, will honor and respect and commemorate the 17th day of March as a day of note and the members of the Senate do hereby request all Irish, and those who, today, wish to be Irish, to do the same.

#### MOTION

At 3:40 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Thursday, March 18, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SEVENTY-THIRD DAY

### MORNING SESSION

Senate Chamber, Olympia, Thursday, March 18, 1976.

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

The Color Guard, consisting of Pages Monte Crawford and Alison Mayo, presented the Colors. Reverend George L. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"O GOD OF KNOWLEDGE, YOU HAVE INSTRUCTED US TO HOLD AS VALUABLE WHAT CAN BE LEARNED AND PASSED ON TO OTHERS. WE REJOICE IN THE POSITIVE VOTE BY SEATTLE SCHOOL DISTRICTS AS A DEDICATION ON THEIR PARTS TO LEARNING. LEAD US TO KNOW THAT THE PEOPLE OF THIS STATE ARE WILLING TO PAY THE PRICE OF GOOD INSTRUCTION AS AN INVESTMENT IN THE FUTURE. GRANT COURAGE TO THOSE WHOSE OFFICE PLACES UPON THEM THE DIFFICULT CHOICES OF PROPER LEGISLATION TO ASSURE QUALITY EDUCATION IN THE DAYS STILL TO COME. GIVE GOOD CONCLUSION TO OUR EFFORTS THIS DAY. AMEN."

#### MOTION

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



## SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE SENATE BILL NO. 2963,  
 SUBSTITUTE SENATE BILL NO. 3097.

## MOTIONS

On motion of Senator Rasmussen, all members were permitted as additional sponsors on Senate Resolution 1976-266.

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

## SENATE RESOLUTION 1976-266

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

WHEREAS, The Honorable Frances Haddon Morgan has served the people of the State of Washington for two years in the House of Representatives and for eight years in the Senate; and

WHEREAS, The Honorable Mrs. Morgan has dedicated her adult life to an effective pursuit of the enhancement of those less advantaged and handicapped citizens and particularly the children of our state; and

WHEREAS, The Honorable Mrs. Morgan has served with great distinction in the Parent-Teacher Association, the Mothers' March, the Board of Directors of the Rainier School at Buckley, the State Council for Children and Youth, Executive Director of the Kitsap County Chapter, Association for Retarded Citizens; and

WHEREAS, The Honorable Mrs. Morgan achieved a notable record of accomplishment during her tenure in the State Legislature including leadership in the authorization of a new building at Northern State Hospital, a hospital at the Veterans Home at Orting, cottages at Green Hill and Maple Lane, the Women's Treatment Center at Purdy, a hospital at Lakeland Village, the acquisition of four new Washington State Ferries; and

WHEREAS, The Honorable Mrs. Morgan has combined a unique capacity for imaginative planning, a sensitive perception of local and statewide needs, the energy and perseverance to pursue and achieve worthy goals, and the wisdom to share the joy of accomplishment with her associates; and

WHEREAS, The Kitsap County Chapter of the Washington Association for Retarded Citizens and the Frances Morgan Guild for the Retarded are most appropriately presenting a special appreciation night to honor Frances Haddon Morgan;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate of the State of Washington do express their most profound respect for and appreciation of the manifold contributions of Frances Haddon Morgan to the betterment of the quality of life in her community and her state and to enthusiastically join her associates in honoring Frances Haddon Morgan; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to the Honorable Frances Haddon Morgan, to the sponsors of the Frances Haddon Morgan Special Appreciation Night, and to any other interested individuals and groups.

## MOTION

At 11:20 a.m., on motion of Senator Walgren, the Senate recessed subject to the Call of the President.

## AFTERNOON SESSION

The President called the Senate to order at 3:45 p.m.

## MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of the Standing Committee Report on Engrossed House Bill No. 1505.

## REPORT OF STANDING COMMITTEE

March 18, 1976.

ENGROSSED HOUSE BILL NO. 1505, permitting late property tax exemption applications (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 26 after "amended;" strike all the material down to and including "1975" on line 1, page 2, and insert the following:

*"PROVIDED FURTHER, That if proper application has been submitted to the department of revenue by April 30, 1976, assessments or levies of property taxes for collection in 1976 are hereby cancelled with respect to property determined to be exempt of any organization required to file for exemption by RCW 84.36.815 but which did not receive exemption for 1976 taxes because of failure to make such filing by March 31, 1975, or because the effective date of the statutory exemption occurred after March 31, 1975, and such late applications for exemption of 1976 taxes shall not be subject to late filing penalties provided in RCW 84.36.825 as amended"*

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Clarke, Fleming, Grant, Lewis (Harry), Mardesich, Marsh, Murray, Newschwander, Rasmussen, Sandison, Scott, Washington, Woody.

## MOTIONS

On motion of Senator Knoblauch, Senators Bailey, Bottiger and McDermott were excused.

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 1505 was advanced to second reading and read the second time in full.

On motion of Senator Donohue, the committee amendment was adopted.

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

On page 2, following line 30, add a new section as follows:

*"NEW SECTION. Sec. 4. Each application for property tax exemption, or renewal thereof, may include all the real and personal property eligible for exempt status under any of the sections of chapter 84.36 RCW which are contiguous and part of a homogenous unit. Properties separated by public streets and roads shall be considered to be contiguous for purposes of this section."*

Renumber the remaining sections consecutively.

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 1505, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1505, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 4; excused, 8.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—37.

Absent or not voting: Senators Herr, Newschwander, Pullen, Sellar—4.

Excused: Senators Bailey, Bottiger, Francis, Jones, Keefe, Matson, McDermott, Ridder—8.

ENGROSSED HOUSE BILL NO. 1505, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGES FROM THE HOUSE

March 18, 1976.

Mr. President: The Speaker has signed:  
HOUSE BILL NO. 1272,  
HOUSE CONCURRENT RESOLUTION NO. 54, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 18, 1976.

Mr. President: The Speaker has signed SUBSTITUTE SENATE BILL NO. 3127, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 18, 1976.

Mr. President: The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 2963,  
SUBSTITUTE SENATE BILL NO. 3097, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 18, 1976.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 77, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 77,  
HOUSE BILL NO. 1272,  
HOUSE CONCURRENT RESOLUTION NO. 54.

## MOTION

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

## REPORT OF STANDING COMMITTEE

March 18, 1976.

ENGROSSED HOUSE BILL NO. 1355, implementing law relating to the state employee suggestion program (reported by Committee on State Government):

MAJORITY recommendation: Do pass and be referred to the Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Buffington, Henry, Wanamaker.

## MOTIONS

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 1355 was advanced to second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 1355 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Donohue: "Would Senator Rasmussen yield? In just reading this, I am wondering. We are going up to one thousand dollars for any one suggestion. Let's assume for a moment that there is a contest and that one of the contestants comes up with an idea — five or ten people involved, or the different agencies — but that is all that we are involved with, five or ten people who are pursuing this. The savings amount in the suggestion box, of say, twelve hundred dollars and that individual wins the contest. That individual gets a thousand dollars for making a saving of twelve hundred?"

Senator Rasmussen: "I think that that is the intent of the board that they will review that and make that determination. Then the part that says it shall be post audited would pick that up where there was an error in judgment on the awards board. I think that they would be very careful when they were reviewing these cases. Usually the way these awards come about is that some employee that is familiar with the work can see where there is duplication or extra paper work involved. In some instances the saving can amount to thousands of dollars. I would doubt that the awards board would render an award in a case like you said."

Senator Donohue: "What is the experience relative to this? In the past what has happened under the present law? Can you tell me what has been saved or is there a dollar figure that these people have saved state government? I am just a little concerned about the dollar amount relative to what could be saved, you know."

Senator Rasmussen: "There can be tremendous amounts saved if the incentive is great enough that employees will pursue making the suggestions."

Further debate ensued.

## POINT OF INQUIRY

Senator Talley: "Would you yield to a question, Senator? From your remarks here, I would consider it one of the major pieces of legislation that we have had this session."

Senator Lewis (Harry): "Well, I think it is probably close."

## POINT OF INQUIRY

Senator Wilson: "Would Senator Lewis yield? This is on the level, Senator. I support the concept of a program like this. My question is as follows. If an employee comes up with a suggestion that will save an agency twelve thousand dollars during the next year and he receives an appropriate reward, my question is, what happens to the twelve thousand dollars savings? That is, is that reverted to the general fund or is the agency at liberty to spend it any way it wishes?"

Senator Lewis (Harry): "Senator Wilson, in answer to your question, the direct result of the suggestion program has been a reduction in budget requests for various processes and methodologies that state government uses. You will find if you look at the agency budgets and you follow the suggestion award program that where a suggestion has been cleared by the committee and has been proven by the department and an award given, that those actual dollar savings really result in a lower budget request in that specific area. This I can document for you and I would be very happy to do so. It really is constructive and it is going to save and has saved and it has been proven over the years.

"I find that a lot of people like Senator Woody, shaking his head back there — and I wonder, Senator Woody, if you have really looked at the program. Have you really looked at the kind of suggestions that have been made? Have you really looked at them — and I wasn't asking you a question for a response on the floor. I am just suggesting that you do look at these sorts of things because they really have been constructive."

Further debate ensued.

## POINT OF INQUIRY

Senator Donohue: "Will Senator Marsh yield? Senator Marsh, I assume that these awards are considered salary. Is that correct? I wonder if these awards, in fact, increase the retirement level for that individual and do we pay fringe benefits on those awards?"

Senator Marsh: "They are not considered salary and they have nothing to do with pensions. They are simply awards."

#### REMARKS BY SENATOR WOODY

Senator Woody: "Mr. President, Senator Lewis, you mentioned my name as if I was shaking my head against the bill. I think the bill and the program is good but your answer to Senator Wilson was, I think, unintentionally inaccurate. He asked you what happened to that twelve thousand and there was some indication by you that the agency was not going to ask for that twelve thousand in the next biennium request whereas in fact every two years the agency request to the governor and the governor's request to us has not been decreased in any area. It used to be that if there were reversionary funds, before they could be spent LBC had to approve them and you, as a member of LBC, recall that sometimes it was a very handy provision but the Governor vetoed that section. So now, that cost saving that was caused by a state employee doing a very good job is just made available for the agency to spend elsewhere and we have no control over it."

Further debate ensued.

#### POINT OF INQUIRY

Senator Herr: "Mr. President, would Senator Rasmussen yield to a question? I just got back from Seattle, you know. I do have other business besides the Senate business, but did you hold any committee hearings on this bill?"

Senator Rasmussen: "I held a very abbreviated committee hearing, Senator Herr."

Senator Herr: "What type is that?"

Senator Rasmussen: "That is the kind where you talk with your committee members."

Senator Herr: "That kind of makes up my mind to vote 'no' on it."

Senator Rasmussen: "Senator Herr, I know that you would not participate in abbreviated committee hearings. We have some short ones and we have some long ones. Some go for days, like we are working on the budget bill now. But sometimes it is necessary to expedite bills. While I am on my feet, Mr. President, I wanted to speak a word to Senator Goltz.

"Senator Goltz is one of those people who would be voting on this. You would probably be in conflict of interest if you participated in it until such a time as you were out of the legislature for a period of time. So I would urge you not to leave the legislature but if you wanted to participate, please send your suggestions in, any way, without participating in the monetary award."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1355, and the bill passed the Senate by the following vote: Yeas, 35; nays, 6; excused, 8.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—35.

Voting nay: Senators Cunningham, Day, Fleming, Herr, Knoblauch, Pullen—6.

Excused: Senators Bailey, Bottiger, Francis, Jones, Keefe, Matson, McDermott, Ridder—8.

ENGROSSED HOUSE BILL NO. 1355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Rasmussen, Engrossed House Bill No. 1355 was ordered immediately transmitted to the House.

## MOTION

At 4:20 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Friday, March 19, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SEVENTY-FOURTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Friday, March 19, 1976.

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

The Color Guard, consisting of Pages Robert Antonelli and Grace Wescott, presented the Colors. Reverend George L. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"MOSES SAID, AS THE SPOKESMAN FOR GOD, WAY DOWN IN EGYPT LAND, 'LET MY PEOPLE GO'. LET THEM GO, HE SAID, FROM THE CHAINS THAT KEPT THEM FROM THEIR HOMES, FROM GOVERNMENTAL EDICT WHICH PREVENTED THAT ACCOMPLISHMENT.

"WE TOO PRAY, LORD, LET YOUR PEOPLE GO. FROM THE LEGISLATIVE LOG JAMS THAT PREVENT DECISIONS, FROM THE CHAINS OF COMMITTEE INACTION WHICH PREVENT LAWMAKING, AND FROM THE WILL THAT REFUSES TO FLEX WITH CHANGE. LORD, LET YOUR PEOPLE GO. AMEN."

## MOTION

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

## MOTION

At 11:08 a.m., on motion of Senator Walgren, the Senate recessed subject to the Call of the President.

The President called the Senate to order at 12:10 p.m.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of the Standing Committee Report on Senate Bill No. 3226.

## REPORT OF STANDING COMMITTEE

March 18, 1976.

SENATE BILL NO. 3226, relating to education (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3226 be substituted therefor and the substitute bill do pass.

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

## MOTIONS

On motion of Senator Walgren, the rules were suspended, and Senate Bill No. 3226 was advanced to second reading.

On motion of Senator Stortini, Substitute Senate Bill No. 3226 was substituted for Senate Bill No. 3226 and the substitute bill was read the second time in full.

On motion of Senator Stortini, the rules were suspended, Substitute Senate Bill No. 3226 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3226, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 4; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—40.

Absent or not voting: Senators Fleming, Francis, Grant, Washington—4.

Excused: Senators Jones, Keefe, Matson, Morrison, Ridder—5.

SUBSTITUTE SENATE BILL NO. 3226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Stortini, Substitute Senate Bill No. 3226 was ordered immediately transmitted to the House.

## MESSAGE FROM THE HOUSE

March 19, 1976.

Mr. President: The Speaker has signed HOUSE BILL NO. 1355, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1355.

## MOTION

At 12:16 p.m., on motion of Senator Lewis (Harry), the Senate was declared to be at ease.

The President called the Senate to order at 12:42 p.m.

## MOTION

On motion of Senator Donohue, the Senate Committee on Ways and Means was relieved from further consideration of the following bill:

SECOND SUBSTITUTE HOUSE BILL NO. 1488, by Committee on Ways and Means (originally sponsored by Representatives Erickson, Bagnariol, Randall and Laughlin):

Reforming school excess levy collections and providing for the supplemental payments.

## MOTION

On motion of Senator Donohue, Second Substitute House Bill No. 1488 was placed on second reading and read in full.

Debate ensued.

Senator Bailey moved adoption of the following amendment by Senator Grant in the absence of Senator Grant:

On page 4, line 16, after "equal to" strike all material down through "price" on line 21 and insert "[four and one-half] *five and three-tenths* percent of the selling price"

Debate ensued.

## MOTION

Senator Fleming moved the Senate delay further consideration of the amendment by Senator Grant until after lunch.

## MOTION

The motion by Senator Fleming carried and on motion of Senator Walgren, at 12:55 p.m., 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 Walgren, the Senate advanced to the eighth order of business.

On motion of Senator Walgren, all members were permitted as additional sponsors to Senate Resolution 1976-269.

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

## SENATE RESOLUTION 1976-269

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

WHEREAS, Lieutenant J. R. Kelley, Assistant Commander of the State Patrol's Capitol Security Section in Olympia, succumbed to a heart attack on March 17; and

WHEREAS, Lieutenant Kelley, who has been a member of the Washington State Patrol since June of 1958, was a very close friend of the members of the Senate and legislative employees with whom he worked since 1972; and

WHEREAS, Lieutenant Kelley served in the Washington State Patrol with dignity in many parts of the state of Washington, including North Bend and Yakima. He was a sergeant and supervisor of the Chehalis Detachment and later was supervisor of a squad of the Patrol's general support division; and

WHEREAS, Lieutenant Kelley was assigned to Olympia to the Capitol Security Section in March 1972, and in February of 1974 was promoted to Lieutenant and Assistant Commander of the Section; and



WHEREAS, Lieutenant Kelley was highly regarded by the members of the Washington State Patrol where he was respected both for his dedication to duty and his kindness to his fellow workers, as well as the citizens throughout the state of Washington; and

WHEREAS, Lieutenant Kelley attended Central Washington State College, and held degrees from Fort Steilacoom Community College and Evergreen State College; he completed courses in police and public administration and was a graduate of the Washington State Patrol Academy, the Law Enforcement Institute, and the School of Police Supervision, which accomplishments were examples of his continued desire to enhance his own education to improve his excellent capabilities; and

WHEREAS, Lieutenant J. R. Kelley is survived by his wife, Roberta, and four children, the oldest of these children being a senior at North Thurston High School;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby express to Roberta and the surviving children of Lieutenant J. R. Kelley their most sincere condolences during this period of their bereavement, and to assure them that each member of the Senate and many employees of the legislative system who had the honor to work with Lieutenant Kelley, share their sorrow at this time; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and he is hereby instructed to forward a copy of this resolution to the surviving widow and children of Lieutenant J. R. Kelley.

#### REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, members of the Senate, it is indeed a very sad day that we note the passing of Lieutenant Kelley and as we extend to his wife and children our sincere condolence, it is difficult to express to someone who is left behind the feeling that we have had for those persons whom we mourn.

"I came to know, to trust and to hold with a great deal of respect Lieutenant Kelley and knew because of his presence here that we were safer and better off for the service and for the devotion that he gave in the line of duty. Lieutenant Kelley was one of those young men who had the ability to express himself, and as we say, to communicate. In the time that I have known him, I have felt that he represented the very, very highest in manhood for the State of Washington and his driving desire was to do a better job.

"I felt that his devotion to the line of duty and to the improvement program that he went through and the studies that he undertook were an outstanding example that could be used by all of us and so it is with a great deal of regret that I mourn his passing today."

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

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1488, by Committee on Ways and Means (originally sponsored by Representatives Erickson, Bagnariol, Randall and Laughlin):

Reforming school excess levy collections and providing for the supplemental payments.

The Senate resumed consideration of Second Substitute House Bill No. 1488 and a pending amendment by Senator Grant moved for adoption earlier today.

Senators Mardesich, Guess and Donohue demanded the previous question, and the demand was sustained.

The President declared the question before the Senate to be adoption of the amendment proposed by Senator Grant to Second Substitute House Bill No. 1488.

Debate ensued.

On motion of Senator Rasmussen, the rules were suspended allowing the previous question to be held permitting Senator Grant to speak to his amendment.

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

There being no objection, the remaining amendments by Senator Grant on the Secretary's desk were withdrawn.

On motion of Senator Donohue the rules were suspended, Second Substitute House Bill No. 1488 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1488, and the bill failed to pass the Senate by the following vote: Yeas, 9; nays, 34; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Gould, Grant, Knoblauch, Murray, Washington—9.

Voting nay: Senators Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Guess, Henry, Herr, Jolly, Lewis (Harry), Lewis (R. H. "Bob"), Marsdesich, Marsh, McDermott, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—34.

Absent or not voting: Senator Francis—1.

Excused: Senators Jones, Keefe, Matson, Morrison, Ridder—5.

SECOND SUBSTITUTE HOUSE BILL NO. 1488, having failed to receive the constitutional majority, was declared lost.

#### PERSONAL PRIVILEGE

Senator Grant: "Point of personal privilege, Mr. President. I would like to thank the members of the Senate for waiting for me to at least present the amendment with regard to removal of sales tax on food. I appreciate the fact that you did wait and I think we are all getting a little tired of waiting here. Thank you very much."

#### MOTION

At 1:55 p.m., on motion of Senator Walgren, the Senate recessed until 4:35 p.m.

#### SECOND AFTERNOON SESSION

The President called the Senate to order at 4:35 p.m.

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

#### MESSAGES FROM THE HOUSE

March 19, 1976.

Mr. President: The House has concurred in the Senate amendments to EN-GROSSED HOUSE BILL NO. 1505, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

March 19, 1976.

Mr. President: The Speaker has signed HOUSE BILL NO. 1505, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1505.

#### MOTION

At 4:40 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Saturday, March 20, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SEVENTY-FIFTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Saturday, March 20, 1976.

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, Francis, Grant, Jolly, Keefe, Matson, McDermott and Ridder. On motion of Senator Lewis (R. H. "Bob"), Senators Benitz and Matson were excused. On motion of Senator Knoblauch, Senators Keefe and Ridder were excused.

The Color Guard, consisting of Pages Gregg Beebe and Jennifer James, presented the Colors. Reverend Glen D. Cole, pastor of the Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, IN OUR PRAYER THIS MORNING WE WOULD RECOLLECT THAT LITTLE STORY OF A BOY TRYING TO LIFT A HEAVY ROCK AND NOT MAKING MUCH PROGRESS. THE FATHER, WATCHING, SAID, 'USE ALL YOUR STRENGTH.' IN A FRUSTRATED REPLY THE BOY SAID, 'I AM USING EVERYTHING I'VE GOT.' TO WHICH THE FATHER RESPONDED, 'NO, YOU'RE NOT. YOU HAVEN'T ASKED ME.'

"HOW MUCH LIKE THAT BOY ARE WE — TRYING TO LIFT THE HEAVY LOADS OF LIFE, ENDEAVORING TO MEET IMPOSSIBLE SITUATIONS ALL BY OURSELVES, WHEN YOU ARE STANDING BY SAYING 'ASK ME.' WELL, LORD, WE HUMBLE OURSELVES AND DO JUST THAT. THE PSALMIST SAID, 'BY MY GOD I CAN LEAP OVER A WALL.' WE GET WALLED IN, AND THERE SEEMS TO BE NO OPEN WAY BEFORE US. HELP US TO SEE ALL OUR STRENGTH. TO KNOW THAT NOTHING IS IMPOSSIBLE WHEN YOU ARE IN IT. LAY THY MIGHTY HAND UPON THIS LEGISLATIVE BODY THIS DAY. THEY HAVE A MOUNTAIN OF WORK BEFORE THEM. STRENGTHEN THEM FOR THE TASK. MAY THEY INDEED SEE THE RESOURCES AVAILABLE THROUGH YOU. MAY THEY EXPERIENCE WHAT THE PSALMIST EXPERIENCED WHEN HE SAID, 'BY MY GOD I CAN LEAP OVER A WALL.'

"THANK YOU FOR THAT KIND OF ENABLEMENT, THROUGH JESUS CHRIST OUR LORD. AMEN."

## MOTION

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

## MOTION

At 10:08 a.m., on motion of Senator Marsh, the Senate was declared to be at ease. The President called the Senate to order at 12:02 p.m.

## MOTION

At 12:04 p.m., on motion of Senator Walgren, the Senate recessed until 2:30 p.m.

## AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 2:30 p.m.

## MESSAGE FROM THE GOVERNOR

Office of the Governor, March 19, 1976.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 19, 1976, Governor Evans approved the following Senate Bill entitled:

SUBSTITUTE SENATE BILL NO. 3246: Making changes in the laws relating to retirement systems authorized pursuant to general laws of the state.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

MOTION

At 2:35 p.m., on motion of Senator Bailey, the Senate was declared to be at ease. The President called the Senate to order at 4:53 p.m.

MOTION

At 4:55 p.m., Senator Walgren moved the Senate adjourn until 1:30 p.m., Monday, March 22, 1976.

Debate ensued.

The motion by Senator Walgren carried. The Senate adjourned at 5:08 p.m. until 1:30 p.m., Monday, March 22, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SEVENTY-SEVENTH DAY

## AFTERNOON SESSION

Senate Chamber, Olympia, Monday, March 22, 1976.

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 Jones, Keefe, Matson, McDermott, Ridder, Sellar and Woody. On motion of Senator Lewis (R. H. "Bob"), Senators Jones, Matson, Murray and Sellar were excused. On motion of Senator Knoblauch, Senators Keefe and Ridder were excused.

The Color Guard, consisting of Pages Peter Eggert and Kim Olson, presented the Colors. Reverend Glen D. Cole, pastor of the Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WE GIVE YOU THANKS FOR THE GREAT POWER THAT COMES TO US FROM YOU THROUGH JESUS CHRIST. YOU HAVE GIVEN US THE PRIVILEGE OF BEING MORE THAN MEN; WE CAN BE CHILDREN OF GOD THROUGH FAITH IN YOUR SON. AS A RESULT OF THIS UNION, WE ARE GIVEN DOMINION AND THE POWER TO OVERCOME. WE BELIEVE IN THE ORDER THE PSALMIST PRESENTED WHEN HE SAID, 'COMMIT THY WAY UNTO THE LORD. TRUST ALSO IN HIM AND HE SHALL BRING IT TO PASS.' IF WE UNDERSTAND THIS PROPERLY, HE WAS SAYING, THROUGH THE INSPIRATION OF THE HOLY SPIRIT, 'DO THE BEST YOU CAN WITH ANY SITUATION. DON'T FILL YOUR LIFE WITH TENSION. DON'T STRUGGLE SO HARD. DON'T GET YOURSELF WORKED UP. PUT IT COMPLETELY IN THE HANDS OF THE LORD, TRUSTING ABSOLUTELY IN HIM, AND HE WILL BRING IT TO PASS IN A RIGHT AND PROPER MANNER.' CAN WE APPLY THIS, LORD, TO THE WORK OF THIS LEGISLATIVE BODY? OUR REASON SEEMS TO ANSWER, 'YES!' HELP US TO ENTER TRULY INTO OUR INHERITANCE AND EXERCISE OUR POWER OF STANDING UP CREATIVELY TO ANY AND EVERY SITUATION. GUIDE TREMENDOUSLY THROUGH THE AFFAIRS OF THIS DAY. BLESS EVERY MEMBER OF THIS BODY. THROUGH CHRIST JESUS OUR LORD. AMEN!"

## MOTION

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

## MESSAGE FROM THE GOVERNOR

Office of the Governor, March 22, 1976.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 20, 1976, Governor Evans approved the following Senate Bill entitled:

SENATE BILL NO. 2989: Making changes in the laws relating to election schedules.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

## MESSAGE FROM THE HOUSE

March 19, 1976.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3226, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 3226.

## MESSAGE FROM THE HOUSE

March 22, 1976.

Mr. President: The Speaker has signed SUBSTITUTE SENATE BILL NO. 3226, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

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

## REPORT OF STANDING COMMITTEE

March 20, 1976.

SUBSTITUTE HOUSE BILL NO. 75, making changes in the laws relating to voter registration (reported by Committee on Rules):

MAJORITY recommendation: Do pass.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Bailey, Bottiger, Clarke, Guess, Herr, Lewis (Harry), Mardesich, Marsh, Newschwander, Talley, Walgren.

## MOTIONS

On motion of Senator Walgren, the rules were suspended, Substitute House Bill No. 75 was advanced to second reading and read the second time in full.

Senator Beck moved adoption of the following amendment by Senators Walgren and Lewis (Harry):

Beginning on page 1, strike everything after the enacting clause and insert:

"*NEW SECTION.* Section 1. There is added to chapter 9, Laws of 1965 and to chapter 29.04 RCW a new section to read as follows:

(1) Each county auditor shall prepare and maintain a current and suitable map of the county and of each city or town therein clearly delineating the geographical boundaries of each precinct contained in the county and of the legislative and congressional districts in which each precinct is contained. A legal description of the geographical boundaries of such precincts and districts shall be attached to each map.

(2) On or before March 1, 1977, each county auditor shall send three copies of each current map with its legal descriptions to the secretary of state, and one copy to the clerk of each affected city or town. Within thirty days after any changes in precinct or district boundaries, the county auditor shall file revised maps and descriptions in the same manner and number.

(3) Such maps and descriptions shall be public records and shall be available for inspection by the public in the offices wherein they are kept during normal office hours. Copies shall be made available to the public for a fee necessary to cover the cost of reproduction.

*NEW SECTION.* Sec. 2. There is added to chapter 9, Laws of 1965 and to chapter 29.04 RCW a new section to read as follows:

(1) With regard to functions relating to census, apportionment, and the establishment of legislative and congressional districts, the secretary of state shall:

(a) Promulgate rules pursuant to chapter 34.04 RCW governing the preparation, maintenance, distribution, and filing of maps prepared pursuant to section 1 of this 1976 amendatory act;

(b) Coordinate and monitor mapping functions of the county auditors and county engineers;

(c) Maintain official state base maps and maintain an index of all available maps;

(d) Furnish to the United States bureau of the census as needed for the decennial census of population, current, accurate, and easily readable versions of maps of all counties, cities, towns, and other areas of this state, which shall show any streets, highways, railroads, and other physical boundaries, and shall indicate precinct boundaries.

(2) The secretary of state shall serve as the state liaison with the United States bureau of census on matters relating to the preparation of maps and the tabulation of population for apportionment purposes.

Sec. 3. Section 29.04.040, chapter 9, Laws of 1965 as amended by section 1, chapter 109, Laws of 1967 ex. sess. and RCW 29.04.040 are each amended to read as follows:

(1) No paper ballot precinct shall contain more than three hundred voters. If at any election three hundred or more votes are cast at any such voting place, the secretary of state as ex officio chief election officer, shall report that fact to the city council, if it is a precinct lying within a first class city or to the board of county commissioners if it is any other precinct. The city council of the first class city or the board of county commissioners, as the case may be, shall divide, alter, or combine precincts so that, whenever practicable such over populated precincts shall contain no more than two hundred fifty registered voters in anticipation of future growth, *subject to the requirements and limitations of subsection (2) of this section.*

(2) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored: **PROVIDED, HOWEVER,** That no precinct boundaries shall be changed during the period starting as of the thirtieth day prior to the first day for candidates to file for the September primary election and ending with the day of the November general election held in the even-numbered years: **PROVIDED FURTHER,** *That no precinct boundaries shall be changed nor shall any precinct be created, divided, abolished, or consolidated during the period between April 1st of any year whose last digit is seven and December 1st of any year whose last digit is one, except whose boundaries are changed due to annexation or detachment.*

(3) Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred registered voters: **PROVIDED,** That there shall be at least one voting machine or device for each three hundred registered voters or major fraction thereof.

(4) Each county auditor, when reporting the official election returns to the secretary of state as provided by RCW 29.62.090, shall indicate in such report which precincts are voted by paper ballots, [or] by voting machines, or by voting devices. In the instance of a voting machine or voting device precinct, the county auditor shall also indicate the number of such machines or devices used so that the secretary of state will be able to determine that the requirements of this section are being honored.

On petition of ten or more voters resident more than ten miles from any place of election, the board of county commissioners shall establish a separate voting precinct therefor, *subject to the requirements and limitations of subsection (2) of this section.*

The board of county commissioners of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the same; the county auditor shall thereupon designate the voting place for each such precinct.

Sec. 4. Section 29.04.050, chapter 9, Laws of 1965 and RCW 20.04.050 are each amended to read as follows:

(1) Every voting precinct must be established so that it is composed, as nearly as practicable, of contiguous and compact areas having physically defined boundaries clearly observable, and lies wholly within one senatorial or representative district and wholly within one county commissioner district.

(2) Every voting precinct within each county shall be designated consecutively by number.

**NEW SECTION.** Sec. 5. This 1976 amendatory act shall take effect on February 1, 1977.

**NEW SECTION.** Sec. 6. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

#### POINT OF INQUIRY

Senator Day: "Another question? Senator Beck, did you make any attempt to do anything about the problems with the computer voting in this bill? I note that it is referred to here in a couple of places in the latter section."

Senator Beck: "This has nothing to do with the computer voting. The computer voting is already . . ."

Senator Day: "Subsection four on page three refers to 'by voting machines or by voting devices' — by 'voting devices' in here in a number of places which I would imagine means computer voting, punchcard voting, and my question is now that we are working the bill and have the bill before us, we should do something to either reverse ourselves and go back to machines or do something to assure that we are not going to have the kind of thing we had in the last election and could well have had in a number of elections that we didn't know anything about. I think if there is anything sacred in this country left, it ought to be that the vote be secure and I don't feel that way about the present system."

Senator Beck: "You are bringing up an entirely different subject, Senator Day. We passed the punchcard voting and the computer voting system and that is already on the statutes."

Senator Day: "Too bad we didn't put a cut-off date on it."

On motion of Senator Mardesich, the following amendment to the amendment by Senators Walgren and Lewis (Harry) was adopted:

On page 3, line 8, after "between" and before "1st" strike "January" and insert "April"

Further debate ensued.

#### MOTION

Senator Walgren moved that Substitute House Bill No. 75 and the pending amendment by Senators Walgren and Lewis (Harry), as amended by Senator Mardesich, be held for further consideration on today's second reading calendar.

Debate ensued.

#### POINT OF INQUIRY

Senator Wilson: "Would Senator Walgren yield? Since you are the prime sponsor of the amendment, I guess it would be fair to ask this question of you. The question pertains to the estimated cost that will be incurred by local government in carrying out the mandates of this bill. As I read the guidelines for the maps contained in the department of commerce literature, they set forth very specific requirements for these maps as to what they want on them and what should not be on them. It occurs to me that the type of map the department of commerce is asking for probably is dissimilar from most existing types of maps maintained by county road departments or assessors' offices or other such entities.



"Therefore, I wonder if in this measure we are again dumping a workload on local government without providing any resources for government to employ in coping with the dictates of this bill?"

Senator Walgren: "Senator Wilson, I can't give you the exact dollar figure that might be involved as to additional cost but I would suspect that it would not be any more than is being expended now and it might be substantially less since we are in the process of asking that the precincts be frozen and not subject to the whim of a county auditor to go around and change these every once in a while. At least in my county we have the situation where the county auditor decides by himself if he wants to make a change in the precincts and obviously that is going to be a costly process.

"It seems to me that if we freeze these precincts then we have a one-shot cost but that is the end of it."

The motion by Senator Walgren carried. Substitute House Bill No. 75, together with the pending amendment by Senators Walgren and Lewis (Harry), as amended by Senator Mardesich, was ordered held for further consideration on today's second reading calendar.

#### MOTION

At 2:00 p.m., on motion of Senator Walgren, the Senate recessed until 4:00 p.m.

#### SECOND AFTERNOON SESSION

The President called the Senate to order at 4:00 p.m.

#### MOTION

At 4:03 p.m., on motion of Senator Marsh, the Senate recessed until 5:00 p.m.

#### MOTION

On motion of Senator Walgren, the Senate resumed consideration of Substitute House Bill No. 75.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 75, by Committee on Constitution and Elections (originally sponsored by Representatives King, Chandler, Fortson and Lysen):

Making changes in the laws relating to voter registration.

The Senate resumed consideration of Substitute House Bill No. 75. Earlier today an amendment by Senators Walgren and Lewis (Harry) was moved for adoption and the following amendment by Senator Mardesich to the amendment by Senators Walgren and Lewis (Harry) was adopted:

On page 3, line 8, after "*between*" and before "*1st*" strike "*January*" and insert "*April*"

#### MOTION FOR RECONSIDERATION

On motion of Senator Beck, the Senate moved to reconsider adoption of the amendment by Senator Mardesich to the amendment by Senators Walgren and Lewis (Harry).

#### MOTIONS

On motion of Senator Talley, the amendment by Senator Mardesich to the amendment by Senators Walgren and Lewis (Harry), on reconsideration, was laid upon the table.

On motion of Senator Beck, the following amendments to the amendment by Senators Walgren and Lewis (Harry) was adopted:

On page 1, line 14 and 18 strike "legal"

On line 17, strike "March" and insert "February"

On page 3, line 8, strike "*January*" and insert "*February*"

On page 3, line 13, after "voters" insert ", *subject to the requirements and limitations of subsection (2) of this section*" and after "PROVIDED," on line 13, insert "*That the counties shall make such changes in the size of the precincts in anticipation of future*

*growth, subject to the requirements and limitations of subsection (2) of this section: PROVIDED FURTHER,"*

On page 4, line 6, after "number" insert "for the purpose of preparation of maps and the tabulation of population for apportionment purposes. The county auditor may name precincts as he deems necessary for other purposes."

On motion of Senator Van Hollebeke, the following amendments to the amendment by Senators Walgren and Lewis (Harry) were adopted:

On page 2, line 28, strike "board of county commissioners" and insert "[board of county commissioners] county legislative authority"

On page 2, line 29, strike "board of county commissioners" and insert "[board of county commissioners] county legislative authority"

On page 3, line 28, strike "board of county commissioners" and insert "[board of county commissioners] county legislative authority"

The motion by Senator Beck carried and the amendment by Senators Walgren and Lewis (Harry), as amended, was adopted.

On motion of Senator Beck, the following amendment to the title was adopted:

Beginning on line 1 of the title, after "elections;" strike the balance of the title and insert: "amending section 29.04.040, chapter 9, Laws of 1965 as amended by section 1, chapter 109, Laws of 1967 ex. sess. and RCW 29.04.040; amending section 29.04.050, chapter 9, Laws of 1965 and RCW 29.04.050; adding new sections to chapter 9, Laws of 1965 and to chapter 29.04 RCW; and providing an effective date."

On motion of Senator Beck, the rules were suspended, Substitute House Bill No. 75, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 75, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 3; absent or not voting, 7; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Morrison, Newschwander, North, Peterson, Rasmussen, Sandison, Scott, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—33.

Voting nay: Senators Herr, Pullen, Talley—3.

Absent or not voting: Senators Day, Donohue, Mardesich, McDermott, Odegaard, Stortini, Woody—7.

Excused: Senators Jones, Keefe, Matson, Murray, Ridder, Sellar—6.

SUBSTITUTE HOUSE BILL NO. 75, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1976-270.

Senator Rasmussen moved adoption of the following resolution:

#### SENATE RESOLUTION 1976-270

By Senators Rasmussen, Knoblauch, Stortini, Newschwander, Beck, Day and McDermott:

WHEREAS, Cascadia Diagnostic and Treatment Center has an average daily population of one hundred thirty-six children; and

WHEREAS, The department of social and health services is currently expending federal grant moneys to conduct a study of community diagnostic services; and

WHEREAS, The results of such study will be presented to the forty-fifth legislature; and

WHEREAS, There is a proposal to transfer Cascadia Diagnostic and Treatment Center to the federal government in trust for use as an Indian medical center;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the governor shall be prohibited from making any transfer of the Cascadia facility until the forty-fifth legislature has received the results of the aforementioned study by the department of social and health services and has authorized the transfer of the facility to the federal government; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to the Honorable Daniel J. Evans, Governor.

Debate ensued.

On motion of Senator Guess, the following amendment to the resolution was adopted:

On line 12, strike "shall be prohibited" and insert "is respectfully requested to refrain"

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

#### MOTION

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

#### SENATE RESOLUTION 1976-272

By Senator Washington:

WHEREAS, The year 1976 is the Bicentennial Anniversary of our country; and

WHEREAS, The Forty-fourth Legislature will span the Bicentennial years; and

WHEREAS, The Community of George, Washington and a group known as the "Georgettes" has developed a Bicentennial commemorative envelope which has been successfully used for over 6,000 cancellations postmarked from George, Washington on February 22, 1976, most of which included letters from citizens and settlers of the great State of Washington, inviting friends and relatives to visit the State of Washington during the Bicentennial year; and

WHEREAS, A similar effort is planned for July 4, 1976;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, recognizing the value of such an activity that the Senate hereby commends the citizens of George, Washington for undertaking this worthwhile enterprise.

#### PERSONAL PRIVILEGE

Senator Grant: "Mr. President and members of the Senate, I wasn't here Saturday but I understand there were some remarks made with regard to my seat mate in the House, Representative Shipoch — some very pointed remarks. I would like to say on behalf of my colleague from the House, he is a very dedicated, hard working, sincere individual member of the House of Representatives.

"I am sorry that Senator Mardesich isn't here now. I would have liked to have made these comments while he was here. I know Bud Shipoch quite well. I have known him for several years. I knew him before he was a Representative and I know that he has no intention whatever to delay the processes here in the legislature by himself or for any personal advantage that he might gain. When we were here a year ago, a hundred and fifty-five days on some of the same problems that are confronting us today and to place the blame on one Representative, I think, is totally unfair on the part of any Senator.

"To suggest that the House is disorganized and that the leadership in the House has gone from bad to worse, Senator Bailey, is not necessarily the most responsible statement I have ever heard you make, either.

"We have some problems with which we are confronted that are serious problems,

and they are problems that I know we all want to try to resolve. I hope we can resolve them but I don't think there will be any resolution of those concerns that we have and I think Representative Shinpoch really is one of the finest Representatives in that body.

"I think I have heard when I was back in high school that a politician looks to the next election and a statesman looks to the next generation. I think that Representative Shinpoch in this position has been looking to the next generation. I hope we can all say that in the next few days."

#### PERSONAL PRIVILEGE

Senator Mardesich: "I am sorry I didn't hear all of Senator Grant's personal privilege, Mr. President. Mr. President, I am sorry I didn't hear all of what Senator Grant had to say. I have never said that Representative Shinpoch is not a hard working, dedicated legislator; he is. I did repeat some remarks which he made and I still feel that my position was right. For one, we were here — I heard a remark about a hundred and fifty-five days — whatever, but I, at least, still am with the position I espoused then.

"Representative Shinpoch has seen fit, for whatever his reasons, to vacillate from a fairly conservative type to a suddenly — in the heat of the leadership battle — to a flaming liberal. Now, that says something to me and if he stays because he is on somebody's payroll, then that is his problem. He could turn that money back to that company and be in the same boat as the rest of us. So, I still stick with my remarks and I am sorry I didn't hear all of yours, Senator."

#### MOTION

At 5:35 p.m., on motion of Senator Walgren, the Senate recessed until 7:30 p.m.

#### EVENING SESSION

The President called the Senate to order at 7:30 p.m.

#### MOTION

At 7:37 p.m., on motion of Senator Lewis (Harry), the Senate recessed until 8:20 p.m.

#### SECOND EVENING SESSION

The President called the Senate to order at 8:20 p.m.

#### MOTION

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

Senators Walgren, Bailey and Francis 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 Bottiger, Grant, Keefe, Matson, Ridder, Sellar and Woody who had previously been excused.

#### MOTION

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

#### MOTION

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

#### REPORT OF STANDING COMMITTEE

March 22, 1976.

REENGROSSED HOUSE BILL NO. 271, relating to revenue and taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

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

"Section 1. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 9, chapter 281, Laws of 1971 ex. sess. and RCW 82.08.020 are each amended to read as follows:

There is levied and there shall be collected a tax on each retail sale in this state equal to four and one-half percent of the selling price: *PROVIDED, That from and after the first day of June, 1976, until the thirtieth day of June, 1977, such tax shall be levied and collected in an amount equal to four and six-tenths percent of the selling price.* The tax imposed under this chapter shall apply to successive retail sales of the same property.

Sec. 2. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 1, Laws of 1975 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 subdivision (2) of RCW 82.12.030, 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 of four and one-half percent. *PROVIDED, That from and after the first day of June, 1976, until the thirtieth day of June, 1977, such tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of four and six-tenths percent.*

**NEW SECTION.** Sec. 3. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

From and after the first day of June, 1976, until the thirtieth day of June, 1977, 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 in the amount of six percent of the tax payable under the provisions of RCW 82.04.220 through 82.04.290, 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.

**NEW SECTION.** Sec. 4. This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately: *PROVIDED, That the provisions of this 1976 amendatory act shall be null and void in the event chapter — (Substitute Senate Bill No. 2778), Laws of 1975-76 second ex. sess. is approved and becomes law.*"

On line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 9, chapter 281, Laws of 1971 ex. sess. and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 1, Laws of 1975 2nd ex. sess. and RCW 82.12.020; adding a new section to chapter 15, Laws of 1961 and to chapter 82.04 RCW; prescribing effective dates; and declaring an emergency."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Fleming, Lewis (Harry), Mardesich, Newschwander, Rasmusen, Sandison, Washington.

#### MOTIONS

On motion of Senator Walgren, the rules were suspended, Reengrossed House Bill No. 271 was advanced to second reading and read the second time in full.

Senator Donohue moved adoption of the committee amendment.

Debate ensued.

#### POINT OF ORDER

Senator Newschwander: "Mr. President, do we have the three-minute rule here now?"

#### REPLY BY THE PRESIDENT

The President: "Yes, Senator Newschwander."

#### REMARKS BY SENATOR NEWSCHWANDER

Senator Newschwander: "I would hope so because we have heard this sales tax pitch about five times. We can stand up and we can talk B and O in the same realm that Senator Marsh is and so I would hope that you could maybe cut it down to one minute and we might listen to you but after that there is not a person on this side who is going to pay any attention. We are all tired and want to go home."

#### POINT OF ORDER

Senator Marsh: "Mr. President, point of order. I raise the point of order that the amendment is beyond the scope and object of the title. House Bill No. 271 amends chapter 84.12 which has to do with assessments and taxation of public utilities and which is in Title 84 having to do with property taxes in general. The proposed amendment amends three chapters of Title 82 having to do with excise taxes, amending chapter 82.04 having to do with the B and O tax, chapter 82.08 having to do with the sales tax, chapter 82.12 having to do with the use tax. Senator Newschwander, I hope that is within one minute."

Debate ensued.

#### RULING BY THE PRESIDENT

The President: "The point of order as raised by Senator Marsh is that the amendment changes the scope and object of the title of the bill, and ruling on the point of order as presented by Senator Marsh, the President finds that Reengrossed House Bill No. 271 is an act relating to revenue and taxation. The amendment obviously also concerns itself with revenue and taxation, and therefore the amendment does not change the scope and object of the title of the bill, and the point of order therefore is not well taken."

Debate ensued.

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

On page 2, line 45 of the amendment, before "Substitute" insert "Engrossed"

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

On motion of Senator Donohue, the committee amendment to the title was adopted.

On motion of Senator Donohue, the rules were suspended, Reengrossed House Bill No. 271, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 271, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 21; nays, 21; excused, 7.

Voting yea: Senators Beck, Donohue, Fleming, Francis, Goltz, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, McDermott, Odegaard, Peterson, Rasmussen, Sandison, Scott, Stortini, von Reichbauer, Walgren, Washington, Wilson—21.

Voting nay: Senators Bailey, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Gould, Guess, Henry, Herr, Lewis (R. H. "Bob"), Marsh, Morrison, Murray, Newschwander, North, Pullen, Talley, Van Hollebeke, Wanamaker—21.

Excused: Senators Bottiger, Grant, Keefe, Matson, Ridder, Sellar, Woody—7.

REENGROSSED HOUSE BILL NO. 271, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bailey moved that the Senate immediately reconsider the vote by which Reengrossed House Bill No. 271, as amended by the Senate, failed to pass the Senate.

Debate ensued.

The motion by Senator Bailey carried and the Senate moved to reconsider the vote by which Reengrossed House Bill No. 271, as amended by the Senate, failed to pass.

The President declared the question before the Senate to be the roll call on final passage, on reconsideration, of Reengrossed House Bill No. 271, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 271, as amended by the Senate, and on reconsideration the bill passed the Senate by the following vote: Yeas, 25; nays, 17; excused, 7.

Voting yea: Senators Bailey, Beck, Bluechel, Donohue, Fleming, Francis, Goltz, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, McDermott, Odegaard, Peterson, Rasmussen, Sandison, Scott, Stortini, Talley, von Reichbauer, Walgren, Washington, Wilson—25.

Voting nay: Senators Benitz, Buffington, Clarke, Cunningham, Day, Gould, Guess, Henry, Lewis (R. H. "Bob"), Marsh, Morrison, Murray, Newschwander, North, Pullen, Van Hollebeke, Wanamaker—17.

Excused: Senators Bottiger, Grant, Keefe, Matson, Ridder, Sellar, Woody—7.

#### POINT OF ORDER

Senator Marsh: "Mr. President, I would like to call attention to rule 34 on the announcement of the vote on a point of order. Rule 34 says 'the announcement of all votes shall be made by the president and the announcement of the result of any vote shall not be postponed.' We have now been here fifteen minutes. I think it is perfectly obvious that the vote is being delayed in its announcement contrary to rule 34."

#### REMARKS BY SENATOR MARSH

Senator Marsh: "Mr. President, I will also call attention to rule one which has to do with decorum. I think it is obvious when members are clustered around the desk and discussion of the vote is being made that that is less than total decorum."

#### RULING BY THE PRESIDENT

The President: "The remarks as presented by Senator Marsh are well taken."

#### RULING BY THE PRESIDENT

The President: "Senator Marsh has raised the point of order quoting rule 34: 'the announcement of all votes shall be made by the president and the announcement of the result of any vote shall not be postponed.' Senator Marsh's point of order is well taken."

REENGROSSED HOUSE BILL NO. 271, as amended by the House, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, Reengrossed House Bill No. 271, as amended by the Senate, was ordered immediately transmitted to the House.

## MOTION

At 9:35 p.m., on motion of Senator Walgren, the Senate was declared to be at ease. The President called the Senate to order at 11:10 p.m.

NOTIFICATION AND TRANSMITTAL OF SUBSTITUTE  
SENATE BILL NO. 2006 TO SECRETARY OF STATE

March 22, 1976.

Honorable Bruce K. Chapman  
Secretary of State  
Legislative Building  
Olympia, Washington 98504

Dear Mr. Chapman:

I am transmitting herewith SUBSTITUTE SENATE BILL NO. 2006, which was passed notwithstanding the veto of the Governor, by the Senate by a vote of 45 Yeas and 1 Nay on September 6, 1975; and by the House of Representatives by a vote of 58 Yeas and 27 Nays on March 22, 1976.

Done at Olympia, Washington  
this 22nd day of March, 1976.

(Signed) SID SNYDER  
Secretary of the Senate.

## MOTIONS

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

At 11:10 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Tuesday, March 23, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



**SEVENTY-EIGHTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Tuesday, March 23, 1976.

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 Cunningham, Francis, Jones, Keefe, Matson, McDermott, Newschwander, Rasmussen and Ridder. On motion of Senator Knoblauch, Senators Keefe and Ridder were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Cunningham, Matson and Newschwander were excused.

The Color Guard, consisting of Pages Frank Eggert and Susan Hintz, presented the Colors. Reverend Glen D. Cole, pastor of the Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WE WANT TO THANK YOU FOR THE GREAT OPPORTUNITIES THAT LIE BEFORE US TODAY, AND FOR THE GREAT PRINCIPLES LAID DOWN BY THE GREATEST TEACHER OF ALL, JESUS CHRIST OUR LORD. HIS UNDERSTANDING, PERCEPTIVENESS, INSIGHT AND WISDOM CAN BE OURS WHEN WE TRULY YIELD OUR MINDS AND SPIRITS TO HIM. WE ACKNOWLEDGE THAT HIS WAY WORKS WHEN IT IS WORKED. HELP US, THEREFORE, TO BE WISE ENOUGH TO FOLLOW AND TO GIVE OURSELVES INTO HIS GUIDANCE AND DIRECTION, THAT WE MAY TRULY ATTAIN WHAT IS BEST FOR THIS DAY. WE PLACE THIS LEGISLATIVE BODY IN YOUR HANDS. WE PLACE ALL OF THE BUSINESS IN YOUR HANDS. WE THANK YOU FOR GOD-FILLED IDEAS, FOR UNTAPPED ENERGY, FOR VITALITY AND STRENGTH OF MIND AND BODY. HELP US THIS DAY TO WALK OUT INTO THE CLEAR LIGHT OF LIFE, FILLED WITH YOUR POWER, WITH YOUR WISDOM AND WITH YOUR LOVE.

"WE THANK YOU NOW FOR THE WONDERFUL THINGS YOU DO FOR US, AND FOR THE GOOD DAY THAT YOU ARE GOING TO GIVE US, AND FOR YOUR BLESSINGS UPON OUR FAMILIES, OUR NATION, AND OUR WORK. IN THE NAME OF YOUR SON, JESUS, WE PRAY. AMEN."

**MOTION**

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

**MOTIONS**

On motion of Senator Lewis (Harry), all members were permitted as sponsors to Senate Resolution 1976-273.

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

**SENATE RESOLUTION 1976-273**

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

WHEREAS, The University of Puget Sound Loggers have proved beyond a shadow of a doubt that they are the Number 1 College Division Team in the entire United States by winning the NCAA Division II National Championship Title; and

WHEREAS, The University of Puget Sound Loggers is the first Northwest team in history to win a NCAA Division II championship with an outstanding record of 27 wins and 7 losses, the most wins ever by a University of Puget Sound team, including the last thirteen games of the season; and

WHEREAS, Don Zech in eight years as the Head Coach at the University of Puget Sound has compiled a record of 156 wins and 71 losses; and

WHEREAS, Coach Zech with the able assistance of Assistant Coach Mike Acres and Athletic Director Doug McArthur has brought fame, honor and recognition to the University of Puget Sound; and

WHEREAS, Senior Curt Peterson was chosen as the Most Valuable Player and the First Team Center on the NCAA Championship Team, and Brant Gibler was also selected to the First Team; and

WHEREAS, Curt Peterson, Tim Evans, and Rick Walker were selected to the First All-Northwest Team; and Brant Gibler, Curt Peterson, and Rick Walker were selected to the First Team of the Western NCAA Regionals Tournament;

NOW, THEREFORE, BE IT RESOLVED, By the members of the Senate that we do congratulate and honor the University of Puget Sound Loggers; their Coach Don Zech; Assistant Coach, Mike Acres; and Athletic Director, Doug McArthur; that we do recognize this team has proved that solid coaching combined with a true sense of team play and a team attitude which personifies the best in sports competitiveness are the key ingredients to successful competition in college sports; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate prepare and send copies of this resolution to every member of this championship team; their Coach, Don Zech; Assistant Coach, Mike Acres; Athletic Director, Doug McArthur; and to the President and the Chancellor of the University of Puget Sound.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Governor Daniel J. Evans and appointed Senators Herr, Fleming, North and Sellar to escort the Honorable Governor Daniel J. Evans to a place of honor upon the rostrum.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the University of Puget Sound Loggers Basketball team, NCAA Division Champions and appointed all members of the Pierce County delegation to escort the honored guests to a place of honor upon the rostrum.

With permission of the Senate, business was suspended to permit Governor Evans and Coach Don Zech to address the Senate.

The committee of honor escorted Governor Evans from the Senate Chamber and the committee was discharged.

The committee of honor escorted the basketball team and coaches from the Senate Chamber and the committee was discharged.

#### MOTION

At 12:15 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

#### MOTION

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

Senators Walgren, Bailey and Washington demanded a Call of the Senate. A Call of the Senate was ordered.

#### CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senators

Cunningham, Jones, Keefe, Matson, Newschwander and Ridder who had previously been excused.

#### MOTION

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

#### MOTION

At 1:45 p.m., on motion of Senator Bailey, the Senate was declared to be at ease. The President called the Senate to order at 2:52 p.m.

#### MOTION

At 2:52 p.m., on motion of Senator Walgren, the Senate was declared to be at ease. The President called the Senate to order at 5:00 p.m.

#### MOTIONS

On motion of Senator Marsh, the Senate dispensed with the Call of the Senate. At 5:02 p.m., on motion of Senator Marsh, 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 Marsh, Senator Francis was excused. Senators Marsh, Walgren and Jolly demanded a Call of the Senate. A Call of the Senate was ordered.

#### CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senators Francis, Jones, Keefe, Matson and Ridder, who had previously been excused. Senators Grant and Woody were absent.

#### MOTION

On motion of Senator Walgren, the Senate proceeded subject to roll call.

#### MOTION

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

#### REPORT OF CONFERENCE COMMITTEE

March 22, 1976.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred SECOND SUBSTITUTE HOUSE BILL NO. 1316, as amended by the Senate, authorizing state funding of senior citizens' nutrition program, have had the same under consideration, and we report that we cannot agree and request the powers of Free Conference in order to propose the following amendments to the Senate amendment:

On page 1, line 17, after "needs" strike "at any particular time"

On page 1, beginning on line 26, strike all language through line 2, page 2

On page 2, line 11, strike "office" and insert "department"

On page 2, after line 20 and before subsection (4) insert a new subsection as follows:

"(4) "Office" shall mean the office on aging which is the organizational unit within the department responsible for coordinating and administering aging problems."

Renumber the remaining subsections consecutively.

On page 2, line 24, after "age" strike the period and insert a semicolon, and add a new subsection as follows:

"(c) In need of services to enable them to remain in their customary homes because of physical, mental, or other debilitating impairments."

On page 3, line 5, strike ", through the office of aging"

On page 3, line 8, strike "office" and insert "department"

On page 3, line 12, strike ", through the office,"

On page 3, line 15, strike ", through the office,"

On page 3, line 21, strike ", through the office,"

On page 3, line 26, strike "office" and insert "department"

On page 3, line 32, after "resources" insert "and subsequent income"

On page 3, line 33, after "service" strike "and subsequent income"

On page 3, line 35, strike "office" and insert "department"

On page 3, line 36, strike "nonlow" and insert "non-low"

On page 4, line 5, after "include" strike ", but need not be limited to"

On page 4, line 13, strike "activities,"

On page 5, line 15, strike "nonlow" and insert "non-low"

On page 5, line 28, after "may" strike "establish" and insert "expand"

On page 5, beginning on line 34, strike all of Section 7 and renumber the remaining sections accordingly

On page 6, line 15, strike all of section 10 down through and including line 21 and insert the following:

"*NEW SECTION.* Sec. 10. There is hereby appropriated from the general fund seven million five hundred thousand dollars, of which five million six hundred thousand dollars shall be from federal sources, to carry out the provisions of this act; except, that funds shall be expended only upon approval and receipt of federal funds."

Signed by: Senators Day, Cunningham and von Reichbauer; Representatives Adams and Shinpooh.

#### MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Second Substitute House Bill No. 1316.

#### MOTION

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

#### REPORT OF STANDING COMMITTEE

March 22, 1976.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1626, enacting a supplemental capital budget (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

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

"*NEW SECTION.* Section 1. A supplemental budget as set forth in this 1976 amendatory act is hereby adopted and subject to the provisions set forth in this 1976 amendatory act, the several amounts specified in this 1976 amendatory act, or so much thereof as may be necessary 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, including operations and capital improvements, for the fiscal biennium beginning July 1, 1975, and ending June 30, 1977, except as otherwise provided, out of the several funds of the state hereinafter named. The appropriations contained in this 1976 amendatory act for state agencies include such amounts as are reasonably necessary to obtain information from such agencies by the legislature, its committees or its members, or to represent the official request of such agencies to the legislature, its committees or its members.

*NEW SECTION.* Sec. 2. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation. . . . .	\$	1,592,500
Total Appropriation. . . . .	\$	1,592,500

The appropriation contained in this section shall be subject to the following conditions and limitations: This appropriation may be expended for, but not be limited to (1) a study of the feasibility of creating an inflation index for expenditure analysis; (2) implementation of a state-wide property tax study; (3) employment of counsel pursuant to Senate Resolution 122; (4) continuation of present Public Service Broadcasting television coverage; (5) for hiring attorneys and other additional staff people as may be necessary to defend the state of Washington relative to its position in regards to chapter 125, Laws of 1975 1st ex. sess. (ESHB 527), in which the regulation of the size of tankers entering Puget Sound was passed; and (6) notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess. the house of representatives shall pay expenses quarterly to the department of general administration, general administration facilities and revolving account, for services rendered by the department for operation, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1975.

*NEW SECTION. Sec. 3. FOR THE SENATE*

General Fund Appropriation. . . . .	\$	589,647
Total Appropriation. . . . .	\$	589,647

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess. the senate shall pay expenses quarterly to the department of general administration, general administration facilities and revolving account, for services rendered by the department for operation, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1975. Not more than \$287,147 shall be expended by the senate for the purposes of this section.

(2) Not more than \$27,500 shall be expended for the continuation of present Public Service Broadcasting Television coverage of legislative activity and events.

(3) An amount, not to exceed \$25,000 of this appropriation, may be utilized, but not be limited to, senate expenses for hiring attorneys and other additional staff people as may be necessary to defend the State of Washington relative to its position in regards to chapter 125, Laws of 1975 1st ex. sess. (ESHB 527), in which the regulation of the size of tankers entering Puget Sound was passed.

(4) Not more than \$250,000 of this appropriation may be expended for, but not be limited to, senate expenses related to actuarial and other expert staff and services directed toward resolution of problems relating to post retirement cost-of-living adjustments and the effect of proposed pension reform measures now before the legislature.

*NEW SECTION. Sec. 4. FOR THE GOVERNOR —*

**SPECIAL APPROPRIATIONS**

General Fund Appropriation. . . . .	\$	1,030,220
Total Appropriation. . . . .	\$	1,030,220

The appropriation contained in this section shall be expended exclusively to implement the provisions of sections 1 through 4 of chapter 263, Laws of 1975 1st ex. sess.

Sec. 5. Section 11, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR — SPECIAL APPROPRIATIONS

General Fund Appropriation—State . . . . .	\$	105,640,918
General Fund Appropriation—Federal . . . . .	\$	12,962,742
Special Fund Salary Increase Revolving Fund		
Appropriation . . . . .	\$	41,087,810
Total Appropriation . . . . .	\$	159,691,470

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$630,000 for the governor's emergency fund to be allocated for the purpose of carrying out the critically necessary work of any agency: *PROVIDED, That not more than \$150,000 shall be used as matching funds for individual and family grants qualifying under regulations established by the Federal Disaster Assistance Administration.*

(2) Not more than \$700,000 may be allotted by the governor for survey and installation purposes.

(3) \$20,000 for the Interstate Nuclear Compact.

(4) \$2,000 for the Advisory Commission on Intergovernmental Relations.

(5) \$100,340 for the Council on State Governments.

(6) \$60,000 for Governor's Transition.

(7) \$75,000 for the National Guard Association Conference.

(8) Not more than \$117,016,320 in general fund moneys (including \$12,962,742 in federal funds) shall be expended for continuation during the 1975-77 biennium of the salary increases which were granted effective March 1, 1975 pursuant to section 2, chapter 9, Laws of 1975 to state classified and higher education classified employees, state employees exempt from the classified service, faculty and exempt employees of the four year units of higher education and the community college system, excluding student employees not under the jurisdiction of the state personnel board or higher education personnel board classification systems, and commissioned members of the Washington state patrol. Such salary increase funds include increments, or their equivalent, that may be granted by the individual institutions of higher education.

(9) Not more than \$41,087,810 in Special Fund Salary Increase Revolving Fund moneys shall be expended for continuation during the 1975-77 biennium of the salary increases granted pursuant to section 2, chapter 9, Laws of 1975, and to facilitate payment of such increases the state treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund, in accordance with schedules provided by the office of program planning and fiscal management.

*NEW SECTION.* Sec. 6. FOR THE DEPARTMENT OF PERSONNEL

State Employees' Insurance Fund

Appropriation . . . . .	\$	295,892
Total Appropriation . . . . .	\$	295,892

*NEW SECTION.* Sec. 7. FOR THE DATA PROCESSING AUTHORITY

General Fund—Resource Management Cost Account

Appropriation . . . . .	\$	85,000
Total Appropriation . . . . .	\$	85,000

The appropriation contained in this section shall be expended to assist the Department of Natural Resources in transferring to a consolidated data processing environment.

**NEW SECTION. Sec. 8. FOR THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

**Retirement System Expense Fund**

Appropriation . . . . .	\$	90,209
<b>Total Appropriation . . . . .</b>	<b>\$</b>	<b>90,209</b>

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$21,116 shall be expended for creating a new position of internal audit supervisor, including related employee benefits, equipment and supplies.

(2) \$45,085 shall be expended for the implementation of the provisions of chapter 73, Laws of 1975 1st ex. sess. for all retired members of the system who apply.

(3) Not more than \$24,008 shall be expended for additional actuarial services on proposed legislation.

**NEW SECTION. Sec. 9. FOR THE TEACHERS' RETIREMENT SYSTEM**

General Fund Appropriation—State . . . . .	\$	500,000
<b>Total Appropriation . . . . .</b>	<b>\$</b>	<b>500,000</b>

The appropriation contained in this section shall be expended exclusively for the purpose of granting an ad hoc increase for one year in the minimum pension provided in RCW 41.32.497, to seven dollars and fifty cents per month for each year of creditable service to all members who retired prior to April 25, 1973. Such increase shall take effect July 1, 1976.

**NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund Appropriation . . . . .	\$	107,968
General Fund—Motor Transport Account		
Appropriation . . . . .	\$	271,477
<b>Total Appropriation . . . . .</b>	<b>\$</b>	<b>379,445</b>

The general fund appropriation contained in this section shall be expended exclusively by the Division of Banking.

**NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

State Funding Sources . . . . .	\$	4,394,311
Federal Funding Sources . . . . .	\$	8,100,423
<b>Total Funding Sources . . . . .</b>	<b>\$</b>	<b>12,494,734</b>

On and after the effective date of this 1976 amendatory act, the department shall be subject to the following conditions and limitations:

(1) The department shall be deemed to have received the necessary approval for the release of funds appropriated by section 62, chapter 269, Laws of 1975 1st ex. sess. (uncodified).

(2) The department shall not implement a twice monthly payment program.

(3) The department may make payment of proper claims for service rendered in the 1973-75 biennium which have been timely filed pursuant to RCW 74.09.160.

(4) The department shall implement the requirements of Initiative 316.

(5) The department shall revise such rules and regulations as pertain to the cost reimbursement system for skilled nursing and intermediate care facilities to allow vendors under such system to utilize any savings achieved in cost centers other than nursing services without subsequent penalty, within:

(a) The cost centers of (i) restorative care and recreational activities; (ii) dietary services; (iii) facility and patient services; and (iv) nursing services; and

(b) The heat portion of the operation of plant cost center.

(6) The department shall develop and implement an accounting procedure which will provide, in a timely manner, for potential encumbrances of claims filed pursuant to RCW 74.09.160, so that belated claims may be more accurately forecast.

(7) If a reduction in force is required, such reduction shall be based proportionally among merit system classifications and exempt personnel without prohibiting a higher percentage of reductions among exempt or administrative personnel.

(8) Notwithstanding the limitations contained within section 58(1)(d) of chapter 269, Laws of 1975 1st ex. sess. (uncodified), if the department finds such action necessary to meet the requirements of section 39 of this act, it may reduce the average length of stay below the 75th percentile of the national professional activity survey (PAS) standards for selected surgical procedures.

(9) The department shall develop short and long term comprehensive plans for the entire state correctional system in the form of a substantive legislative proposal which shall be submitted to the 45th Legislature. Such proposal shall include, but not be limited to, the following:

(a) Use of one of the two proposed new facilities for offenders who are mentally ill and/or in need of protective custody;

(b) Use of one of the two proposed new facilities for offenders who are dangerous and/or disruptive;

(c) Significant reduction in incidents of violence and illegal drug trafficking within the facilities;

(d) Restructuring of present and new facilities to provide for a continuum of security ranging from maximum to minimum status. Such a system shall be structured so as to provide for the proper environment for training, treatment, and self-help programs. Restructuring shall include the expansion of the honor camp system or equivalent minimum security units for nondangerous offenders who are able to function in a minimum security environment;

(e) Extensive development or self-help programs within each facility;

(f) Extensive development of prison industries and the utilization of inmates in prison maintenance;

(g) Expansion of vocational training programs to provide inmates with the certification necessary for transition to employment in the community;

(h) Development of program and job performance standards, and an evaluation process for all adult correction programs operated and/or funded by the department;

(i) Development of a staff recruitment and training policy, the main objective of which is to limit the role of personnel as custodians to the minimum amount necessary to maintain order, and to expand the role of personnel as facilitators for training, treatment, and self-help programs;

(j) Expansion of community resources, to include, but not be limited to, probation and parole services, court diversion, restitution centers, halfway houses, drug and alcoholism treatment centers, and training and employment placement services; and

(k) Thorough examination of the needs for health, dental, and psychological care within the system.



(10) The department shall develop short and long term comprehensive plans for both institutional and community rehabilitative services within the developmental disabilities program in the form of a substantive legislative proposal which shall be submitted to the 45th Legislature. Such proposal shall include, but not be limited to, the following:

- (a) The deinstitutionalization of existing facilities, including the priority of residents to be deinstitutionalized;
- (b) The level and type of treatment and training both within the institution and in the community;
- (c) The roles of both the community colleges and institutions of higher education;
- (d) The role of the community and various advocate groups; and
- (e) The operational level in funding and full time equivalent staff years.

(11) General assistance for unemployed, employable persons may be provided in accordance with eligibility requirements and standards established by the department to an applicant who:

- (a) Meets the eligibility requirements of RCW 74.08.025; and
- (b) Is a resident of the State of Washington; and
- (c) Is either:
  - (i) A single person who is fifty years of age or over; or
  - (ii) A married couple when one of the spouses is fifty years of age or older; or
  - (iii) A minor dependent child living in the home with one or both parents, who are not eligible for aid to families with dependent children or continuing general assistance; or
  - (iv) A minor child living outside the parental home and enrolled in high school or a vocational training plan approved by the local office of the department.

(12) Implementation of a "minimum-to-moderate correctional center at Firlands" pursuant to section 51(4)(b)(i), chapter 269, Laws of 1975 1st ex. sess. shall be reviewed by the 1977 legislature and approved or disapproved at that time.

(13) The department, through the Special Investigations Division, shall utilize up to \$3,900 for the purpose of establishing and publicizing a toll free welfare fraud hotline as a pilot project during the last year of the 1975-77 biennium.

**NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES — INCOME MAINTENANCE PROGRAM**

**(1) MAINTENANCE GRANTS**

General Fund Appropriation—State . . . . .	\$	185,836
Total Appropriation. . . . .	\$	185,836

The appropriation contained in this subsection shall be utilized for increases in congregate care vendor rates for fiscal year 1977.

**(2) INTERMEDIATE CARE FACILITIES**

General Fund Appropriation—State . . . . .	\$	304,596
General Fund Appropriation—Federal . . . . .	\$	320,869
Total Appropriation. . . . .	\$	625,465

The appropriation contained in this subsection shall be utilized for vendor rate increases in intermediate care facility vendor rates for fiscal year 1977.

**NEW SECTION. Sec. 13. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES — COMMUNITY SOCIAL SERVICES PROGRAM**

General Fund Appropriation—State . . . . .	\$	1,900,000
General Fund Appropriation—Federal . . . . .	\$	5,600,000
Total Appropriation. . . . .	\$	7,500,000

The appropriations contained in this section shall be utilized to carry out the purposes of chapter \_\_\_\_ (ESSHB 1316), Laws of 1975-76 2nd ex. sess.; except, that state general funds shall not be expended until approval and receipt of federal funds.

**NEW SECTION. Sec. 14. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES — MEDICAL ASSISTANCE PROGRAM — GENERAL MEDICAL ASSISTANCE**

General Fund Appropriation—State . . . . .	\$	2,003,879
General Fund Appropriation—Federal . . . . .	\$	2,179,554
Total Appropriation. . . . .	\$	4,183,433

The appropriation contained in this section shall be utilized for increases in skilled nursing facility vendor rates for fiscal year 1977.

Sec. 15. Section 67, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation—State . . . . .	\$	5,396,030
General Fund Appropriation—Federal . . . . .	\$	60,000
Accident Fund Appropriation . . . . .	\$	[18,457,844]
		19,142,054
Medical Aid Fund Appropriation . . . . .	\$	[16,577,497]
		17,261,707
Plumbing Certificate Fund Appropriation. . . . .	\$	74,100
Electrical License Account Appropriation . . . . .	\$	3,035,849
Total Appropriation. . . . .	\$	[43,601,320]
		44,969,740

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) [It is the intent of the legislature that] Not more than [ \$1,200,000] \$2,200,000 shall be expended for the Automated Records Management System (ARMS) under the Industrial Insurance Program, and that the department shall abolish [sixty-five] *twenty-six* positions in the Industrial Insurance Program [not later than January 30, 1977, as the result of such implementation of ARMS] *not later than November 30, 1976, as the result of such implementation of the Automated Records Management System (ARMS).*

(2) \$786,669 of the general fund appropriation shall be expended, pursuant to chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.160, for the payment of claims to provide relief for victims of criminal acts committed between January 1, 1972, and July 1, 1974. Of such amount, \$118,408 shall be for administrative and appeals costs based upon the enactment of chapter [,,,] 176, Laws of 1975 1st ex. sess. [(SB 2070).]

(3) Upon the enactment of chapter [,,,] 296, Laws of 1975 1st ex. sess. [(ESSB 2408), \$315,743] \$225,245 of the general fund appropriation — state moneys shall be transferred from the department of labor and industries to the public employment relations commission created by such chapter.

(4) *Not more than \$19,265 of the general fund appropriation contained in this section shall be expended within the Building and Construction Safety program for contractor registration.*

**NEW SECTION. Sec. 16. FOR THE AERONAUTICS COMMISSION**

General Fund Aeronautics Account Appropriation. . . . .	\$	126,000
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Total Appropriation. . . . . \$ 126,000  
 The appropriation contained in this section shall be expended exclusively for improvement of state owned emergency landing fields.

Sec. 17. Section 149, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION — GENERAL APPORTIONMENT**

General Fund Appropriation:	
For General Apportionment . . . . .	\$ [1,073,195,265] 1,136,687,069
Total Appropriation . . . . .	\$ [1,073,195,265] 1,136,687,069

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Salary increases for classified and certificated employees of common school districts are not mandated by the provisions of this section.

(2) [Any local school district which does provide a salary increase from funds appropriated by this section shall provide a district-wide salary increase which is equal for both certificated and classified personnel.

(3) Local school districts receiving funds from the appropriation made in this section may expend all or a portion of such funds to retain needed personnel in lieu of salary increases.

[(4) It is the intent of the legislature that] (3) To the extent that any district receives funds through the state apportionment formula in excess of the amount anticipated by such a district when it established its excess levy for collection in 1976 or 1977 and when such excess can be utilized to relieve special levy burdens, then such a district should place a first priority on reducing its special levy.

[(5)] (4) The superintendent of public instruction is hereby authorized to direct from the appropriation contained in this section, such funds as may be necessary to grant salary increases for certificated and classified employees funded through categorical programs, but in no event shall such allocation exceed the average salary increase amount authorized for state employees during the 1974-75 fiscal year.

[(6)] (5) The weighting schedule used by the superintendent of public instruction during the 1975-77 biennium in computing the apportionment of funds for each school district shall be based on the following factors:

(a) A base weighting factor of 1.0 for each full time equivalent student enrolled;

(b) An additional weighting factor of 1.0 for each full time equivalent student enrolled in vocational education in grades 9-12 which is approved by the superintendent of public instruction. The superintendent of public instruction shall report the results of a comprehensive study on vocational education to the standing ways and means committees no later than January 1, 1976. Such study shall document the cost of vocational education presently qualifying for 0.2 support on a sample basis. Such study shall include an examination of the criteria for determining full time equivalents and recommendations for alternative funding procedures and a time line for implementation thereof;

(c) Continuation of the weighting factors used by the superin-

tendent of public instruction for the purpose of reimbursement to each school district for costs resulting from staff education and experience greater than the minimum requirements. The superintendent of public instruction shall employ the staff characteristic factor of the respective local districts established in each of the immediately preceding school years for purposes of distribution throughout the 1975-77 biennium;

(d) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for school districts enrolling not more than 250 full time equivalent students in grades 9-12;

(e) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for nonhigh school districts enrolling not more than 100 full time equivalent students which districts have been judged to be remote and necessary by the state board of education;

(f) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for small school plants which are judged remote and necessary within any school district by the state board of education;

(g) An additional weighting factor for a period of not more than four years, for any consolidated school district formed after July 1, 1971, equal to the additional weighting factor in effect in each qualifying district during the school year immediately preceding consolidation, which district consists of one or more former school districts which were either remote and necessary or which contained not more than 250 students in grades 9-12;

(h) An additional weighting factor of 0.25 for full time equivalent students residing on tax exempt property as set forth in RCW 28A.41.140(6)(b) or (c); and

(i) An additional weighting factor of 0.25 for full time equivalent students in an approved interdistrict cooperative program as authorized by RCW 28A.41.140(6)(a) and 28A.58.075.

*(6) Not more than three million dollars of such funds appropriated by this section shall be allocated to districts, during the 1976-77 school year, which have submitted but failed to authorize one or more excess levies for maintenance and operations for collection in 1976 and with a relatively high percentage of urban, rural, racial, and disadvantaged children, to continue quality educational programs for the 1976-77 school year at approximately the same student-teacher ratio that existed during the 1975-76 school year for any such districts or schools within such districts.*

(7) [It is the intent of the legislature that] A portion of the funds appropriated by this section for general apportionment may be used by school districts for costs associated with public use of school gymnasiums during evening and weekend hours.

(8) During the 1975-77 biennium the superintendent of public instruction shall distribute not more than \$960,000 of the funds appropriated by this section for general apportionment, outside of the apportionment formula to school districts for the following purposes:

(a) To pay fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by the provisions of RCW 52.36.020 by the expenditure of not more than \$560,000;

(b) To pay for school district emergencies by the expenditure of not more than \$400,000.

(9) During the 1975-77 biennium the superintendent of public instruction may direct the expenditure of funds contained in this appropriation to fund the percentage of school psychologists, speech therapists and other ancillary personnel not funded in the hand-capped excess cost appropriation for the 1975-77 biennium.

(10) Not more than \$125,000 of such funds appropriated by this section shall be expended for conversion of first class school district financial reports into machine readable form; to assist second class school districts in subscribing to data processing cooperative services and implementing financial accounting changes; and to pay expenses of state-wide school data processing task force and staff coordinator necessary for developing uniform reporting and processing systems for data processing cooperative usage.

**NEW SECTION. Sec. 18. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION — FOR SPECIAL FUNDING FOR LOW ASSESSED VALUATION DISTRICTS**

General Fund Appropriation. . . . .	\$	4,500,000
Total Appropriation. . . . .	\$	4,500,000

(1) Not more than \$4,500,000 of such funds appropriated by this section shall be allocated to districts during the 1976-77 school year, which are below the state average assessed valuation per full time equivalent student for excess levies collectible in 1976. Such distribution shall be based upon the following schedule:

ASSESSED VALUATION PER FTE STUDENT	PER FTE STUDENT ALLOCATION
\$30,000 & Below	\$25.00
30,001—35,000	20.00
35,001—40,000	15.00
40,001—45,000	10.00
45,001—50,000	5.00

(2) Any school district which has been authorized to levy an excess levy for collection in 1977 and which fails to certify and roll back such excess levy to the amount determined to be available under this distribution shall not receive any allotment of the funds made available under this section.

(3) The Superintendent of Public Instruction shall adopt rules and regulations to carry out the provisions of this section.

**NEW SECTION. Sec. 19. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**General Fund—Common School Financial Loan**

Account Appropriation . . . . .	\$	120,000,000
Total Appropriation. . . . .	\$	120,000,000

No portion of the funds appropriated in this section shall be expended until available from the common school financing loan account of the general fund as provided for in chapter \_\_\_\_ (SB \_\_\_\_), Laws of 1975-76 2nd ex. sess.: PROVIDED FURTHER, That all funds shall be advanced to those school districts wishing to participate and in such amounts as in accordance with the common school financing advancement program pursuant to chapter \_\_\_\_ (SB \_\_\_\_), Laws of 1975-76 2nd ex. sess. and as hereinafter set forth in this section:

(1) The maximum levy eligible for partial advancement reimbursement and to enable any school district to participate in the common school financing advancement program for any school district which submitted excess levies for maintenance and operation

purposes in 1974 for 1975 collection and/or in 1975 for 1976 collection shall be computed by the following formula: PROVIDED, That the superintendent of public instruction shall exercise, up to the limitation determined in subsection (1) of this section, the discretion permitted him under the provision of RCW 28A.65.095 in such a manner as to allow districts, upon petition, to budget a portion of the total amount of such district's special levy collectible in 1976-77 school year where it appears necessary or desirable to prevent substantial reduction in educational services rendered by such district during the 1976-77 school year:

(a) Such district's per FTE anticipated revenue as determined by the levy submitted in 1974 for 1975 collection or 1975 for 1976 collection, whichever is the greater.

PLUS

(b) An inflation factor of up to ten percent for 1977 as applied to the base as determined in subdivision (a) of this subsection: PROVIDED, That the inflation factor provided for in this subdivision shall not apply in any subsequent year.

MULTIPLIED BY

(c) Such district's most recent year available actual spring property tax collection rate as determined by the superintendent of public instruction.

MULTIPLIED BY

(d) Such district's estimated annual FTE for the school year for which the advancement program is to be applied: PROVIDED, That any district entering the common school financing advancement program for the 1976-77 school year which levied an excess levy for collection in 1976, shall be allowed a maximum levy for the tax collection year 1978 and any subsequent year equal to the amount of revenue derived during the preceding school year from excess levies and the common school financing advancement program with the inflationary factor of ten percent provided for in subsection (1)(b) above.

(2) The maximum levy eligible for partial advancement reimbursement and to enable any school district to participate in the common school financing advancement program for any school district which did not submit excess levies for maintenance and operation purposes in 1974 for 1975 collection or in 1975 for 1976 collection shall be computed by the following formula:

(a) Such district's per FTE 1975-76 apportionment revenue from state and local sources.

PLUS

(b) An inflation factor of up to ten percent for 1977 as applied to the base as determined in subdivision (a) of this subsection: PROVIDED FURTHER, That the inflation factor provided for in this subdivision shall not apply in any subsequent year.

MULTIPLIED BY

(c) Such district's most recent years available actual spring property tax collection rate as determined by the superintendent of public instruction.

MULTIPLIED BY

(d) Such district's estimated annual FTE for the school year for which the advancement program is to be applied.

(3) The maximum dollar amount per district which can be advanced by the state to any such district which determines to participate in the financing advancement program and is otherwise quali-

fied under subsections (1) and (2) above shall be determined by the following formula:

Maximum eligible levy established pursuant to subsection (1) or (2) above, as the case may be.

**MINUS**

The anticipated spring collection property tax within such collection year.

Notwithstanding any other provision of this section, no school district shall be required to enter into the common school financing advancement program as a prerequisite to the receipt of state apportionment funds pursuant to chapter 28A.41 RCW: PROVIDED, That any school district which has entered into said school financing advancement program for one year shall not be required to continue in such program in any subsequent year: PROVIDED FURTHER, That any district which has entered into the school financing advancement program shall be required to transfer to the state general fund the entire amount of any such advancement upon receipt of their fall excess levy collection and in the event such fall levy collection is not sufficient to pay the full amount of the advancement, the district shall provide for the payment of such unpaid balance from other district resources, subject to the withholding of state apportionment funds otherwise due pursuant to chapter 28A.41 RCW: AND PROVIDED FURTHER, That the superintendent of public instruction shall develop rules and regulations to carry out the provisions of this section: AND, PROVIDED FURTHER, That notwithstanding any other provision of this section, any school district desiring to participate in the school financing advancement program which has certified a levy in excess of the maximum allowable under the provisions of subsections (1) or (2) of this section may participate in such program but shall in no event receive an amount which together with the excess levy spring collection for such year will be greater than the maximum receivable if coming within the provisions of subsections (1) or (2) above.

Distribution of funds pursuant to this section and chapter \_\_\_\_ (SB \_\_\_\_), Laws of 1975-76 2nd ex. sess. shall be subject to rules and regulations of the superintendent of public instruction in accordance therewith.

In the event that any school district shall elect to reduce, pursuant to the provisions of this section, the amount of any 1976 special levy request for collection in 1977 heretofore presented to a county auditor or comparable elected official for special election purposes under the provisions of RCW 29.13.020 prior to the effective date of this section, said county auditor or comparable elected official shall deem the request for such reduced amount to be an emergency matter necessitated by the provisions of this section and shall accordingly reduce the amount of such special levy request for election purposes as requested by a school district in accordance herewith.

Sec. 20. Section 152, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION — FOR PUPIL TRANSPORTATION**

General Fund Appropriation. . . . .	\$	61,699,889
Total Appropriation. . . . .	\$	61,699,889

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$350,000 shall be expended to provide for

the improved management of the transportation and safety programs initiated by chapter 91, Laws of 1974 ex. sess.

(2) The superintendent of public instruction shall develop a new vehicle depreciation schedule that more accurately reflects the useful life of transportation equipment and shall report recommendations to the respective ways and means committees of the legislature not later than September 1, 1975.

(3) *The superintendent of public instruction is hereby authorized to expend not more than \$25,456 of the appropriation contained in this section to support the driver's safety training program.*

**NEW SECTION. Sec. 21. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund Appropriation. . . . .	\$	530,760
Total Appropriation. . . . .	\$	530,760

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Expenditure of the funds shall be contingent upon the Washington state parks and recreation commission increasing the fees for overnight camping in state parks by one dollar, effective on or before May 1, 1976.

(2) The first \$530,760 collected from the increased fees required by subsection (1) of this section shall be deposited in the state general fund, notwithstanding the provisions of RCW 43.51.270. Any moneys collected by the commission in excess of \$530,760 from the increased fees required by subsection (1) of this section shall be placed in the Trust Land Purchase Account provided for in RCW 43.51.280.

(3) Not more than \$20,000 shall be used to match available federal funds for the support of the Youth Development and Conservation Corps or the Youth Conservation Corps.

**NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF GAME**

Game Fund Appropriation . . . . .	\$	62,000
Total Appropriation. . . . .	\$	62,000

The appropriation contained in this section shall be expended exclusively for increased staffing in the Environmental Management program and for increased costs in the Administrative and Supporting Services program.

**NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF MOTOR VEHICLES**

General Fund Appropriation. . . . .	\$	100,000
General Fund—Professional Engineer's Account Appropriation . . . . .	\$	34,511
Highway Safety Fund Appropriation . . . . .	\$	199,661
Motor Vehicle Fund Appropriation . . . . .	\$	159,316
General Fund—Marine Fuel Tax Refund Account Appropriation . . . . .	\$	12,671
Total Appropriation . . . . .	\$	506,159

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$12,671 from the general fund — marine fuel tax refund account appropriation shall be expended exclusively for a study of motor vehicle fuel use under the provisions of RCW 43.99.030.

(2) \$23,625 of the highway safety fund appropriation shall be expended exclusively to implement the provisions of chapter 244, Laws of 1975 1st ex. sess.

(3) Up to \$90,000 of the general fund appropriation may be expended by the Medical Disciplinary Board to enter into personal services contracts with physicians at the usual, customary, and rea-



sonable fees to perform physical and/or mental examinations ordered by the board under the terms of section 3, chapter 61, Laws of 1975 (RESB 2058) and to enter into personal services contracts with such organizations or individuals as the board deems to be necessary and competent to prepare specific management plans for administrative, investigative, adjudicative, communications, and medical evaluative procedures in order to obtain full implementation of chapter 61, Laws of 1975.

(4) Up to \$10,000 of the general fund appropriation may be expended by the Chiropractic Disciplinary Board to carry out the purposes of chapter 18.26 RCW.

(5) \$59,981 of the highway safety fund appropriation shall be expended exclusively to implement the provisions of chapter 244, Laws of 1975 1st ex. sess.

**NEW SECTION. Sec. 24. FOR BELATED CLAIMS**

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 1976 amendatory act to June 30, 1977, except as otherwise noted.

To reimburse the General Fund for Expenditures from Appropriation for Belated Claims to be disbursed on vouchers approved by the office of program planning and fiscal management:

General Fund—General Contingency Forest Fire		
Suppression Account Appropriation . . . . .	\$	10,435.74
General Fund—Professional Engineers' Account		
Appropriation . . . . .	\$	105.64
General Fund—Land Owner Forest Fire		
Suppression Account Appropriation . . . . .	\$	883.38
General Fund—Resources Management Cost		
Account Appropriation . . . . .	\$	43,687.82
General Fund—Real Estate Commission Account		
Appropriation . . . . .	\$	499.61
General Fund—Litter Control Account		
Appropriation . . . . .	\$	4,421.19
Mineral and Lime Fund Appropriation . . . . .	\$	38.96
Commercial Feed Fund Appropriation . . . . .	\$	38.96
Seed Fund Appropriation . . . . .	\$	395.95
Nursery Inspection Fund Appropriation . . . . .	\$	75.73
Game Fund Appropriation . . . . .	\$	1,798.74
Grain and Hay Inspection Fund Appropriation . . . . .	\$	3,574.12
Highway Safety Fund Appropriation . . . . .	\$	16,052.08
Motor Vehicle Fund Appropriation . . . . .	\$	62,559.90
Public Service Revolving Fund Appropriation . . . . .	\$	76.20
State Treasurer's Service Fund Appropriation . . . . .	\$	941.29
Department of Genrral Administration Facilities and Services		
Revolving Fund Appropriation . . . . .	\$	1,174.89
Higher Education Personnel Board Service Fund		
Appropriation . . . . .	\$	195.72
Retirement System Expense Fund Appropriation . . . . .	\$	1,263.12
Teachers' Retirement Fund Appropriation . . . . .	\$	209.99
Voluntary Firemen's Relief and Pension Fund		
Appropriation . . . . .	\$	748.00
Total Appropriation . . . . .	\$	149,177.03

**NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(1) To landscape east capital campus Capitol Building Construction Account		268,148
(2) Replace existing fuel oil tank to expand storage capability of central heating plant and improve unloading area Capitol Building Construction Account		132,624
<b>NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</b>		
	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(1) Repair and improve utilities and facilities — (omnibus) DSHS Construction Account (HJR 52)		1,500,000
(2) To research, design, and implement demonstration projects on energy conservation and solar heating principles in new DSHS construction DSHS Construction Account (HJR 52)		283,337
(3) For the Adult Correction Program Completion of environmental impact statements for two maximum security facilities and two moderate facilities: PROVIDED, That the environmental impact statements shall not be required for either Walla Walla or Monroe: PROVIDED FURTHER, That the department shall provide a report substantiating community involvement and acceptance of the site selection DSHS Construction Account (HJR 52)		100,000
(4) Construct and equip a maximum security facility, Washington state reformatory: PROVIDED, That no existing major buildings or structures, other than a wall, shall be demolished DSHS Construction Account (HJR 52)		10,300,000
(5) For the Developmental Disabilities Program Completion of environmental impact statements for eight residential training groups, each consisting of one training center and three state residential homes, which are geographically separated: PROVIDED, That the department shall provide a		

report substantiating community involvement and acceptance of the site selection

DSHS Construction  
Account (HJR 52) 200,000

(6) For the Veterans' Services Program

Repair storm sewer, Soldiers' Home and Colony

DSHS Construction  
Account (HJR 52) 217,000

(7) For the construction of a perimeter security fence, Western State Hospital

DSHS Construction  
Account (HJR 52) 200,000

Sec. 27. Section 5, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) For the Adult Correction Program		
(a) Construct and equip Automotive Vocational Training Building — Washington State Penitentiary		
General Fund	89,400	
(b) Locking system for wing six — Washington State Penitentiary		
General Fund	8,310	
(c) Fire and safety improvements, Washington State Penitentiary		
General Fund		151,000
(d) Modification of existing laundry facilities, Washington State Reformatory		
CEP & RI Account		130,000
(e) Modernization of resident (inmate) living areas — Washington State Treatment Center for Women (17,229)		
General Fund	10,099	
CEP & RI Account	7,130	
(g) Renovate roofs, Washington Correction Center		
CEP & RI Account		150,000
(h) Construct and equip work release housing unit, Indian Ridge Treatment Center		
General Fund		155,250
(i) Dormitory, kitchen equipment, Larch Mountain Honor Camp		
General Fund		200,000
(j) Firland Correction Center		
DSHS Construction Account (HJR 52)		60,000

*Implementation of a minimum-to-moderate correctional center at Firlands pursuant to section 51(4)(b)(i), chapter 269, Laws of 1975 1st ex. sess. shall be reviewed by the 1977 legislature*

(k) Bag house, steam plant, Washington State Reformatory DSHS Construction Account (HJR 52)		94,635
(2) For the Juvenile Rehabilitation Program		
(a) Secondary power supply, Naselle Youth Camp CEP & RI Account		35,515
(b) Construct and equip four residential living units, Naselle Youth Camp DSHS Construction Account (HJR 52)		1,458,000
(c) Remodel kitchen, Mission Creek Youth Camp General Fund		59,771
(d) Construct and equip treatment security unit, Maple Lane School State Building and Higher Education Construction Account	1,229	
(e) Construct and equip group home General Fund	24,763	
(f) Improvements to meet fire marshal recommendation at Green Hill School General Fund		70,136
(g) New roof on recreation building at Green Hill School General Fund		15,000
(h) Construct covered play area, Naselle Youth Camp DSHS Construction Account (HJR 52)		15,000
(3) For the Mental Health Program		
(a) Renovate bathrooms, Eastern State Hospital General Fund		40,000
(b) Construct and equip a 150-bed psychiatric hospital (Medical Lake): PROVIDED, That the design and construction of this facility shall be such that it may be expanded by further construction if added beds are required: PROVIDED FURTHER, That no currently existing structure at this facility shall be demolished as a result of this construction		

DSHS Construction Account (HJR 52)		2,995,000
(c) Construct and equip Pharmacy and Central Supply Building, Western State Hospital		
CEP & RI Account	48,583	
(d) Fire alarm and detection, Phase II, Western State Hospital		
General Fund		199,200
(e) Remodel and equip kitchen and dining room; construct Refrigeration Building, Western State Hospital		
CEP & RI Account	288,965	
(f) Construct and equip a 350-bed psychiatric hospital (Steilacoom)		
DSHS Construction Account (HJR 52)		6,985,000
[(g) Construct and equip one com- munity health center		
DSHS Construction Account (HJR 52)		[ 800,000]
(4) For the Developmental Disabili- ties Program		
(a) Replace Redwood Hall, Fircrest School (10,064)		
General Fund	2,968	
State Building and Higher Educa- tion		
Construction Account	7,096	
(b) Construct and equip Activities Building, Fircrest School		
General Fund	3,337	
(c) Construct a covered outdoor area, Interlake School		
General Fund	4,819	
(d) Construct and equip an Instruc- tional Services Building, Rainier School		
State Building and Higher Education Construction Account	16,649	
(e) Renovation, Rainier School		
DSHS Construction Account (HJR 52)		2,766,432
(f) Upgrade utilities, Phase II, Rainier School		
General Fund		425,000
(g) Construct and equip dietary addition, Lakeland Village		
CEP & RI Account	160,433	
(h) Construct lavatory facilities — residential halls, Lakeland Village		
CEP & RI Account	362,116	
[(i) Construct and equip a 225-bed developmental disabilities residential		

unit and construct and equip dietary addition, Phase II, Lakeland Village		
DSHS Construction		
Account (HJR 52)		[4,816,271]
(j) Repair of road and parking areas, Lakeland Village		
General Fund		[137,780]
(k) Repair floors, Lakeland Village		
General Fund		[253,452]
(i) (1) <i>Renovate, construct and equip residential units at Lakeland Village, including dietary, road and parking areas, and repair of floors</i>		
(2) <i>Construct and equip small residential and training units at or near Lakeland Village to provide a demonstration of the appropriateness of expanding this concept to other institutions</i>		
DSHS Construction		
Account (HJR 52)		8,992,049
[(1)] (j) Install new elevator, Yakima Valley School		
General Fund		134,540
[(m)] (k) Kitchen renovation, School for the Blind		
General Fund	9,524	
[(n)] (l) Renovate kitchen, primary area, and Administration Building, School for the Blind		
General Fund		320,000
[(o)] (m) Install fire alarms and smoke detectors for four cottages and the primary school at the School for the Blind		
General Fund		50,000
[(p)] (n) Install exterior freight only elevator on the existing commissary building at the School for the Blind		
General Fund		12,500
[(q)] (o) Construct and equip Advanced Classroom Building, School for the Deaf		
General Fund	493,921	
[(r)] (p) Construct a covered outdoor area, School for the Deaf		
General Fund	21,316	
[(s)] (q) Remodel kitchen-dining room building at the School for the Deaf		
General Fund	61,287	
[(t)] (r) Provide secondary source of power, School for the Deaf		
CEP & RI Account		43,680

[(u)] (s) Provide fire safety improvements, School for the Deaf General Fund		46,900
[(v)] (t) Remodel superintendent's residence for Student Union Building and activate the closed circuit TV system, School for the Deaf CEP & RI Account		30,000
[(w)] (u) Demolish Watson Hall at State School for the Deaf General Fund		44,000
[(x)] (v) For site development and construction of a community educational facility for the developmentally disabled: PROVIDED, That the appropriation contained in this subsection is contingent upon acquisition of the former Nike-Ajax site from the Kent School District and department of health, education and welfare DSHS Construction Account (HJR 52)		300,000
[(y)] (w) Replace boilers, Phase II, Fircrest School DSHS Construction Account (HJR 52)		367,700
[(z)] (x) Repair utilities, Fircrest School DSHS Construction Account (HJR 52)		165,735
(5) For Veterans' Services Program (a) Remodel and equip kitchen, Phase II, Soldiers' Home General Fund	340,849	
(b) [Fire, safety, and health, Veterans' Homes] Upgrade [to] for fire, safety, [and] health, and expanded facility standards of the Veterans' Administration, and to construct a [100] 78-bed nursing facility at the Veterans' Home and a 40-bed nursing addition at the Soldiers' Home and Colony. Facilities will meet state licensing and Federal Social Security Act, Title XIX standards [(5,250,142)] (7,399,816) General Fund—State	369,927*	
DSHS Construction Account (HJR 52)		[1,183,075] 1,935,461
General Fund—Federal	1,300,000	[2,197,140] 3,594,428
CEP & RI Account	200,000	
* To be repaid from CEP & RI Account in the 1975-77 biennium.		
(c) Replace boilers, Veteran's Home (201,250)		

General Fund—State		130,800
General Fund—Federal		70,450
(6) General		
(a) Upgrade for fire and safety standards (Omnibus)		
To upgrade fire and safety standards per recommendation of the state fire marshal and safety inspectors and to provide a contingency fund for unanticipated capital needs and cost overruns		
General Fund	637,642	
(b) Repair and improve utilities (Omnibus)		
Renovate water, electric, steam, and sewer lines; replace boilers, provide contingency fund for unanticipated needs and cost overruns (400,576)		
General Fund	397,884	
CEP & RI Account	2,692	
(c) Repair and improve facilities (Omnibus)		
Provide for minor repairs to roofs, roads, parking areas, and buildings and provide contingency fund for unanticipated needs and cost overruns (1,057,210)		
General Fund	557,210	500,000
(d) Preplanning projects 1973-79 (484,778)		
General Fund	184,778	
DSHS Construction Account (HJR 52)		300,000
(e) Social and Health Services Facilities (To be allocated for specific projects) (24,797,240)		
State and Local Improvement Revolving Account	10,047,240	14,750,000
(f) Contingency Expense Fund		
DSHS Construction Account (HJR 52)		585,000

**NEW SECTION. Sec. 28. FOR THE STATE PARKS AND RECREATION COMMISSION**

Modernization and improvements at state parks to provide safe storage for flammable liquids as set forth in subsections (1) through (3) of this section pursuant to the provisions of section 4(3), chapter 129, Laws of 1972 ex. sess.

State and Local Improvement Revolving Account — Public Recreation Facilities

*Reappropriations*

*From the Fund Designated*



(1) Region I	27,500
(2) Region II	56,000
(3) Region III	30,900

Sec. 29. Section 9, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Safety installations to meet WISHA requirements		
[General Fund—State] Fisheries <i>Capital Projects Account</i>		270,350
(2) Improved domestic water supplies — [Nehalem] <i>Nemah</i> and Willapa hatcheries		
[General Fund—State] Fisheries <i>Capital Projects Account</i>		21,000
(3) Pollution abatement facilities for state hatcheries		
[General Fund—State] Fisheries <i>Capital Projects Account</i>		600,000
(4) Pollution abatement facilities for federal hatcheries		
General Fund—Federal		550,000
(5) Humptulips hatchery		
General Fund—State	75,000	[1,883,800]
General Fund—Federal	75,000	470,950
<i>Fisheries Capital Projects Account</i>		1,883,800
(6) Reappropriations for projects previously authorized		
General Fund—State	345,535	
General Fund—Federal	545,300	
(7) Acquisition and development of recreational facilities at the following locations:		
(a) Tideland Access — Point Whitney and Penn Cove (84,350)		
(b) Public Access — Penn Cove, Point Whitney, and Oakland Bay (195,000)		
(c) Outdoor Tour Facilities — Soleduck Hatchery (89,715)		
(d) Boating Access — Clallam County (200,000)		
(e) Boat Launch Facility — Merrill and Ring Park, Clallam County (43,624)		
(f) Fishing Pier — Edmonds (450,000)		
(g) Artificial Reefing — Edmonds (4,500): PROVIDED, That prior to construction the department shall execute agreements transferring operation and/or maintenance responsibilities to the department of natural resources or		

local public bodies within whose jurisdiction such facilities are constructed: PROVIDED FURTHER, That variances to the policy set forth in this section may be granted by the legislative budget committee or its statutory successor

Outdoor Recreation Account	497,000
Outdoor Recreation Account appropriation pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess.	570,189
(8) Spawning habitat improvement projects	
[General Fund—State] Fisheries Capital Projects Account	235,000
(9) Land acquisition — Columbia River hatcheries	
[General Fund—State] Fisheries Capital Projects Account	192,000
(10) Exploration, land purchase and design of new production facilities	
[General Fund—State] Fisheries Capital Projects Account	300,000
(11) Land acquisition for release ponds and pollution abatement facilities	
[General Fund—State] Fisheries Capital Projects Account	141,000
(12) Release ponds	
(a) George Adams hatchery	
[General Fund—State] Fisheries Capital Projects Account	[87,500]
[General Fund—Federal]	350,000
[General Fund—Federal]	[87,500]
(b) Green River hatchery	
[General Fund—State] Fisheries Capital Projects Account	[50,000]
[General Fund—Federal]	32,500
[General Fund—Federal]	32,500
(c) Icy Creek	
[General Fund—State] Fisheries Capital Projects Account	137,500
[General Fund—Federal]	137,500
(d) [Samish] Nooksack hatchery	
[General Fund—State] Fisheries Capital Projects Account	90,000
[General Fund—Federal]	90,000
(e) [Soleduck hatchery] Bear Springs Ponds	
[General Fund—State] Fisheries Capital Projects Account	[650,000]
[General Fund—Federal]	87,500
[General Fund—Federal]	87,500

(f) Skykomish hatchery		
[General Fund—State] Fisheries		[35,000]
Capital Projects Account		22,500
General Fund—Federal		22,500
(g) McAllister Springs		
Fisheries Capital Projects Account		100,000
(h) Johns Creek		
Fisheries Capital Projects Account		200,000
General Fund—Federal		200,000
(13) Clam Pond-Point Whitney		
[General Fund—State] Fisheries		
Capital Projects Account		30,000
(14) [Green River hatchery—		
water system improvement] Minter		
Creek Hatchery-Hupp Springs		
acquisition and development		
[General Fund—State] Fisheries		
Capital Projects Account		120,000
[General Fund—State] Fisheries		
Capital Projects Account		120,000
(15) Facilities improvement project		
[General Fund—State] Fisheries		
Capital Projects Account		289,750
(16) Lewis River hatchery-residence		
[General Fund—State] Fisheries		
Capital Projects Account		30,000
(17) Toutle hatchery water supply		
improvement, release ponds, and		
freezer replacement		
General Fund—Federal		1,075,000
(18) Klickitat hatchery — rebuild		
rearing ponds		
General Fund—Federal		75,000
(19) Elokomin hatchery release		
pond		
General Fund—Federal		275,000

Sec. 30. Section 10, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GAME

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(1) Purchase, construct, improve and equip fish and game protective facilities, administrative facilities, buildings, hatcheries, game farm facilities, rearing ponds, and game range facilities [(3,727,096)] (3,782,096)		
Game Fund—State	[1,160,848]	1,215,848
Game Fund—Federal (Reimbursable)		2,179,648
Game Fund—Local (Reimbursable)		386,600
(2) Purchase and develop lands for outdoor recreation [(3,405,500)] (3,-868,679)		

Outdoor Recreation Account	[758,000]	472,500
	1,221,179	
Outdoor Recreation Account appropriation pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess.	1,550,000	625,000
<i>NEW SECTION. Sec. 31. FOR THE UNIVERSITY OF WASHINGTON</i>		
	<i>Reappro-</i>	<i>From the</i>
	<i>priations</i>	<i>Fund Designated</i>
(1) Complete Phase II renovation of Bagley Hall		
University of Washington Building Account		1,700,000
(2) Complete renovation of Smith Hall		
University of Washington Building Account		1,550,000
(3) Provide working drawings for locker room space addition to Ed- mundson Pavilion		
University of Washington Building Account		67,000
(4) Complete construction and equipping of basement in Kane Hall		
University of Washington Building Account		924,000
<i>NEW SECTION. Sec. 32. FOR WASHINGTON STATE UNIVERSITY</i>		
	<i>Reappro-</i>	<i>From the</i>
	<i>priations</i>	<i>Fund Designated</i>
(1) Construct and equip a chemical storage facility		
Washington State University Building Account		323,800
(2) Construct and equip a central- ized animal laboratory for teaching and research activities		
Washington State University Building Account		1,521,200
(3) Construct and equip swine facil- ities at Hastings farm for teaching and research		
Washington State University Building Account		1,617,200
(4) Provide planning funds for the Intercollegiate Center for Nursing Education		
State Higher Education Construction Account		183,500
(5) Complete working drawings on Phase I Computer Services — Martin Stadium/Academic Center		
Washington State University Building Account		272,700

Sec. 33. Section 14, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON STATE COLLEGE

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Construct and equip alterations and life safety improvements to facilities (300,000)		
Eastern Washington State College Capital Projects Account	40,000	260,000
(2) Construct and equip a special events structure (283,500)		
Eastern Washington State Collect Capital Projects Account	280,000	
State Higher Education Construction Account	3,500	
(3) Construct and equip renovations to Science and Isle buildings		
Eastern Washington State College Capital Projects Account	620,600	
(4) Construct and equip alterations to Martin Hall to meet health standards		
Eastern Washington State College Capital Projects Account	35,000	
(5) Construct Phase I of biological research laboratory and working drawings, Phase II		
Eastern Washington State College Capital Projects Account	7,000	
(6) Construct and equip utility loop system and implement safety improvements (908,000)		
Eastern Washington State College Capital Projects Account	50,000	858,000
(7) Complete working drawings for centralized maintenance shops		
Eastern Washington State College Capital Projects Account		45,000
(8) Complete landscaping and walkways, physical education complex		
Building authority Construction Account	10,000	
(9) Complete preliminary design of plant services warehouse		
Eastern Washington State College Capital Projects Account		10,000
(10) Construct and equip fieldhouse portion of physical education complex: <i>PROVIDED, That only expenditures related to the working drawings are authorized and that construction shall not commence without the approval of the Legislative Budget Committee</i>		

State Higher Education Construction Account		2,456,600
(11) Complete working drawings on aquatics portion of physical education complex		
Eastern Washington State College Capital Projects Account		60,000
(12) Construct and equip renova- tions to Science/Isle buildings		
Eastern Washington State College Projects Account		75,000
<b>NEW SECTION. Sec. 34. FOR CENTRAL WASHINGTON STATE COLLEGE</b>	<i>Reappro- riations</i>	<i>From the Fund Designated</i>
(1) Complete working drawings for remodeling of Bouillion Library		
State Higher Education Construction Account		170,000
(2) Complete working drawings for remodeling of theatre and drama facil- ities in McConnell Hall		
State Higher Education Construction Account		174,000
(3) Provide air conditioning system in Dean Hall		
Central Washington State College Capital Projects Account		105,675
<b>NEW SECTION. Sec. 35. FOR WESTERN WASHINGTON STATE COLLEGE</b>	<i>Reappro- riations</i>	<i>From the Fund Designated</i>
Construct and equip an addition to and remodel the auditorium/music building		
State Higher Education Construction Account		1,874,925
<b>NEW SECTION. Sec. 36. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</b>	<i>Reappro- riations</i>	<i>From the Fund Designated</i>
(1) Emergency capital repairs		
Community College Capital Construction Account		846,349
(2) Construct and equip addition to learning resource center and struc- tural improvements at Clark Commu- nity College		
Community College Capital Construction Account		778,502
(3) Construct and equip utility dis- tribution tunnels at Highline Commu- nity College		
Community College Capital Construction Account		1,220,839

(4) Renovation for fine arts and office space in Old Broadway High School auditorium at Central Seattle Community College Community College Capital Construction Account	2,351,339
(5) Remodel Ehret Hall at Centralia Community College Community College Capital Construction Account	391,973
(6) Construct and equip maintenance shops at Green River Community College Community College Capital Construction Account	430,208
(7) Remodel Art and Music Building for handicapped students at Olympic Community College Community College Capital Construction Account	205,224
(8) Construct and equip greenhouse and science laboratory at Everett Community College Community College Capital Construction Account	81,163
(9) Remodel vocational facilities at Clark Community College Community College Capital Construction Account	905,863
(10) Remodel vocational facilities for flight planning program at Big Bend Community College Community College Capital Construction Account	52,287
(11) Purchase and remodel of dormitory space to office space at Olympic Community College Community College Capital Construction Account	889,788
(12) Construct and equip welding lab, and remodel existing storage facility at Everett Community College Community College Capital Construction Account	441,565
(13) Construct and equip science laboratories and fine arts instructional facility and remodel existing space at Edmonds Community College Community College Capital Construction Account	2,624,299
(14) Construct and equip addition to physical education facility for locker space at Fort Steilacoom Community College	

Community College Capital Construction Account	229,943
(15) Construct and equip a new learning resource center, central storage facility and remodel existing facilities at Highline Community College	
Community College Capital Construction Account	6,835,718
(16) Construct and equip instructional space for music at Shoreline Community College	
Community College Capital Construction Account	1,023,464
(17) Construct and equip learning resource center, vocational, fine arts, and skills lab as well as storage and student activity facility at South Seattle Community College	
Community College Capital Construction Account	6,023,676
(18) Remodel existing bookstore for geology instruction at Highline Community College	
Community College Capital Construction Account	142,521
(19) Construct and equip fine arts and office facility and complete lecture hall space at Fort Steilacoom Community College	
Community College Capital Construction Account	1,011,283

The funds appropriated for the projects in subsections (2) through (19) of this section shall be released only after the Department of General Administration and the Office of Program Planning and Fiscal Management have accepted and approved working drawings for the designated projects.

**NEW SECTION. Sec. 37. FOR THE LIQUOR CONTROL BOARD**  
Liquor Board Revolving Fund Appropriation. . . . . \$ 1,000

The Washington State Liquor Control Board is authorized in its discretion to negotiate for and exchange its warehouse site and building, located at 4201 East Marginal Way South, Seattle, for a warehouse site and building which, with this appropriated amount, shall be of equal or greater value to be provided by the Port of Seattle at a different location in King County.

Sec. 38. Section 187, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

In accordance with the provisions of this section the office of program planning and fiscal management shall use the allotment process during the 1975-77 biennium to control the funding of the formula portion of the instruction and departmental research programs of all the four year institutions of higher education and the community colleges. For the purpose of the controls outlined in this section, deviations in the formula entitlements for faculty staffing shall be the controlling factor. For the purpose of this



section, the "contract level" is defined as the formula entitlement level upon which the budget is base, and the "base level" is defined as the formula entitlement level corresponding to the prior years' contract or actual enrollment level, whichever is lower[. Controls]: *PROVIDED, That for the initial year of the biennium for community colleges the base for implementing the contract level shall be the budgeted enrollment level as determined by the state board for community college education at which each college district was funded for the 1974-75 year. The provisions of contract enrollment shall be applied to each four year institution separately and to the community college education system as a total entity. "Growth funding" is defined as that portion of the appropriation by which the contract level exceeds the base level. All growth funds shall be reserved at the time of annual allotments. Such reserves shall be released only to the extent that the contract level is achieved, based upon the office of program planning and fiscal management's population studies section projections of full year enrollments from actual enrollments on the tenth day of the fall term. Growth funding not so released shall lapse at the end of a fiscal year. [In any case where actual formula faculty entitlement, as computed from full year enrollments in spring, exceeds the contract level by more than one and one-half percent, appropriated funds equal in amount to the student operating fees derived from such excess enrollment shall be withheld during the same or subsequent year and shall revert to the state general fund following the close of the 1975-77 biennium.*

*NEW SECTION. Sec. 39. If, on the basis of revenue estimates and projections effective May 1, 1976, the governor determines that general fund expenditures are likely to exceed general fund revenues for the current biennium, he shall order reductions in expenditure by agencies in the executive branch, excluding higher education and the state common school system, up to an aggregate amount not to exceed \$20,000,000. For the purposes of this section, the 1975-77 general fund appropriations made to state agencies headed by persons elected or appointed pursuant to Article III of the Washington state Constitution or RCW 48.02.010, including the office budget of the superintendent of public instruction and the appropriation to the educational service districts within the superintendent of public instruction's budget, shall be reduced proportionally to those reductions required of executive agencies by the standing committees on ways and means of the House and Senate under the provision of RCW 43.88.115. The office of program planning and fiscal management, at the direction of the governor, shall determine the amount of savings by each agency: *PROVIDED, That if a reduction in force is required to implement the provisions of this section, such reduction shall be based proportionally among merit system classifications and exempt personnel without prohibiting a higher percentage of reductions among exempt or administrative personnel: PROVIDED, That if the claim made by the state to the United States department of health, education and welfare on October 24, 1972, for reimbursement in the amount of \$32,876,903 is sustained or settled in whole or in part, there is hereby appropriated \$20,000,000, or so much thereof as may be necessary, to the general fund from Suspense Fund 705 which may be used in lieu of the reduction in expenditures provided by this section: PROVIDED FURTHER, That the reduction in expenditures provided for above must be initiated as of July 1, 1976, and the reimbursement may be used, after receipt thereof and to the extent available, to return the expenditure level to a level no higher than that in existence as of July 1, 1976.**

*NEW SECTION. Sec. 40. There is hereby appropriated to the general fund the sum of \$5,508,264 from Suspense Fund 705.*

*NEW SECTION. Sec. 41. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.*

*NEW SECTION. Sec. 42. This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."*

On page 1, after "AN ACT Relating to" strike the remainder of the title and insert "expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning July 1, 1975 and ending June 30, 1977; amending section 11,

chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 67, chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 149, chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 152, chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 5, chapter 276, Laws of 1975 1st ex. sess. (uncodified); amending section 9, chapter 276, Laws of 1975 1st ex. sess. (uncodified); amending section 10, chapter 276, Laws of 1975 1st ex. sess. (uncodified); amending section 187, chapter 269, Laws of 1975 1st ex. sess. (uncodified); making other appropriations; and declaring an emergency.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Jones, Lewis (Harry), Mardesich, Marsh, Newschwander, Rasmussen, Scott.

#### MOTION

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute House Bill No. 1626 was advanced to second reading and read the second time in full.

#### MOTION

On motion of Senator Walgren, the Senate resolved itself into a Committee of the Whole for the purpose of considering Engrossed Substitute House Bill No. 1626.

#### COMMITTEE OF THE WHOLE

President Pro Tempore Henry in the Chair.

On motion of Senator Walgren, Engrossed Substitute House Bill No. 1626 was considered in the Committee of the Whole. The committee arose and reported back to the Senate with the recommendation that it do pass as amended and the Committee of the Whole was dissolved.

President Cherberg in the Chair.

The committee amendment and the committee amendment to the title were adopted in the Committee of the Whole with the following exception:

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

On page 12, beginning on line 20, strike all of new section 13. Renumber remaining sections consecutively.

#### MOTION

On motion of Senator Walgren, the rules were suspended and Senators Grant and Woody were excused.

#### MOTION

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute House Bill No. 1626, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Donohue yield to a question? Senator Donohue, the reduction enforced in preparing this budget is the recommendation of the Governor?"

Senator Donohue: "It is based upon his recommendation. It was in his budget, Senator, and was talked about last December."

Senator Rasmussen: "And there was another question, Senator Donohue. I understand this budget contains enough in the school appropriation for a small salary increase for school employees?"

Senator Donohue: "I would assume, Senator, that some of these dollars would be used for salary increase. I can't verify that this would occur, but it is possible that

Senator Rasmussen: "It is available if they can manage it in their budget?"

Senator Donohue: "Yes, Senator."

Senator Rasmussen: "Then is there enough money in here for any salary increase for state employees?"

Senator Donohue: "No, Senator, there is not."

Senator Rasmussen: "For higher education?"

Senator Donohue: "No, Senator."

Senator Rasmussen: "Thank you."

Debate ensued.

#### POINT OF INQUIRY

Senator Cunningham: "Thank you, Mr. President. Would Senator Donohue yield to a question? Senator Donohue, in this bill now before us, within the bonding authority language of this bill, does it or does it not cap special levies?"

Senator Donohue: "Yes, Senator, it does cap special levies. It allows that the districts shall not exceed ten percent of increase in the next go-around for the levy requests. Yes, it does."

#### POINT OF INQUIRY

Senator Bottiger: "Will Senator Donohue yield to a question? Senator Donohue, I take it that means for those districts that would buy the bonding system."

Senator Donohue: "That is true, Senator, but of course the language that is in this bill — the same as the language that is in the previous bill that we sent over — will not be effective unless the House does, in fact, vote on the bond bill that we sent over."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1626, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 16; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Henry, Herr, Jolly Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, North, Odegaard, Peterson, Sandison, Scott, Sellar, Stortini, Van Hollebeke, Wanamaker, Wilson—26.

Voting nay: Senators Bluechel, Bottiger, Fleming, Goltz, Gould, Guess, Knoblauch, Lewis (Harry), Murray, Newschwander, Pullen, Rasmussen, Talley, von Reichbauer, Walgren, Washington—16.

Excused: Senators Francis, Grant, Jones, Keefe, Matson, Ridder, Woody—7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1626, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### MESSAGES FROM THE HOUSE

March 23, 1976.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 75, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

March 22, 1976.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2006, notwithstanding the Governor's veto, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 23, 1976.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 75, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

**SIGNED BY THE PRESIDENT**

The President signed:  
SUBSTITUTE HOUSE BILL NO. 75.

**MOTION**

At 8:44 p.m., on motion of Senator Walgren, the Senate adjourned until 1:30 p.m. Wednesday, March 24, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**SEVENTY-NINTH DAY****AFTERNOON SESSION**

Senate Chamber, Olympia, Wednesday, March 24, 1976.

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 Cunningham, Francis, Jones, Keefe, Matson, Murray and Ridder. On motion of Senator Knoblauch, Senators Francis, Keefe and Ridder were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Cunningham, Jones, Matson and Murray were excused.

The Color Guard, consisting of Pages Colleen Crowley and Ken Beare, presented the Colors. Reverend Glen D. Cole, pastor of the Evergreen Christian Center of Olympia, offered the following prayer: "OUR HEAVENLY FATHER, WE ARE DEPENDING UPON YOU AS WE COME TO THIS PRAYER TIME TODAY. HOW MANY TIMES IN LIFE DO PEOPLE GIVE UP, TURN FROM THE RESPONSIBILITY OF THE DAY AND ARE DEFEATED. YOUR WORD HAS DECLARED THAT WE CAN BE 'MORE THAN CONQUERORS THROUGH HIM THAT LOVED US.' WE, THEREFORE, TAKE TIME TO BUILD INTO OUR PERSONALITIES A LIVING RELATIONSHIP WITH JESUS CHRIST, BY WHICH WE CAN ALWAYS WIN THE DAY AND ACCOMPLISH THE MAXIMUM GOOD.

"BLESS, WE PRAY, THIS GROUP OF LAWMAKERS TODAY. GRANT THEM YOUR WISDOM AS THEY ENDEAVOR TO BRING THIS SESSION TO

AN END. ASSIST THEM IN THEIR DECISIONS. MAY THERE COME TO THEM THE DIRECTION NEEDED TO BRING ABOUT SATISFACTORY CONCLUSIONS TO MATTERS BEFORE THEM.

"THANK YOU SO MUCH, LORD, FOR YOUR LOVE, YOUR FORGIVENESS, AND FOR YOUR CONSTANT HELP. WITHOUT IT WE FUMBLE AND STUMBLE. WITH IT WE RISE UP LIKE THE WINGS OF AN EAGLE. FOR ALL YOUR FAVOR AND BLESSING, WE GIVE YOU OUR THANKS. IN OUR SAVIOR'S NAME. AMEN."

#### MOTIONS

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

#### MESSAGE FROM THE HOUSE

March 24, 1976.

Mr. President: The House has adopted the report of the Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 1316, and has granted said committee powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

#### REPORT OF FREE CONFERENCE COMMITTEE

March 22, 1976.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SECOND SUBSTITUTE HOUSE BILL NO. 1316, as amended by the Senate, authorizing state funding of senior citizens' nutrition program, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Day, Cunningham and von Reichbauer; Representatives Adams and Shinpoch.

#### MOTION

On motion of Senator Day, the report of the Free Conference Committee was adopted on Second Substitute House Bill No. 1316.

#### POINT OF INQUIRY

Senator North: "Will Senator Day yield to a question? Senator Day, could you explain to me the thinking of the conference committee as to why you are striking the material — public policy attempting to retain the family unit?"

Senator Day: "I don't know. We would have to ask Senator Cunningham about that because that was in the amendments that were presented to me as the amendments that should be and had to be adopted before he would sign the report. Although it does not change the implementation of the thing, it certainly changes the intent in that first section or deletes from the intent public policy that I think is a good public policy and that is doing everything to retain the family unit that we possibly can.

"I think particularly in society today that that is one of the problems that even this Legislature confronts financially is the deterioration of the family unit, the lack of the background in children to be responsible citizens, take advantage of education and other opportunities. So we end up with more and more of a burden at the state level. I was not in favor of that particular amendment but it was taken out because it was insisted that we have to take it out or we could not get the thing out of a Free Conference — you see we only have five signatures."

Senator North: "I would agree with you. I think that is a real step backward and certainly does not reflect the feeling of this body."

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1316, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Henry, Herr, Jolly, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—40.

Voting nay: Senators Guess, Wilson—2.

Absent or not voting: Senator Lewis (Harry)—1.

Excused: Senators Francis, Jones, Keefe, Matson, Murray, Ridder—6.

SECOND SUBSTITUTE HOUSE BILL NO. 1316, 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.

## EXPLANATION OF VOTE

March 24, 1976.

## ENGROSSED SUBSTITUTE HOUSE BILL NO. 1316.

My negative vote on this measure at the instance of its original passage and upon final passage of the Free Conference report is based upon two principles.

I will attack the State's dependence upon Federal funds first. The principle of Federal Revenue Sharing originated in the Congress during the 1960's when it appeared that the Federal Government would have large surpluses which could be shared with the states. The situation in 1976 is very much different. The Federal Government expects to chalk up a deficit of \$75 billion dollars. Therefore, there is a strong move in the Congress to terminate the program of "deficit sharing."

The Legislature in creating the Department of Social and Health Services created an organization of such tremendous size, so thoroughly enmeshed in bureaucratic red tape, as to be impossible of management. The Legislature in adopting the budget for the DSHS for the 1975-77 biennium appropriated funds and directed the DSHS to increase the pay to nursing homes — an increase of seven percent in 1975 and seven percent in 1976. The DSHS was instructed to reimburse the nursing homes on the basis of audited costs. It is a matter of public record that DSHS has not carried out the directions of the Legislature. It is further a matter of public record that the accounting system of DSHS is so inadequate as to apparently defy correction. The present budget appropriates an additional \$12.5 million and specifically instructs that DSHS correct a whole range of deficiencies. The budget orders a reduction in force — estimated to be between 450 and 1300 employees. It directs the Department to cut short the stay in hospitals. It directs the Department to devise an accounting procedure to determine the encumbrances of claims filed so that belated claims may be accurately forecast. Some \$8 million dollars in claims were filed timely in Fiscal 1974, but were not paid.

The cost of keeping a patient in a skilled nursing home care is approximately \$22 per day. The cost of sending a registered nurse to a home to change a dressing or make an injection is \$19.50 per visit. The Department has only had funds sufficient to pay \$15.00 per day for skilled nursing home care. Engrossed Substitute House Bill No. 1316 will create the illusion that the State will do more than it can deliver. In my opinion it is a cruel hoax upon the people.

Signed by: Senator Sam C. Guess

## MOTION

Senator Woody moved adoption of the following resolution:

## SENATE RESOLUTION 1976-170

By Senators Donohue, Woody and Marsh:

WHEREAS, The Legislature acknowledged the state's interest in insuring benefi-

cial use of the valuable facilities at Northern State Hospital at Sedro Woolley in Senate Bill No. 3358 which was enacted into law in Chapter 178, Laws of 1974, 1st Ex. Sess.; and

WHEREAS, The Senate recognizes the economic impact of the facilities' use on the communities in the area and on the citizens of the state as a whole; and

WHEREAS, The provisions of Senate Bill No. 3358 were intended to secure the highest benefit to the people in the area affected by the closure of the facility; and

WHEREAS, The Legislature delegated the final disposition of the site and facilities to the Department of General Administration, and management of the adjoining lands to the Department of Natural Resources; and

WHEREAS, The governor vetoed the language in the act which reserved for the Legislature its appropriate role in approving the final disposition of the facility; and

WHEREAS, It now appears that adequate analysis has not been made regarding possible public or private uses of the facility; and

WHEREAS, There is a continuing need for lands and facilities for essential public programs;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Ways and Means Committee conduct a study to consider:

(1) All possible potential public, community, and private uses;

(2) The lease and/or sale procedures to insure beneficial operation of the facility and lands;

(3) The economic effect on the surrounding communities of alternative proposals; and

(4) The potential advantages of preserving the facilities against the cost of building additional facilities for either state or local programs. The study shall encourage maximum public participation in the decision-making process; and

BE IT FURTHER RESOLVED, That the Senate Ways and Means Committee conduct the study in cooperation with the Department of General Administration, the Department of Natural Resources, and units of local government affected by potential uses of these facilities and properties; and

BE IT FURTHER RESOLVED, That it is the explicit intent of the Senate that the Department of General Administration and the Department of Natural Resources take no further action on the disposition of the facilities and surrounding lands at Northern State, nor enter into further negotiation for lease or sale until the Senate Ways and Means Committee study is completed and recommendations are approved by the Legislature; and

BE IT FURTHER RESOLVED, That the Departments of General Administration and Natural Resources continue to manage the property, improvements and appurtenances thereto in a manner which will protect the site and the state's vital interest in it; and

BE IT FURTHER RESOLVED, That the survey and report by the Senate Ways and Means Committee be submitted to the Legislature no later than next regular session; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the Governor, the Speaker of the House of Representatives, the Commissioner of Public Lands, the Department of Natural Resources, the Director of the Department of General Administration, the Office of Program Planning and Fiscal Management, the Director of the Department of Social and Health Services, and to the appropriate officials of local governments in the area of the facility.

#### POINT OF INQUIRY

Senator Peterson: "Mr. President, would Senator Woody yield? Senator Woody, I don't know whether you are abreast or aware of the past negotiations of the disposal of Northern State. As you well know, this property is in the joint jurisdiction, as of now, by legislative edict, in the department of general administration and the department of natural resources. Negotiations have been in progress on the lease of this property by a developer for the past year, or somewhat over a year. The lease arrangements are, ac-

ording to my latest information yesterday afternoon, the letter of intent was almost ready to be signed with just a couple of technicalities.

"Now, is it the intent of your resolution to either postpone or negate the disposal or the lease of this property?"

Senator Woody: "No, it is not. The purpose of this resolution is so that the ways and means committee can look into its best possible uses, and in fact if they determine that the best possible use is the proposed lease which is not really in final form yet, then of course that report will advance to the full legislature rather than just general administration. At that point, of course, the green light will be on and the Canadian developer will be able to have his lease executed.

"I might correct you in one instance. It is in joint ownership now, not because of any legislative action but the department of social and health services felt they were a little pressed for time so they issued a quit claim deed covering the entire property to two joint holders right now; general administration and the department of natural resources. Right now, neither one of those by themselves can issue a clear title in the form of a lease or sale. It has to be with both general administration and the department of natural resources unless there is a separation of the buildings and immediate grounds as opposed to the surrounding land." Senator Peterson: "I understand that, Senator Woody, and I could correct you a little bit. I don't think DSHS had control over the surrounding lands. The DNR had that."

Senator Woody: "Excuse me. They issued the deed. As I said, DSHS issued a quit claim deed covering the entire property and the vendees under that deed were the department of natural resources and general administration."

Senator Peterson: "Thank you, Senator Woody."

Debate ensued.

#### POINT OF INQUIRY

Senator North: "Would Senator Woody yield to a question? General administration has told us that the maintenance costs in this facility alone runs about five hundred thousand a year. Before we take any vote on this, I would like to ask you for the record — and as I read your resolution — it is not the intent . . . there isn't anything in here to impede or to stop the lease or the sale of this property. The study could continue at the same time that negotiations move forward and this is not to say in effect, 'you cannot lease or sell.'"

Senator Woody: "That is correct, and the reason that it is correct is because this is a Senate Floor Resolution; it is not a concurrent resolution. No more could the House pass something in the form of a resolution that would stop something that we have already appropriated monies for. We have appropriated monies in just about every budget, including the bare-bones budget, some additional funds for maintenance of Northern State. It is not five hundred thousand dollars a year. In the last budget we appropriated four hundred and some thousand for a biennium, and then a supplemental was — I can't recall — I think a hundred thousand or so — two hundred and some thousand — so for a biennium if those monies were expended totally, we would have four hundred plus two and six hundred thousand dollars for a two-year period of time and we have appropriated those funds."

Senator North: "Thank you, Senator Woody."

Debate ensued.

The motion by Senator Woody failed and the resolution was not adopted.

#### MOTION

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

#### SENATE RESOLUTION 1976-193

By Senators Talley, Peterson and Marsh:

WHEREAS, There is a great need to preserve and enhance the fisheries resources of the Columbia River for the benefit of the citizens of the bordering states of Washington, Oregon and Idaho; and



WHEREAS, Such preservation and enhancement efforts can only be recognized and accomplished by an agreement between the respective governments of the states of Washington, Oregon and Idaho; and

WHEREAS, Federal legislation and federal judicial decisions have great potential impact on such interstate compacts; and

WHEREAS, Certain fact-finding studies must be accomplished to determine what elements should be included in such a compact; and

WHEREAS, No such fact-finding studies have ever been undertaken by either of the legislative bodies of the states of Washington, Oregon and Idaho; and

WHEREAS, The lack of such study efforts has resulted in the passage of dissimilar compact legislation by the states of Oregon and Idaho, and the failure of the state of Washington to pass any such legislation;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington in legislative session assembled, That the Senate Natural Resources Standing Committee in cooperation with the House Natural Resources Committee undertake such a compact study in conjunction with the cooperative efforts of the states of Oregon and Idaho; and

BE IT FURTHER RESOLVED, That the committee be empowered to meet in public forums and in other meetings as deemed necessary with similar such committees from the states of Oregon and Idaho to establish the necessary public and technical input from affected user groups of the states of Washington, Oregon and Idaho; and

BE IT FURTHER RESOLVED, That the committee be requested to document its findings and recommendations for needed legislative action and that the Senate Natural Resources Committee present its findings to the 1977 legislative session; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the Chief Clerk of the House of Representatives and the Secretary of the Senate in the states of Oregon and Idaho.

#### MOTION

Senator Marsh moved adoption of the following resolution:

#### SENATE RESOLUTION 1976-271

By Senators Rasmussen, Buffington, Henry, Knoblauch, Van Hollebeke, Morrison and Peterson:

WHEREAS, The state licenses and regulates more than thirty businesses, professions and occupations and that number is increasing; and

WHEREAS, The services provided by such businesses, professions and occupations affect both individual consumers and the general public; and

WHEREAS, State licensing and regulatory procedures should periodically be reviewed to assure that licensees are meeting established standards and that such standards are adequate; and

WHEREAS, State licensing also affects the individuals within those businesses, professions or occupations; and

WHEREAS, The organizational structure for licensing and regulation should be reviewed in terms of efficiency and effectiveness; and

WHEREAS, The Senate Committee on Commerce has traditionally considered measures dealing with licensing of businesses, professions and occupations; and

WHEREAS, The Senate Committee on State Government has a continuing interest in the organization of state agencies;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Committee on Commerce conduct a study to determine whether present licensing and examination procedures best serve the general public and the licensees; and

BE IT FURTHER RESOLVED, That the Senate Committee on State Government conduct a study to determine whether the present organizational structure for business, professional and occupational licensing and regulation is adequate; and

BE IT FURTHER RESOLVED, That the appropriate state agencies which license

and regulate businesses, professions and occupations shall provide such assistance as may be needed to complete the studies outlined above; and

BE IT FURTHER RESOLVED, That the Senate Committees on Commerce and State Government report the findings of their studies and any recommendations to the 45th Legislature.

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

On line 12, insert the following:

“WHEREAS, Regulating bodies have no consumer advocates to represent the public interest, such study and review should include the subject of consumer advocacy pertaining to membership on professional boards; and”

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

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: “I would like to suggest that these resolutions — I know we had pads of them available here — and over the weeks they have gone into the wastebasket. I would suggest that if resolutions are going to be considered, copies be made available to the membership; otherwise, I am going to start demanding that they be made available.”

Debate ensued.

#### POINT OF ORDER

Senator Van Hollebeke: “I think we have a motion before us, Senator Mardesich’s motion before us.”

#### REPLY BY THE PRESIDENT

The President: “Not as yet, Senator. The Senate for the present will place your motion later.”

#### MOTION

Senator Mardesich moved that all Senate Resolutions requesting a study be referred to the Committee on Rules.

Debate ensued.

#### POINT OF INQUIRY

Senator Van Hollebeke: “Senator Mardesich, would you be willing to withdraw that for the purpose of at least this . . . .”

Senator Mardesich: “Mr. President, I would be happy to withdraw that for the purpose of those resolutions which are on the desk at this time, being namely 275, 276 and 274, and that the motion be presented after the consideration of those resolutions.”

There being no objection, the motion by Senator Mardesich was withdrawn.

#### MOTION

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

#### SENATE RESOLUTION 1976-194

By Senators Day, Woody, Buffington and McDermott:

WHEREAS, Costs of health care are rising in the state of Washington as a direct result of recent substantial increases in professional liability insurance premiums paid by health care providers; and

WHEREAS, Insurance companies presently do not report their professional liability insurance experience in Washington in a standardized manner; and

WHEREAS, Standardized reporting of insurance company professional liability experience in Washington State would greatly assist the legislature in developing short and long range solutions to the professional liability problem;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Wash-

ington hereby requests that the insurance commissioner mandate that each insurer who issues professional liability insurance to health care providers in this state file with the insurance commissioner, annually or more frequently as the commissioner may require, a report of all claims for injury occurring as a result of health care, amounts of aggregate reserves for such claims, information relating to amounts of awards and settlements paid on such claims, and such other information as the commissioner may prescribe by regulation;

BE IT FURTHER RESOLVED, That the Senate of the state of Washington hereby requests that the insurance commissioner formulate and promulgate a form upon which such information shall be reported.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 134, by Senators Bailey, Walgren and Lewis (Harry):

Suspension of rules for Substitute Senate Bill No. 2927.

#### MOTIONS

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 134 was advanced to second reading and read the second time in full.

Debate ensued.

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 134 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

#### MOTION

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

#### REPORT OF STANDING COMMITTEE

March 20, 1976.

SENATE BILL NO. 2927, relating to state government (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2927 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Cunningham, Day, Henry, Knoblauch, Wanamaker.

#### MOTIONS

On motion of Senator Walgren, the rules were suspended, Senate Bill No. 2927 was advanced to second reading.

On motion of Senator Rasmussen, Substitute Senate Bill No. 2927 was substituted for Senate Bill No. 2927 and the bill was read the second time in full.

Senator Bluechel moved adoption of the following amendment:

On page 2, section 4, line 12, strike "NEW SECTION. Sec. 4."

Debate ensued.

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

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 2927 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Goltz: "Would Senator Rasmussen yield to a question? Senator Rasmus-

sen, on the first line of section one where it refers to the approval of the state capitol committee, is there anything in the language there that suggests that the approval must be done by all of the members or by a majority?"

Senator Rasmussen: "It would be presumed by anybody that it would be a majority."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2927, and the bill passed the Senate by the following vote: Yeas, 32; nays, 9; absent or not voting, 2; excused, 6.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Cunningham, Day, Donohue, Goltz, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—32.

Voting nay: Senators Benitz, Bluechel, Clarke, Gould, Morrison, Murray, Newschwander, North, Sellar—9.

Absent or not voting: Senators Fleming, Stortini—2.

Excused: Senators Francis, Jones, Keefe, Matson, Pullen, Ridder—6.

SUBSTITUTE SENATE BILL NO. 2927, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was declared to be the title of the act.

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

#### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 135, by Senators Henry, Walgren, Morrison and Guess:

Requesting contest by legislature of governor's vetoes of Substitute Senate Bill No. 3172.

#### MOTIONS

On motion of Senator Walgren, the rules were suspended and additional sponsors were permitted on Senate Concurrent Resolution No. 135.

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 135 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 135 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 135, and the resolution passed the Senate by the following vote: Yeas, 34; nays, 6; absent or not voting, 3; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Odegaard, Peterson, Rasmussen, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—34.

Voting nay: Senators Bluechel, Gould, Murray, Newschwander, North, Scott—6.

Absent or not voting: Senators Fleming, Stortini, Wanamaker—3.

Excused: Senators Francis, Jones, Keefe, Matson, Pullen, Ridder—6.

SENATE CONCURRENT RESOLUTION NO. 135, having received the constitutional majority, was declared passed.

## RESPONSE TO GOVERNOR'S BUDGET MESSAGE

March 24, 1976.

The Governor's budget message stated there was a deficit condition existing within the Department of Social and Health Services. His supplemental budget request proposed an approach to rectify this deficit.

The Governor's budget makes the following state general fund assumptions:

1. The Department of Social and Health Services has an operational deficit of \$26.9 million.

In addition, the governor has imposed a cut-back in DSHS of \$11.3 million "to help finance more pressing needs elsewhere."

The Governor proposed to reduce this deficit by requesting:

—Transfer authority between programs of five percent of the total DSHS appropriation;

—Authority to pay belated claims from current appropriations;

—Release of 1975-77 budget contingencies; and

—Not implement twice monthly grant payments.

This budget responds to the Governor's proposal in the following manner:

1. It denies the five percent transfer authority because the 1975-77 budget provides for the department to request authority to transfer *above* the current \$10 million authority from OPP&FM and both Ways and Means.

2. It gives authority to pay 1973-75 belated medical claims from 1975-77 appropriations and which must be absorbed by the department.

3. It does release the \$28 million state funds in contingency. However, two items should be noted:

A. The department has given a gentlemen's agreement to provide the reports which were a part of the contingencies; and

B. The Governor's intended use of the released contingent funds are to be as specified in the 1975-77 budget; except, certain contingencies were to be allowed to be transferred between programs:

(1) The FTE-related expenditures within the income maintenance and medical assistance caseload contingency (\$1.1 million);

(2) Foster care caseload review contingency (\$1.2 million); and

(3) Administration and support services contingency (\$6.0 million).

4. This budget does provide for the non-implementation of twice monthly grant payments.

Items No. 3 and No. 4 above provide \$10.8 million toward the reduction of the deficiency. The executive projects an accounting surplus amounting to \$7.5 million. This leaves a final deficiency of \$19.9 million. The department has, with the Governor's knowledge and approval, begun to exercise its management responsibility to resolve that problem.

Finally, the reduction in the hospital length of stay from the 75th percentile provided in this budget is *not* related to the existing deficiency in DSHS. Rather, it is to be utilized only if the Governor determines there is a deficiency in state general fund revenue as provided in section 39 of this act.

Signed by: Senator Hubert F. Donohue  
Senator Gary M. Odegaard

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 136, by Senators Walgren, Lewis (Harry), Bailey, Mardesich, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Guess, Henry, Herr, Jolly, Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wilson and Woody:

Notifying the Governor that the Legislature is about to adjourn Sine Die.

## MOTIONS

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 136 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended and all members were permitted as additional sponsors to the resolution.

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 136 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## MOTION

At 4:15 p.m., on motion of Senator Bailey, the Senate was declared to be at ease. The President called the Senate to order at 6:30 p.m.

## MOTION

At 6:30 p.m., on motion of Senator Walgren, the Senate adjourned until 1:30 p.m., Thursday, March 25, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## EIGHTIETH DAY

## AFTERNOON SESSION

Senate Chamber, Olympia, Thursday, March 25, 1976.

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Buffington, Clarke, Cunningham, Francis, Herr, Jolly, Jones, Keefe, Lewis (Harry), Matson, McDermott, Morrison, Murray, North, Pullen, Ridder, Wanamaker and Woody. There being no objection, Senator Keefe was excused.

The Color Guard, consisting of Pages Jim Edgington and Kim Olsin, presented the Colors. Reverend Glen D. Cole, pastor of the Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WITH HUMILITY AND A SENSE OF NEED, WE LOOK TO YOU THIS DAY. WE COME ASIDE FOR THESE FEW MOMENTS TO RENEW OUR SPIRITS THROUGH PRAYER. GRANT, O LORD, YOUR BLESSING UPON THIS BODY OF PUBLIC SERVANTS. WE ARE ENCOURAGED IN WHATEVER LINE OF WORK WE ARE ENGAGED TO 'LIFT UP OUR EYES UNTO THE HILLS FROM WHENCE COMETH OUR HELP. OUR HELP COMETH FROM THE LORD WHO MADE HEAVEN AND EARTH.' THANK YOU, GOD, FOR THAT PRIVILEGE. HELP MARVELOUSLY IN THE AFFAIRS OF OUR STATE TODAY. ASSIST THESE LEGISLATORS IN THE PROBLEMS THEY ARE FACING. SOME ARE FACING PRESSURES OF BUSINESS AND OF FAMILY. GRANT TO THEM A SENSE OF INNER PEACE. WE SEEK THE SPIRITUAL POWER TO FACE UP TO ANY AND ALL CIRCUMSTANCES RIGHT NOW. 'COME UNTO ME ALL YE THAT LABOR AND ARE HEAVY LADEN, AND I WILL GIVE YOU REST,' ARE WORDS FOR US THIS MOMENT. WE THANK YOU RIGHT NOW FOR HELP BEYOND OUR OWN. FOR WISDOM BEYOND OUR OWN. FOR RECOURSES THAT WILL SOLVE THE COMPLEX SITUATIONS OF OUR WORK AND OUR LIVES. AMEN."

## MOTION

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

## PERSONAL PRIVILEGE

Senator Knoblauch: "Mr. President and members of the Senate, this morning while I was still home I sat and listened to the announcement of Governor Evans that he intended to retire. When I returned to Olympia this morning I wrote him a letter to tell him that I thought that coming from a member of the loyal opposition, I told Governor Evans that I thought he had done a very fine job as Governor.

"You know, in public life you receive so few bouquets; it is always criticism. To criticize is the easiest thing in the world to do, and it is nice sometimes to have someone tell you thanks. I told the Governor I was glad that he was retiring because I knew that throughout the twenty years of public service he had given up many hours of pleasure with his wife and his boys and no man with a family likes to be gone so long. I told the Governor that he had brought credit to the name Evans, to his mother and father, to his wife Nancy, to his children and mostly, to himself, he brought credit.

"I was speaking as a Democrat, but proudly saying that I am glad to have served under Governor Evans, that he has a right to hold his head high, that he was a credit to the word 'politician,' and that he was a fine Governor of the State of Washington."

## MESSAGE FROM THE GOVERNOR

Office of the Governor, March 24, 1976.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 24, 1976, Governor Evans approved the following Senate Bills entitled:

SUBSTITUTE SENATE BILL NO. 2963: Amending state patrol laws.

SUBSTITUTE SENATE BILL NO. 3097: Requiring consideration of economic factors resulting from government decisions.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

## MESSAGE FROM THE HOUSE

March 24, 1976.

Mr. President: The Speaker has signed SECOND SUBSTITUTE HOUSE BILL NO. 1316, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1316.

## MOTION

On motion of Senator Walgren, the following 1976 Senate Resolutions were referred to the committees indicated:

- 172—Cutoff dates, legislation consideration, suspension provision, authorized — Rules.
- 179—College credits, transferability study — Higher Education.
- 180—Community college system, organization, administration, study — Higher Education.
- 184—Traffic signals, emergency, near fire station, study — Transportation and Utilities.
- 195—Fisheries commission, state, study — Natural Resources.
- 196—Fishermen, commercial, relief, determination — Natural Resources.
- 197—Geriatric day care services, pilot programs, implementation review — Social and Health Services.
- 198—Foster grandparent program, review — Social and Health Services.
- 199—Geriatric health screening, implementation, study — Social and Health Services.
- 200—Medical malpractice, investigation, continued — Select Committee on Medical Malpractice.
- 201—Variable rate mortgages, study — Financial Institutions.
- 202—Red-lining, residential mortgage lenders, study — Financial Institutions.
- 203—Dredging, state's waterways, delays, permit process, economic impact, study — Natural Resources.
- 204—Merwin Dam, Lewis River, fish ladder, feasibility study — Natural Resources.
- 205—Banking, dual systems, statutory, regulatory distinctions, study — Financial Institutions.
- 206—Mortgages, secondary, markets, study — Financial Institutions.
- 207—Apiary inspection programs, procedures, study — Agriculture.
- 208—Agricultural crops, new, establishment, study — Agriculture.
- 210—Sports fishing, further limitations prohibition, study — Natural Resources.
- 211—Barge canal, impact study — Transportation and Utilities.



- 212—Banks, mutual savings, savings and loans, commercial, statutory, regulatory distinctions, study — Financial Institutions.
- 214—Outdoor recreation, interagency committee, in-depth study, continued — Parks and Recreation.
- 215—Recreation, overlapping involvement, state agencies, study — Parks and Recreation.
- 216—Election laws, title 29, revisions, study — Constitution and Elections.
- 217—Public disclosure commission, in-depth study — Constitution and Elections.
- 218—Acupuncture, practice, licensing, study — Social and Health Services.
- 219—I-5, Kalama River-Longview “Y” intersection, access road, study — Transportation and Utilities.
- 220—Alcoholism, uniform, intoxication treatment act, administration, study — Social and Health Services.
- 221—Postsecondary education, off-campus offerings, study — Higher Education.
- 224—Home rule, constitutional, statutory, in-depth study — Local Government.
- 225—Fire code, uniform, problems, study — Local Government.
- 226—Environmental permit procedures, one-step, local government, in-depth study — Local Government.
- 227—Budget adoption policies, fiscal years, various states, study — Local Government.
- 229—Professional schools, public, admission, policies, study — Higher Education.
- 231—Postsecondary education, abuses, consumer protection, study — Higher Education.
- 234—Postsecondary education, collective bargaining, other states, effects, institutions, Washington state, study — Higher Education and Labor.
- 236—Children, delinquent, incorrigible, dependent, rehabilitative services, review — Social and Health Services.
- 237—Nursery plants, sales, advertisements, study — Agriculture.
- 240—Bicycle, transportation use, safety, study — Transportation and Utilities and/or Legislative Transportation Committee.
- 241—Rail passenger service, effective, efficient, Washington state, study — Transportation and Utilities.
- 242—School buses, various types, use, accidents, pupil injuries, audit — Education.
- 243—WSSDA, functions, organization, study — Education.
- 244—Teacher accountability, professional development, various agencies, recommendations — Education and Higher Education.
- 245—Schools, administrative, clerical, special service staffing, rations, study — Education.
- 246—School districts, certain purchasing functions, consolidation, study — Education.
- 247—Schools, non-graded continuous progress concept, study — Education.
- 248—Schools, photo services, study — Education.
- 249—School districts, textbook disposal system, study — Education.
- 250—Sick leave policy, state employees, costs, effects, study — State Government and Ways and Means.
- 251—Mobile homes, construction, safety standards, landlord-tenant relationships — Commerce.
- 252—Tax preparers, licensing, regulation, study — Commerce.
- 253—Transportation, public, periodic times, public school bus use, inter-local government contracts, study — Transportation and Utilities.
- 254—Engineering, land surveying, regulations, study — Commerce.
- 255—Neighborhood patrol, private security, investigation services, licensing, regulation, study — Commerce.
- 258—Tuberculosis, problems, funding, methodology, campaign, study — Social and Health Services.
- 259—Health insurance, state employees, single-rate plan, study — Social and Health Services, Ways and Means, Labor.
- 260—Unemployment compensation, federal legislation, effect, Washington state, study — Labor.

- 261—Employment security department, records, confidentiality, study — Labor.  
262—Naturopathy, regulatory requirements, study — Social and Health Services.  
263—Rehabilitation services, delinquent, incorrigible, dependent children, review — Social and Health Services.  
267—Schools, remediation programs — Education.  
268—Tye club members, University of Washington football games, priority seating, dissatisfaction — Higher Education.  
274—Pilotage studies, activities, operations, rules, two Washington pilotage associations, included — Transportation and Utilities and/or Legislative Transportation Committee.  
275—Superintendent of public education, office, state board of education, program, personnel requirements, study — Education and Ways and Means.  
276—Administrator credential programs, higher education institutions, study — Education and Higher Education.  
277—Energy, select committee, established — Transportation and Utilities.

#### MOTION

At 1:48 p.m., on motion of Senator Walgren, the Senate adjourned until 1:30 p.m., Friday, March 26, 1976.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**EIGHTY-FIRST DAY**

## AFTERNOON SESSION

Senate Chamber, Olympia, Friday, March 26, 1976.

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Francis, Keefe, Matson, Morrison, North, Ridder and Wanamaker. On motion of Senator Lewis (R. H. "Bob"), Senators Benitz, Matson, North and Wanamaker were excused.

The Color Guard, consisting of Pages Douglas Lee and Susan Hintz, presented the Colors. Reverend Glen D. Cole, pastor of the Evergreen Christian Center of Olympia, offered the following prayer:

"FATHER IN HEAVEN, WE TURN OUR ATTENTION FROM THE BUSINESS, OR THE 'BUSYNESS' OF LIFE, AND LOOK TO THEE. YOUR WORD HAS TOLD US THAT 'THE PRAYER OF A RIGHTEOUS MAN HAS A POWERFUL EFFECT.' WE FEEL THAT THERE ARE SOME THINGS AROUND US THAT NEED A POWERFUL EFFECT. HEARKEN TO THE PRAYER WE MAKE IN THIS PLACE TODAY AND COME TO HELP US, O GOD. WE NEED GUIDANCE, WE NEED WISDOM, WE NEED UNDERSTANDING, WE NEED TOLERANCE. AS WE APPROACH HOLY WEEK WE ARE REMINDED ALSO THAT WE NEED FORGIVENESS. MAY WE BOW AT THE FOOT OF THE OLD RUGGED CROSS, AND OUTSIDE AN EMPTY TOMB FIND ALL THAT WE HAVE NEED OF. NOT THROUGH NATURAL MEANS BUT THROUGH THE POWER OF THE SUPERNATURAL.

"NOT ONLY, LORD, DO WE ASK YOU TO LOOK IN COMPASSION UPON US AND HELP US BUT ALSO HAVE MERCY UPON THIS TROUBLED AND DIVIDED WORLD. THOUGH WE CANNOT TRACE YOUR FOOTSTEPS OR UNDERSTAND YOUR WORKING, GIVE US GRACE TO TRUST YOU NOW WITH AN UNDERSTANDING FAITH. BLESS THE PRESIDENT OF THIS SENATE AND EVERY SENATOR, THE CLERKS, THE PAGES — ALL OF US, LORD. WE NEED YOU AND WE THANK YOU. WE PRAY IN JESUS' NAME. AMEN."

## MOTION

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

## MESSAGES FROM THE HOUSE

March 25, 1976.

Mr. President: The Speaker has signed HOUSE BILL NO. 271, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 25, 1976.

Mr. President: The House has passed SENATE CONCURRENT RESOLUTION NO. 135, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 25, 1976.

Mr. President: The House has passed HOUSE BILL NO. 1443, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 25, 1976.

Mr. President: The Speaker has signed HOUSE BILL NO. 1440, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 271,  
HOUSE BILL NO. 1440.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 135.  
There being no objection, the Senate returned to the second order of business.

REPORT OF CONFERENCE COMMITTEE

March 20, 1976.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1624, relating to appropriations, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the Senate amendment as follows:

On page 1 beginning on line 21, strike all of "NEW SECTION. Sec. 2." and insert a new section to read as follows:

"NEW SECTION. Sec. 2. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation. . . . .	\$	1,592,500
Total Appropriation. . . . .	\$	1,592,500

The appropriation contained in this section shall be subject to the following conditions and limitations: This appropriation may be expended for, but not be limited to (1) a study of the feasibility of creating an inflation index for expenditure analysis; (2) implementation of a statewide property tax study; (3) employment of counsel pursuant to Senate Resolution 122; (4) continuation of present Public Service Broadcasting television coverage; (5) for hiring attorneys and other additional staff people as may be necessary to defend the State of Washington relative to its position in regards to chapter 125, Laws of 1975 1st ex. sess. (ESHB 527), in which the regulation of the size of tankers entering Puget Sound was passed; and (6) notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess. the house of representatives shall pay expenses quarterly to the department of general administration, general administration facilities and revolving account, for services rendered by the department for operation, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1975."

On page 2, line 27, strike "614,647" and insert "589,647"

On page 2, line 28, strike "614,647" and insert "589,647"

On page 3, line 12, after "exceed" strike "\$50,000" and insert "\$25,000".

On page 4, line 2, insert a new section to read as follows:

"NEW SECTION. Sec. 5. FOR THE ADMINISTRATOR  
FOR THE COURTS

General Fund Appropriation. . . . .	\$	38,771
Total Appropriation. . . . .	\$	38,771

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the additional superior court judge in Whatcom county provided for in chapter 49, Laws of 1975 1st ex. sess."

Renumber the remaining sections consecutively.

On page 4, line 17, after "to" strike beginning with "implement," all language down to and including "increase)" on line 19 and insert: "effect, beginning July 1, 1976, partial implementation of the 1975-76 salary survey findings, assuming no reduction in current salaries, (using the indexing system which most directly relates pay for individual state job classifications with prevailing rates determined in the salary survey)"

On page 4, beginning on line 25, strike all the language down to "increase)" on line 27 and insert: "effect, beginning July 1, 1976, partial implementation of the 1975-76 salary survey findings, assuming no reduction in current salaries, (using the indexing system which most directly relates pay for individual state job classifications with prevailing rates determined in the salary survey)"

On page 5, line 17, after "to" strike beginning with "implement" all language down to and including "increase)" on line 19 and insert: "effect, beginning July 1, 1976, partial implementation of the 1975-76 salary survey findings, assuming no reduction in current salaries, (using the indexing system which most directly relates pay for individual state job classifications with prevailing rates determined in the salary survey)"

On page 5, line 22, strike "(4.25% indicated increase)"

On page 7, after line 31, insert a new section to read as follows:

**"NEW SECTION. Sec. 8. FOR THE WASHINGTON STATE WOMEN'S COUNCIL**

General Fund Appropriation. . . . .	\$	11,988
Total Appropriation. . . . .	\$	11,988"

Renumber the remaining sections consecutively.

On page 7, line 34, strike "850,000" and insert "400,000"

On page 7, line 35, strike "850,000" and insert "400,000"

On page 8, line 12, strike "464,254" and insert "522,254"

On page 8, line 15, strike "549,254" and insert "607,254"

On page 8, after line 33 insert new subsections to read as follows:

"(4) Not more than \$18,000 of the general fund appropriation shall be expended for establishing a higher education common physical inventory system.

(5) Not more than \$40,000 of the general fund appropriation shall be expended for developing a common business identifier system."

On page 9, line 4, strike "66,201" and insert "90,209"

On page 9, line 5, strike "66,201" and insert "90,209"

On page 9, after line 16, add a new subsection to read as follows:

"(3) Not more than \$24,008 shall be expended for additional actuarial services on proposed legislation."

On page 10 beginning on line 21 strike all of subsection (4) and renumber the remaining subsections consecutively.

On page 11 and 12 beginning on line 26 strike all of subsections (1) and (2) and renumber the remaining subsections consecutively.

On page 12, line 20, strike all material after "(uncodified)" down to and including "section" on line 26.

On page 13, line 4, after "achieved" and before "without" insert "in cost centers other than nursing services"

On page 13, line 7, after the semicolon and before "(iii)" strike "and"

On page 13, line 8, after "and" insert "(iv) nursing services; and"

On page 13, after line 16 insert a new subsection (9) to read as follows:

"Notwithstanding the limitations contained within Sec. 58(1)(d) of Chapter 269, Laws of 1975, 1st Ex. Session (uncodified), if the Department finds such action necessary to meet the requirements of Sec. 55 of this act, it may reduce the average length of

stay below the 75th percentile of the national professional activity survey (PAS) standards for selected surgical procedures.”

Re-number following subsections consecutively.

On page 13, beginning on line 17, strike all of subsection (9).

Re-number the remaining subsections accordingly.

On page 19, line 1, after “utilized” strike “for” and insert “to provide medical assistance to new cases resulting from”

On page 19, line 21, after “Center” strike all material down to and including “funding” on line 24.

On page 19, line 25, after “purchase” insert “services relating to”

On page 19, line 26, strike “for” and insert “from”

On page 21, line 26, insert a new subsection to read as follows:

(4) *Not more than \$19,265 of the general fund appropriation contained in this section shall be expended within the Building and Construction Safety program for contractor registration.*”

On page 21, line 28, strike “400,000” and insert “600,000”

On page 21, line 29, strike “400,000” and insert “600,000”

On page 22, after line 4, insert a new section to read as follows:

**“NEW SECTION. Sec. 47. FOR THE AERONAUTICS COMMISSION**

General Fund Aeronautics Account Appropriation. . . . .	\$	126,000
Total Appropriation. . . . .	\$	126,000

The appropriation contained in this section shall be expended exclusively for improvement of state owned emergency landing fields.”

Re-number remaining sections consecutively.

On page 22, line 12, strike “1,139,305,039” and insert “1,134,954,530”

On page 22, line 14, strike “1,139,305,039” and insert “1,134,954,530”

On page 24, line 36, after “than” and before “million” insert “three”

On page 24, line 36, after “million” and before “dollars” strike “four hundred thousand”

On page 26, line 2, add a new section to read as follows:

**“NEW SECTION. Sec. 26. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL FUNDING FOR LOW ASSESSED VALUATION DISTRICTS**

General Fund Appropriation. . . . .	\$	4,500,000
Total Appropriation. . . . .	\$	4,500,000

(1) Not more than \$4,500,000 of such funds appropriated by this section shall be allocated to districts during the 1976-77 school year, which are below the state average assessed valuation per full time equivalent student for excess levies collectible in 1976. Such distribution shall be based upon the following schedule:

ASSESSED VALUATION PER FTE STUDENT	PER FTE STUDENT ALLOCATION
\$30,000 & Below	\$25
30,001 — 35,000	20
35,001 — 40,000	15
40,001 — 45,000	10
45,001 — 50,000	5

(2) Any school district which has been authorized to levy an excess levy for collection in 1977 and which fails to certify and roll back such excess levy to the amount determined to be available under this distribution shall not receive any allotment of the funds made available under this section.

(3) The Superintendent of Public Instruction shall adopt rules and regulations to carry out the provisions of this section.”

Re-number the remaining sections consecutively.

On page 26, line 2, add a new subsection to read as follows:

"(11) Not more than \$125,000 of such funds appropriated by this section shall be expended for conversion of first class school district financial reports into machine readable form; to assist second class school districts in subscribing to data processing cooperative services and implementing financial accounting changes; and to pay expenses of state-wide school data processing task force and staff coordinator necessary for developing uniform reporting and processing systems for data processing cooperative usage."

On page 33, line 5, strike "\$20,000" and insert "\$12,768"

On page 33, line 6, strike "\$20,000" and insert "\$12,768"

On page 33, line 9, strike "graphic art purposes." and insert "an inventory of museum holdings."

On page 33, after line 27, insert a new section to read as follows:

"NEW SECTION. Sec. 34. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund—Indian Cultural Center

Construction Account Appropriation . . . . .	\$	1,000,000
Total Appropriation. . . . .	\$	1,000,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) The appropriation contained in this section shall be expended exclusively for a grant to the City of Seattle for planning, design, construction, furnishing, and landscaping of a regional Indian cultural and educational facility designated as the "People's Lodge" and located at Discovery Park in Seattle.

(2) No bonds, authorized for this purpose upon the enactment of chapter \_\_\_\_, Laws of 1975-76, 2nd ex. sess. (HB 1527), shall be sold until not less than \$2,700,000 in additional federal and private funding is provided or secured."

Renumber the following sections consecutively.

On page 34, line 23, insert a new subsection to read as follows:

"(3) Not more than \$20,000 shall be used to match available federal funds for the support of the Youth Development and Conservation Corps or the Youth Conservation Corps."

On page 34, line 35, strike "135,000" and insert "255,000"

On page 34, line 36, strike "135,000" and insert "255,000"

On page 35, after "be" strike the remaining language down to and including "biennium" on line 4 and insert the following:

"subject to the following conditions and limitations:

(1) Not more than \$135,000 shall be expended exclusively for an operations review to develop workload standards for the department of fisheries: PROVIDED, That the standing committees on ways and means and natural resources of the legislature shall approve the requirements and results of the study.

(2) Not more than \$120,000 shall be expended for the operation of new salmon rearing facilities becoming operational during the current biennium."

On page 35, line 24, strike "3,000" and insert "19,628"

On page 35, line 25, strike "3,000" and insert "19,628"

On page 35, line 28, strike "starling control" and insert the following: "the purposes designated herein and shall be subject to the following conditions and limitations:

(1) Not more than \$3,000 shall be expended for starling control.

(2) Not more than \$16,628 shall be expended for beehive inspection in the Regulatory Services program."

On page 36, after line 3, insert the following:

"General Fund — Professional Engineer's Account

Appropriation. . . . .	\$	34,511"
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On page 36, line 4, strike "163,305" and insert "199,661"

On page 36, line 8, strike "566,523" and insert "637,390"  
 On page 37, line 11, strike "\$23,625" and insert "\$59,981"  
 On page 37, line 15, add new section to read as follows:

**"NEW SECTION. Sec. 42. FOR BELATED CLAIMS**

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, 1977, except as otherwise noted.

To reimburse the General Fund for Expenditures from Appropriation for Belated Claims to be disbursed on vouchers approved by the office of program planning and fiscal management:

General Fund—General Contingency Forest Fire		
Suppression Account Appropriation . . . . .	\$	10,435.74
General Fund—Professional Engineers		
Account Appropriation . . . . .	\$	105.64
General Fund—Real Estate Commission		
Account Appropriation . . . . .	\$	499.61
General Fund—Land Owner Forest Fire		
Suppression Account Appropriation . . . . .	\$	883.38
General Fund—Resources Management		
Cost Account Appropriation . . . . .	\$	43,687.82
General Fund—Litter Control		
Account Appropriation . . . . .	\$	4,421.19
Mineral and Lime Fund Appropriation . . . . .	\$	38.96
Commercial Feed Fund Appropriation . . . . .	\$	38.96
Seed Fund Appropriation . . . . .	\$	395.95
Nursery Inspection Fund Appropriation . . . . .	\$	75.73
Game Fund Appropriation . . . . .	\$	1,798.74
Grain and Hay Inspection Fund Appropriation . . . . .	\$	3,574.12
Highway Safety Fund Appropriation . . . . .	\$	16,052.08
Motor Vehicle Fund Appropriation . . . . .	\$	62,559.90
Public Service Revolving Fund Appropriation . . . . .	\$	76.20
State Treasurer's Service Fund Appropriation . . . . .	\$	941.29
Department of General Administration Facilities		
and Services Revolving Fund Appropriation . . . . .	\$	1,174.89
Higher Education Personnel Board		
Service Fund Appropriation . . . . .	\$	195.72
Retirement System Expense Fund Appropriation . . . . .	\$	1,263.12
Teachers' Retirement Fund Appropriation . . . . .	\$	209.99
Voluntary Firemen's		
Relief and Pension Fund Appropriation . . . . .	\$	748.00
Total Appropriation . . . . .	\$	149,177.03"

Renumber the following sections consecutively.

On page 37, line 15, add a new section to read as follows:

**"NEW SECTION. Sec. 3. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(1) To landscape east capital campus		
Capitol Building		
Construction Account		268,148
(2) Replace existing fuel oil tank to expand storage capability of central heating plant and improve unloading area		



Capitol Building  
 Construction Account 132,624"

Renumber the remaining sections consecutively.

On page 40, line 6, after "legislature" strike the remainder of the sentence down through "time" on line 7.

On page 42, beginning on line 16, strike all material after "(e)" and before "Upgrade" on line 18, and insert the following:

"Renovation, Rainier School  
 DSHS Construction  
 Account (HJR 52) 2,766,432"

Renumber the remaining sub-paragraphs consecutively.

On page 53, line 3, strike all of "NEW SECTION. Sec. 49." and insert a section to read as follows:

"Sec. 49. Section 14, Chapter 276, Laws of 1975, 1st ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON STATE COLLEGE

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(1) Construct and equip alterations and life safety improvements to facilities (300,000)		
Eastern Washington State College Capital Projects Account	40,000	260,000
(2) Construct and equip a special events structure (283,500)		
Eastern Washington State College Capital Projects Account	280,000	
State Higher Education Construction Account	3,500	
(3) Construct and equip renovations to Science and Isle buildings		
Eastern Washington State College Capital Projects Account	620,600	
(4) Construct and equip alterations to Martin Hall to meet health standards		
Eastern Washington State College Capital Projects Account	35,000	
(5) Construct Phase I of biological research laboratory and working drawings, Phase II		
Eastern Washington State College Capital Projects Account	7,000	
(6) Construct and equip utility loop system and implement safety improvements (908,000)		
Eastern Washington State College Capital Projects Account	50,000	858,000
(7) Complete working drawings for centralized maintenance shops		
Eastern Washington State College Capital Projects Account		45,000
(8) Complete landscaping and walkways, physical education complex		

Building Authority Construction Account	10,000
(9) Complete preliminary design of plant services warehouse Eastern Washington State College Capital Projects Account	10,000
(10) Construct and equip field house portion of physical education complex: <i>PROVIDED, That only expenditures related to the working drawings are authorized and that construction shall not commence without the approval of the Legislative Budget Committee.</i> State Higher Education Construction Account	2,456,600
(11) Complete working drawings on aquatics portion of physical education complex Eastern Washington State College Capital Projects Account	60,000
(12) <i>Construct and equip renova- tions to Science/ Isle buildings</i> Eastern Washington State College Capital Projects Account	75,000"

On page 58, line 12 strike "*NEW SECTION. Sec. 55.*" and insert the following new section:

*"NEW SECTION. Sec. 55. If, on the basis of revenue estimates and projections effective May 1, 1976, the Governor determines that general fund expenditures are likely to exceed general fund revenues for the current biennium, he shall order reductions in expenditure by agencies in the executive branch, excluding higher education faculty and the state common school system, up to an aggregate amount not to exceed \$20,000,000. For the purposes of this section, the 1975-77 general fund appropriations made to state agencies headed by persons elected or appointed pursuant to Article III of the Washington State Constitution or RCW 48.02.010, including the office budget of the superintendent of public instruction and the appropriation to the educational service districts within the superintendent of public instruction's budget, shall be reduced proportionally to those reductions required of executive agencies by the standing committees on ways and means of the House and Senate under the provision of RCW 43.88.115. The office of program planning and fiscal management, at the direction of the Governor, shall determine the amount of savings by each agency: PROVIDED, That if a reduction in force is required to implement the provisions of this section, such reduction shall be based proportionally among merit system classifications and exempt personnel without prohibiting a higher percentage of reductions among exempt or administrative personnel: PROVIDED, That if the claim made by the state to the United States department of health, education and welfare on October 24, 1972, for reimbursement in the amount of \$32,876,903 is sustained or settled in whole or in part, there is hereby appropriated \$20,000,000, or so much thereof as may be necessary, to the general fund from Suspense Fund 705 which may be used in lieu of the reduction in expenditures provided by this section. PROVIDED FURTHER, That the reduction in expenditures provided for in the above must be initiated as of July 1, 1976, and the reimbursement may be used, after receipt thereof and to the extent available, to return the expenditure level to a level no higher than that in existence as of July 1, 1976."*

Signed by: Senators Donohue, Newschwander and Odegaard; Representatives Bagnariol, Shipnepoch and Polk.

## MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed House Bill No. 1624.

## MESSAGE FROM THE HOUSE

March 25, 1976.

Mr. President: The House refuses to concur in the Senate amendments to EN-GROSSED HOUSE BILL NO. 1403, and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees: Representatives Polk, Shinpoch and Bagnariol, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed House Bill No. 1403 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1403 and the Senate amendments thereto: Senators Donohue, Newschwander and Odegaard.

## MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

## MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1976-213.

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

## SENATE RESOLUTION 1976-213

By Senators Knoblauch, Gould, Wanamaker, Odegaard and Peterson:

WHEREAS, Historically all citizens of this state have always had free days access to their state parks; and

WHEREAS, Public moneys have been and still are used for the development, operation and maintenance of said parks; and

WHEREAS, Some state park areas have been abused by certain groups and individuals; and

WHEREAS, The State Parks and Recreation Commission is planning a pilot program of day-use fees in the state park system to study the feasibility of this method of raising revenue and controlling access; and

WHEREAS, Such pilot programs are usually a prelude to the enactment of the project under study; and

WHEREAS, Various legislative committees have recorded their opposition to day fees in Washington state's parks; and

WHEREAS, The imposition of such fees tends to create a hardship on families who use park facilities only during the day and cannot afford overnight camping;

NOW, THEREFORE, BE IT RESOLVED, That the state Senate recommend to the Parks and Recreation Commission that it discontinue its plans for a pilot program of day-use fees for this year; and

BE IT FURTHER RESOLVED, That other solutions to control undesirable activities in state parks be pursued by the Parks and Recreation Commission; and

BE IT FURTHER RESOLVED, That the Senate Parks and Recreation Committee shall meet during the interim with the Parks and Recreation Commission to consider legislation for the next regular session of the legislature on the aforementioned items with the hope of arriving at some form of compromise.

#### MOTIONS

On motion of Senator Woody, all members were permitted as sponsors to Senate Resolution 1976-278.

There being no objection, Lieutenant Governor John A. Cherberg, Charlie Johnson and Sidney R. Snyder were also permitted as sponsors of the resolution.

On motion of Senator Woody, the following resolution was unanimously adopted:

#### SENATE RESOLUTION 1976-278

By Senators Woody, Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington and Wilson; Lieutenant Governor John A. Cherberg; Sidney R. Snyder, Secretary of the Senate; and Charlie Johnson, Sergeant at Arms:

WHEREAS, Judge Robert Corpening Finley, respected member of the Washington State Supreme Court passed away at his home in Olympia; and

WHEREAS, Judge Finley who served as the Chief Justice two terms and as a member of the state's highest court for twenty-five years; and

WHEREAS, Judge Finley was a devout family man and is survived by his charming wife, Werdna, and three exceptionally talented children; Pat, Randy and Mary Ellen; and

WHEREAS, Judge Finley, since leaving his private practice of law in Renton, Washington, has been a resident of Olympia, Washington, and a close friend of the members of the Legislature, the employees of state government, and the residents of our beautiful Capital City; and

WHEREAS, Judge Finley was an accomplished artist and musician and worked his way through law school as a jazz musician and throughout his life continued to pursue with vigor his various talents; and

WHEREAS, Judge Finley was known throughout the United States for his contributions to the improvement of the administration of justice and criminal law, having participated in numerous seminars and committee meetings for the American Bar Association and the Federal Bureau of Investigation;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate do hereby express their most sincere sorrow on the passing of their good friend, Bob Finley, and do hereby extend to Judge Finley's family their condolences during this time of bereavement; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and he is hereby instructed to forward a copy of this resolution to the family of Judge Finley and to the Chief Justice of the Washington State Supreme Court.

#### REMARKS BY SENATOR WOODY

Senator Woody: "Mr. President, members of the Senate, many of you have known Judge Finley for as long as I have. I met him first back in 1960 when I was a clerk of the supreme court here in Olympia. I can tell you that in the legal community he has been known throughout his career on the supreme court as one of the most far reaching, thinking jurists that this court has ever known. I know when I worked there on the court as a clerk, he has always challenged the thinking of every person who worked there either as a judge, or clerk, or every lawyer who appeared before the supreme court on an argument on a case before the court.

"It was with a great deal of regret that in the middle part of this week we learned of his untimely death in Olympia. The citizens here in Olympia have grown to know Judge Finley over these twenty-five years. I think it was perhaps ironic that one of his close Jazz friends was the person who discovered the incident.

"I think it will be probably many years in the future before we will find a jurist of his capabilities. I was very disturbed to hear of his loss."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "I also wanted to join the Senator in expressing the great knowledge and benefits that Judge Finley contributed to the legal profession. I had the privilege of serving with him for a considerable period of time on the Judicial Council and got to know him quite well. He worked very hard on the judicial articles and I know that it was quite a disappointment to him when that failed because he very thoroughly believed that it was a step forward.

"He was a very sincere and able judge and the state has suffered a loss by his passing."

#### REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, having worked with Judge Finley for many, many years, both in the House and the Senate, I always found him an advocate of improving the judicial branch of the government and always found him willing to work with the legislative branch. I well remember his daughter, Patty, when she was a page and did an excellent job, as she is doing today. It must have been a terrible shock for the family.

"I, too, join in mourning his passing. He was an excellent judge and an excellent worker for the good of the state."

#### MOTION

At 1:55 p.m., on motion of Senator Walgren, the Senate recessed until 4:05 p.m.

#### SECOND AFTERNOON SESSION

The President called the Senate to order at 4:05 p.m.

#### MOTION

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

#### REPORT OF CONFERENCE COMMITTEE

March 26, 1976.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1403, authorizing state general obligation bonds for DSHS facilities, have had the same under consideration, and we are unable to agree and respectfully request the powers of Free Conference in order to not adopt the Senate amendment and to amend the bill as follows:

On page 1, line 22, after "of" and before "thousand" strike "fifty-eight million nine hundred" and insert "forty-one million four hundred"

Signed by: Senators Donohue, Newschwander and Odegaard; Representatives Polk, Shinpoch and Bagnariol.

#### MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed House Bill No. 1403.

## INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1443, by Representatives Martinis and Matthews (by Office of Program Planning and Fiscal Management request):

Authorizing bond issue for department of fisheries capital projects, including buildings and facilities.

## MOTIONS

On motion of Senator Walgren, the rules were suspended, House Bill No. 1443 was advanced to second reading and read the second time in full.

On motion of Senator Donohue, the rules were suspended, House Bill No. 1443 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1443, and the bill passed the Senate by the following vote: Yeas, 38; nays, 1; absent or not voting, 3; excused, 7.

Voting yea: Senators Bailey, Beck, Bluechel, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—38.

Voting nay: Senator Buffington—1.

Absent or not voting: Senators Bottiger, Francis, Scott—3.

Excused: Senators Benitz, Keefe, Matson, Morrison, North, Ridder, Wanamaker—7.

HOUSE BILL NO. 1443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Walgren, House Bill No. 1443 was ordered immediately transmitted to the House.

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

## REPORT OF STANDING COMMITTEE

March 19, 1976.

ENGROSSED HOUSE BILL NO. 1502, placing timber tax funds A and B into the state general fund (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 8, add sections as follows:

"Section 1. Section 43.84.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 50, Laws of 1969 and RCW 43.84.090 are each amended to read as follows:

Twenty percent of all income received from such investments shall be set aside in a reserve account: PROVIDED, That the legislature may appropriate such amounts from this account as may be necessary to pay operating expenses of the state treasurer for the servicing of investments and outstanding bonded indebtedness of the state and for operating expenses of the state finance committee and the state building authority, and may transfer further amounts from the reserve account to the general fund on a periodic basis.

Investments purchased for more or less than par shall be amortized to obtain the true amount of income, and the amortized value of the principal, at any time, shall be the cost of the security plus or minus such portion of the income as has been assigned to principal.

Any loss sustained by selling investments for less than the amortized value of the principal may be charged to the reserve fund. Any profits obtained from selling invest-

ments for more than the amortized value of the principal shall be considered as income. All income other than that set aside in the reserve fund shall be credited to the deposit interest [fund in the state treasury] *account in the state general fund.*

Sec. 2. Section 3, chapter 180, Laws of 1949 and RCW 73.32.040 are each amended to read as follows:

All disbursements required by this chapter for compensation shall be made upon the presentation of a certificate upon a form to be prescribed by the state auditor, which form shall be duly verified, by the claimant under oath, and shall set forth his name, residence at the time of entry into the service, date of enlistment, induction or entry upon active federal service, beginning and ending dates of overseas service, date of discharge or release from active federal service, or if the claimant has not been released at the time of application, a statement by competent military authority that the claimant during the period for which compensation is claimed did not refuse to subject himself to full military discipline and unqualified service, and that he has not been separated from service under circumstances other than honorable. The state auditor may require such further information to be included in such certificate as he deems necessary to enable him to determine the eligibility of applicants. Such certificates shall be presented to the state auditor or his representative, together with evidence of honorable service satisfactory to the state auditor. The state auditor shall draw warrants in payment of such compensation claims against the war veterans' compensation [fund] *account*, which is hereby established in the state [treasury] *general fund.* The state auditor is given power to make such reasonable requirements for applications as are necessary to prevent fraud or the payment of compensation to persons not entitled thereto.

Sec. 3. Section 4, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.040 are each amended to read as follows:

All disbursements made under this chapter for compensation shall be made upon the presentation of a certificate or claim form to be prescribed by the state treasurer.

Such form for persons applying for benefits shall be duly verified by the claimant under oath, and shall set forth his name, residence at the time of entry into the service, date of enlistment, induction, or entry upon active federal service, beginning and ending dates of overseas service, date of discharge or release from active federal service, or if the claimant has not been released at the time of application, a statement by a competent military authority that the claimant during the period for which compensation is claimed did not refuse to subject himself to full military discipline and unqualified service, and that he has not been separated from service under circumstances other than honorable. The state treasurer may require such further information to be included in such certificate as he deems necessary to enable him to determine the eligibility of applicants.

Such certificate shall be presented to the state treasurer or his representative, together with evidence of honorable service satisfactory to the state treasurer.

The claim for institutions seeking reimbursement under RCW 73.34.020(2) shall contain such information as the treasurer shall deem necessary to determine the authenticity thereof.

The state treasurer shall draw warrants in payment of such compensation claims against the war veterans' compensation [fund] *account*, which has heretofore been established in the state treasury. Claims for such compensation may be filed after May 23, 1972 but no payments shall be made prior to January 2, 1973.

The state treasurer may make such reasonable requirements for application procedure as are necessary to prevent fraud or the payment of compensation to persons not entitled thereto.

Sec. 4. Section 6, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.060 are each amended to read as follows:

The state treasurer shall furnish free of charge upon the application therefor certificates or claim forms upon which applications may be made and may establish at different points within the state offices at which there shall be kept on file for the use of persons covered by this chapter a sufficient number of such certificates, so that there is no unnecessary delay in the payment of compensation. The state treasurer may authorize

the county auditor or county clerk, or both, of any county of the state to act for him in receiving such certificates, and shall furnish them with sufficient certificates to enable them to accept the same. The state treasurer shall procure such printing, office supplies and equipment and employ such persons as may be necessary to properly carry out the provisions of this chapter. All expenses incurred by him in the administration of this chapter shall be paid by warrants drawn upon the war veterans' compensation [fund] *account*.

Sec. 5. Section 11, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.100 are each amended to read as follows:

The executive officer of the veterans' rehabilitation council shall advise with and assist the state treasurer in the performance of the duties of the treasurer under this chapter, and when so called upon, the executive officer shall employ such persons and incur such expenses as may be necessary, such expenses to be paid by warrant drawn upon the war veterans' compensation [fund] *account*.

Sec. 6. Section 12, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.110 are each amended to read as follows:

Upon the death of any person qualified to receive compensation pursuant to this chapter or who would have been qualified to receive compensation except for death occurring while serving in federal service as a member of the armed military or naval forces of the United States, there shall be paid to his widow, parent, child, next of kin or other person assuming responsibility or having the duty to provide for his burial, the sum of two hundred fifty dollars to aid in defraying funeral and other burial costs. Payment shall be made, after application therefor, in the same manner as is provided in this chapter for payment of compensation. The state treasurer shall promulgate such rules and regulations and provide such procedures as may be necessary to properly administer the provisions of this section.

Any payment under this section shall be deemed and construed to be a part of the term "compensation" as used in this chapter and shall be made from the war veterans' compensation [fund] *account*."

Renumber the remaining sections consecutively.

On page 8, following line 35, insert the following new section:

"**NEW SECTION.** Sec. 9. The provisions of this 1976 amendatory act shall expire on June 30, 1979."

Renumber the remaining section accordingly.

On line 1 of the title after "taxation;" insert "amending section 43.84.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 50, Laws of 1969 and RCW 43.84.090; amending section 3, chapter 180, Laws of 1949 and RCW 73.32.040; amending section 4, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.040; amending section 6, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.060; amending section 11, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.100; amending section 12, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.110;"

Signed by: Senators Donohue, Chairman; Clarke, Grant, Jones, Lewis (Harry), Marsh, Murray, Newschwander, Scott, Washington.

#### MOTIONS

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 1502 was advanced to second reading and read the second time in full.

On motion of Senator Lewis (Harry), the committee amendments were adopted.

On motion of Senator Lewis (Harry), the committee amendment to the title was adopted.

On motion of Senator Lewis (Harry), the rules were suspended, Engrossed House Bill No. 1502, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Talley: "Will Senator Lewis yield? Senator Lewis, you and I worked very



hard to get this timber tax legislation through. Now this vitally affects your county, Cowlitz County, Lewis County, Pacific County, Wahkiakum County. In your opinion and from authority, would you say that this will not affect the distribution of the timber tax funds to the counties?"

Senator Lewis (Harry): "The answer is yes."

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Lewis yield to a question? Senator Lewis, knowing the circumstances that the state of New York and more particularly the city; the state of Massachusetts, the state of Illinois, but the most vivid example we have is the state of New York where they were issuing bonds to pay the interest on the bonds that they had out. Finally, they could not sell the bonds to anybody.

"Would you say that, as Senator Mardesich has suggested, could happen? That we could be drawing checks on all of the funds that we have within the treasury? The people would cash those checks and consider them good warrants but then the day comes when we no longer — we borrowed from all of the funds that are available and we are paying interest but we don't have the money to pay the interest much less pay back the principal. Of course you realize we are paying out a hundred and one million dollars a biennium in interest with the additional bonds that are being issued now. We just sold fifty seven million. We are going to have probably another sixty million that will be issued, so we are well over a billion.

"It looks like we are digging a deeper hole for ourselves, would you say, Senator Lewis?"

Senator Lewis (Harry): "Senator Rasmussen, I don't think there is any question about that. I have listened to you up in ways and means over the year talk about the need to spend more money for the aged, more money for the cities, to meet our responsibilities. There is no question that this legislature has spent money — has spent to the point where the cash flow balances are difficult to manage.

"I don't think there is any correlation between this state and New York today, to answer your question number one. Number two, if I believed and had not been assured by the state treasurer that there was no chance of diverting the timber tax funds or the other funds from their legislative purpose, then I would not be supporting this. Number three, to answer your third question, I think that, yes, the answer is yes, that we must tighten our belts and stop the kind of frivolous spending that has happened in the past number of years. That is the reason we are in this position.

"But finally, I would like to accent and try as best I can to describe the situation. The dollars flowing into the treasury at the end of the year exceed the dollars that will be spent out of the treasury but the flow in does not always coincide or match on an exact date or even a week with the expenditures going out. From a technical standpoint, when that does not happen, it is in effect like using the credit of these funds but not actually using the dollars out of them. The state treasurer has said that if we do not pass this bill that the effect of getting in that position just for a week or two or a short period of time where those revenues and expenditures do not match, could result in the state having to go on warrants. I don't think that that is a good thing to do. I also know that in the event that we don't do this, with the state selling bonds frequently month after month, you know in the last bonds we just sold last week, we dropped about half a percent interest from what we sold bonds for in January. I believe that one of the reasons for that was the failure of this legislature to enact this bill.

"The net result of that could be, according to OPP and FM, at the end of this biennium a six million dollar increase in cost to you and to me and to the other citizens of the state. I don't like to have to do this, and yes, I would like to join with you in the future to do a better job than all of us have done, but for this period of time, with the cut-off that is in the bill which will end it in 1979, I believe that this is the proper thing to do and I would hope that you would support it for those reasons."

Further debate ensued.

## POINT OF INQUIRY

Senator Guess: "Would Senator Murray yield? Senator Murray, until you started talking, I thought I knew what we were talking about."

Senator Murray: "That is what I was afraid of."

Senator Guess: "There was a newspaper story on either yesterday or the day before that said that there are two periods in the year in which the treasury is very low. In February the treasurer got down to two and a half million dollars in the checking account. It took two and a half million, and this is on a three point two billion dollar budget, and I knocked the ciphers off of the amounts and it was apparent that it was very similar to the analogy of having a three hundred and twenty dollar amount to run your household on. You got down to within twenty-five cents in your checking account. But now, you say that this amount of money — the thirty million dollars that is going to be flowing through this account — is going to save you from going onto interest bearing warrants on particular days but the only two periods of the year of February and October, just before the money comes in. I would like to ask a practical question. Don't the forest fund taxes come in at the same time that the other taxes come in?"

Senator Murray: "I think the difference here really is in the day to day variations rather than the month to month variations. That is a different problem. This may or may not help that problem."

Senator Guess: "But you see, if all of the money is going to come in on between February fifteenth and April thirtieth, forest tax money as well as the property tax money, then why is it going to help this fund to have the thirty million dollars in it extra? It still doesn't seem to me that it is going to help the treasurer on that day to day cash balance or that low period of February and October. I really thought that this — the answer was until you started talking. Now I would like for somebody to prove to me that this is really of any value at all. I thought I understood it, but can you see where this amount of money is going to save that February and October period of low cash flow?"

Senator Murray: "It may not save a month to month, year to year variation. It is available on a day to day variation. That is where it would be helpful. A given day of the week, a given day of the month, having that extra money available is going to mean that they don't have to borrow money for those particular days."

## REMARKS BY SENATORS MARDESICH AND GUESS

Senator Mardesich: "Senator Guess, the answer lies in the fact that those funds are now drawn on for some time, and there are surpluses sitting there, but the payouts come on specific dates in the future out of the trust fund."

Senator Guess: "But, Senator Mardesich, you said a while ago that these funds are going to be credited to the local agencies and Senator Talley asked the very pointed question, are they going to be credited to the account of those counties?"

Senator Mardesich: "But only paid out at a future date. That is what builds the float."

Senator Guess: "Are you going to hold the counties' money and operate on that?"

Senator Mardesich: "We do right now. We do right now, and that is what we are taking advantage of."

Senator Guess: "And we are not going to pay them anything for their money."

## POINT OF INQUIRY

Senator Buffington: "Mr. President, will Senator Mardesich yield to a question, please? Would the passage of Engrossed House Bill No. 1502 then just take care of the problem until Senate Bill No. 3268, which was passed by the House and Senate and signed by the Governor goes into effect in 1977 which changes the August tenth back to the July tenth collection? Wouldn't this bill really only have to — although it has an expiration date of 1979 — doesn't it really only have to cover us until Senate Bill No. 3268 goes into effect?"

Senator Mardesich: "Mr. President, would you ask her to repeat that question?"

No reply.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1502, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 15; absent or not voting, 1; excused, 7.

Voting yea: Senators Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Murray, Newschwander, Pullen, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington—26.

Voting nay: Senators Bailey, Donohue, Grant, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Sandison, Scott, Talley, Wilson, Woody—15.

Absent or not voting: Senator Francis—1.

Excused: Senators Benitz, Keefe, Matson, Morrison, North, Ridder, Wanamaker—

7.

ENGROSSED HOUSE BILL NO. 1502, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Walgren, Engrossed House Bill No. 1502, as amended by the Senate, was ordered immediately transmitted to the House.

On motion of Senator Walgren, the Senate commenced consideration of the House Message on Engrossed House Bill No. 1624.

## MESSAGE FROM THE HOUSE

March 26, 1976.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1624, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

## REPORT OF FREE CONFERENCE COMMITTEE

March 20, 1976.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1624, relating to appropriations, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Donohue, Newschwander and Odegaard; Representatives Bagnariol, Shinpoch and Polk.

## MOTION

Senator Donohue moved the report of the Free Conference Committee on Engrossed House Bill No. 1624 be adopted.

## POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Donohue yield? Senator Donohue, I am concerned about three or maybe four bond bills that have to go with this budget. Have they all passed both houses?"

Senator Donohue: "No, Senator, we just passed a bond bill relative to fisheries, House Bill No. 1447. We have a department of social and health services bond bill before us that will be necessary to pass in the next few minutes to pick up these things that I just mentioned; Rainier School, and so forth."

Senator Bailey: "Is that the only one left?"

Senator Donohue: "We do have one more that I am going to ask to bring down from ways and means in a few moments, Senator, relative to the Indian Culture Center."

Senator Bailey: "I am only concerned that the House may get the budget, pass the budget, and adopt the Sine Die resolution and go home without funding the bond program."

Senator Donohue: "I think, Senator, that the House is very interested in these bond bills and I am sure that we will be in contact with them."

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Donohue yield to a question? Senator Donohue, regarding the salary increases that are provided within the bill, the consultant presented three alternative methods of determining the salary rates for the non-surveyed state job classifications. Which method is reflected in this bill?"

Senator Donohue: "Those alternative methods are defined as indexing system one, two and three, and this bill reflects indexing system one, which is the system that ties non-surveyed jobs whenever possible directly to surveyed positions. The other two indexing systems make extensive use of averaging."

Senator Odegaard: "Senator Donohue, what percentage of the salary increase as indicated by the survey will be implemented by passage of this bill?"

Senator Donohue: "The appropriation contained in this bill will implement fifty percent of the indicated increase based on the survey of medium and large employers, and when the salary level and the fringe benefits of employers with less than fifty employees are included, the effect is to fund approximately two-thirds or sixty-six percent of the increase indicated by the survey."

Senator Odegaard: "Is it correct that no salary reduction has been assumed due to the partial implementation of the Survey?"

Senator Donohue: "That is correct, Senator."

Senator Odegaard: "Senator Donohue, in section fifty-five which refers to a reduction in state expenditures, what is the intent of excluding higher education faculty?"

Senator Donohue: "Higher education faculty are on a contract basis and therefore it would be very difficult to reduce such personnel without adequate notice, therefore they were excluded from the possible reduction."

Senator Odegaard: "What does the reduction relate to as far as higher education goes?"

Senator Donohue: "The reduction in higher education is a dollar amount associated with a personnel reduction and does not include other operating expenses."

Senator Odegaard: "What then would be the total expenditure reduction which might be required from higher education?"

Senator Donohue: "Throughout the community college system and the four year institutions, Senator, the total reduction would be approximately one point six million dollars."

#### POINT OF INQUIRY

Senator Gould: "Mr. President, would Senator Donohue yield to a question? In section twenty-six which deals with low assessed evaluation districts, equalization of them, subsection two says any school district which has been authorized — has authorized their levy, will roll it back. Is it possible under this subsection for districts which have not yet authorized their levies but which may yet have it, to lower their levies by that amount before they ask for it, or do they have to ask for the higher levy and then they have to roll it back?"

Senator Donohue: "Senator, the language in there would indicate that they would have to roll back, and the reason for this, I think, is because the emphasis here of the last several weeks has indicated that there are many, many people who believe that property taxes are too high, and this would benefit those taxpayers by providing for that type of rollback."

Senator Gould: "One other question. If a levy fails twice, so they do not have a levy, would they then be eligible for this money?"

Senator Donohue: "They would be eligible for the money but they would not, of course, have to roll back."

Senator Gould: "Thank you."

The motion by Senator Donohue carried and the Free Conference report on Engrossed House Bill No. 1624 was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1624, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 26; nays, 14; absent or not voting, 2; excused, 7.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Goltz, Grant, Henry, Herr, Jolly, Knoblauch, Marsh, McDermott, Odegaard, Peterson, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—26.

Voting nay: Senators Bluechel, Buffington, Clarke, Cunningham, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Murray, Newschwander, Pullen, Sellar—14.

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

Excused: Senators Benitz, Keefe, Matson, Morrison, North, Ridder, Wanamaker—7.

ENGROSSED HOUSE BILL NO. 1624, 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 Walgren, Engrossed House Bill No. 1624, as amended by the Free Conference Committee, was ordered immediately transmitted to the House.

#### MESSAGE FROM THE HOUSE

March 26, 1976.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1403, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

#### REPORT OF FREE CONFERENCE COMMITTEE

March 26, 1976.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1403, authorizing state general obligation bonds for DSHS facilities, have had the same under consideration, and we recommend that the Senate amendment be not adopted and that the bill be amended as follows:

On page 1, line 22, after "of" and before "thousand" strike "fifty-eight million nine hundred" and insert "forty-one million four hundred"

Signed by: Senators Donohue, Newschwander and Odegaard; Representatives Polk, Shimpoch and Bagnariol.

#### MOTION

On motion of Senator Walgren, the report of the Free Conference Committee on Engrossed House Bill No. 1403 was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No.

1403, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; nays, 4; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—37.

Voting nay: Senators Buffington, Cunningham, Guess, Lewis (R. H. "Bob")—4.

Absent or not voting: Senator Francis—1.

Excused: Senators Benitz, Keefe, Matson, Morrison, North, Ridder, Wanamaker—

7.

ENGROSSED HOUSE BILL NO. 1403, 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 Donohue, the Committee on Ways and Means was relieved from further consideration of the following bill:

ENGROSSED HOUSE BILL NO. 1527, by Representatives Shipoch, Bagnariol, Eikenberry, Polk and Sommers:

Authorizing general obligation bonds for the People's Lodge at Discovery Park.

#### MOTIONS

On motion of Senator Donohue, the rules were suspended and Engrossed House Bill No. 1527 was advanced to second reading and read the second time in full.

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 1527 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1527, and the bill passed the Senate by the following vote: Yeas, 35; nays, 6; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Beck, Bluechel, Buffington, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, Murray, Newschwander, Odegaard, Peterson, Pullen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—35.

Voting nay: Senators Bottiger, Clarke, Cunningham, Jolly, Lewis (R. H. "Bob"), Rasmussen—6.

Absent or not voting: Senator Francis—1.

Excused: Senators Benitz, Keefe, Matson, Morrison, North, Ridder, Wanamaker—

7.

ENGROSSED HOUSE BILL NO. 1527, having received the constitutional 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, on motion of Senator Bailey, the Senate moved to immediately reconsider the vote by which Engrossed House Bill No. 1527 passed the Senate.

The President declared the question before the Senate to be the roll call, on reconsideration, of the vote by which Engrossed House Bill No. 1527 passed the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No.

1527, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 33; nays, 7; absent or not voting, 7; excused, 7.

Voting yea: Senators Beck, Bluechel, Buffington, Day, Donohue, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, Murray, Newschwander, Odegaard, Peterson, Pullen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—33.

Voting nay: Senators Bailey, Bottiger, Clarke, Cunningham, Guess, Lewis (R. H. "Bob"), Rasmussen—7.

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

Excused: Senators Benitz, Keefe, Matson, Morrison, North, Ridder, Wanamaker—

7.

ENGROSSED HOUSE BILL NO. 1527, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Walgren, Engrossed House Bill No. 1527 was ordered immediately transmitted to the House.

#### MESSAGE FROM THE HOUSE

March 26, 1976.

Mr. President: The House has passed SUBSTITUTE SENATE JOINT RESOLUTION NO. 139, with the following amendment:

On line 13, after "*That*" strike all material down to and including "*equally*" on line 15, and insert "*notwithstanding the provisions of section 13 of Article II, section 1 of Article XXVIII (Amendment 20), and section 1 of Article XXX (Amendment 54), when a salary increase or decrease first becomes effective for a majority of the members of the legislature, such increase or decrease shall then apply*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendment to Substitute Senate Joint Resolution No. 139.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 139, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 39; nays, 2; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—39.

Voting nay: Senators Pullen, Wilson—2.

Absent or not voting: Senator Francis—1.

Excused: Senators Benitz, Keefe, Matson, Morrison, North, Ridder, Wanamaker—

7.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 139, as amended by the House, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of gubernatorial Appointment No. 128, Carl Carbon.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT  
MOTION

On motion of Senator Rasmussen, the appointment of CARL CARBON as a member of the Horse Racing Commission was confirmed.

APPOINTMENT OF CARL CARBON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent or not voting, 2; excused, 7.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—40.

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

Excused: Senators Benitz, Keefe, Matson, Morrison, North, Ridder, Wanamaker—7.

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

MESSAGES FROM THE HOUSE

March 26, 1976.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 135, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 26, 1976.

Mr. President: The Speaker has signed HOUSE BILL NO. 1443, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1443.

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

MESSAGES FROM THE GOVERNOR

Office of the Governor, March 24, 1976.

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

LADIES AND GENTLEMEN:

On this date I have approved ENGROSSED SUBSTITUTE SENATE BILL NO. 3097, entitled:

"AN Act relating to state economic policy."

This bill directs state and local government agencies to give appropriate consideration to economic values in its decisions along with environmental, social, health and safety considerations.

I believe the concept of encouraging government agencies to consider the economic impact of their decisions is a good one. However, I do not believe the bill, as passed, either accomplishes as much as its proponents would desire or is as harmful as its detractors would fear. In fact, I am advised that the consideration of economic impact is already a part of the decision making process in a number of governmental agencies by virtue of guidelines established in rules and regulations.



My own concern, now that the Legislature has declared its concern over the economic impact of governmental decision-making, is that government agencies at both the state and local level implement this concept in such a manner as to minimize unnecessary paperwork and excessive administrative regulation. I would hope that procedures could be developed whereby both environmental and economic factors could be considered in the same impact statement in order to avoid unnecessary duplication of effort. I believe it would also be advisable for the Legislature to consider at its next session the need for more specific guidelines under the act and the designation of an agency to administer such guidelines.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

Office of the Governor, March 26, 1976.

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

LADIES AND GENTLEMEN:

On March 18, 1976, I approved SENATE BILL NO. 3281, entitled:  
"AN Act relating to drug treatment programs."

This bill repeals a number of antiquated statutes which required the Department of Social and Health Services to provide drug treatment and quarantine programs for criminal offenders who are drug abusers, and makes the provision of such programs discretionary with the department.

I do not look on this bill as an abdication by the Legislature and state government of its responsibilities in the drug abuse area. It is generally conceded by those knowledgeable in the drug treatment field that the statutes repealed, originally enacted in 1959, were ineffectual both in concept and practice.

My concern, which I have already conveyed to the Department of Social and Health Services, is that the discretion now allowed by law be exercised at an early date to utilize available resources and address the problems of drug abuse by criminal offenders, particularly for those now incarcerated in our state penal institutions.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Lyle Burt, journalist, and appointed Senators Beck, Bailey, Guess, Lewis (Harry), Rasmussen, Sandison, Wilson and Woody to escort the honored guest to the Senate Chamber.

The President also invited the Press Corps to be members of the special committee.

#### MOTIONS

On motion of Senator Walgren, all members were permitted as additional sponsors on Senate Resolution 1976-279.

Also permitted as additional sponsors were Lieutenant Governor John A. Cherbert; Secretary of the Senate, Sidney R. Snyder; Sergeant at Arms, Charlie Johnson, and Assistant Secretary of the Senate, Bill Gleason.

On motion of Senator Henry, the following resolution was unanimously adopted:

#### SENATE RESOLUTION 1976-279

By Lieutenant Governor Cherberg, Senators Henry, Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson and Woody; Secretary of the Senate, Sidney R. Snyder, Assistant Secretary of the Senate, Bill Gleason, and Sergeant at Arms, Charlie Johnson:

WHEREAS, Lyle Burt, noted and respected journalist, is now enjoying his twenty-fifth anniversary as a correspondent covering the Legislature in Olympia; and

WHEREAS, Lyle, for the past twenty-five years while with the Associated Press and the Seattle Times has been an accurate and articulate reporter, being extremely mindful at all times to report the news in a fair and understandable manner; and

WHEREAS, The work of Lyle with the Legislature brings credit on himself, his employers and his family, as well as the profession which he serves so well; and

WHEREAS, Though his task in Olympia is frequently difficult and even sometimes nearly frustrating, Lyle always maintains his gentle and polite manner and faithfully covers the sessions in such a manner that the public is kept well informed; and

WHEREAS, The other members of the Fourth Estate share the feeling of the members of the Senate that the Silver Anniversary of the silver-tongued journalist should be noted here today, so that we all will be kept aware that everyone benefits from a free and fair press represented by such honorable political writers;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate do hereby congratulate Lyle Burt on this anniversary of his entering into the highly coveted profession of reporting the news from the Capitol of our great Evergreen State, and do hereby express to Lyle their most sincere appreciation for his fairness and accuracy for the past twenty-five years; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and he is hereby instructed to forward a copy of this resolution to Lyle and his present employer, The Seattle Times.

Appropriate remarks were made by Senators Walgren, Lewis (Harry), Talley and Lieutenant Governor Cherberg; also Adele Ferguson spoke as a representative of the Press Corps.

With permission of the Senate, business was suspended to permit Lyle Burt to address the Senate.

The committee of honor escorted the honored guest from the Senate Chamber and the committee was discharged.

#### MOTION

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

#### SENATE RESOLUTION 1976-280

By Senators Bailey, Walgren and Lewis (Harry):

WHEREAS, The Second Extraordinary Session of the Forty-fourth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the Second Extraordinary Session of the Forty-fourth Legislature and the convening of the next session;

NOW, THEREFORE, BE IT RESOLVED, That the Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute with the President, or the President Pro Tempore, the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That after the close of the session the Secretary of the Senate and the President, or the President Pro Tempore of the Senate, be, and they hereby are, authorized and directed to prepare and execute the necessary vouchers, upon which warrants shall be drawn for the final payment of all expenses incurred after the

adjournment of this Second Extraordinary Session of the Forty-fourth Legislature in closing the business of such session, in providing for the interim period between the closing of such session and the convening of the next regular or special session of the Legislature and in the preparation for such convening; and

BE IT FURTHER RESOLVED, That all accounts payable incurred up to and including this date, covering Senate expenditures made, or obligations incurred, which are payable out of the funds appropriated for the payment of expenses of the Forty-fourth Legislature of the State of Washington, and which are presented for payment after adjournment of the Second Extraordinary Session of the Forty-fourth Legislature, before payment is authorized, must bear the approval of the President or the President Pro Tempore of the Senate and the Secretary of the Senate; and

BE IT FURTHER RESOLVED, That the State Treasurer be, and he hereby is, directed to draw his warrants for the payment of salaries, per diem, in lieu payments, and reimbursements of and to the members of the Senate, the elected officers of the Senate, and the retained employees each month upon vouchers signed by the members, officers or employees and approved by the President of the Senate, or the President Pro Tempore of the Senate, and by the Secretary of the Senate, and he is authorized to deliver the warrants to the Secretary of the Senate for delivery or mailing to those entitled thereto; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to have a copy of the Senate Journal of the Second Extraordinary Session of the Forty-fourth Legislature, together with a suitable index therefor prepared by the State Printer; and

BE IT FURTHER RESOLVED, That the President Pro Tempore of the Senate, the Vice President Pro Tempore of the Senate, the Senate Majority Floor Leader, the former Senate Majority Floor leader, the Senate Minority Floor Leader, the former Senate Minority Floor Leader, the Assistant Senate Minority Floor Leader, the Majority and Minority Whips, and Majority and Minority Caucus Chairmen and Caucus Vice Chairman and Secretaries, the Chairman of the Senate Facilities and Operations Committee, are each authorized to attend the annual meetings of the National Conference of State Legislatures, and to receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to attend the sessions of the National Conference of State Legislatures of the Council of State Governments, and while in attendance upon such conference he shall be allowed compensation at his regular per diem rate together with actual expenses, to be paid on his voucher out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate collect the keys to the desks and rooms in and surrounding the Senate Chamber, committee rooms, work rooms, lounges, distribution center, bill room, storage rooms and the Sergeant at Arms office, and all other rooms in and adjacent to the Senate Chamber, except the Lieutenant Governor's offices, together with the east and west portions of the first floor of the Legislative Building; the first and fourth floors of the Public Lands Building, and the first and second floors of the Institutions Building be placed in the custody, care and control of the Senate Facilities and Operations Committee and the Secretary of the Senate; and

BE IT FURTHER RESOLVED, That the Sergeant at Arms be, and he hereby is, directed to see that the Senate Chambers and adjoining rooms, furniture and equipment are clean and in good order; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers in the event of a bereavement in a Senator's family; and

BE IT FURTHER RESOLVED, That such use of the chamber rooms for a Y.M.C.A. Youth Legislature and the Governor's Safety Conference is permitted upon such terms as the Secretary shall deem proper.

## SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE SENATE JOINT RESOLUTION NO. 139.

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

## MESSAGES FROM THE HOUSE

March 26, 1976.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 1624, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

March 26, 1976.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 1403, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

March 26, 1976.

Mr. President: The Speaker has signed:  
 HOUSE BILL NO. 1403,  
 HOUSE BILL NO. 1624, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 26, 1976.

Mr. President: The Speaker has signed:  
 HOUSE BILL NO. 1502,  
 HOUSE BILL NO. 1527, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 26, 1976.

Mr. President: The Speaker has signed SUBSTITUTE SENATE JOINT RESOLUTION NO. 139, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
 HOUSE BILL NO. 1403,  
 HOUSE BILL NO. 1502,  
 HOUSE BILL NO. 1527,  
 HOUSE BILL NO. 1624.

## COMMITTEE FROM THE HOUSE

The Sergeant at Arms announced the arrival of a committee from the House of Representatives. The committee comprised of Representatives Maxie, May and Newhouse 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.

## MOTION

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

## MOTION

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

## SENATE RESOLUTION 1976-281

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

BE IT RESOLVED, That a committee of three members of the Senate is appointed to notify the House that the Senate is ready to adjourn SINE DIE.

## APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1976-281, the President appointed Senators Clarke, Knoblauch and Jolly as a committee of three to notify the House that the Senate is ready to adjourn SINE DIE.

## MOTION

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

## MOTION

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

## MESSAGE FROM THE HOUSE

March 26, 1976.

Mr. President: The House has passed SENATE CONCURRENT RESOLUTION NO. 136, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 136.

## MOTION

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

## MOTION

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

## SENATE RESOLUTION 1976-282

By Senators Bailey and Matson:

BE IT RESOLVED, That all bills, joint or concurrent resolutions and memorials in the hands of the Secretary of the Senate, committees or committee clerks be indefinitely postponed.

## REMARKS BY THE PRESIDENT

The President: "Honored members of the Senate, ladies and gentlemen, the President wishes to thank each and every member of the Senate for their patience and forbearance during a very trying and arduous session. You have been very cooperative and I am very grateful to you.

"I should also like to thank the Secretary of the Senate, the Honorable Sid Snyder, and the members of his staff for the wonderful job they have done for each and every one of us. I would also like to compliment the committee chairmen on the outstanding job

that they have turned in and, in general, I think that you have all done a grand job and we are proud of you."

#### REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, we also enjoyed your services and wish you good luck in whatever office you may run for."

#### REMARKS BY THE PRESIDENT

The President: "Thank you, Senator Rasmussen. The same to you."

#### REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, my wish for good luck to both of you two candidates, also.

"Mr. President, I wanted to thank you very much for the fine cooperation that you have given to me, particularly your expert vote that one time when it was tied twenty-two to twenty-two."

#### REMARKS BY THE PRESIDENT

The President: "Thank you, Senator Walgren. It should be noted too, that the members of the press have done a fine job. We appreciate the manner in which you have conducted yourselves, along with your colleagues here in the Senate Chamber. You have been cooperative to the 'nth' degree."

#### REMARKS BY SENATOR LEWIS (HARRY)

Senator Lewis (Harry): "Mr. President, speaking for the Republican Caucus, I would just like to thank the majority for their courtesy during the session and remind them, Senator Walgren, that the rule change which was flagrantly thrown on the desk earlier in the session that was never used, never had to be used, we pointed that out, and you never passed it. I think that was a remarkable thing — that show of confidence between the two parties.

"I would also like to express to all of the staff, the minority staff, and the majority staff, our appreciation for the long hours that were put in, for the intelligent responses that were received by those of us who needed them very much. The kind of courtesy that I think we all received from the staff was particularly appreciated and I would just like to express that for all of us on this side.

"I see the old gray fox up in the balcony, and he and his staff, and Eleanor and Lyle, as well as the staff of all the committees, we really appreciate the courtesies extended and it enabled us to do a better job and I just would like to say thanks."

#### REMARKS BY SENATOR WALGREN

Senator Walgren: "Senator Lewis, thank you particularly for those kind compliments and several others that you have made during this session.

"We, too, would like to thank the minority for their help on several occasions and of course, understand sometimes when that help wasn't forthcoming on some other occasions.

"That rule change that you convinced us not to pass, and I think perhaps appropriately so, might have been of a little help to you on at least one occasion, I guess, when we were trying to get a little extension. But, all in all, I think Senator Lewis, and the rest of the Republican side, we have certainly appreciated the assistance that you have given to us. I think it hasn't been so much your extending the courtesies to us as much as to the people of the state of Washington to bring this session to a successful conclusion, and I think it has been a successful session.

"I, too, of course, would like to thank particularly the staff of the Senate and those who have worked so long, hard and diligently trying to perfect the legislation that we eventually passed.

"I am looking forward to seeing you all over here in the Senate again except that

those persons who have indicated that they are going to be retiring. I certainly hope that I am going to be in the position of saying the same thing later."

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

#### MESSAGE FROM THE HOUSE

March 26, 1976.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 136, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### REPORT OF SPECIAL COMMITTEE

The Senate members of the special committee, composed of Senators Clarke, Knoblauch and Jolly, appointed to notify the House that the Senate was ready to adjourn SINE DIE under the provisions of Senate Resolution 1976-281, reported that the House had been notified.

The report was received and the committee was discharged.

#### APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Concurrent Resolution No. 136, the President appointed Senators Clarke, Knoblauch and Jolly to join with a like committee from the House to notify the Governor that the legislature is ready to adjourn SINE DIE.

#### MOTION

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

#### REPORT OF SPECIAL COMMITTEE

The Senate members of the special committee composed of Senators Clarke, Knoblauch and Jolly appointed to notify the Governor, together with a like committee from the House, that the legislature is ready to adjourn SINE DIE, appeared before the bar of the Senate and reported that the committee had so notified the Governor and that the Governor was willing that the Second Extraordinary Session of the Forty-fourth Legislature adjourn SINE DIE.

The report was received and the committee was discharged.

#### MOTIONS

On motion of Senator Walgren, the Senate Journal of the Eighty-first Day of the Second Extraordinary Session of the Forty-fourth Legislature was approved.

At 7:30 p.m., on motion of Senators Knoblauch and Jolly, the Senate of the Forty-fourth Legislature, Second Extraordinary Session, adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## GOVERNOR'S MESSAGES ON SENATE BILLS VETOED AND PARTIALLY VETOED

1975-1976

### FORTY-FOURTH LEGISLATURE SECOND EXTRAORDINARY SESSION

Office of the Governor, February 20, 1976.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval ENGROSSED SENATE BILL NO. 2990 entitled:

"An Act relating to revenue and taxation."

This bill imposes a state tax on coin operated gambling devices in an amount equal to 80% of the federal excise tax on such devices set by section 4461 of the Internal Revenue Code. Proceeds of the tax would be paid into the state general fund. The tax had been requested by the State Gambling Commission to defray increasing administrative and enforcement costs resulting from increased legalized gambling activities. Licensees paying the tax would be entitled to take a credit in the amount of state taxes paid against their federal tax liability.

In June, 1975, I vetoed Substitute House Bill No. 29. One of the main reasons for the veto was the abolishing of the gambling revolving fund and the requirement that the Gambling Commission be subject to general fund appropriation for its budgetary needs. I stated then that the key to the development of a capable and expert enforcement mechanism is the Gambling Commission independent of the general fund appropriation process and empowered by law to set such fees as are necessary to fund all of its operational and enforcement costs. Diversion of the proceeds of taxes imposed by this bill into the general fund runs contrary to such a policy. Moreover, the bill would require the Gambling Commission to collect the tax, and I am advised the cost to the commission therefor is estimated to be in excess of \$38,000 each year. The net result of all this would be to cut further into the effectiveness of a commission already short of funds to administer and enforce the law in the face of steadily increasing legalized gambling activities.

It has been brought to my attention that Substitute House Bill No. 90 provides for the same tax on coin operated gambling devices but places the proceeds thereof into the gambling revolving fund. That bill has passed the House and now rests in the Senate Rules Committee awaiting second reading. It would seem highly desirable at this time for Substitute House Bill No. 90 to be enacted into law so that this source of revenue for the Gambling Commission is not lost for the coming fiscal year.

For the foregoing reasons I have determined to veto Engrossed Senate Bill No. 2990.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

Office of the Governor, March 24, 1976.

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

LADIES AND GENTLEMEN:



I am returning herewith without my approval as to one section SUBSTITUTE SENATE BILL NO. 3127 entitled:

"An Act relating to education; providing for school district budgets."

This bill establishes new budget procedures for school districts to be used starting with the 1978 fiscal year budget to be developed in 1977.

Section 36 declares an emergency and provides for the bill to go into effect on March 1, 1976. I am advised by the Superintendent of Public Instruction that, inasmuch as the present school district budget act in RCW 28A.65 has been repealed in section 34 of the bill, there will be a period of time when school districts will have no specific guidelines to follow in developing their budgets. In removing the emergency clause, it is hoped that the Superintendent of Public Instruction will be able, during the 90 day period before the bill goes into effect, to develop the necessary rules and regulations to implement this new act. Accordingly, I have determined to veto section 36.

With the exception of section 36, which I have vetoed for the reasons stated, the remainder of the bill is approved.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

Office of the Governor, March 19, 1976.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to several sections ENGROSSED SUBSTITUTE SENATE BILL NO. 3172 entitled:

"An Act relating to energy."

This bill provides for the creation of a state energy office and energy advisory council, sets forth certain powers of the Governor that may be invoked under specified conditions during energy shortage emergencies, and reconstitutes the Thermal Power Plant Site Evaluation Council into the Energy Facility Site Evaluation Council.

Section 8 creates the energy advisory council and specifies the membership of the council. Of the 11 members, six are to be appointed by the Legislature, with the President of the Senate and the Speaker of the House each appointing three. Notwithstanding its name, there is no question but that the council is one charged with substantive powers going well beyond an advisory role. I believe the provision for legislative appointment of six members of the council is a serious breach of the doctrine of separation of powers, and places the legislative branch of government squarely in the realm of the executive. I fully realize that a veto of this section results in no council at all. But it is my intention, until such time as the Legislature can enact into law a new advisory council, to appoint a committee of persons with much the same expertise and experience as contemplated by the Legislature in this section to serve in an advisory capacity to the Governor and the state energy office and to fill thereby a void created by this veto. For these reasons, I have determined to veto section 8.

Section 9 delineates the powers and duties of the energy advisory council. Portions thereof provide for the council to oversee the work of the state energy office by a majority vote of its membership and likewise to oversee certain actions of the Governor with respect to the designation of state agencies to implement federal energy programs on the state level. I must object to these provisions for the same reasons as stated above for section 8. Advice and counsel are both necessary and proper. But to give the council a supervisory role in approving or disapproving the actions of the energy office and the Governor violates the fundamentals of good government. Accordingly, I have vetoed section 9.

Section 28 sets forth the powers of the Governor in the event of an energy emergency. An energy emergency is elsewhere defined to mean a condition involving "immediate and grave threat to life, health, property, or the public peace" resulting from the unavailability or disruption of energy supplies. A proviso in that section restricts the Governor to taking only such actions as have been developed by the advisory council. I

believe it is unwise to limit a governor in this manner during a time of obvious catastrophic conditions, and I do not believe it possible for a council to foresee during times of normalcy the exigencies of such an energy emergency and thereby prescribe all necessary courses of action: Accordingly, I have vetoed section 28.

With the exception of sections 8, 9 and 28 which I have vetoed for the above stated reasons, I have approved the remainder of Engrossed Substitute Senate Bill No. 3172. I wish to take this opportunity also to commend the Legislature for its development of this important legislation, and in particular, to express my appreciation to those members who toiled long and hard in directing the bill through the legislative process.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

Office of the Governor, February 17, 1976.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section SUBSTITUTE SENATE BILL NO. 3233 entitled:

"An Act relating to insurance or protection programs for university regents, employees, agents, and students, and their dependents."

This bill authorizes the University of Washington to arrange for a program of self insurance in the area of liability claims.

Section 4 of the bill declares an emergency and provides for the act to take effect immediately. I have on several occasions in past sessions vetoed emergency clauses from bills that did not measure up to the standard and urgency contained in Article II, section I(b) of our Constitution. I am increasingly apprehensive that repeated use on unwarranted occasions will render emergency clauses wholly without meaning in the eyes of both the people and the courts.

I am advised that the University of Washington is hopeful that the bill will go into effect prior to July 1, 1976, so that a program of self-insurance can be prepared for the new fiscal year. I am reasonably confident that the Legislature will adjourn sine die sometime before April 1, so that the bill would go into effect by July 1, 1976 in any event.

With the exception of section 4 which I have vetoed, the remainder of Substitute Senate Bill No. 3233 is approved.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

**GOVERNOR'S MESSAGES ON SENATE BILLS SIGNED  
AFTER RECESS OR ADJOURNMENT**

**1975-1976**

**FORTY-FOURTH LEGISLATURE  
SECOND EXTRAORDINARY SESSION**

Office of the Governor, August 11, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on August 10, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 2971: Providing emergency financing for the common schools.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

Office of the Governor, August 11, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on August 11, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 2978: Making changes in the laws relating to elections.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

Office of the Governor, September 12, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on September 9, 1975, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 2980: Authorizing the state to pay election costs for general and primary elections for state officers in odd-numbered years.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

Office of the Governor, April 16, 1976.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 15, 1976, Governor Evans approved the following Senate Bill entitled:

SUBSTITUTE SENATE BILL NO. 3226: Relating to education.

Sincerely,  
CHI-DOOH LI  
Legal Counsel.

## 1975-1976 SENATE ROSTER

## FORTY-FOURTH LEGISLATURE—SECOND EXTRAORDINARY SESSION

JOHN A. CHERBERG, President

SIDNEY R. SNYDER, Secretary

AL HENRY, President Pro Tempore

JAMES E. KEEFE, Vice President Pro Tempore

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Bailey, Robert C. ....	19	Grays Harbor-Pacific, part	P.O. Box 146 South Bend 98586	57	Raymond	D	Port Manager	S—1957-59-59 Ex.; 61-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex.; 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1951-51 Ex., 51 2nd Ex.; 53-53 Ex.; 55-55 Ex.
Beck, Clifford W. "Red" 26		Kitsap, part Pierce, part	2400 Bench Dr. Port Orchard 98366	67	Indiana	D	Property Manager	S—Appointed 2/74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1961-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.
Benitz, Max E. ....	8	Yakima, part Benton	Rt. 2, Box 181 Prosser 99350	58	Kansas	R	Agri-Business	S—1975-75 Ex.; 75-76 2nd Ex. H—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.
Bluechel, Alan ....	45	King, part	9901 N.E. 124th #505 Kirkland 98033	50	Alberta, Can.	R	President, Loctwall Corporation	S—1975-75 Ex.; 75-76 2nd Ex. H—1967-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.
Bottiger, R. Ted ....	2	Pierce, part Thurston, part	8849 Pacific Ave. Tacoma 98444	42	Tacoma	D	Attorney	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1965-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.
Buffington, Nancy ....	34	King, part	5919 47th Ave. SW Seattle 98136	36	Utah	R	Apparel Representative	S—1975-75 Ex.; 75-76 2nd Ex.

**Senate Roster—1975-1976 Forty-Fourth Legislature—Second Extraordinary Session—Continued**

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Clarke, George W.....	41	King, part	1111 Howe Bldg. Seattle 98104	69	Iowa	R	Attorney	S—Appointed 1/8/71 1971 Ex.; 72 Ex.; 73-73 1st Ex.; 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1967-67 Ex.; 69-69 Ex.; 70 Ex.
Cunningham, John E. (Jack) .....	33	King, part	P.O. Drawer 89307 Seattle 98188	44	Illinois	R	President, Northwest Containers, Inc.	S—1975-75 Ex.; 75-76 2nd Ex. H—1973-73 1st Ex.; 73 2nd Ex.; 74 Ex.
Day, William S.....	4	Spokane, part Whitman, part	2721 E. Sprague Spokane 99202	52	Illinois	D	Chiropractor	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1969-69 Ex.; 61-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.
Donohue, Hubert F.....	9	Adams-Asotin- Garfield-Columbia, part-Grant, part- Whitman, part	Rt. 2, Box 13 Dayton 99328	53	Dayton	D	Farmer	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex.
Fleming, George .....	37	King, part	1100 Lk. Wash. Blvd. So. Seattle 98144	37	Texas	D	Pacific Northwest Bell Personnel Supervisor	S—1971-71 Ex.; 72 Ex.; 73-73 1st Ex.; 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1969-69 Ex.; 70 Ex.
Francis, Pete D. ....	32	King, part	7310 E. Green Lake Dr. No. Seattle 98107	40	Seattle	D	Attorney	S—Appointed 12/1/69 1970 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1969-69 Ex.
Goltz, H. A. "Barnev".	42	Whatcom, part	3003 Vallette St. Bellingham 98225	50	Minnesota	D	College Administrator	S—1975-75 Ex.; 75-76 2nd Ex. H—1973-73 1st Ex.; 73 2nd Ex.; 74 Ex.
Gould, Susan E. ....	21	Snohomish, part	19225 92nd W. Edmonds 98020	45	Seattle	R	School Board Member	S—1975-75 Ex.; 75-76 2nd Ex.

## Senate Roster—1975-1976 Forty-Fourth Legislature—Second Extraordinary Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Grant, Gary	11	King, part	25823 132nd SE Kent 98031	40	Wisconsin	D	Labor Union President	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-76 Ex.; 75-76 2nd Ex. H—1963-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.
Guess, Sam C.	6	Spokane, part	W. 408 33rd Ave. Spokane 99203	65	Mississippi	R	Civil Engineer	S—1963-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex.
Henry, Al	17	Clark, part-Klickitat- Skamania	Rio Vista White Salmon 98672	64	Kansas	D	Telephone Executive	S—1957-59-59 Ex.; 61-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1941-45-51-51 Ex., 51 2nd Ex.; 55-55 Ex.
Herr, Gordon	81	King, part	1818 Westlake No. Suite 112 Seattle 98109	49	Washington	D	Association Exec- utive	S—Appointed 1/20/64 1965-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1963-63 Ex.
Jolly, Dan	16	Franklin-Walla Walla- Columbia, part	P.O. Box 10 Connell 99326	68	Washington	D	Farmer	S—1971-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1963-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.
Jones, John D.	48	King, part	P.O. Box 867 Bellevue 98009	62	Wales	R	Manager, Bellevue- Issaquah Pac. N.W. Bell	S—Appointed 1/8/73 1973 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1971-71 Ex.; 72 Ex.

**Senate Roster—1975-1976 Forty-Fourth Legislature—Second Extraordinary Session—Continued**

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Keefe, James Edward...	3	Spokane, part	412 W. Glass Ave. Spokane 99205	67	New York	D	Sales Manager Consultant	S—1949-50 Ex.; 51-51 Ex., 51 2nd Ex.; 53-53 Ex.; 55-55 Ex.; 57-59-59 Ex.; 61-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex.; 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex.
Knoblauch, Reuben A...	25	King, part Pierce, part	P.O. Box 306 Sumner 98390	60	Sumner	D	Right-of-Way Dept., Pierce County Engineer's Dept.	S—1953-53 Ex.; 55-55 Ex.; 57-59-59 Ex.; 61-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1947-49-50 Ex.; 51-51 Ex., 51 2nd Ex.
Lewis, Harry B.....	22	Thurston, part	Legislative Bldg. Olympia 98504	48	Pennsylvania	R	Owner-Mgr., Wood Fabricators, Inc.	S—1965-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1961-61 Ex.; 63-63 Ex.
Lewis, R. H. "Bob" ....	5	Spokane, part	W. 4329 Arrowhead Rd. Spokane 99208	50	Deer Park	R	Vice Pres., Lincoln First Fed. Savings & Loan Assn.	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex.
Mardesich, August P....	38	Snohomish, part	4712 Mermont Dr. Everett 98203	54	California	D	Attorney, Commer- cial Fisherman	S—1963-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1950 Ex.; 51-51 Ex., 51 2nd Ex.; 53-53 Ex.; 55-55 Ex.; 57-59-59 Ex.; 61-61 Ex.
Marsh, Dan .....	49	Clark, part	P.O. Box 1086 Vancouver 98660	38	Oregon	D	Attorney	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1965-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.

**Senate Roster—1975-1976 Forty-Fourth Legislature—Second Extraordinary Session—Continued**

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Matson, Jim .....	14	Yakima, part	Rt. 2, Box 2311 Selah 98942	48	Yakima	R	Fruit Grower, Shipper	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex.
McDermott, James A...	43	King, part	1650 22nd Ave. East Seattle 98112	38	Illinois	D	Physician	S—1975-75 Ex.; 75-76 2nd Ex. H—1971-71 Ex.
Morrison, Sid W. ....	15	Yakima, part	Rt. 1, Box 220-AA Zillah 98953	42	Yakima	R	Farmer	S—1975-75 Ex.; 75-76 2nd Ex. H—1967-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.
Murray, John S.....	36	King, part	8 W. Rov Seattle 98119	49	Missouri	R	Publisher	S—1971-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1967-67 Ex.; 69-69 Ex.; 70 Ex.
Newschwander, Charles E. ....	28	Pierce, part	2140 Bridgenort Way Tacoma 98466	54	Tacoma	R	Dentist	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1961-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.
North, Lois .....	44	King, part	10126 Radford Ave. NW Seattle 98177		California	R	Local Govt. Planner	S—1975-75 Ex.; 75-76 2nd Ex. H—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.
Odegaard, Gary M.....	20	Lewis-Wahkiakum- Cowlitz, part-Pacific, part-Thurston, part	34½ Ives Rd. Centralia 98531	35	Bellingham	D	Teacher	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex.
Peterson, Lowell .....	40	San Juan-Skagit- Whatcom, part	Box 249 Concrete 98237	53	Pateros	D	Oil Distributor	S—195-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex.



**Senate Roster—1975-1976 Forty-Fourth Legislature—Second Extraordinary Session—Continued**

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Pullen, Kent	47	King, part	22844 172nd Ave. SE Kent 98031	33	Texas	R	Chemist	S—1975-75 Ex. ; 75-76 2nd Ex. H—1973-73 1st Ex., 73 2nd Ex. ; 74 Ex.
Rasmussen, A. L. "Slim"	29	Pierce, part	5415 A St. Tacoma 98408	65	Washington	D	Real Estate	S—1961-61 Ex. ; 63-63 Ex. ; 65-65 Ex. ; 67-67 Ex. Appointed 10/1/71 72 Ex. ; 73-73 1st Ex., 73 2nd Ex. ; 74 Ex. ; 75-75 Ex. ; 75-76 2nd Ex. H—1945-47-49-50 Ex. ; 51-51 Ex., 51 2nd Ex. ; 53-53 Ex. ; 55-55 Ex. ; 57-59-59 Ex.
Ridder, Ruthe B.	35	King, part	5809 S. Roxbury Seattle 98118	46	Pullman	D	Houswife	S—1974 Ex. ; 75-75 Ex. ; 75-76 2nd Ex.
Sandison, Gordon	24	Clallam-Jefferson- Mason-Thurston, part	P.O. Box 2025 Port Angeles 98362	55	Washington	D	Insurance Broker	S—1959-59 Ex. ; 61-61 Ex. ; 63-63 Ex. ; 65-65 Ex. ; 67-67 Ex. ; 69-69 Ex. ; 70 Ex. ; 71-71 Ex. ; 72 Ex. ; 73-73 1st Ex., 73 2nd Ex. ; 74 Ex. ; 75-75 Ex. ; 75-76 2nd Ex. H—1949-50 Ex. ; 51-51 Ex., 51 2nd Ex. ; 53-53 Ex. ; 55-55 Ex. ; 57.
Scott, George W.	46	King, part	2530 NE 105th Pl. Seattle 98125	38	Seattle	R	Assistant to Dean for Development (U. of W. Med. School)	S—1971-71 Ex. ; 72 Ex. ; 73-73 1st Ex., 73 2nd Ex. ; 74 Ex. ; 75-75 Ex. ; 75-76 2nd Ex. H—1969-69 Ex. ; 70 Ex.
Sellar, George L.	12	Chelan-Douglas- Grant, part- Okanogan, part	1324 Terrace Dr. E. Wenatchee 98801	46	Illinois	R	Manager, Eye and Ear Optical	S—Appointed 1/7/72 1973-73 1st Ex., 73 2nd Ex. ; 74 Ex. ; 75-76 2nd Ex.
Stortini, Joe	27	Pierce, part	1623 Firlands Dr. Tacoma 98405	42	Tacoma	D	High School Teacher	S—1969-69 Ex. ; 70 Ex. ; 71-71 Ex. ; 72 Ex. ; 73-73 1st Ex., 73 2nd Ex. ; 74 Ex. ; 75-75 Ex. ; 75-76 2nd Ex.

**Senate Roster—1975-1976 Forty-Fourth Legislature—Second Extraordinary Session—Continued**

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Talley, Don L.....	18	Clark, part Cowlitz, part	1583 Mt. Pleasant Rd. Kelso 98626	56	Tacoma	D	Supervisor, Port of Longview	S—1957-59-59 Ex.; 61-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex.; 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex.
Van Hollebeke, Ray ...	1	King, part Snohomish, part	18735 - 53rd NE Seattle 98155	45	Illinois	D	City Planning Coordinator	S—1973-73 1st Ex.; 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex.
von Reichbauer, Peter..	30	King, part	429 Public Lands Bldg. Olympia 98504	32	Seattle	D	Publisher--Writer	S—1974 Ex.; 75-75 Ex.; 75-76 2nd Ex.
Walgren, Gordon L.....	23	Kitsap, part	245 Fourth St. Bldg. Bremerton 98310	42	Bremerton	D	Attorney	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1967-67 Ex.
Wanamaker, F. "Pat"..	10	Island-Snohomish, part	519 W. Wanamaker Rd. Coupeville 98239	64	Pt. Townsend	R	Retired Farmer	S—1973-73 1st Ex.; 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1967-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.
Washington, Nat W.....	13	Kittitas-Grant, part Yakima, part	42 "C" St. NW Ephrata 98823	61	Coulee City	D	Attorney	S—1951-51 Ex.; 51 2nd Ex.; 53-53 Ex.; 55-55 Ex.; 57-59-59 Ex.; 61-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex.; 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex. H—1949-50 Ex.
Wilson, Bruce A. ....	7	Ferry-Lincoln-Pend Oreille-Stevens- Okanogan, part Spokane, part	P.O. Box F Omak 98841	54	Illinois	D	Weekly Newspaper Publisher	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 75-75 Ex.; 75-76 2nd Ex.
Woody, Frank.....	39	King, part Snohomish, part	24228 - 47th Woodinville 98043	37	Montana	D	Attorney	S—1973-73 1st Ex.; 73 2nd Ex. 74 Ex.; 75-75 Ex.; 75-76 2nd Ex.

**Senate Roster—1976-1976 Forty-Fourth Legislature—Second Extraordinary Session—Continued**

NAME	Position	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Lieutenant Governor Cherberg, John A.....	President of the Senate	Legislative Bldg. Olympia 98504	64	Florida	D	Lieutenant Governor	S—Elected 1957 1959-59 Ex. ; 61-61 Ex. ; 63-63 Ex. ; 65-65 Ex. ; 67-67 Ex. ; 69-69 Ex. ; 70 Ex. ; 71-71 Ex. ; 72 Ex. ; 73-73 1st Ex. ; 73 2nd Ex. ; 74 Ex. ; 75-75 Ex. ; 75-76 2nd Ex.
Snyder, Sidney R.....	Secretary of the Senate	P.O. Box 531 Long Beach 98631	48	Washington	D	Owner, Operator Supermarket	S—Elected 5/12/69 69-70 Ex. ; 71-71 Ex. ; 72 Ex. ; 73-73 1st Ex. ; 73 2nd Ex. ; 74 Ex. ; 75-75 Ex. ; 75-76 2nd Ex. H—Served as Asst. Chief Clerk or Acting Chief Clerk 1957 to May, 1969
Johnson, Charles L. R..	Sergeant at Arms	624 Carlyon Olympia 98501	63	Washington	D	Merchant	S—Elected 1957-59-61-63-65-67- 69-70-71-72-73-74-75-76 H—House Member 1951 Served as Sergeant at Arms 1956

**STANDING COMMITTEES OF THE SENATE**  
**FORTY-FOURTH LEGISLATURE**  
**SECOND EXTRAORDINARY SESSION**  
**1975-1976**

JOHN A. CHERBERG, President  
AL HENRY, President Pro Tempore  
JAMES E. KEEFE, Vice President Pro Tempore  
SIDNEY R. SNYDER, Secretary

AGRICULTURE (5)—JOLLY, CHAIRMAN; Benitz, Day, Sellar, Wilson.  
COMMERCE (5)—VAN HOLLEBEKE, CHAIRMAN; Cunningham, Morrison,  
Peterson, Ridder.

CONSTITUTION AND ELECTIONS (6)—BECK, CHAIRMAN; Grant, Lewis  
(R. H. "Bob"), Pullen, Stortini, Washington.

ECOLOGY (7)—WASHINGTON, CHAIRMAN; Donohue, Goltz, Guess, Mur-  
ray, North, Sandison.

EDUCATION (7)—STORTINI, CHAIRMAN; Francis, Gould, McDermott,  
Murray, Newschwander, von Reichbauer.

FINANCIAL INSTITUTIONS (7)—WOODY, CHAIRMAN; Bluechel, Clarke,  
Herr, Jones, Mardesich, Walgren.

HIGHER EDUCATION (7)—SANDISON, CHAIRMAN; Benitz, Donohue,  
Goltz, Guess, Odegaard, Scott.

JUDICIARY (11)—FRANCIS, CHAIRMAN; Bottiger, Buffington, Clarke, Flem-  
ing, Jones, Keefe, Marsh, Scott, Van Hollebeke, Woody.

LABOR (7)—RIDDER, CHAIRMAN; Bailey, Grant, Matson, Morrison, Sellar,  
von Reichbauer.

LOCAL GOVERNMENT (9)—FLEMING, CHAIRMAN; Jolly, Lewis (R. H.  
"Bob"), McDermott, North, Sellar, Talley, Walgren, Wilson.

NATURAL RESOURCES (9)—PETERSON, CHAIRMAN; Beck, Bluechel,  
Grant, Lewis (Harry), Pullen, Rasmussen, Sandison, Talley.

PARKS AND RECREATION (5)—KNOBLAUCH, CHAIRMAN; Bailey,  
Gould, Odegaard, Wanamaker.

RULES (13)—LIEUTENANT GOVERNOR JOHN A. CHERBERG,  
CHAIRMAN; Bailey, Bottiger, Clarke, Guess, Herr, Keefe, Lewis (Harry), Mardesich,  
Marsh, Matson, Newschwander, Talley, \*Walgren.

SOCIAL AND HEALTH SERVICES (13)—DAY, CHAIRMAN; von REICH-  
BAUER, VICE CHAIRMAN; Buffington, Cunningham, Francis, Goltz, Gould, Herr,  
McDermott, North, Pullen, Ridder, Van Hollebeke.

STATE GOVERNMENT (7)—RASMUSSEN, CHAIRMAN; Buffington, Cun-  
ningham, Day, Henry, Knoblauch, Wanamaker.

TRANSPORTATION AND UTILITIES (17)—\*HENRY, CHAIRMAN;  
\*BOTTIGER, VICE CHAIRMAN; Beck, Benitz, Bluechel, Guess, Jolly, Keefe, Knob-  
lauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Stortini, Talley, Walgren, Wan-  
amaker.

WAYS AND MEANS (19)—DONOHUE, CHAIRMAN; ODEGAARD, VICE  
CHAIRMAN; WILSON, SECOND VICE CHAIRMAN; Bailey, Clarke, Fleming,  
Grant, Jones, Lewis (Harry), Mardesich, Marsh, Matson, Murray, Newschwander,  
Rasmussen, Sandison, Scott, Washington, Woody.

\* Appointed January 12, 1976.

## INDIVIDUAL COMMITTEE ASSIGNMENTS OF THE SENATE

### FORTY-FOURTH LEGISLATURE SECOND EXTRAORDINARY SESSION 1975-1976

- BAILEY (Robert C.)—Labor; Parks and Recreation; Rules; Ways and Means.
- BECK (C. W. "Red")—Chairman, Constitution and Elections; Natural Resources; Transportation and Utilities.
- BENITZ (Max E.)—Agriculture; Higher Education; Transportation and Utilities.
- BLUECHEL (Alan)—Financial Institutions; Natural Resources; Transportation and Utilities.
- BOTTIGER (R. Ted)—\*Vice Chairman, Transportation and Utilities; Judiciary; Rules.
- BUFFINGTON (Nancy)—Judiciary; Social and Health Services; State Government.
- CLARKE (George)—Financial Institutions; Judiciary; Rules; Ways and Means.
- CUNNINGHAM (John E. "Jack")—Commerce; Social and Health Services; State Government.
- DAY (William S.)—Chairman, Social and Health Services; Agriculture; State Government.
- DONOHUE (Hubert F.)—Chairman, Ways and Means; Ecology; Higher Education.
- FLEMING (George)—Chairman; Local Government; Judiciary; Ways and Means.
- FRANCIS (Pete)—Chairman, Judiciary; Education; Social and Health Services.
- GOLTZ (H. A. "Barney")—Ecology; Higher Education; Social and Health Services.
- GOULD (Susan E.)—Education; Parks and Recreation; Social and Health Services.
- GRANT (Gary)—Constitution and Elections; Labor; Natural Resources; Ways and Means.
- GUESS (Sam C.)—Ecology; Higher Education; Rules, Transportation and Utilities.
- HENRY (Al)—\*Chairman, Transportation and Utilities; State Government.
- HERR (Gordon)—Financial Institutions; Rules; Social and Health Services.
- JOLLY (Dan)—Chairman, Agriculture; Local Government; Transportation and Utilities.
- JONES (John D.)—Financial Institutions; Judiciary; Ways and Means.
- KEEFE (James E.)—Judiciary; Rules; Transportation and Utilities.
- KNOBLAUCH (Reuben A.)—Chairman, Parks and Recreation; State Government; Transportation and Utilities.
- LEWIS (Harry B.)—Natural Resources; Rules; Ways and Means.
- LEWIS (R. H. "Bob")—Constitution and Elections; Local Government; Transportation and Utilities.
- MARDESICH (August P.)—Financial Institutions; Rules; Ways and Means.
- MARSH (Dan)—Judiciary; Rules; Ways and Means.
- MATSON (Jim)—Labor; Rules; Ways and Means.
- McDERMOTT (James A.)—Education; Local Government; Social and Health Services.
- MORRISON (Sid W.)—Commerce; Labor; Transportation and Utilities.
- MURRAY (John S.)—Ecology; Education; Ways and Means.
- NEWSCHWANDER (Charles E.)—Education; Rules; Ways and Means.
- NORTH (Lois)—Ecology; Local Government; Social and Health Services.
- ODEGAARD (Gary M.)—Vice Chairman, Ways and Means; Higher Education; Parks and Recreation.
- PETERSON (Lowell)—Chairman, Natural Resources; Commerce; Transportation and Utilities.
- PULLEN (Kent)—Constitution and Elections; Natural Resources; Social and Health Services.
- RASMUSSEN (A. L. "Slim")—Chairman, State Government; Natural Resources; Ways and Means.

- RIDDER (Ruthe)**—Chairman, Labor; Commerce; Social and Health Services.
- SANDISON (Gordon)**—Chairman, Higher Education; Ecology; Natural Resources; Ways and Means.
- SCOTT (George W.)**—Higher Education; Judiciary; Ways and Means.
- SELLAR (George L.)**—Agriculture; Labor; Local Government; Transportation and Utilities.
- STORTINI (Joe)**—Chairman, Education; Constitution and Elections; Transportation and Utilities.
- TALLEY (Don L.)**—Local Government; Natural Resources; Rules; Transportation and Utilities.
- VAN HOLLEBEKE (Ray)**—Chairman, Commerce; Judiciary, Social and Health Services.
- von REICHBAUER (Peter)**—Vice Chairman, Social and Health Services; Education; Labor.
- WALGREN (Gordon L.)**—\*Rules, Transportation and Utilities; Financial Institutions, Local Government.
- WANAMAKER (F. "Pat")**—Parks and Recreation, State Government, Transportation and Utilities.
- WASHINGTON (Nat W.)**—Chairman, Ecology; Constitution and Elections, Ways and Means.
- WILSON (Bruce A.)**—Second Vice Chairman, Ways and Means; Agriculture, Local Government.
- WOODY (Frank J.)**—Chairman, Financial Institutions; Judiciary, Ways and Means.
- \* Appointed January 12, 1976.

**COMMITTEE APPOINTMENTS****—1975-1976—****STATUTORY AND SELECT****AMERICAN REVOLUTION BICENTENNIAL COMMITTEE  
(RCW 43.125.010)****SENATORS**

Kent Pullen  
 Nat W. Washington  
 C. W. "Red" Beck, Liaison

**REPRESENTATIVES**

Phyllis Erickson  
 Hal Zimmerman

**ARTS COMMISSION, WASHINGTON STATE  
(RCW 43.46.020)****SENATOR**

James E. McDermott

**REPRESENTATIVE**

Simeon R. "Sim" Wilson

**BUDGET COMMITTEE, LEGISLATIVE  
(RCW 44.28.010)****SENATORS**

Gary M. Odegaard, Chairman  
 George W. Clarke  
 Hubert F. Donohue  
 Harry B. Lewis  
 Dan Marsh  
 Charles E. Newschwander  
 George W. Scott  
 Frank J. Woody

**REPRESENTATIVES**

Otto Amen  
 John Bagnariol  
 Del Bausch  
 Bob Curtis  
 S. E. "Sid" Flanagan  
 William Polk  
 A. N. "Bud" Shinpoch  
 Alan Thompson

**COLUMBIA INTERSTATE COMPACT COMMISSION  
(RCW 43.57.010)****SENATORS**

Al Henry  
 Jim Matson

**REPRESENTATIVES**

Eugene L. Laughlin  
 Earl F. Tilly

**CRIME (ORGANIZED) INTELLIGENCE ADVISORY BOARD  
(RCW 43.43.858)****SENATORS**

Pete Francis  
 Harry B. Lewis  
 Jim Matson  
 Gordon Sandison

**REPRESENTATIVES**

Wayne Ehlers  
 Ken Eikenberry  
 Ron Hanna  
 Jeanette C. Hayner

**EDUCATION COMMISSION OF THE STATES  
(RCW 28A.92.020)**

**SENATOR**

Gordon Sandison

**REPRESENTATIVE**

Albert Bauer

**EDUCATIONAL STUDY COORDINATING COMMITTEE  
(SFR 1975-141)**

**SENATORS**

Hubert F. Donohue, Co-Chairman  
Susan E. Gould  
John D. Jones  
Charles E. Newschwander  
Gary M. Odegaard  
Ruthe Ridder  
Joe Stortini  
F. "Pat" Wanamaker

**REPRESENTATIVES**

John Bagnariol, Co-Chairman  
Albert Bauer  
Kemper Freeman, Jr.  
Edward T. Luders  
Gary A. Nelson  
Warren E. Peterson  
Frank J. Warnke  
Hal Zimmerman

**ETHICS COMMITTEE, LEGISLATIVE  
(RCW 44.60.020)**

**SENATORS**

Robert C. Bailey, Senate Chairman  
H. A. "Barney" Goltz  
Charles E. Newschwander  
George L. Sellar

**REPRESENTATIVES**

Robert A. Perry, House Chairman  
John L. Hendricks  
John S. McKibbin  
William "Bill" Paris

**OTHER APPOINTEES**

**SENATE LAY MEMBERS**

Bruce Helberg, Chairman  
Ralph Bowen  
Herbert Hamblen  
John A. Petrich

**HOUSE LAY MEMBERS**

Gary Bloomquist  
Donald H. Bond  
Dr. Hugh Bone  
John Papajani

**FACILITIES AND OPERATIONS COMMITTEE  
(SFR 1975-154)**

**SENATORS**

Gordon Sandison, Senate Chairman  
Robert C. Bailey  
Harry B. Lewis  
August P. Mardesich  
Jim Matson  
Charles E. Newschwander  
Gordon L. Walgren

**REPRESENTATIVES**

John L. O'Brien, House Chairman  
Del Bausch  
Elmer Jastad  
William Polk  
Jim Whiteside

Sidney R. Snyder, Ex Officio, Secretary



**GAMBLING COMMISSION, WASHINGTON STATE  
(RCW 9.46.040)**

**SENATORS**

James E. Keefe  
F. "Pat" Wanamaker

**REPRESENTATIVES**

Robert Gaines  
James P. Kuehnle

**INSURANCE BOARD, STATE EMPLOYEES'  
(RCW 41.05.020)**

**SENATOR**

George Fleming

**REPRESENTATIVE**

Marcus Gaspard

**JUDICIAL COUNCIL  
(RCW 2.52.010)**

**SENATORS**

George W. Clarke  
Pete Francis  
Ray Van Hollebeke

**REPRESENTATIVES**

Ken Eikenberry  
Walt O. Knowles  
Lorraine Wojahn

**MEDICAL MALPRACTICE, SELECT COMMITTEE ON  
(SFR 1975-122)**

**SENATORS**

Frank J. Woody, Senate Chairman  
William S. Day, Senate Vice Chairman  
Pete Francis, Senate Vice Chairman  
R. Ted Bottiger  
Nancy Buffington  
George W. Clarke  
John D. Jones  
James A. McDermott  
Lois North  
George L. Sellar  
Peter von Reichbauer  
Gordon L. Walgren

**REPRESENTATIVES**

Walt O. Knowles, House Chairman  
Dave Ceccarelli, House Vice Chairman  
A. A. Adams  
John Bagnariol  
Ted Haley  
Jeannette C. Hayner  
A. J. Pardini  
Mike Parker  
Ed Seeberger

**MUNICIPAL RESEARCH COUNCIL  
(RCW 43.110.010-82.44.160)  
(SSB 2808)**

**SENATORS**

George Fleming  
R. H. "Bob" Lewis  
Lois North  
Gordon L. Walgren

**REPRESENTATIVES**

Jeff Douthwaite  
Irv Greengo  
Joe D. Haussler  
Gary A. Nelson

**NUCLEAR ENERGY, JOINT COMMITTEE ON  
(RCW 44.39.015)**

**SENATORS**

Max E. Benitz  
Dan Jolly  
Sid W. Morrison  
Ray Van Hollebeke

**REPRESENTATIVES**

Jeannette C. Hayner  
Charles D. Kilbury  
Charles R. Savage  
Simeon "Sim" Wilson

**OCEANOGRAPHIC COMMISSION OF WASHINGTON  
(RCW 43.94.020)**

**SENATORS**

John S. Murray, Chairman  
A. L. "Slim" Rasmussen  
Don L. Talley

**REPRESENTATIVES**

Eleanor Fortson  
Donald G. Hansey  
Rick Smith

**STATUTE LAW COMMITTEE  
(RCW 1.08.001)**

**SENATORS**

George W. Clarke  
Pete Francis

**REPRESENTATIVES**

Ken Eikenberry  
Walt O. Knowles  
Ed Seeberger

**TRADE FAIRS, ADVISORY COUNCIL ON INTERNATIONAL  
(RCW 43.31) (SHB 591)**

**SENATORS**

Jack Cunningham  
Hubert F. Donohue

**REPRESENTATIVES**

Irving Newhouse  
(Alternate—Gary Matthews)  
Leonard A. Sawyer  
(Alternate—Dave Ceccarelli)

**TRANSPORTATION COMMITTEE, LEGISLATIVE  
(RCW 44.40.010)**

**SENATORS**

Gordon L. Walgren, Vice Chairman  
C. W. "Red" Beck  
R. Ted Bottiger  
Sam C. Guess  
Al Henry  
Dan Jolly  
Reuben A. Knoblauch  
R. H. "Bob" Lewis  
Lowell Peterson  
George L. Sellar  
F. "Pat" Wanamaker

**REPRESENTATIVES**

Robert A. Perry, Chairman  
E. G. "Pat" Patterson, Secretary  
Dave Ceccarelli  
Don Charnley  
Paul Conner  
Ron Dunlap  
P. J. "Jim" Gallagher  
James E. Gilleland  
Hugh Kalich  
Bill Leckenby  
Geraldine McCormick  
Marion Kyle Sherman

**WASHINGTON/BRITISH COLUMBIA GOVERNMENTAL COOPERATION,  
JOINT COMMITTEE  
(SCR 101)**

**SENATORS**

Alan Bluechel  
George W. Clarke  
August P. Mardesich  
Ray Van Hollebeke  
Bruce A. Wilson

**REPRESENTATIVES**

Mary Kay Becker  
Duane Berentson  
Robert L. Charette  
Don Hansey  
Charles Moon  
Art Moreau, Liaison

John A. Cherberg, Lieutenant Governor, Ex Officio

Leonard A. Sawyer, Ex Officio

**SENATE BILLS PASSED BY SENATE AND HOUSE  
SHOWING THE ACTION BY THE GOVERNOR THEREON  
1975-1976**

**FORTY-FOURTH LEGISLATURE  
SECOND EXTRAORDINARY SESSION**

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
Sub. 2006	Veteran's affairs department .....	115	VETO OVERRIDDEN	
Sub. 2038	Environmentally hazardous wastes .....	101	3/16/76	6/25/76
2060	Purchasing, material control .....	21	2/20/76	2/20/76
Sub. 2088	Smelt dealers' licenses .....	40	2/21/76	1/1/77
Sub. 2130	Recycling, waste .....	41	2/21/76	6/25/76
Sub. 2243	Uniform parentage act .....	42	2/21/76	6/25/76
2440	Prison terms board actions .....	63	3/2/76	6/25/76
2537	Motor vehicles (title only) .....	102	3/16/76	3/16/76
Sub. 2635	Personnel board hearing examiners .....	43	2/21/76	6/25/76
2660	Nature conservancies .....	22	2/20/76	6/25/76
2742	College police benefits .....	81	3/6/76	6/25/76
Sub. 2963	Amending state patrol laws .....	116	3/24/76	6/25/76
2971	Emergency school financing .....	2	8/10/75	8/9/75
2978	Elections, unexpired terms .....	3	8/11/75	8/11/75
2980	State election cost payment .....	4	9/9/75	9/9/75
2989	Election schedules .....	111	3/20/76	6/25/76
2990	Coin operated gaming devices .....		VETOED	
2994	School association, mortgages .....	23	2/20/76	2/20/76
Sub. 2996	Election Day, not holiday .....	24	2/20/76	2/20/76
3000	County property, crimes .....	25	2/20/76	2/20/76
Sub. 3001	Firemen's pension board .....	44	2/21/76	2/21/76
Sub. 3003	Archaeological resources .....	82	3/6/76	3/6/76
3009	School district contract bids .....	26	2/20/76	6/25/76
3017	Mental health facilities .....	93	3/12/76	3/12/76
3026	Learning objectives .....	90	3/11/76	6/25/76
3032	Hospital district contracts .....	78	3/6/76	6/25/76
3033	Hospital mutual corporations .....	13	2/17/76	6/25/76
3036	Vehicle identification laws .....	91	3/11/76	7/1/76
3038	Loitering, schools .....	100	3/16/76	6/25/76
3040	Emergency appropriations .....	83	3/6/76	6/25/76
3047	Industrial insurance .....	45	2/21/76	6/25/76
3056	Election officers .....	46	2/21/76	6/25/76
3058	PKU tests, newborn infants .....	27	2/28/76	6/25/76
3061	Collective bargaining negotiations .....	14	2/18/76	6/25/76
3066	Autopsy remains, disposition .....	28	2/20/76	6/25/76
3067	Unlicensed drivers .....	29	2/20/76	6/25/76
3070	Truck tonnage license fees .....	64	3/2/76	*
	*Sec. 1, 2 & 5 through 24, effective 7/1/76; Sec. 3 & 4, effective 1/1/77			
3076	Attorneys' fees, statutory .....	30	2/20/76	6/25/76
3091	Teacher certification .....	92	2/20/76	6/25/76
3094	Washington library network .....	31	2/20/76	6/25/76
Sub. 3097	Government decisions, economic impact .....	117	3/24/76	6/25/76
3116	Incorrigible children .....	71	2/3/76	6/25/76

\*\*Partial veto

\*\*\*Chapter 104 (Referendum No. 36) will be submitted to the voters for their approval or rejection at the November 2, 1976 general election. If approved, it will become effective on December 1, 1976.

## APPENDIX

1053

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
Sub. 3127	School district budgets .....	118	3/24/76	6/25/76**
3129	Joint power projects .....	72	3/4/76	6/25/76
3138	Interscholar athletics .....	32	2/20/76	6/25/76
3148	Highway construction bonds .....	66	3/2/76	6/25/76
3149	Toxicological laboratory funds .....	84	3/6/76	6/25/76
Sub. 3158	Civil air patrol appropriation .....	73	3/4/76	3/4/76
Sub. 3172	Energy policy commission .....	108	3/19/76	3/15/76**
Sub. 3226	School, short fiscal year .....	124	4/15/76	4/15/76
Sub. 3233	University of Washington liability insurance .....	12	2/17/76	6/25/76**
Sub. 3246	Retirement systems .....	105	3/19/76	3/19/76
3247	Volunteer fire departments .....	67	3/2/76	6/25/76
3257	Teachers' retirement .....	85	3/6/76	3/6/76
3261	Financial disclosure .....	104	Referendum	No. 36***
Sub. 3267	Vocational Education Act, implementation .....	86	3/6/76	6/25/76
Sub. 3268	Accrued revenue reserve .....	70	3/2/76	6/25/76
Sub. 3271	Business Coordination Act .....	68	3/2/76	6/25/76
Sub. 3274	Toll bridge authority public facilities .....	69	3/2/76	6/25/76
Sub. 3281	Narcotic farm colony .....	103	3/18/76	6/25/76

\*\*Partial veto

\*\*\*Chapter 104 (Referendum No. 36) will be submitted to the voters for their approval or rejection at the November 2, 1976 general election. If approved, it will become effective on December 1, 1976.

**SENATE MEMORIALS AND RESOLUTIONS PASSED  
BY THE SENATE AND HOUSE  
1975-1976**

**FORTY-FOURTH LEGISLATURE  
SECOND EXTRAORDINARY SESSION**

*Number*                      *Subject*

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**SENATE JOINT MEMORIALS**

112                      School Finance Reorganization

**SENATE JOINT RESOLUTIONS**

137                      School levies, two year period  
Sub. 139                Legislators' salaries

**SENATE CONCURRENT RESOLUTIONS**

120                      Legislative recess until September 5, 1975  
122                      Employ counsel in veto contest  
124                      Legislative recess until January, 1976  
125                      Bills, introduction consideration, cut-off  
127                      Police officers' widows, legislative intent, repay obligations  
129                      Suspension of rules for SSB 3271  
130                      Suspension of rules for SB 3247  
131                      Suspension of rules for HJR 64  
132                      Declaring August 20-26 to be American Legion Week  
135                      Governor's vetoes of SSB 3172 contested  
136                      Adjournment, SINE DIE

**HOUSE BILLS PASSED BY SENATE AND HOUSE  
SHOWING THE ACTION BY THE GOVERNOR THEREON  
1975-1976**

**FORTY-FOURTH LEGISLATURE  
SECOND EXTRAORDINARY SESSION**

<i>House Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
38	Public officials recall .....	47	2/21/76	6/25/76
70	Boxing, wrestling, telecasts .....	48	2/21/76	6/25/76
Sub. 75	Deputy voter registrars .....	129	4/19/76	2/1/77**
Sub. 77	Election law revisions .....	120	3/25/76	3/25/76
Sub. 90	Coin-operated gaming devices, tax .....	87	3/11/76	3/11/76
271	Sales, B&O tax, temporary increase .....	130	4/19/76	4/19/76
425	Prevailing wages statement .....	49	2/21/76	6/25/76
Sub. 455	Marine fuel tax study .....	50	2/21/76	2/21/76
671	Timber tax distribution dates .....	33	2/20/76	2/20/76
Sub. 676	Shoreline management procedures .....	51	2/21/76	6/25/76
2nd Sub.				
721	Solid waste disposal .....	58	2/27/76	2/27/76
739	Traveler's checks .....	59	2/27/76	6/25/76
Sub. 769	Domestic winery wholesaling .....	62	3/1/76	6/25/76
Sub. 771	Liquor, goodwill activities .....	74	3/5/76	7/1/76
779	State employees' insurance .....	106	3/19/76	6/25/76
Sub. 802	Travel expenses, uniformity .....	34	2/20/76	7/1/76
840	Camper/trailer excise tax .....	75	3/5/76	6/25/76
971	Leaseholds, taxing .....	61	3/1/76	3/1/76
1166	Tax collection date .....	10	2/16/76	2/16/76
1229	Contractors' use taxes .....	1	7/25/76	7/25/76
1230	Public employment relations commission .....	5	9/9/75	9/8/75*
	*Sec. 6 & 7, effective 1/1/76			
1237	Boarding home aged residents .....	52	2/21/76	6/25/76
1240	DSHS capital construction appropriation .....	6	9/9/75	9/9/75
1242	School levy adjustments .....	7	9/9/75	9/9/75
1243	Pierce county, tax refund .....	8	9/9/75	9/9/75
1244	Corneas, eye banks, coroners .....	60	2/27/76	2/27/76
1255	Volunteer firemen pensions .....	76	3/5/76	6/25/76
1257	Municipal judge requirements .....	35	2/20/76	6/25/76
1259	Agricultural water supplies .....	36	2/20/76	2/20/76
1266	Judges, increase to two, Lewis county .....	79	3/6/76	3/6/76
1272	Minibus car pools .....	121	3/25/76	6/25/76
1291	School buses, forty feet .....	53	2/21/76	6/25/76
Sub. 1299	Historic building, code .....	11	2/17/76	6/25/76
1311	County assessor audits .....	94	3/13/76	3/13/76
1313	Library network revolving fund .....	110	3/20/76	7/1/77
1314	Pupil discipline .....	97	3/15/76	6/25/76
2nd Sub.				
1316	Senior citizen care services .....	131	4/19/76	6/25/76**
Sub. 1329	Public disclosure, revisions .....	112	3/22/76	3/22/76
1340	Traffic law violations .....	95	3/13/76	3/13/76
1342	Criminal defendants .....	96	3/13/76	6/25/76
1343	Legislators' salaries .....	113	3/22/76	6/25/76
1344	Uniform fire code .....	37	2/20/76	2/20/76
Sub. 1345	Education, priority program .....	98	3/15/76	7/1/76

\*\*Partial Veto

<i>House Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
Sub. 1347	Criminal code, technical errors .....	38	2/20/76	7/1/76
1355	Employee suggestion program .....	122	3/25/76	6/25/76
1356	Education, RCW corrections .....	15	2/18/76	2/18/76
1357	Teachers' retirement, RCW correction .....	16	2/18/76	2/18/76
1358	State government, RCW correction .....	17	2/18/76	2/18/76
1359	Motor vehicles, RCW correction .....	18	2/18/76	2/18/76
1360	Industrial insurance, RCW correction .....	19	2/18/76	2/18/76
1361	Alcoholic beverages, RCW correction .....	20	2/18/76	2/18/76
Sub. 1364	School certificated employees .....	114	3/22/76	6/25/76
Sub. 1366	Mount Si preservation .....	88	3/11/76	6/25/76
1376	Warrants, lost, bond not required .....	77	3/5/76	6/25/76
1382	Staggered vehicle registration .....	54	2/21/76	1/1/77
1403	DSHS facilities, bonds .....	125	4/15/76	4/15/76
1404	Schools, real property .....	80	3/6/76	6/25/76
1434	State patrol chief, over sixty .....	55	2/21/76	6/25/76
1436	Electricians, specialty .....	39	2/20/76	6/25/76
1440	Higher education bonds authorized .....	126	4/15/76	4/15/76
1441	Community colleges bonds authorized .....	107	3/19/76	3/19/76
1443	Fisheries department bonds authorized .....	132	4/19/76	4/19/76
Sub. 1470	Medical malpractice, actions .....	56	2/21/76	6/25/76
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\*\*Partial veto



**HOUSE RESOLUTIONS PASSED BY THE  
SENATE AND HOUSE  
1975-1976**

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**FORTY-FOURTH LEGISLATURE  
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3124. Senator Bailey: Appropriating funds for the economic assistance act. ....	153	.....	.....	.....	.....	.....	.....	.....	.....
3125. Senators Henry and Guess: Making appro- priations relating to transportation. ....	153	210	.....	.....	210	.....	.....	.....	.....
3126. Senators North and Wilson: Raising certain fees collected by county auditors. ....	153	240	.....	.....	.....	.....	.....	.....	.....
3127. Senators Gould, Wilson and Mardesich: Setting forth new procedure for preparation of school district budgets. ....	153	397	.....	.....	857	.....	.....	.....	.....
3127. (SUBSTITUTE) Committee on Education (origi- nally sponsored by Senators Gould, Wilson and Mardesich): Setting forth new procedure for preparation of school district budgets.....	.....	.....	857	858	.....	858	923	924	931

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3134. Senators Rasmussen and Bailey: Authorizing the employment of state insurance investigators. ....	156	221	.....	.....	.....	.....	.....	.....	.....
3135. Senators Washington and Talley: Authorizing the state to encourage rail passenger service..	156	.....	.....	.....	.....	.....	.....	.....	.....
3136. Senators Wanamaker, Mardesich, Odegaard, Woody and Bailey (by Office of Program Planning and Fiscal Management request): Making an appropriation for the department of emergency services. ....	156	.....	.....	.....	.....	.....	.....	.....	.....
3137. Senators Walgren and Beck: Permitting the department of revenue to accept tax exemption applications for the 1974-75 assessment years until December 31, 1976. ....	156	.....	.....	.....	.....	.....	.....	.....	.....
3138. Senators Stortini and Gould (by Superintendent of Public Instruction request): Regulating interschool athletic and extra curricular activities and authorizing school board delegation of some powers relating thereto.....	156	210	315	315	.....	316	509	516	517
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3141. Senators Rasmussen, Grant and Lewis (Harry): Designating the fourth Monday in May as Memorial Day. ....	180	221	.....	.....	360	.....	.....	.....	.....
3142. Senator McDermott: Relating to recording duties of county auditor. ....	180	240	.....	.....	.....	.....	.....	.....	.....
3143. Senators Walgren, Henry, Wanamaker and Clarke: Establishing procedures and conditions for disposition of claims against the state, counties, cities and towns. ....	181	.....	.....	.....	.....	180	.....	.....	.....

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3145. Senator Sellar: Creating a new system of processing claims for injury occurring as a result of health care. ....	181									
3146. Senators Woody, Lewis (R. H. "Bob") and Odegaard: Mandating certain action by county treasurer in disposition of earnings from tax receipts. ....	181		271							
3147. Senators Woody, Bottiger and Jones (by Insurance Commissioner request): Revising laws relating to insolvent insurers. ....	181									
3148. Senators Henry, Morrison and Beck: Authorizing the sale and issuance of state highway construction bonds. ....	181	205	246	246		246	599	603	605	Signed p. 679 CH. 66XX
3149. Senator Walgren: Increasing funding of the state toxicological laboratory and directing a percentage increase for such funding each biennium. ....	181	584	594	595		595	661	664	666	Signed p. 722 CH. 84XX

3150. Senators Matson, Lewis (Harry), Clarke, Newschwander, Lewis (R. H. "Bob"), Wanamaker, Morrison, Scott, Sellar, North, Benitz, Bluechel, Gould, Buffington, Jones and Murray: Revising laws relating to ethics in government.....	182					
3151. Senators Fleming, Herr and Buffington: Authorizing installment payments of certain assessments relating to unfit dwellings, buildings and structures. ....	182	240				
3152. Senators Peterson, Sandison and Lewis (Harry): Making certain changes in the laws relating to the game commission. ....	182					
3153. Senators Francis, Clarke and Van Hollebeke (by Judicial Council request): Raising certain jury fees from six to twenty-five dollars.....	182	221				
3154. Senators Clarke, Francis and Van Hollebeke (by Judicial Council request): Asserting jurisdiction, for purposes of the divorce laws, over persons living in a marital relationship within this state, notwithstanding the subsequent departure of the non-petitioning party. ....	182	221	362	362		362
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3163. Senator Fleming: Removing fee for filing lien notice with county auditor. ....	183	240	
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3166. Senators Mardesich, Day, Stortini, Matson and North: Providing for proprietary educational clinics and authorizing reimbursement for costs in attending the same. ....	184	271	
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3169. Senator Bailey: Establishing maximum rates to be paid for public printing and legal notices.	184	303	
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3171. Senators Rasmussen, Lewis (Harry) and Stortini: Imposing certain restrictions on the department of fisheries rule making authority...	184		
3172. Senators Henry, Talley, McDermott, Walgren, Morrison, Bottiger and Mardesich: Creating the state energy policy commission. ....	184	292	409
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3180. Senator Sellar: Relating to public utility districts. ....	185				
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3184. Senator Matson: Relating to professional licensing. ....	185				
3185. Senator Lewis (Harry): Relating to state government. ....	186	303		361	
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3186. Senator Lewis (Harry): Providing for efficient use of energy resources. ....	186				
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3188. Senator Day: Relating to juvenile diversion...	186				
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3190. Senator Bluechel: Relating to the law against discrimination. ....	186				
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3195. Senator Day: Relating to mental illness.....	186	.....	.....	.....	.....	.....	.....	.....	.....	.....
3196. Senator Woody: Relating to health care injuries. ....	186	.....	.....	.....	.....	.....	.....	.....	.....	.....
3197. Senator Woody: Relating to health care insurance. ....	186	.....	.....	.....	.....	.....	.....	.....	.....	.....
3198. Senator Woody: Relating to health care providers. ....	186	.....	.....	.....	.....	.....	.....	.....	.....	.....
3199. Senator Woody: Relating to a joint underwriting association. ....	187	.....	.....	.....	.....	.....	.....	.....	.....	.....
3200. Senator Woody: Relating to professional liability insurers. ....	187	.....	.....	.....	.....	.....	.....	.....	.....	.....
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3202. Senator Lewis (Harry): Relating to public transportation. ....	* 187	.....	.....	.....	.....	.....	.....	.....	.....	.....
3203. Senators Bluechel and Guess: Relating to the trucking industry and revising the regulation thereof. ....	187	.....	.....	.....	.....	.....	.....	.....	.....	.....



3204. Senators Mardesich and Donohue: Relating to retirement and pensions. ....	187	.....	.....	.....	.....
3205. Senator Donohue: Relating to appropriations	187	.....	.....	.....	.....
3206. Senator Henry: Relating to highway funding.	187	.....	.....	.....	.....
3207. Senator Donohue: Relating to revenue and taxation. ....	187	.....	.....	.....	.....
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3210. Senator Newschwander: Relating to the support of government and making appropriations.	187	.....	.....	.....	.....
3211. Senator Lewis (Harry): Relating to the support of government and making appropriations. ....	187	.....	.....	.....	.....
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3217. Senators Donohue and Mardesich: Relating to taxation. ....	188	.....	.....	.....	.....
3218. Senator Bottiger: Providing for the installation and maintenance of fire district emergency traffic signal control. ....	188	.....	.....	.....	.....

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3230. Senator Talley: Relating to the taxation of goods in transit. ....	189																			
3231. Senator Talley: Relating to costs and fees in eminent domain proceedings. ....	189																			
3232. Senator Francis: Revising laws relating to tort claims against the state and local government. ....	189																			
3233. Senator Woody: Providing for liability insur- ance for the University of Washington against certain claims. ....	189	205				180														
3233. (SUBSTITUTE) Select Committee on Medical Malpractice (originally sponsored by Senator Woody): Providing for liability insurance for the University of Washington against certain claims. ....	397	398	246	246		246	397	398	455											
3234. Senators Donohue and Walgren: Prohibiting increases in public utility charges for certain senior citizens. ....	189																			
3235. Senators Mardesich and Lewis (Harry): Es- tablishing a maximum fine for waste of a scarce resource. ....	189	455				180														
3236. Senators Day, Wanamaker, Lewis (Harry) and Marsh: Providing in-home health aide services. ....	190																			
3237. Senator Walgren: Regulating the termination of petroleum marketing agreements. ....	190																			
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3246. Senator Donohue: Making changes in the laws relating to retirement systems authorized pursuant to general laws of the state.....	191	292			699								
3246. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senator Donohue): Making changes in the laws relating to retirement systems authorized pursuant to general laws of the state. ....					699, 707, 723	726	704, 710, 867	726, 868	862	879	883	Signed p. 940 CH. 105XX	
3247. Senator Talley: Authorizing volunteer fire departments to increase their membership by the number of firemen obtaining and maintaining emergency medical training qualifications.....	191	241	384	384	592	384, 592		591	603	605	Signed p. 670 CH. 67XX		
3248. Senators Beck, Lewis (R. H. "Bob") and Grant: Revising procedures for punchcard voting.....	191	253											
3249. Senator Francis: Relating to naturopathy.....	192												
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3252. Senator Woody: Revising laws relating to public assistance. ....	192												
3253. Senator Donohue (by State Treasurer and Office of Program Planning and Fiscal Management request): Placing timber tax funds A and B into the state general fund and designating them as "accounts" therein.....	192												
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3256. Senator von Reichbauer: Permitting negative votes against all candidates in general elections. ....	193									
3257. Senator Donohue: Authorizing teachers' retirement allowances to be paid from interest earnings on the pension reserve fund for certain years. ....	193	241	486	487		487	662	664	666	Signed p. 722 CH. 85XX
3258. Senator Francis: Excluding sales inventory from materials exempt from judgments. ....	193									
3259. Senator von Reichbauer: Implementing law relating to crimes respecting use of tobacco products by persons under age 18. ....	193									
3260. Senators Odegaard and Morrison: Relating to electrical training. ....	193									
3261. Senator Rasmussen (by Lieutenant Governor request): Relating to state government. ....	193	271	569	578	574, 588, 897, 894	573, 588, 894	898	900	913	Referendum No. 36 CH. 104XX
3262. Senator Odegaard: Relating to community colleges. ....	193									







3277. Senators Bluechel, Murray and North (by Executive request): Authorizing a bond issue for support of arts, culture, recreation, and preservation of historic and natural features in the state. ....	198																			
3278. Senator Donohue (by Department of Social and Health Services request): Authorizing general assistance for categories of unemployed, employable persons. ....	198	711	711, 713	713	711	713														
3279. Senators Walgren, Murray and Goltz: Exempting performing arts association from taxation. ....	198																			
3280. Senators Donohue and Henry: Restricting the use of state mass transit assistance by municipalities. ....	211																			
3281. Senator Newschwander: Repealing the laws relating to narcotic addiction and the laws relating to the state narcotic farm colony.....	212	330	704	704		704	810	810	845											Signed p. 1025 CH. 103XX
3282. Senators Odegaard and Lewis (Harry) (by Department of Revenue request): Modifying certain timber tax collection dates and procedures. ....	212																			
3283. Senator Ridder (by Department of Labor and Industries request): Revising regulations on boiler inspections. ....	212	293																		
3284. Senators Henry and Guess: Relating to use taxation. ....	212																			
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112. <b>Senators Donohue, Mardesich, Fleming and McDermott:</b> Memorializing the executive and legislative branches of the federal government concerning the financing of Washington's common schools. ....	6		6, 11	11	6, 29	12, 29	29	31	34
113. <b>Senators von Reichbauer, Bailey, Day, Lewis (R. H. "Bob"), Murray, Henry, Goltz, Van Hollebeke, Talley, Walgren, Donohue, Ridder, Beck, Rasmussen, Stortini, Keefe, Peterson and Odegaard:</b> Recommending a 200 mile fishing limit. ....	54		54	54		54			
114. <b>Senators Rasmussen, Guess and Woody:</b> Asking Congress to retain United States rights in the Canal Zone. ....	129	198							
115. <b>Senators Guess, Pullen, Knoblauch and Buffington:</b> Requesting the President and Congress to make no commitment which would in any way compromise the freedom and security of the Republic of China. ....	141	241							
116. <b>Senators Wilson, Donohue, Morrison, Newschwander and Jolly:</b> Requesting balanced federal budgets except in emergencies. ....	195								
117. <b>Senators North, Odegaard and Newschwander:</b> Requesting Congress to extend federal revenue sharing a minimum of five years beyond December 31, 1976. ....	195								

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21. Senators Lewis (Harry), Clarke, Matson, Scott, Buffington, Gould, North, Lewis (R. H. "Bob"), Cunningham, Benitz, Newschwander, Wanamaker, Jones, Bluechel, Sellar, Murray, Morrison, Guess and Pullen: Providing for annual sessions of the legislature. ....	2-14-75	689							
131. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senator Stortini): Authorizing a state net income tax with limitations. ....			743	743, 755	743	755 (Failed)			
135. Senators Odegaard and Gould (by Parks and Recreation Commission request): Amending the constitution to permit current use assessment of designated historic sites and improvements thereon. ....	73					88			
136. Senator Clarke: Amending the constitution to authorize additional property tax support for the common schools and equalizing school excess levies. ....	74	921	921	923	1031	923			
137. Select Committee on Education: Endorsed by Senators Donohue, Newschwander, Ridder, Gould, Jones, Stortini and Odegaard: Allowing excess levies for school district purposes to be for two year period. ....	74		201	201		202	605	607	610
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139. Senators Bluechel, Mardesich, Francis, Grant, Day, Lewis (Harry), Donohue, Peterson, North, Goltz, Odegaard, Morrison, Gould, Jones, Benitz, Matson, Murray, Buffington, Scott and Jolly: Amending the constitution to permit all legislators to receive the same salary in 1977. ....	195	241				706			
139. (SUBSTITUTE) Committee on State Government. (originally sponsored by Senators Bluechel, Mardesich, Francis, Grant, Day, Lewis (Harry), Donohue, Peterson, North, Goltz, Odegaard, Morrison, Gould, Jones, Benitz, Matson, Murray, Buffington, Scott and Jolly: Amending the constitution to permit all legislators to receive the same salary in 1977. ....			706	707	1023	707, 1023	1023	1028	1028
140. Senator Scott: Amending the constitution to require a nonlegislative review of a legislator's possible conflict of interest. ....	195								
141. Senators Pullen, Rasmussen, Benitz, Lewis (R. H. "Bob"), Guess, Cunningham and Sellar: Joint Resolution directing the removal of Judge Solie M. Ringold pursuant to Article 4, Section 9 of the state constitution. ....	195								
142. Senators Murray and Herr: Providing for the selection and tenure of judges. ....	198								
143. Senator Murray: Providing an alternative method for selecting the chief justice and assistant chief justice. ....	198								

144. Senator Murray: Increasing authorized number of court commissioners. ....	198
145. Senator Murray: Establishing a judicial qualifications commission. ....	198
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149. Senators Donohue and Mardesich: Amending the constitution relating to special levies. ....	213
150. Senators Donohue and Mardesich: Amending the constitution relating to revenue and taxation. ....	213

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120. <b>Senator Mardesich:</b> Providing for recess of the Second Extraordinary Session of the 44th Legislature and authorizing subpoena powers for Rules Committee of the Senate and House. ....	13	13	13	22, 23-26	13	22	22	27	
121. <b>Senator Mardesich:</b> Suspending members' per diem. ....	20	21	21		21				
122. <b>Senators Bailey and Lewis (Harry):</b> Directing the Speaker of the House and President of the Senate to contest in court various vetoes of the 1975 legislative sessions. ....	29	29	29	42	30, 42	51	48	55	
123. <b>Senators Lewis (Harry), Beck, Murray, Matson, Donohue, Day, Scott, Wanamaker, Sellar, Jones, Buffington, Clarke, Newschwander, Lewis (R. H. "Bob"), Bluechel, Benitz, Gould, Cunningham and Guess:</b> Setting forth legislative declaration urging defeat of Initiative 314. ....	55				55				
124. <b>Senator Mardesich:</b> Recessing the legislature until January 12, 1976. ....	58	58	58		59	62	63	63	
125. <b>Senators Bailey, Walgren, Lewis (Harry) and Matson:</b> Prescribing cut-off dates. ....	64	64	66	211	66, 211	211	230	242	
126. <b>Senators Bluechel, Jolly, Morrison, Matson and Donohue:</b> Declaring the policy of conserving and protecting agricultural lands for the production of feed and other agricultural products. ....	156	330							

127. Senators Francis and Woody: Stating legislative intent to repay obligations to widows of police officers and directs payment thereto. ....	195	241	601	601	601	722	722	
128. Senator Goltz: Directing a study on lifeline utility rates. ....	199							
129. Senators Bailey, Walgren and Lewis (Harry): Suspension of rules for Substitute Senate Bill No. 3271. ....	372		372	372	373	590	591	599
130. Senators Bailey, Walgren and Lewis (Harry): Suspension of rules for Senate Bill No. 3247. ....	383		383	383	400	590	591	599
131. Senators Bailey, Walgren and Lewis (Harry): Suspension of rules for Engrossed House Joint Resolution No. 64. ....	541		541, 543	543	543	585	591	599
132. Senators Walgren and Bailey and all other Members: Declaring August 20-26 to be American Legion Week. ....	655		655	655	655	662	664	668
133. Not Introduced.								
134. Senators Bailey, Walgren and Lewis (Harry): Suspension of rules for Substitute Senate Bill No. 2927. ....	995		995	995	995			
135. Senators Henry, Walgren, Morrison and Guess: Requesting contest by legislature of governor's vetoes of Substitute Senate Bill No. 3172. ....	996		996	996	996	1003	1004	1024
136. Senators Walgren, Lewis (Harry), Bailey, Mardesich, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Guess, Henry, Herr, Jolly, Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wilson and Woody: Notifying the Governor that the Legislature is about to adjourn SINE DIE. ....	997		997	997	997	1029	1029	1081

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NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
156. Senators Bailey and Matson: Officers, committees, members retained. ....	2					3 Adopted
157. Senators Bailey, Matson, Mardesich and Lewis (Harry): Senate organized, second extraordinary session, House notified. ....	3				3	3 Adopted
158. Senators Bailey, Matson, Mardesich and Lewis (Harry): Courtesies extended, former presidents, members, secretaries. ....	3					4 Adopted
159. Senators Bailey, Matson, Mardesich and Lewis (Harry): Salaries, members, employees.	3					3 Adopted
160. Senator Mardesich: Per diem allowances, suspension. ....	22					22 Adopted
161. Senators Gould, Woody and Mardesich: I-5 and I-405 interchange addition. ....	57					58 Adopted
162. Senators von Reichbauer, Walgren, Peterson, Beck, Sandison and Wanamaker: Ferry tolls stabilization. ....	59				62, *Trans. & Utilities	22 Adopted
163. Senators Bailey, Mardesich, Matson, Lewis (Harry) and Scott: Select subcommittees on education, meeting schedules. ....	56					57 Adopted
164. Senators Talley, Marsh, Henry, Odegaard and Lewis (Harry): Veterans administration hospital, Vancouver, retention. ....	67					68 Adopted



165. Senators Donohue, Gould, Ridder, Stortini, Jones, Odegaard, Newschwander, Wanamaker (by Select Committee on Education request): School bills, local district impact. ....	104	.....	.....	104	Adopted
166. All Senators: U. S. Navy, bicentennial year, well-done. ....	94	.....	92-94	94	Adopted
167. All Senators: Sympathy to family of Representative Charles R. Savage, deceased. ....	91	.....	90-91	92	Adopted
168. Senators Fleming, Grant, Ridder, McDermott, Goltz, Scott, Murray and Stortini: Homage to Dr. Martin Luther King, Jr. ....	104	.....	105	104	Adopted
169. All Senators: Acknowledging birthday of Robert C. Cummings, journalist. ....	105	.....	.....	105	Adopted
170. Senators Donohue, Woody and Marsh: Northern state hospital, potential use, sale, lease, study. ....	990	.....	.....	992	Not Adopted
171. All Senators: U. S. Army, bicentennial year, well-done. ....	164	.....	.....	164	Adopted
172. Senators Walgren and Bailey: Cut-off dates, legislation consideration, suspension provision. ....	203	.....	.....	203, 1000	*Rules
173. Senators Goltz, Guess, Sandison, Walgren, Benitz, Lewis (Harry), McDermott, Odegaard and Donohue: Viking II car, Western Washington state college, commended. ....	228	.....	.....	228	Adopted
174. Senators Marsh, Walgren, Donohue, Odegaard, Sandison, Day, Jones, Bluechel, Peterson, Woody, Lewis (Harry), Newschwander, Wanamaker, Sellar, Morrison, Benitz, North, Gould, Murray and Matson: Retirement systems, cost-of-living adjustments impact, study. ....	229	.....	.....	230	Adopted
175. All Senators and President Cherberg: U. S. Marine Corps, bicentennial year, well-done. ....	232	.....	.....	232	Adopted
176. Senator Knoblauch: Sumner high school football team, congratulated. ....	238	.....	.....	238	Adopted

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NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
177. Senators Stortini, Bottiger, Rasmussen, Beck, Newschwander and Knoblauch: Tacoma's Foss high school football team, Tacoma, congratulated. ....	238					239 Adopted
178. Senators Bailey, Odegaard, Sandison, Stortini and Talley: Raymond high school football team, congratulated. ....	237					239 Adopted
179. Senate Committee on Higher Education (endorsed by Senators Odegaard, Scott, Sandison, Donohue, Guess, Benitz and Goltz): College credits, transferability study. ....					242 *Rules, 1000 *Higher Educ.	
180. Senate Committee on Higher Education (endorsed by Senators Sandison, Odegaard, Donohue, Guess, Scott, Benitz and Goltz): Community college system, organization, administration, study. ....					242 *Rules, 1000 *Higher Educ.	
181. Senators von Reichbauer, Day, Walgren, Newschwander, Rasmussen, Bottiger and Knoblauch: Western state hospital, future use implications, study. ....	251					252 Adopted
182. Senators Beck and Rasmussen: U. S. Coast Guard, bicentennial year, well-done. ....	287					287 288-291 Adopted
183. All Senators: Veterans of foreign wars, national parade, endorse. ....	294					294 Adopted

			1000, *Trans. & Utilities	
184. Senator Henry: Traffic signals, emergency, near fire station, study. ....				387
185. All Senators and President Cherberg: Honoring Mrs. Adeline Ekenstedt. ....	387			Adopted
				388
186. All Senators and President Cherberg: Honoring Mrs. Ruth Webb. ....	388			Adopted
				387
187. All Senators and President Cherberg: Senior citizens honored. ....	386			Adopted
				393
188. All Senators and President Cherberg: Air Force congratulated. ....	392		393-396	Adopted
				457
189. All Senators: Commemoration of Abraham Lincoln. ....	457		457-458	Adopted
				539
190. All Senators, President Cherberg and Sergeant at Arms Charlie Johnson: Honoring Julia Herrmann. ....	539			Adopted
				582
191. All Senators (excepting Senator Knoblauch) President Cherberg and Senate Staff: Commending Senator Reuben A. Knoblauch on service. ....	581		575-584	Adopted
				635
192. All Senators (excepting Senator Jolly) President Cherberg and Secretary of the Sen- ate Snyder: Commending Senator Jolly on years of service. ....	635		629-635	Adopted
				993
193. Senators Talley, Peterson and Marsh: Fishing compact, tri-state, study. ....	992			Adopted
				995
194. Senators Day, Woody and Buffington: Malpractice, health, insurer claims reports. ....	994			Adopted
				1000
				*Natural
195. Senator Talley: Fisheries commission, state, study. ....				Resources
				1000
				*Natural
196. Senators Talley and Peterson: Fishermen, commercial, relief, determination. ....				Resources

\* Referred to committees indicated.

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
197. Senator Woody: Geriatric day care services, pilot programs, implementation, review. ....					1000 *Social & Health Services	
198. Senator Woody: Foster grandparent program, review. ....					1000 *Social & Health Services	
199. Senator Woody: Geriatric health screening, implementation, study. ....					1000 *Social & Health Services	
200. Senator Woody: Medical malpractice, investigation, continued. ....					1000 *Medical Malpract.	
201. Senator Woody: Variable rate mortgages, study. ....					1000 *Financial Insti- tutions	
202. Senators Woody and Fleming: Redlining residential mortgage lenders, study. ....					1000 *Financial Insti- tutions	

203. Senator Talley: Dredging, state's waterways, delays, permit process, economic impact, study. ....			1000 *Natural Resources
204. Senator Talley: Merwin dam, Lewis river, fish ladder, feasibility study. ....			1000 *Natural Resources
205. Senator Woody: Banking, dual systems, statutory, regulatory distinctions, study. ....			1000 *Financial Institutions
206. Senator Woody: Mortgages, secondary, markets, study. ....			1000 *Financial Institutions
207. Senators Jolly, Sellar, Day, Benitz and Wilson: Apiary inspection programs, procedures, study. ....			1000 *Agriculture
208. Senators Jolly, Sellar, Day, Benitz and Wilson: Agricultural crops, new, establishment, study. ....			1000 *Agriculture
209. Senators Sandison, Goltz, Benitz, Odegaard, Scott, Guess and Donohue: Postsecondary council salary survey procedures, development. ....	902		903 Adopted
210. Senators Peterson, Rasmussen, Lewis (Harry) and Newschwander: Sports fishing, further limitations prohibition, study. ....			1000 *Natural Resources
211. Senators Rasmussen, Peterson, Guess, Lewis (Harry) and McDermott: Barge canal, impact study. ....			1000 *Trans. & Utilities

\* Referred to committees indicated.

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
212. Senators Woody and Clarke: Banks, mutual savings, savings and loans, commercial, statutory, regulatory distinctions, study. ....					1001 *Financial Insti- tutions .....	
213. Senators Knoblauch, Gould, Wanamaker and Odegaard: Parks, state, day-use fee, pilot project, opposed. ....	1011					1012 Adopted
214. Senators Knoblauch, Gould, Wanamaker and Odegaard: Outdoor recreation, interagency committee, in-depth study, continued. ....					1001 *Parks & Rec- reation .....	
215. Senators Knoblauch, Gould, Wanamaker and Odegaard: Recreation, overlapping involvement, state agencies, study. ....					1001 *Parks & Rec- reation .....	
216. Senators Beck, Washington, Stortini, Lewis (R. H. "Bob"), Grant and Pullen: Election laws, title 29, revisions, study. ....					1001 *Const. & Elections .....	
217. Senators Beck, Lewis (R. H. "Bob"), Stortini, Grant, Pullen and Washington: Public disclosure commission, in-depth study. ....					1001 *Const. & Elections .....	

218. Senator Talley: Acupuncture, practice, licensing, study. ....			1001 Social & Health Services .....
219. Senator Talley: I-5, Kalama river—Longview "Y" intersection, access road, study. ....			1001 *Trans. & Utilities .....
220. Senators Odegaard and Day: Alcoholism, uniform, intoxication treatment act, administration, study. ....			1001 *Social & Health Services .....
221. Senators Sandison, Goltz, Odegaard, Scott, Guess, Donohue and Benitz: Postsecondary education, off-campus offerings, study. ....			1001 *Higher Educ. ....
222. Senators Cunningham, Bailey, Lewis (Harry), McDermott, Wilson and von Reichbauer: Whales, killer, intimidation, harassment, hunting, capturing, moratorium requested. ...	736 .....	737	739 Passed
223. Senators Washington, Talley and Morrison: Rail passenger service, fast, convenient, energy saving, need emphasized. ....	903 .....		903 Adopted
225. Senators Fleming, Wilson, North, Lewis (R. H. "Bob"), Sellar, Jolly and Walgren: Fire rule, constitutional, statutory, in-depth study. ....			1001 *Higher Educ. ....
225. Senators Fleming, Wilson, North, Lewis (R. H. "Bob"), Sellar, Jolly and Walgren; Fire code, uniform, problems, study. ....			1001 *Local Govern. ....
226. Senators Fleming, Wilson, North, Sellar, Jolly, McDermott and Walgren: Environmental permit procedures, one-step, local government, in-depth study. ....			1001 *Local Govern. ....
227. Senators Fleming, North, Wilson, Sellar, Jolly and Walgren: Budget adoption policies, fiscal years, various states, study. ....			1001 *Local Govern. ....

\* Referred to committees indicated.

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
228. Senators Sandison, Odegaard, Guess and Benitz: Postsecondary education, national guard members, SB 3032, impact study. ....	903					905 Adopted
229. Senators Sandison, Donohue, Benitz, Scott, Guess, Goltz and Odegaard: Professional schools, public, admission, policies, study. ....					1001 *Higher Educ.	
230. Senators Sandison, Donohue, Odegaard, Benitz, Guess, Scott and Goltz: Postsecondary education, Northwest Association of Schools and Colleges, certification, Washington institutions, study. ....	905					906 Adopted
231. Senators Sandison, Donohue, Odegaard, Scott, Benitz, Guess and Goltz: Postsecondary education, abuses, consumer protection, study. ....					1001 *Higher Educ.	
232. Senators Sandison, Scott, Benitz, Donohue, Odegaard and Guess: Postsecondary education, teacher unemployment, education department closure, one public institution, feasibility study. ....	906					906 Adopted
233. Senators Sandison, Goltz, Odegaard, Donohue, Benitz and Guess: Postsecondary education, courses, Canadian subject matter, comprehensive inventory, study. ....	907					907 Adopted
234. Senators Sandison, Odegaard, Benitz, Goltz, Scott, Donohue and Guess: Postsecondary education, collective bargaining, other states, effects, institutions, Washington state, study. ....					1001 *Higher Educ. & Labor	



235. Senators Talley, Peterson and Morrison: Lifeline utility rate structures, study. ....	907	.....	.....	907 Adopted
236. Senators Lewis (R. H. "Bob") and Day: Children, delinquent, incorrigible, dependent, rehabilitative services. ....		.....	.....	1001 *Social & Health Services
237. Senators Talley, Jolly and Benitz: Nursery plants, sales, advertisements, study. ....		.....	.....	1001 *Agri- culture
238. Senators Goltz, Morrison, North, Beck, von Reichbauer and Woody: Volunteer Week, 1976, endorsed. ....	900	.....	.....	901 Adopted
239. Senator Walgren: DeMolay, international order, week, observed. ....	886	.....	.....	886 Adopted
240. Senators Henry, Lewis (Harry) and Francis: Bicycle, transportation use, safety, study. ....		.....	.....	1001 *Trans. & Utilities and/or Legis. Trans.
241. Senators Washington, Talley and Morrison: Rail passenger service, effective, efficient, Washington state, study. ....		.....	.....	1001 *Trans. & Utilities
242. Senators Guess and Gould: School buses, various types, use, accidents, pupil inquiries, audit. ....		.....	.....	1001 *Educ.
243. Senators Stortini and Gould: WSSDA, functions, organization, study. ....		.....	.....	1001 *Educ.
244. Senators Stortini and Gould: Teacher accountability, professional development, various agencies, recommendations. ....		.....	.....	1001 *Educ. & Higher Educ.
* Referred to committees indicated.				

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
245. <b>Senators Stortini and Gould:</b> Schools, administrative, clerical, special service staffing ratios, study. ....					1001 *Educ.	
246. <b>Senators Stortini and Gould:</b> School districts, certain purchasing functions, consolidation, study. ....					1001 *Educ.	
247. <b>Senators Stortini and Gould:</b> Schools, nongraded continuous progress concept, study. ...					1001 *Educ.	
248. <b>Senators Stortini and Gould:</b> Schools, photo services, study. ....					1001 *Educ.	
249. <b>Senator von Reichbauer:</b> School districts, textbook disposal system, study. ....					1001 *Educ.	
250. <b>Senators Benitz, North, Guess, Mardesich, Bluechel and Rasmussen:</b> Sick leave policy, state employees, costs, effects, study. ....					1001 *State Govern. & Ways & Means	
251. <b>Senators Van Hollebeke and Peterson:</b> Mobile homes, construction, safety standards, landlord-tenant relationships, study. ....					1001 *Com- merce	

252. Senator Van Hollebeke: Tax preparers, licensing, regulation, study. ....			1001 *Com- merce .....
253. Senator Van Hollebeke: Transportation, public, periodic times, public school bus use, interlocal government contracts, study. ....			1001 *Trans. & Utilities .....
254. Senator Van Hollebeke: Engineering, land surveying, regulations, study. ....			1001 *Com- merce .....
255. Senators Van Hollebeke and Peterson: Neighborhood patrol, private security, investiga- tion services, licensing, regulating, study. ....			1001 *Com- merce .....
256. Senators Rasmussen and Day: Governmental entities, lobbying, political activities, study. ....	927		927 Adopted .....
257. Senators von Reichbauer and Walgren: Alcoholism, involving minors, study. ....	901		902 Adopted .....
258. Senator Day: Tuberculosis, problems, funding, methodology, campaign, study. ....			1001 *Social & Health Services .....
259. Senators Talley, Grant, Day and Donohue: Health insurance, state employees, single- rate plan, study. ....			1001 *Social & Health Services, Ways & Means, Labor .....
260. Senators Grant, Bailey, Morrison and Sellar: Unemployment compensation, federal legislation, effects, Washington State, study. ....			1001 *Labor .....

\* Referred to committees indicated.

**TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued**

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
261. Senators Ridder, von Reichbauer, Grant, Morrison and Sellar: Employment security department, records, confidentiality, study. ....					1002 *Labor	
262. Senator von Reichbauer: Naturopathy, regulatory requirements, study. ....					1002 *Social & Health Services	
263. Senators Day and Gould: Rehabilitation services, delinquent, incorrigible, dependent children, review. ....					1002 *Social & Health Services	
264. Senators Rasmussen, Guess and Woody: Panama Canal Zone, rights, not relinquished. ....	926					927 Adopted
265. Senators Henry and Keefe (by Lieutenant Governor request): St. Patrick honored. ....	927					928 Adopted
266. All Senators: Former Senator Frances Haddon Morgan honored. ....	929					929 Adopted
267. Senators Stortini and Gould: Schools, remediation programs. ....					1002 *Educ.	
268. Senators Van Hollebeke and Grant: Tye club members, University of Washington football games, priority seating, dissatisfaction. ....					1002 *Higher Educ.	

269. Senators Henry, Talley and Guess: Sympathy to family of Lieutenant J. R. Kelley. ....	936	.....	.....	.....	987	Adopted
270. Senators Day, Beck, Newschwander, Rasmussen, Knoblauch and Stortini: Cascadia Diagnostic and Treatment Center, community diagnostic services, study, results, before transferring federal government. ....	946	.....	.....	.....	947	Adopted
271. Senators Rasmussen, Buffington, Henry, Knoblauch, Van Hollebeke, Morrison and Peterson: Business, professional, occupational licensing, current procedures, study. ....	993	.....	.....	.....	994	Adopted
272. Senator Washington: Citizens of the town of George, Washington commended. ....	947	.....	.....	.....	947	Adopted
273. All Senators: UPS Loggers, basketball team, congratulated. ....	953	.....	.....	.....	954	Adopted
					1002	
					*Trans.	
					&	
					Utilities	
					and/or	
274. Senator Walgren: Pilotage studies, activities, operations, rules, two Washington pilotage associations, included. ....		.....	.....	.....	Legis.	
					Trans.	
					1002	
					*Educ.,	
					Ways &	
					Means	
275. Senators Stortini and Gould: Superintendent of public instruction, office, state board of education, program, personnel requirements, study. ....		.....	.....	.....	.....	
					1002	
					*Educ.,	
					Higher	
					Educ.	
276. Senators Sandison, Mardesich, Stortini and Gould: Administrator credential programs, higher education institutions, study. ....		.....	.....	.....	.....	
					1002	
					*Trans.	
					&	
					Utilities	
277. Senators Henry, Guess, Beck, Jolly, Lewis (Harry), Peterson, Morrison, Cunningham, Benitz, Wanamaker, Talley, Lewis (R. H. "Bob"), Buffington, Knoblauch, Murray and Sellar: Energy, select committee, established. ....		.....	.....	.....	.....	

\* Referred to committees indicated.

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
278. All Senators: Sympathy to family of Judge Robert C. Finley, deceased. ....	1012					1013 Adopted
279. All Senators and President Cherberg: Congratulating Lyle Burt, journalist on twenty-fifth anniversary of service. ....	1025					1026 Adopted
280. Senators Bailey, Walgren, Matson and Lewis (Harry): Adjournment and interim period, authority. ....	1026					1027 Adopted
281. Senators Bailey, Walgren, Matson and Lewis (Harry): Adjournment, House notified. ..	1029				1029, 1031	1029 Adopted
282. Senators Bailey, Walgren and Lewis (Harry): Legislative bills, indefinite postponement.	1029					1029 Adopted

\* Referred to committees indicated.

**TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE**

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
37. (SECOND SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Representatives King, Fortson and Parker) (by Committee on Constitution and Elections request): Setting forth dates special elections may be called. ....	381	331								
38. Representatives King, Bender, Erickson and Gaines (by Committee on Constitution and Elections of the 43rd Legislature request): Implementing law relating to recall of public officials. ....	83, 456	87	330	264, 273, 398	277, 399	277	137, 268, 277, 301, 305	510	510	CH. 47XX
58. (ENGROSSED SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Ehlers, Gallagher and Smith (Rick)): Requiring emergency exits for mobile homes. ....	121	129								
70. (ENGROSSED) Representative Conner: Providing for licensing and taxing of movie and telecast showing of boxing and wrestling matches. ....	254	255	402	495	495	495		516	518	CH. 48XX
75. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Representatives King, Chandler, Fortson and Lysen): Making changes in the laws relating to voter registration. ....	83, 987	87	397, 942	942, 945	946	946	944	988	988	CH. 129XX, P.V.
XX—Second extraordinary session, forty-fourth legislature										

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594. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Representatives King, Brown and Moon): Authorizing punch card ballots to be sent to center at University of Washington for utilization of election statistical data. ....	121	129	.....	.....	.....	.....	.....	.....	.....
624. (ENGROSSED) Representatives Randall, Pardini and Kilbury: Defining "regular property tax levies" for port district purposes. ....	173	195	.....	.....	.....	.....	.....	.....	.....
631. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Representatives King, Brown, Fortson, Sherman and Erickson): Providing for date absentee ballots considered voted when postmark missing or illegible. ....	121	129	381	.....	.....	.....	.....	.....	.....
656. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives O'Brien, Williams, Polk, Charnley, Paris, Sommers, Ceccarelli and North) (by Executive request): Authorizing a task force on cultural resources. ....	121	130	.....	.....	.....	.....	.....	.....	.....
659. (REENGROSSED SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Newhouse, Knowles, Curtis, Bond, Eikenberry, Greengo, Hayner, Hendricks, Leckenby, Matthews, Nelson and Wilson): Prescribing changes to the law against discrimination. ....	121	130	.....	.....	.....	.....	.....	.....	.....
671. (REENGROSSED) Representatives Sommers and Randall: Modifying timber tax revenue distribution dates. ....	254	255	.....	435	435	435	.....	517	618 CH. 33XX

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
676. (SUBSTITUTE) Committee on Ecology (originally sponsored by Representatives Conner, Kalich, Haussler, Laughlin, North, Fortson, Schumaker, Hansey, Wilson, Erickson, Jastad, Savage and Bond): Modifying certain shoreline management procedures. ....	254	255	304	482	482	483	.....	517	518	CH. 51XX
683. Representatives Ceccarelli, Pardini and Chatalas: Providing new regulations for banks and banking relating to illegal or unsound practices. ....	121	130	.....	.....	.....	.....	.....	.....	.....	.....
687. (ENGROSSED) Representatives Hansen, Flanagan, Bauer, Kilbury and Lysen: Providing for exemption of irrigation equipment from sales and use tax. ....	121	130	.....	.....	.....	.....	.....	.....	.....	.....
721. (SECOND SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Zimmerman, Douthwaite, Moon, Haussler, Hawkins, Blair, Sommers, Brown and Charnley): Revising laws relating to county solid waste collection and disposal. ....	222, 585	223	272	512	513, 540	540	497- 498, 515	586	586	CH. 58XX

739. (ENGROSSED) Representatives Ceccarelli, Pardini, Leckenby, Fischer, Blair, Chatalas, Parker, Polk, Charette, Eikenberry, Lysen, McCormick and Greengo: Establishing procedures for traveler's checks to be deemed unclaimed property. ....	254	255	403	496	496	496	.....	517	518	CH. 59XX
769. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Newhouse and Bagnariol): Permitting certain domestic wineries to wholesale their own products. ....	222	223	304	475, 488	489	489	476	602	603	CH. 62XX
771. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Newhouse and Bagnariol): Making changes in the liquor laws relating to agent's licenses. ....	254, 609	255	304	592	594	594	503	629	629	CH. 74XX
778. (ENGROSSED) Representatives Charnley and Douthwaite: Increasing certain benefits to retirees under teachers' retirement act. ....	121	130	.....	.....	.....	.....	.....	.....	.....	.....
779. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives King, Hendricks and Thompson): Permitting employees of political subdivisions of the state to join the state employee's insurance and health care system. ....	254, 586, 808, 880	255	389, 728	490, 502	503	503, 809	494, 587, 729, 808	880	880	CH. 106XX
780. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Fischer and Wojahn): Establishing sickle cell disease testing and counseling program in the department of health. ....	121	130	.....	.....	.....	.....	.....	.....	.....	.....
802. (SUBSTITUTE) Committee on Ways and Means—Appropriations (originally sponsored by Representatives Shinpoeh, Polk, Thompson and Wojahn): Providing uniformity in payment of travel expenses for most state officials and employees. ....	331, 517	331	403	501	502	502	.....	538	539	CH. 34XX

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TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
840. (ENGROSSED) Representative Randall: Relating to revenue and taxation. ....	222	223	585	602	602	602	.....	629	629	CH. 75XX
950. (REENGROSSED) Representatives Adams: Relating to health, welfare and safety. ....	609	611	.....	.....	.....	.....	.....	.....	.....	.....
971. (REENGROSSED) Representatives Randall, Pardini, Sommers and Newhouse: Pertaining to taxation of leasehold interests. ....	173, 538, 641	195	397, 626, 641	469	474	474, 641	428, 450, 538, 627, 641	647	647	CH. 61XX
993. (SECOND SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representatives Conner and Warnke): Regulating dangerous wastes. ....	456	456	537	.....	.....	.....	.....	.....	.....	.....
1037. (ENGROSSED) Representatives Bagnariol, Pardini, Erickson, Sommers and Randall: Imposing a special tax on coin-operated gambling devices. ....	121	130	.....	.....	.....	.....	.....	.....	.....	.....
1082. (ENGROSSED) Representative Hayner: Designating Fort Walla Walla Park as a regional park. ....	254	255	403	.....	.....	.....	.....	.....	.....	.....





TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
1230. (ENGROSSED) Representatives King, Newhouse, Bausch and Hendricks: Creating the public employment relations commission. ....	42, 53	43 .....	43, 44, 45	43, 45	45	44	53	53	CH. 5XX [1975 Laws]	
1233. (ENGROSSED) Representatives Bagnariol, Shinpoch, Chatalas and Perry: Providing emergency funding for common schools and funding for mass transit. ....	7, 15	.....	.....	7	11	11	15	.....	.....	
1237. (ENGROSSED) Representatives Whiteside, Seeburger, Fortson and Wojahn: Increasing from three to five the number of aged persons not related by blood who may live in a boarding home. ....	173, 536	195	304	496	496	497	.....	538	539	CH. 52XX
1240. Representative Shinpoch: Making a change in the capital appropriation for the department of social and health services. ....	42	46 .....	.....	46	46	47	.....	53	53	CH. 6XX [1975 Laws]
1242. Representatives Fortson, Bagnariol, Charnley, Hansen, North and Wilson: Implementing 1975 special school relief measure. ....	42	48 .....	.....	48	48	48	.....	53	53	CH. 7XX [1975 Laws]
1243. Representatives Bagnariol and Polk: Appropriating funds to the department of revenue for distribution resulting from the Valentine v. Johnston case. ....	50	50 .....	.....	50	50	51	50	53	53	CH. 8XX [1975 Laws]

1244. (ENGGROSSED) Representatives Conner, Adams, Thompson, North, Becker, Charnley, Erickson, Fischer, Gallagher, Hendricks, Lux, Sherman and Sommers: Authorizing coroners to provide corneal tissue from decedents to eye banks under certain conditions. ....	222	223	293	476	476	476	517	518	CH. 60XX
1255. Representatives Conner, Chandler, Barnes, Fischer and Haussler: Prescribing increases in disability, death and survivors benefits for volunteer firemen. ....	370	370	389	607	607	607	629	629	CH. 76XX
1257. Representative Hendricks: Removing residency and practice requirements for municipal judges.	222	223	403	497	497	497	518	518	CH. 35XX
1258. Representatives Kilbury, Haussler and Amen: Defining horses, mules and donkeys as "agricultural products". ....	254	256	397						
1259. Representatives Kilbury, Haussler, Hansen, Boldt and Tilly: Making certain changes in the laws relating to agricultural water supplies. ....	331	332	370	494	494	494	518	518	CH. 36XX
1266. (ENGGROSSED) Representatives Jastad and Kalich: Increasing the number of Lewis county superior court judges to two. ....	331	332	389	611	611	611	661	665	CH. 79XX
1271. (REENGROSSED SUBSTITUTE) Committee on State Government (originally sponsored by Representatives McKibbin, Hendricks, Sommers and Bender): Creating a state energy office. ....	254	256							
1272. Representatives Sherman, Charnley, Chandler, Barnes and Lee: Exempting minibus car pools from commercial transportation regulations...	397, 923	398	517	918	918	919	931	931	CH. 121XX
1279. Representatives Smith (Rick) and Hayner: Providing attorney's fees for the prevailing party in contract and lease disputes. ....	222	223	404						

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
1282. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Tilly and Barnes): Authorizing payment of \$250,000 to the beneficiary or dependent of any person killed by a person lawfully absent from a state correctional or mental institution. ....	913	914								
1291. (ENGROSSED) Representatives May and Gaines: Permitting the operation of forty foot school buses. ....	331, 536	332	404	498	498	498		543	543	CH. 53XX
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SR Senate Resolution.

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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- (a) Amendment to original bill.
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(a) Amendment to original bill.

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(a) Amendment to original bill.

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- Flood warning, control, system established, SB 3144
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- Attorney, expert witness fees, payment compensation awards not exceeding highest settlement offer by ten percent, prohibited, SB 3231
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- Agricultural fairs, concessionaire, recreational employees, minimum wage law exempt, SB 2988
- Employment security department, employment records, confidentiality, disclosure to certain contracting parties, permitted, Sub SB 3243
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- Political subdivisions, statewide, state insurance, health care system membership permitted, \*Sub HB 779, CH. 106XX
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- Public assistance recipients, able-bodied unemployed, useful work performance required, SB 2974
- Public collective bargaining, communication with other than employer representative, unfair labor practice, SB 3060
- Public employment relations commission, created, \*HB 1230, CH. 5XX (1975 LAWS)
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(a) Amendment to original bill.

SR Senate Resolution.

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- Unemployment compensation recipients, jury duty, benefits continuation permitted, SB 3157
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- Public employment relations commission, created, duties, SB 2977, Sub SB 2977
- Public collective bargaining, communication with other than employer representative, unfair labor practice, SB 3060
- Retirement system, public, benefit recipients, membership in another public retirement system prohibited, SB 3100, SB 3246
- Unemployment compensation, employer contributions, increased, SB 3244

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- Hours, work, mandatory, more than eight hours in twenty-four, prohibited, SB 3106
- Public assistance, able-bodied unemployed recipients, useful work performance required, SB 2974
- Public employment relations, commission created, duties, SB 2977, Sub SB 2977
- Public employment relations commission, created, \*HB 1230, CH. 5XX (1975 LAWS)
- Retirement system, public, benefit recipients, membership in another public retirement system prohibited, SB 3100, \*SB 3246, CH. 105XX
- Unemployed employables, general assistance limited program, emergency noncontinuing basis, established, SB 3278

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- Department, employment records, confidentiality, disclosure to certain contracting parties, permitted, Sub SB 3243
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- Emergency powers, governor, provisions, HB 1377
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SR Senate Resolution.

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(a) Amendment to original bill.

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SR Senate Resolution.

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SR Senate Resolution.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

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